

**In the Supreme  
Court of Nauru.**

**THE REPUBLIC**

**VS.**

**Criminal Case No. 3/2009**

**Date : 02 April, 2009.**

**RAYMOND GADABU**

**Paul Bannister for the prosecution  
Pres Nimes for the accused.**

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**JUDGMENT**

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Raymond Gadabu is charged with arson:-

**Particulars**

**“That on or about the fifteenth day of March 2007 at Nauru, RAYMOND GADABU wilfully and unlawfully set fire to a dwelling house the property of RUTH AGIR, TYRAN CAPELLE, RAMOND GADABU AND PETA GADABU.”**

Since her mother had died Peta Gadabu, the accused's sister had been living alone in the family house (the house burnt down). The accused, her elder brother, with her and other members of the family, jointly owned it. He visited the house from time to time: had a set of keys. For some time he had been acting quite strangely. The day before the fire in the afternoon he was seen by a near neighbour, Bridgette Deidenang, pass by . He was carrying a glass jar made into a lantern. A few days earlier, on the 11<sup>th</sup> of September he had been at the house holding something. The next day, the 12 September, when Peta came back from work she could smell kerosene – found some spilt on the table. A lighter was on the table and a bottle of kerosene under it.

On the morning of the fire when Peta was asleep she heard the breaking of glass. She looked in the kitchen. A home made lantern had been thrown through the window and was on the floor. She could smell the kerosene. She was sufficiently alarmed to leave the house and go to her sister's. In cross examination she said she had last seen Raymond about eight o'clock standing with a home made lantern. The one she found on the floor looked to her to be the same lantern.

Triswick Detageouwa, another near neighbour gave evidence that about half an hour before the fire he saw Raymond from where he was sleeping holding something in his hand.

Chief Fire Officer Roy Harris, made a report:-

**'Cause of spread of fire**

The cause of fire is by no doubt was deliberately lighted for there were no candles involved that could have accidentally cause fire. Power shedding for the said district was on during the early morning of the fire incident and as checked the power failure is not the cause. Copper wirings in the middle section of the house were checked and appears no short of wirings, so therefore foul play could be the case of fire."

Neither the accused or any witness for him gave evidence.

In the absence of explanation a strong circumstantial case against Raymond. The fire was deliberately lit. The accused has been acting strangely, had been seen or near the house carrying a home made kerosene lantern. He offered no explanation. Who else could have done it?

I conclude beyond reasonable doubt that the accused deliberately burnt the house down. He is guilty of arson.

*Robin Millhouse*

**ROBIN MILLHOUSE  
CHIEF JUSTICE**

