



## HIGH COURT OF KIRIBATI

*Criminal Case No 37/2018*

**THE REPUBLIC**

**v**

**BURANGKE ERITANE**

*Tewia Tawita, Senior State Attorney, for the Republic  
Mantaia Kaongotao for the accused*

*Date of sentencing: 18 December 2018*

### **SENTENCE**

- [1] Burangke Eritane has pleaded guilty to 1 charge of giving misleading information, contrary to section 24(1) of the *Passports Act 2013*. The maximum penalty is a fine of \$5000, imprisonment for 3 years, or both.
- [2] On 18 January 2017 the prisoner submitted a passport application in the name of Biriro Biriti. The application was successful, and a new passport was issued in that name (bearing the prisoner's photograph) on 25 January. Biriro is the name of the prisoner's first cousin; he died as a child. They were both born in 1967. The prisoner was planning to go and work aboard a fishing boat operating out of the Marshall Islands. It is not clear why he felt it necessary to obtain a passport under a false name, but it would be reasonable to infer that it had something to do with the fact that, in May 2016, the prisoner was arrested on a charge of murder.<sup>1</sup>
- [3] It is worth mentioning the portion of the application form where an applicant's identity is confirmed by a person qualified to do so under regulation 5(2)(d) of the *Passports Regulations 2014*. In the prisoner's application, it appears that his identity (as Biriro Biriti) was confirmed by a person named as Tieem Tebou, a catechist from Bikenibeu. According to the form, Tieem claimed to have known "Biriro" for 4 years. This cannot possibly be true. Counsel for the prosecution is asked to ensure that steps are taken to investigate this matter further, with a view to bringing criminal charges if warranted.

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<sup>1</sup> In respect of which the prisoner is now serving a sentence of imprisonment for life – see *Republic v Burangke Eritane*, High Court Criminal Case 77/2016.

- [4] After obtaining the passport in Biriro's name, the prisoner used it to travel to the Marshall Islands. He was returned to Kiribati in August 2018, after the Kiribati government informed the Marshallese authorities that the prisoner had entered the country under an assumed name using a false passport.
- [5] The prisoner is 51 years of age. He is presently serving a life sentence following his conviction last month for murder. He has several previous convictions from the 1980s, none of which are particularly serious, and all of which appear to be alcohol-related.
- [6] Providing misleading information in order to obtain a travel document is a very serious matter. A sentence of imprisonment is warranted in this case. An appropriate starting point for an offence of this nature would be imprisonment for a term of 18 months.
- [7] Any sentence will have to be served concurrently with the prisoner's life sentence. He is entitled to a significant discount for his very early plea of guilty, but there is little else that can be said in his favour.
- [8] The prisoner is convicted and sentenced to imprisonment for 12 months, to run from today. It is to be served concurrently with his present sentence.

  
**Lambourne J**  
Judge of the High Court

The seal of the High Court of Kiribati is circular with a red border. The text "HIGH COURT OF KIRIBATI" is written in red capital letters around the top inner edge. The bottom inner edge contains the Kiribati motto "TE OMI AE E RIETATA I KIRIBATI" in red capital letters. In the center of the seal is a red shield featuring a white sun with rays, a white bird in flight, and a white anchor.