

IN THE HIGH COURT OF KIRIBATI) HIGH COURT CRIMINAL CASE No. 68 OF 2004
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

THE REPUBLIC
VS
ATERA IOTEBA

FOR THE REPUBLIC: MR TION NABAU
FOR THE ACCUSED: MR BANUERA BERINA

DATE OF HEARING: 8, 9, 14 & 16 DECEMBER 2004

J U D G M E N T

Atera Ioteba is charged with the murder of Takabo Etuati on 30 October 2004 at Takarano village, Abaiang Island. On arraignment Atera pleaded not guilty. In order to prove its case the prosecution called seven witnesses.

Bwebweata Eretake (PW1). He is aged 20, and comes from Takarano village, Abaiang.

On 30 October 2004 at about noon the witness testified that he went to the hospital (clinic) to look for nagona. On reaching the hospital he learned that the nurse was out so he left the clinic and went and joined the accused and his companions by the names of Maerere, Merimeri and Ioane who were in the hut drinking fermented yeast. When he was with these men he asked them whether they had any nagona and they told him that they did not have any. Then the accused and his companions offered him a quarter cup of yeast to drink which he did and that was the only drink he had with them as their drink was just about to finish then shortly afterwards Kaitibaka came and joined them and by then the fermented yeast was finished. Then the

accused suggested that they should get more drink from Takabo's toddy tree and so they all went over to Takabo's toddy tree. On reaching Takabo's toddy tree the witness Bwebweata climbed the tree and on reaching the top of the toddy tree Bwebweata examined the toddy container and saw that there was a little amount of sour toddy in it. He then dropped the sour toddy container to the men who were at foot of the toddy tree and then climbed down.

On reaching the ground he noticed that the accused (Atera) had left the men and went over to the deceased's house (hut). Then he saw Atera (the accused) pulled and punched Takabo (the deceased): I did not see what Takabo was doing on the buia. Takabo was lying down on the buia. I was on the ground. I saw Atera pulling Takabo by the feet and when Takabo sat up Atera punched Takabo on the face; then he pulled Takabo down to the ground and clamped his neck with his two hands whilst standing behind Takabo. And as he did this to Takabo, Atera called us to go to him: "Hey! All come here". Then Kaitibaka, Maerere and myself ran to them (accused and deceased) and when we came near them the accused told us "to hit him" (the deceased) otherwise he (accused) would hit us instead: Then I kicked Takabo lightly on the feet as I was afraid of the accused who would attack me later if I refused to hit the deceased. After kicking the deceased I walked farther away from them (accused and deceased). Then I heard the deceased speaking to the accused as he (deceased) was lying on the ground: "Don't you feel pity for me". Then I did not see anything else nor heard the accused saying anything to the deceased. Then I peeped through the pandanus-thatched roof of the hut and saw the accused picking up a box of matches. In the meantime I hid myself amongst the bushes and then Kaitibaka appeared and we both ran back to the village as we were afraid that Takabo was going to die.

After all this I never saw Takabo alive again.

The witness said also that they first arrive at Takabo's place at between 2-3 pm and the witness also said that he recognise the accused as the one sitting at the dock.

The witness also confirmed in cross examination that he saw the accused using no weapon at all during the incident in question.

In re-examination the witness said that the deceased was sleeping on the buia and he (deceased) did not react at all when he was attacked by the accused.

Kaitibaka Taa (PW2). He is aged 20 and comes from Takarano village of Abaiang Island. On 30 October 2004 he testified that he went to a clinic (which was situated in an isolated separate place from Takarano village) but

because the nurse was out from the clinic when he went in he then joined the accused Atera who was together with Bwebweata, Maerere, loane and Merimeri drinking fermented yeast. When their drink was finished they all went to ocean side to Takabo's toddy tree to collect more drink. Bwebwetake climbed Takabo's (deceased) toddy tree and collected more drink (sour toddy) from it. Takabo's toddy tree is close to his house as we could see it (house) from where we stood under the toddy tree. When we were waiting under Takabo's toddy tree, Atera (accused) must have then gone over to Takabo's house but we did not see him doing so except that we could see him from underneath Takabo's toddy tree when he was actually punching Takabo (deceased) and pulled him off the buia (raised floor house) and threw him to the ground when he (deceased) was lying on the buia. After he threw the deceased to the ground he (Atera) then followed Takabo to where he fell and then grabbed him by the neck and then clamped his neck (Takabo) with his two hands and squeezed it firmly and tightly. As he was holding the deceased thus the accused called us to go to him and told us to hit the deceased otherwise he would hit us instead. So we laid our hands on the deceased: **I hit the deceased and then saw the accused stamping on the deceased's chest whilst the deceased was lying on the ground on his back. And as Atera did all this the deceased spoke to Atera and said "Please, have mercy on me". In response to the deceased's plea for mercy the accused told the deceased he would cut his throat (deceased). As he did all this the accused was about six metres from the deceased's buia. The accused ask me to get a toddy knife to cut the deceased's throat with. When I heard this I was afraid and so ran away. When we ran away we could not see what the deceased did.**

Kaitibaka further testified that they did not drink any fermented yeast with the accused, Bwebweata and Maerere and others as the drink was already finished when he (Kaitibaka) joined them. Kaitibaka also said that the accused was very drunk.

The witness also said that Bwebweata escaped first from the accused and he (Kaitibaka) followed and lost sight of Maerere in the process. Bwebweata and the witness ran southward to the bushes, and then back to the village (Takarano). It was then about 3 pm and reached the village (Takarano) at about 5 pm.

At about 8 pm the witness met up with the accused and the accused warned him not to tell anybody about the incident in question as Takabo (deceased) is his (accused) third victim. Then the witness left the accused. The witness in cross-examination stated that he did not tell the police or state it in his statement on 2nd November and 3rd November 2004 that the accused had told him that the deceased is his third victim because the accused had warned him not to disclose it to anybody.

On 7 November 2004 however he told the police that the deceased was the accused's third victim because by such time everybody knows about the incident in question that the accused had killed the deceased. The witness also stated that he did not see any knife on the ground, or on the buia nor any hammer around or about the scene of the crime. (Mr Berina cross-examining).

Maerere Beero (PW3). He is aged 22 and from Takarano village of Abaiang Island.

On 30 October 2004 in the afternoon the witness was with Atera (the accused), Kaitibaka, Bwebweata and others drinking fermented yeast. Atera appeared to be drunk. Then the fermented yeast ran out and the accused suggested they should get more drink so they went to Takabo's toddy tree to get sour toddy. When they got to Takabo's toddy tree Bwebwetake climbed the toddy tree and the three other men (Accused, Maerere and Kaitibaka) were waiting under the toddy tree for the sour toddy. Then the accused went over to Takabo's house (Hut). "We could see Takabo's house from where we stood under Takabo's toddy tree but could not see him (Takabo) whilst he was inside his house: I saw Atera pulling the deceased by the feet and threw him out of his hut to the ground and strangled him with his two hands which he clamped around the deceased's neck and squeezed tightly and firmly. I was then standing near the hut where the accused and deceased were. Then the accused forced me to hit the deceased which I did. I laid my hands on the deceased by lightly hitting him on the leg which caused the accused to commend and asked me: what kind of hit was that?

Then the accused threw the deceased down to the ground and stamped on his chest and neck. Subsequently whilst lying on his back the deceased bled from the mouth.

As the accused did all this to deceased he (accused) was about six metres from the hut of the deceased.

And as the deceased was lying thus on the ground, the accused asked us to get the knife to cut the deceased's throat with. Kaitibaka and Bwebweata were with me at that time and started to run away: When I saw them running away I also followed them running. Then Atera saw me running away and when I was about 12 metres from the accused he then called me and asked me to collect his smoke. The accused also asked me: "Why are you running away? Are you afraid. No one saw us or could see us. Go and get smoke from the buia and check what is wrong with his head (deceased).

I then collected the smoke from the buia and then saw deceased lying on the western side of the buia and also checked his head (Takabo) and saw hammer stuck inside his head (deceased). Then I went back to the accused and gave him his smoke and then the accused spoke to me and said: "That man is dead. What do you think of that, how is that?" Then the accused and I left the place (scene of crime: Takabo's place) and as we walked away the accused spoke to me and said: "If this ever becomes known (meaning that the accused had killed the deceased) then remember my children (accused's children) whenever you come back from fishing". The accused also said that "It will now be known that that man (Takabo - deceased) is my third victim".

The witness also said that when he went back there were no one else at the scene of the crime and confirmed that Atera is the accused and is in court sitting at the dock.

Cross-examination of Maerere (by Mr Berina - counsel for the accused):

Q: Did you ever have the opportunity to run away before Atera called you back?

A: I ran away.

Q: How far away were you from Atera when he called you?

A: I ran to that distance (witness pointed his hand and fingers to the corner of court already estimated by court as 12 metres).

(Pause)

Q: And Atera called you back?

A: Yes.

Q: Before you ran that distance - 12 metres distance, there was no hammer.

A: I did not see a hammer.

(Berina: That is what I mean you did not see a hammer, there was no hammer that you were able to see).

A: There was none.

Q: Yet when you returned after running that 12 metres there was a hammer sticking to the forehead of the deceased?

A: Yes.

Q: Just before you ran away that distance - 12 metres there was no fire?

A: When I returned the fire was burning.

Q: Before you ran away that 12 metres there was no fire burning?

A: No.

Q: Yet when you returned and looked back after running that 12 metres there was fire burning?

A: Yes.

Q: You are now telling this court to accept that while you ran 12 metres Atera got an hammer out, stuck it in the forehead of the deceased and at the same time burned the rubbish that was there?

A: Yes.

Q: And at the same time he called out to you to stop.

A: Yes.

Q: I am putting it to you, you are not telling the truth.

A: It is the truth.

Q: Witness you will agree with me that if you were to run away 12 metres it would not take five seconds?

A: I must have ran farther than the distance I have indicated.

Q: The truth of the matter is, Maerere, you know more than what you are now telling this court?

A: There is nothing else I know of.

Q: I put to you Maerere you know how the hammer got onto that forehead?

A: He was hit whilst I was running away.

Q: How do you know he was hit while you were running away? You did not know what happened when you were running away? How could you say that he was hit when you were running away?

A: Because he told me: "Go and see what is wrong with his head".

Q: I am putting it to you that Atera never told you that?

A: He did.

Q: I am putting it to you that you know how the fire got to be lighted in the first place?

A: He told me to take the smoke and see the forehead. I saw the forehead and there was a hammer in the forehead and the fire was burning.

Q: Isn't the case Maerere that when you left Takabo he was still alive?

A: He was dead.

Q: Who killed him?

A: Atera.

Q: Did you see him strike with the hammer?

A: I did not.

Q: Did you see him light the fire?

A: No.

In re-examination Maerere said that fire was burning on the right hand side of the deceased where he lied and burned lightly closer to him and heavily away from him (deceased).

Burentarawa Betero (PW4). He is 16 years old, from Takarano village of Abaiang Island.

On 30 October 2004 he went to Takabo's house and had sour toddy with him. Then he and Takabo went to an islet called Taete to collect coconuts and then returned. He then went home at about 12 noon. Then at about between 3 or 4 pm he went back to Takabo's house again and on his way he met Ianang, and also Namoi who accompanied him to Takabo's house. When the witness, Ianang and Namoi approached Takabo's house they saw fire burning. They went near the fire and saw Takabo lying close to the fire about four metres away. They also saw a hammer stuck to Takabo's head.

In cross examination the witness stated that it takes about five minutes to walk to Takabo's house. At about 12 noon he went home and stayed for about 10 minutes at home and then went back to Takabo's house to have more sour toddy with Takabo. And when he got to Takabo's house he found out that Takabo was already dead.

Namoi Tekeraoi (PW5). He is aged 24 from Takarano village of Abaiang Island. On 30 October 2004 in the afternoon the witness walked past Takabo's house and there he met one Ianang also going towards Takabo's house. Shortly afterwards he saw Burentarawa Betero also going towards Takabo's house. After they all met they went and looked for Takabo. When they got near to Takabo's house they saw a fire burning and when they went near it they saw Takabo lying on the extremity of the fire which was smouldering and already lit before they arrived.

In cross examination Namoi said he first met Burentarawa on the lagoon side in the village (Takarano) before he left his house late in the afternoon before he went to the ocean side. Then later on when he got to Takabo's house Burentarawa was there too at Takabo's house just after he had met him at the village (Takarano). The witness was quite surprised because when he met him (Burentarawa) at the lagoon side in the village he spoke with him and Burentarawa told him he just got back from Takabo's house

and he (Burentarawa) and Takabo had also gone to the islet - Taete. (Berina cross examining).

Ritia Tioti (PW6). She is a nursing officer, qualified as a nursing officer in 2002 and presently stationed at Abaiang Island.

On 30 October 2002 at about 4-5 pm she examined the deceased - Takabo Etuati at Takarano village, Abaiang. After examining the deceased she made a report which was produced in evidence as Exhibit P1. She stated in her report that she examined Takabo (deceased) near his house where he was lying on his back and was already dead with raised stiff arms above his body and a hammer being stuck inside his right hand side forehead. The hammer was produced in evidence as Exhibit P2. In her opinion she stated the principal cause of death of deceased is the deep wound at the forehead which is about 2-3 in depth and where there was heavy bleeding.

Biribo Taomati (PW7). He is a detective constable and the investigation officer in the present case. He took the caution statement of the accused which he produced in evidence as Exhibit P3.

In his caution statement the accused confirmed the evidence of Bwebweata (PW1), Kaitibaka (PW2), and Maerere (PW3) that on 30 October 2004 he was with these men and others drinking fermented yeast at the hut of one of the patients at the clinic (hospital), and when the fermented yeast ran out they (accused, Bwebweata, Kaitibaka and Maerere) left the clinic and went to the deceased's place and got more drink in the form of sour toddy which they stole from the deceased's toddy tree.

The accused also confirmed in his statement that he did in fact attacked the deceased by pulling him out by the leg from his buia where he was and then strangled him with his two hands and whilst he held the deceased thus, he ordered the other three companions to hit the deceased in turn which they did. Then the accused and his companions left the deceased's place lying on the ground.

The accused also confirmed in his answer to question No. 2 that when he left the hospital with his companions he was so drunk as he had taken much drink but cannot estimate how much he had drunk. (Question 3 and answer).

The accused in his explanation as what he meant by "giving the deceased) a six o'clock treat" he stated that it means that "if there is a person who does not comply with the decision of the village, and then the villagers will go after him may be throw things at this house or whatever". (Answer to Question 4).

In his answer to question 7 the accused stated that when Takabo - deceased jumped off his buia to fight him (accused) he (deceased) attacked him (accused) with a hammer which he held in his hand and hit him (accused) with it. The deceased however missed the accused and the hammer fell off his hand to the ground. After the hammer fell off his hand (deceased) he (deceased) went for a toddy knife and started to attack him with it but again he (accused) somehow disarmed the deceased and his toddy knife fell onto the ground.

In his answer to question 12 the accused also stated that he agreed that he was still on top of Takabo (deceased) when Bwebweata, Kaitibaka and Maerere left him with the deceased and ran away but they were not far away as they were about hundred paces away from him.

The accused further confirmed in his statement that the hammer which was shown to him by the investigation police officer is the one which the deceased used to attack him with (accused). (Answer to Question 21).

The accused also stated in his statement that he did not have any dispute with the deceased but his father (accused) had a land dispute with the deceased. (Answer to Question 25).

The accused also stated in his statement under Question 27 that he is a left-hander and apart from Bwebweata, Kaitibaka and Maerere) there was no one else with them or around when he fought with Takabo (deceased). (answers to questions 26 and 27).

That concluded the case for the prosecution.

The accused then elected not to give evidence nor call any evidence or witnesses. I then heard addresses from counsel for the prosecution and counsel for the accused in that order. Counsel for the prosecution submits that this case is the most straight forward as from the evidence of Bwebweata, Kaitibaka and Maerere, the confession (informal admission) of the accused and the medical evidence, the prosecution has proved beyond reasonable doubt all the elements of murder. Hence the accused is guilty of murder. Counsel for the accused on the other hand submits that the prosecution has not proved its case beyond reasonable doubt as it has not discharged the onus placed upon it. He further argued there is reasonable doubt as to the guilt of the accused as none of the prosecution witnesses ever saw the accused struck the fatal blow by striking the deceased with the hammer on the forehead which killed him. The accused therefore should be given the benefit of that doubt.

Before considering the evidence I direct myself that the burden of proof beyond reasonable doubt remains upon the prosecution from first to last.

The prosecution must prove the charge and each element of the charge beyond reasonable doubt, and if it fails to do so then the accused is entitled to be acquitted. The accused is never under any obligation to prove its innocence.

In the present case, to discharge its burden in respect of the charge of murder, the prosecution must prove beyond reasonable doubt that the accused caused the death of the deceased by unlawful act with malice aforethought.

It is this second element which forms the central issue in the present case. Maerere, Bwebweata and Kaitibaka were the substance of the prosecution's case. They were not shaken in any way in their evidence by vigorous cross-examination especially Maerere (PW3) and Kaitibaka (PW2). They were good and reliable witnesses and I accept their evidence.

In their evidence when they were together with the accused, Maerere (PW3), Bwebweata and Kaitibaka testified that the accused in the period before and during the incident in question when they had fermented yeast with him was quite drunk. The accused himself also stated in one of the answers to one of the questions put to him by the investigating police officer that he was so drunk for he had been drinking earlier on before he met up with Maerere, Kaitibaka etc. Mr Berina, counsel for the accused, never raised the defence of intoxication during the trial. However from the evidence I found that the accused had been drunk but not so drunk that he was unable to know what he was doing. Intoxication might have made the accused excitable and temperamental but was still capable of forming the intention to kill or injure Takabo. I need not consider this issue further.

Mr Berina in his closing address raised the issue of accomplice and argued that the evidence of Maerere (PW3), Bwebweata (PW1) and Kaitibaka (PW2) ought to be viewed with caution as they are accomplices and therefore I remind myself their evidence must be scrutinized with particular care before being accepted. It is dangerous to convict on the evidence of an accomplice unless it is corroborated. I may but I give myself that warning. It is dangerous to do so.

The need however to warn myself that it is dangerous to convict with such evidence of an accomplice without corroboration, by virtue of section 11 of the Evidence Act 2003 (No. 5 of 2003) appears that it is no longer necessary now to give that warning or direction any more: That section provides as follows:

“Corroboration requirement abolished

- 11(1) It is not necessary that evidence on which a party relies be corroborated.
- (2) Not applicable - deals with offence of perjury, or similar or related offences, or for the offence of high treason.
- (3) Despite any rule, whether of law or practice, to the contrary, but subject to the other provisions of this Act, if there is a jury, it is not necessary that the judge -
- (a) warn the finder of facts that it is dangerous to act on an uncorroborated evidence or give a warning to the same or similar effect; or
 - (b) give a direction relating to the absence of corroboration”.

The evidence of Bwebweata, Kaitibaka and Maerere clearly established beyond doubt that the accused was together with these men (companions) on 30 October 2004 drinking fermented yeast at the clinic. Their drink did run out and so went and looked for more at the deceased’s toddy tree. When they were waiting for the sour toddy underneath the deceased’s toddy tree for the sour toddy to be taken the accused slipped away unnoticed to the buia of the deceased where he (deceased) was lying and on reaching the buia he ferociously attacked the deceased by throwing him out of the buia, strangled him, punching him on the face and stamped on his chest and neck as he (deceased) was lying on his back on the ground. And despite the deceased’s plea to him (accused) to have mercy on him (deceased) the accused in response asked his companions to fetch him a toddy knife to cut the throat of the deceased with.

Beyond doubt I am satisfied that the accused in the early afternoon of 30 October 2004 ferociously attacked the deceased as described in the evidence of Bwebweata, Kaitibaka and Maerere above.

Further the evidence of Bwebweata, Kaitibaka and Maerere also clearly establish beyond doubt that when the accused asked them (Bwebweata, Kaitibaka and Maerere) to fetch a toddy knife to cut the deceased’s throat with, they all got very afraid of what the accused was going to do to the deceased that they started to run away from the accused and left him with the deceased. I am therefore satisfied beyond thought that up to this particular point in time Bwebweata, Kaitibaka and Maerere did not see the accused actually striking the deceased on the forehead with the hammer. However I am satisfied beyond doubt from the evidence of Maerere (PW3)

that the accused did strike the deceased with the hammer on the forehead. When the accused saw Maerere running away from him with Bwebweata and Kaitibaka, he (accused) stopped him and asked him to get him smoke: **“Why are you running away? Are you afraid. Go and get smoke from the buia and check what is wrong with his head (deceased)?”** I then collected the smoke from the buia and saw the deceased lying on the western side of the buia and also checked his head (deceased) and saw hammer stuck inside his head. I then went back to the accused and gave him his smoke. When I gave him his smoke he said to me **“That man is dead, what do you think of that?”** Maerere also stated that he and the accused left the deceased where he lay on the ground and there was no one else around there. And as they walked away from the deceased the accused said to him: **“If this ever becomes known then please remember my children when you come back from fishing”**. The accused also said to Maerere: **“It will never be known that that man is my third victim”**. This evidence is also corroborated by testimony of Kaitibaka (PW2).

The inference that can be drawn from the above is that the accused had struck the deceased on the forehead with the hammer and had killed him as the result.

The accused also anticipated his possible imprisonment and hence the reason why he asked Maerere to remember his children to share his catch with them when he comes back from fishing.

In cross-examination Maerere was quite firm and unshaken at all in his evidence that the accused had struck the deceased with the hammer on the forehead and killed him because the accused himself told him so: **“Go and check what is wrong with his head (deceased) etc.** emphasise mine.

And when he checked the head of the deceased he also saw fire burning on the right hand side of the deceased where he lay which burned heavily further away from him (deceased) and lightly near him.

In his closing speech Mr Berina submits that the evidence of Maerere that he saw the hammer being stuck to the forehead of the accused and the fire burning when he returned to the accused after he called him to stop and after having run for a distance of about 12 metres or five or 10 seconds is physically impossible to do within that duration of time.

Estimate of time and distance can never be accurate as they usually are guess work. However Maerere in cross-examination suggested that perhaps the estimate of distance of about 12 metres which he gave was perhaps longer than he had estimated previously. The accused himself in his answer to question 12 of the questions and answers which were put to him by the investigating police officer stated that he (accused) was still on top of the

deceased when Bwebweata, Kaitibaka and Maerere ran away from him and were not far from him as they were about 100 paces away from him.

Beyond reasonable doubt I am satisfied that Maerere was more than 12 metres away from the accused when he called him to return and thus the accused would have sufficient time to stick the hammer on the forehead of the deceased and started fire. As Mr Nabau submits which I agree: **“it does not take even a minute for the accused to get to the buia, grab a hammer, get back to the deceased and hit him on the head”**.

In his answer to questions 7 and 20 of the questions and Answers which were put to him by the investigating police officer the accused stated that Takabo hit him with hammer which missed him and fell on the ground. The accused recognised the hammer when shown to him as the one Takabo used when he fought with. The accused probably picked up the hammer from the ground where it fell and then hit the forehead of deceased with. In any case the same hammer was seen being stuck to the deceased's forehead which is confirmed by the medical evidence of the nurse, the evidence of Burentarawa (PW4) and Namoi (PW5).

The nurse in her evidence confirmed that Takabo was already dead when she examined him. “A hammer was seen stuck inside his right forehead approximately 2-3 inches depth. Both eyes are black and slight swollen, nose and mouth covered with blood not really fresh (no teeth fell out). Also there was a bruise mark about 10 cm on the right side of his neck. His whole body look stiff/rigid to touch especially his arms and legs covered with blister after being burned down”.

The nurse stated that cause of death of deceased is the deep wound at the forehead where there was heavy bleeding.

Beyond doubt I am satisfied that the cause of death of the deceased is the deep wound at forehead of the deceased where there was heavy bleeding from which Takabo died.

I am also satisfied beyond doubt that Atera loteba killed Takabo Etuati by striking him on the right hand side of Takabo's forehead with a hammer.

Taking into account the whole of the evidence in the present case I am satisfied that the prosecution has proved beyond reasonable doubt that the accused attacked the deceased. The intent to cause grievous bodily harm if not death is clear from his actions. He killed the deceased.

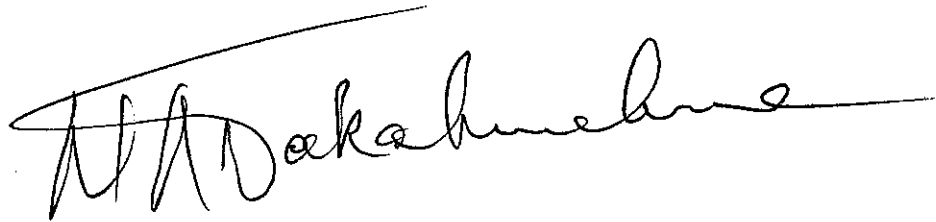
I accept the evidence of Maerere in particular as how the accused killed the deceased. I also accept the evidence of Bwebweata and Kaitibaka as what

the accused did before he killed the deceased. Their evidence is confirmed by injury to the right hand side of the forehead of the deceased.

I therefore find you, Atera, guilty of murder and I convict you accordingly.

In accordance with the mandatory sentence which is provided by law I sentence you, Atera, to imprisonment for life.

Dated the 5th day of January 2005

A handwritten signature in black ink, appearing to read 'M N Takabwebwe', with a long horizontal flourish extending to the right.

THE HON MR JUSTICE MICHAEL N TAKABWEBWE
Judge