

IN THE HIGH COURT OF KIRIBATI) HIGH COURT CRIMINAL CASE No. 16 OF 2004
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

THE REPUBLIC
VS
TOROMON ERITAI

FOR THE REPUBLIC: MS RURIA ITERAERA
FOR THE ACCUSED: MS JENNIFER TROUP

DATE OF HEARING: 2 JUNE 2004

SENTENCE

Toromon Eritai: you have been found guilty of assault occasioning actual bodily harm. That is a crime with a maximum penalty of five years' imprisonment.

You kicked and punched and injured your estranged wife. The facts are set out in my Reasons for convicting you. I accept that your wife was the time behaving very badly and in public but that did not give you the excuse to assault her.

Ms Iteraera has submitted that a message should be sent to I-Kiribati men that they should not assault women, whatever the relationship between them may be. That is a good point. The sentence for what you did should be a deterrent to others from doing the same thing.

You have been a police officer but following this incident you have been on suspension. Your conviction is likely to lead to your dismissal from the police force. That will be a penalty in itself which I take into account. I also take into account in your favour that this is your first offence.

You have six children, one by the victim. The victim now lives on Makin but the child is with you.

Ms Troup pointed out that the injuries you caused were not serious or lasting. Yet they were significant and should not have been inflicted.

It is that you assaulted your wife and caused her harm, rather than the seriousness of it, which is significant.

You will be imprisoned for four months. The sentence will run from last Friday, 4 June, when you went into custody.

Dated the 7th day of June 2004

Robin Millhouse

THE HON ROBIN MILLHOUSE QC
Chief Justice

