

IN THE HIGH COURT OF KIRIBATI) HIGH COURT CRIMINAL APPEAL 6 OF 2008
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

BETWEEN: THE REPUBLIC APPELLANT

AND: IOABO TAUBUKINTEBWA RESPONDENT

FOR THE APPELLANT: MS TUMAI TIMEON

FOR THE RESPONDENT: MR RAWEITA BENIATA

DATE OF HEARING: 16 JUNE 2008

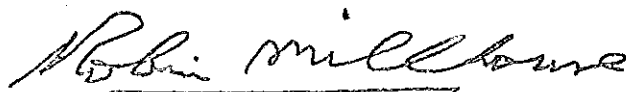
JUDGMENT
(Ex Tempore)

The Republic has appealed against the finding by the Single Magistrate that the respondent had no case to answer. He has been charged with arson, burning down a maneaba.

The appeal must be allowed. In the ruling the Single Magistrate said that what clearly were admissions by the respondent were hearsay. Three witnesses had said "the accused told them that he set fire to the maneaba". These statements were not, as the Single Magistrate thought, hearsay. They were direct admissions and evidence of them may be given, as it was, by the three witnesses.

Of course, the respondent may have a complete answer e.g. that he was joking or the witnesses are lying and so on. But this evidence is certainly sufficient to require some answer from the respondent. He has a case to answer. There is sufficient evidence on which a jury properly directed – or in this case the Single Magistrate – could convict.

The appeal is allowed: the ruling of no case to answer by the Single Magistrate is quashed and the case returned to the magistrate's court for hearing by another magistrate.



THE HON ROBIN MILLHOUSE QC
Chief Justice