

IN THE HIGH COURT OF KIRIBATI)

HIGH COURT CIVIL REVIEW 1701 2013

CIVIL JURISDICTION )

HELD AT BETIO )

REPUBLIC OF KIRIBATI )

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BETWEEN: RIINI TEKEA

APPLICANT

AND: ITIVI TIROUEA

1<sup>ST</sup> RESPONDENT

AND: AG IRO MINISTRY OF INTERNAL AND  
SOCIAL AFFAIRS

2<sup>ND</sup> RESPONDENT

FOR APPLICANT: ELSIE KARAKAUA

FOR 1<sup>ST</sup> RESPONDENT: NO APPEARANCE

FOR 2<sup>ND</sup> RESPONDENT: BIRIMAKA TEKANENE

Date of Hearing: 10 October 2013

### JUDGMENT

The hearing on the preliminary issue is conducted today. The issue, as raised by the second respondent is as follows;

'Can the Attorney General be named a party to this proceeding?'

A brief background of the case is that the Attorney General for the Ministry of Internal and Social Affairs is being sued for the decision of a late assessor concerning a registration of birth of the first respondent. The first respondent was the only informant and the hearing resulted in the registration of the applicant as the biological mother of the first respondent. The applicant disputed this decision hence this application.

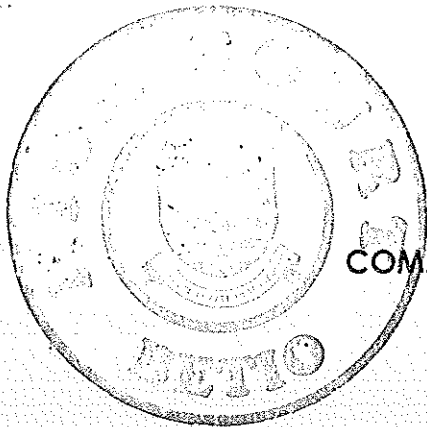
Having heard submissions from both Counsel and having seen the High Court Civil Appeal 6 of 2012, whose decision was upheld by the Court of Appeal, the relevant part of the decision is as follows;

*'It is unconstitutionally wrong to name the Attorney General as representing any judicial body as if that body were a branch of executive government'*

The application of the second respondent to have the matter against it struck out is hereby granted.

**Order accordingly.**

Dated 8 November 2013.



A handwritten signature in black ink, appearing to read "Tetiro M Semilota", is written above a horizontal dotted line.

**TETIRO M SEMILOTA**

**COMMISSIONER OF THE HIGH COURT**