

**IN THE SUPREME COURT  
REPUBLIC OF NAURU**

Criminal Case No 47 of 2011

**REPUBLIC OF NAURU**

V

**NATHAN SOLOMON, GABRIEL IKA AND DAMOON AKIBWIB**

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<u>JUDGE:</u>	EAMES C.J
<u>DATE OF HEARING:</u>	16 November 2011
<u>DATE OF SENTENCE:</u>	18 November 2011
<u>CASE MAY BE CITED AS:</u>	Republic v Nathan Solomon and Others
<u>MEDIUM NEUTRAL</u>	[2011] NRSC 20
<u>CITATION:</u>	

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Sentence – Robbery - Three offenders rob a Chinese store owner – Two offenders have prior convictions – Please of guilty - Sentences of 18 months’ imprisonment for two offenders, and 16 month’s imprisonment for offender without prior conviction.

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APPEARANCES:

For the Prosecution

Mr W Kurisaqila DPP

For the Defendant

Ms M Depaune (pleader)

CHIEF JUSTICE:

1. Nathan Solomon, Gabriel Ika, and Damoon Akibwib you have each pleaded guilty to robbery, an offence which you committed together.
2. That offence carries a maximum penalty of 14 years imprisonment.
3. On 3rd April 2011 a Chinese women, whilst working inside of her store, was confronted by you Ika, who entered her store with your face covered with your black T-shirt. You, Solomon, followed him into the store, as did Akibwib. The victim was using her laptop and you Ika went behind the counter and grabbed hold of the woman by her torso, pinning her arms. With your other hand you covered her eyes and face. Whilst she was held, Akibwib stole the laptop from the counter.
4. Solomon searched for money, without success, and then ran out of the store. Ika then let the woman go, whereupon she fell to the ground. In the commotion, people had come to the assistance of a woman in the store. They heard her screaming for help, and one of those persons who came to her aid, then followed you, Solomon, as you departed the scene and went to your house. Soon police found you.
5. The identity of the other two was later ascertained by the police. The stolen property had been returned to the owner. When interviewed by police, you each admitted your role in this offence.
6. As a result of the robbery the victim had sustained injuries, being bruising to the face and chin, and a graze on the legs. She suffered a haemorrhage in the left eye.
7. Each of you were unemployed at the time of this offence, which occurred when you were to some extent affected by liquor. Solomon lived only 100 yards from the store and was recognised the robbery, the shop being to his home. The three of you made a spur of the moment decision to rob the store to get money for alcohol.
8. I turn to the personal circumstances of each of you.
9. Solomon, you were unemployed at the time of this offence. You are aged 21 years and come from a stable, loving, home environment, where there is significant employment in the household. You have a prior conviction for receiving stolen property, for which you were sentenced to one year probation. That case came to court the same day the present case did, and thus you were not in breach of the probation order when this offence occurred.
10. Damoon Akibwib, you have one prior conviction, for theft of a laptop computer. You were convicted and placed on probation, but again, the present offence did not constitute a breach of probation.
11. Gabriel Ika, has no prior convictions.
12. I have a report on you, Solomon, from the Chief Probation Officer.
13. You are aged 21 years and come from a stable home situation. Since this offence was committed, you have undertaken an engineering training course funded by Aus Aid. You have completed Certificate 1. That required you to attend five nights a week for 3 hours each night. You are currently undertaking the Certificate 2 course, which would be completed in February 2012. I was not told what the effect would be on this course were you imprisoned, but suppose it would come to an end.

14. In addition, you, Solomon, have been engaged in community work, in an AusAid youth program with 14 other youngsters. That started in May 2011, soon after you were released on bail for the present offence. That course gives training in literacy and numeracy and also in concreting.

15. You, Ika are aged 22 years, and you have been in employment loading cargo for the last 3 months. You and your father are the only wage earners out of seven adults in the family. The fact that you have gained and held that employment is to your credit.

16. Akibwib, you are aged 21 years. You have had no employment but occasionally you get security work. You have 9 siblings. Your father died young. The Chief Probation Officer has made a report on you that says that you roam aimlessly, with no proper parental guidance. On the other hand, you engage in church youth activities from Monday to Sunday and you have stopped drinking alcohol since this offence. These things are to your credit.

17. This offence was committed by each of the offenders as a relatively spontaneous action, however it was a serious event. The three defendants are strong, powerful, men and the robbery must have been terrifying for the victim. Although spontaneous, there was plainly a degree of planning and coordination in the robbery.

18. This is the sort of criminal activity which the court should do its best to stamp out.

19. The Director of Public Prosecutions submitted to me that robbery is prevalent in Nauru, particularly against victims working in Chinese businesses because such victims often feel obliged to withdraw their complaint out of concern that as tenants of Nauruan land they are vulnerable to losing their business if the local community objects to them reporting such crimes.

20. Upon being arrested you each spent three weeks in custody before being released on bail. Ms Depaune, your pleader, submitted that that experience was a shock to each of you.

21. As I have explained, there are factors for each of you that suggest you are capable of doing much more with your lives than you were at the time of this offence. For two of you, however, this is not a first offence of dishonesty. Had it been a first offence I might have considered imposing suspended sentences under s.656 of the Criminal Code, but that option is not available, except to Ika. Ika, however, played a major role in this robbery and was the person who caused the injuries to the victim.

22. The most significant factor in your favour is that you each pleaded guilty and spared the victim further anguish. The sentences I will impose are significantly reduced on account of your guilty pleas.

23. Had it been proved that these offences were committed while you were on bail the sentences would have again been heavier, to a significant degree, than those I now impose.

24. Although Ika, alone, was directly involved in causing injury to the victim, this crime was very much a joint enterprise, but even so he will gain a reduced sentence because he has no prior conviction.

25. The positive steps taken by Solomon and Ika in terms of gaining employment or training will be reflected in the sentence imposed. You each must, however, go to prison for such a serious offence.

26. The sentences I will impose are as follows:

Nathan Solomon, you are convicted and sentenced to 18 months imprisonment.

Gabriel Ika, you are convicted and sentenced to 16 months imprisonment.

Damoon Akibwib, you are convicted and sentenced to 18 months imprisonment.

**Geoffrey M Eames Am QC**  
**Chief Justice**  
**18 November 2011**