

Physically abusing four-year-old boy under her care: Kindergarten teacher jailed, fined

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By: Cynthia D Baga

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Melona being escorted to the police vehicle after the court proceedings yesterday

KOTA KINABALU: A kindergarten teacher who physically abused a four-year-old boy under her care was on Wednesday jailed one year and fined RM10,000. Melona Eva Ezwa Musah, 27, was sentenced by Sessions Court Judge Amir Shah Amir Hassan who also ordered her to be placed under a bond of good behaviour for two years after completing her jail sentence. She was also ordered to serve another year in prison in default of the fine. The court ordered Melona to serve the jail sentence from the date of her arrest. Melona, who pleaded guilty to the crime, had committed the offence against the victim between 9am and 10am on Aug 8, this year at Tadika Srikandi Penampang. The offence under Section 31(1) of the Children Act carries a fine of up to RM50,000 or a jail term of up to 20 years, or both, on conviction. The abuse came to light when the victim's parents noticed bruises on his body and asked to see the CCTV footage of the kindergarten. The public was shocked to see footage of the kindergarten caregiver hitting the boy several times and the outcry has led to the State Community Development and People's Wellbeing Ministry to look into new guidelines for state-registered child care centres.

In meting out the sentence, the court said the interest of the public is more important, especially the victim in this case. The court said the accused person was in possession of the trust of the victim's parents and the act (abuse) should not be done by the child's teacher. During mitigation, counsels Luke Ressa Balang and Hairul Vaiyron Othman JP, who defended Melona, asked for a sentence in the form of a reasonable sum of fine. Luke submitted that Melona, who is not married, was a

first offender and has been fully cooperative with the authority and the court after committing the offence. He added that his client has repented and promised to make up for the mistakes by taking care of her parents and being a good citizen. However, Deputy Public Prosecutor Dacia Jane Romanus urged the court to impose a heavy sentence considering the rampancy of offences involving child abuse nowadays, not only in Sabah but also in Malaysia. Dacia submitted that as can see from the CCTV tendered, the repetitive act of the accused showed it was done intentionally. "The accused person is the class teacher of the victim and was trusted not only by the parents of the victim but also the school authority to take care of the children in the kindergarten, including the victim. "The court should also consider public interest, and the effect of this incident to victim, parents of the victim in this case and also other parents out there, not only that it had put the victim in fear but also the victim's parents and possibly other parents out there to entrust anyone to take care of their child," she said. She further submitted that the incident came to light only after the parents found out of what had happened to their only son. "The accused had repetitively denied committing the offence and only admitted after the CCTV was shown. "Even in the videos submitted by the defence counsel, the mother was there to stop the father, but back then, during the incident, when the accused hit, slap, punch and kick the four-year-old boy, no one stopped her. "She did not even stop herself and kept going.

While it is understandable that the parents had all their reasons as to why they raged and acted such way, it is not the same for the accused. "There is no valid, acceptable reasons as to why she committed such crime to an innocent child. "As seen in this case, it is indeed a serious offence and the high degree of mens rea of the accused is beyond the shadow of the doubt as can be perceived through the whole act of her conduct in the CCTV recording tendered," she said. The court heard that on Aug 8 this year at 5.30pm, the complainant had fetched her son from the kindergarten and the son complained that he was beaten, slapped and his hair was pulled by Cikgu Melona. Due to the incident, the boy had suffered pain on his body, head and face. The complainant, who was the boy's mother, then asked the teachers in the school how her son got the injury and all the teachers said maybe he got it while playing with other children. The mother also asked Melona about the injury but she denied it few times that she caused harm to the child. The mother who was not satisfied, then went to the kindergarten with her husband and asked to see the CCTV footage and the headmistress of the school had allowed their request. The CCTV footage showed that Melona had hit slapped, punched and kicked the minor few times at his head and body using her hands as well as using various objects like ruler and paper bag. Melona had also pulled the minor's hair few times. The minor could not fight but Melona still continued her act towards the boy. The boy was then referred to the hospital for further treatment.