

IN THE SUPREME COURT OF NAURU

CRIMINAL CASE NO.: 2/2008

THE REPUBLIC

V.

**JOHNNY ALIKLIK
&
DOZONO EOBOB**

Mr. Robert Kaierua for the Republic
Mr. Pres Nimes for the Accused

DECISION

Johnny Aliklik (aged 29) and Dozono Eobob (aged 23) (who gave his name in evidence as Dozono Aliklik) have been charged with causing grievous bodily harm. The particulars: -

“In that the said Johnny Aliklik and Dozono Eobob did on 11 March 2007, at Nauru, unlawfully did (sic) grievous harm to Roland Deduna and Tevita Deduna.”

It seems that earlier that day Tevita Deduna may have been in an accident with Dozono’s younger brother. That is the only reason given for a visit, late at night, by Johnny and Dozono (supported by 3 or more friends) to the Deduna house. Dozono in his evidence (both accused gave evidence): -

“brother had accident with Tevita – ran him over. Went to Ronald’s place to enquire, not fight about 10p.m.”

If the intention had been as innocent as that (which I doubt) it soon turned nasty.

Each victim gave evidence and so did a neighbour James Tamaki who, hearing a commotion, came in and broke it up.

Ronald Deduna (aged 59): -

“asleep bang on door wife woke me, went out door already open, people standing by door...Dozono...I asked him ‘what matter?’ Tried to stop him coming inside, struck me on head with a baton, long, baseball bat. Tried to stop him, struggling blood on my face. Son came out fighting with Johnny. Dozono attacked my son with hammer and samurai. Went to stop them, another blow on head (a couple of others). Neighbours (James and Freddy) came to help stop fight.”

A photograph, taken two days later, shows a long wound (I have counted 10 stitches) on the crown of Ronald's head. I have no hesitation in finding, both on Ronald's oral evidence and after seeing the photograph, that this was grievous harm, serious harm.

Tevita Deduna:-

“went out saw Johnny Aliklik, and I fought – saw father struck by an object – long stick by Dozono. Ran – got struck on head – fell – tried to stand – struck by Dozono – fell numb couldn't move. Everything blurry. Probably five in all.”

Photographs were taken, too of Tevita. They show a bad wound in the head stitched up, in much the same place as his father's and a cut down one side of the body and several other lesser injuries: the head wound is the worst. Again, I find, from the oral evidence and the photographs that Tevita was done grievous harm.

James Tamaki:-

“Deduna family neighbours next door. Noise like broken door – checked – some boys already in house – door broken. Went in – saw boys breaking pot plants, stereo – one boy telling father looking for David – son came out – fighting with Johnny – others joined, maybe six. One guy with samurai – I grabbed sword. Hitting Tevita’s head with timber by Dozono, said family problem.”

I found all three witnesses to be credible and describing each from his own point of view accurately what happened. I accept beyond reasonable doubt their evidence.

It must have been a confused melee: difficult to know who struck which blows, one of the accused or one of their friends. It matters not. This was a joint enterprise. Each one of those taking part is equally guilty whether or not he struck the blows which injured the Dedunas and whether or not he has been charged.

Dozono, as I have already set out, said they went to enquire, not fight. He asserted in his evidence that he acted in self defence.

Johnny, although it is not clear from his evidence, must have been saying much the same.

After they left the house some of the party went and smashed up a couple of cars belonging to Ronald Deduna and tried to set fire to a third. No one is charged in these proceedings with offences relating to the cars.

Both accused gave statements to the police. In his final address Mr. Nimes submitted that I should reject them. He had not, at the time of their tender, objected. He should have taken the point before the statements became evidence, before I had read them. If Mr. Nimes had objected then we could have had a voir dire to determine their admissibility. His objection in the case of Dozono was that the statement was not voluntary but Mr. Nimes had not taken the opportunity to cross-examine Inspector Amwano (who took the statement) about that.

Even if I were to have refused to receive the statements and if I ignore the contents now there is ample evidence to prove beyond reasonable doubt the charges against both men.

Johnny Aliklik and Dozono Eobob are guilty of doing grievous harm to each of the Dedunas.

Robin Millhouse
THE HON. ROBIN MILLHOUSE QC.,
CHIEF JUSTICE
10th March 2008
REPUBLIC OF HAWAII

