



NAURU COUNTRY REPORT

**36th PILON Annual Meeting
Majuro, RMI**

18th – 20th October, 2017

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1. Outline of structure and governance of the Ministry of Justice (or equivalent) and relevant law and justice agencies

The Republic of Nauru's Department of Justice and Border Control ('DJBC') provides legal advice and representation to the Government in matters affecting the Republic. The Minister for Justice and Border Control, Honourable Mr. David Adeang is assigned the ministerial responsibility for the Department. Honourable Minister Adeang is assisted by Honourable Mr Lionel Aingimea, as Assistant Minister.

As the Department responsible to Government for the implementation of "effective law and order", it is often viewed as cross-cutting.

The DJBC consists of 47 employees of whom 12 are expatriates and 35 are locals who are charged with an array of responsibilities including but not limited to:-

- the handling of Criminal, Civil and Family cases,
- the registration of Business names,
- the registration of Corporations (onshore & offshore),
- the registration of Trademarks & Patents,
- the processing and issuance of Passports, Permits and Visas, and
- the administration of intestate estates.

The Head of each Government Department is the Secretary. The Head of the Department of Justice and Border Control is the Secretary for Justice and Border Control (SJBC). The SJBC is directly answerable to the Minister for Justice and Border Control.

Structure of the Department

- *organogram to be inserted*

1.1 Secretary for Justice

The Secretary for Justice and Border Control is Mr. Graham Leung. Secretary Leung is *ex officio* the head of the following Sections: Corrections, FIU, Immigration, Passports, and Quarantine. The Secretary additionally oversees the Curator of estates, corporations and partnerships.

1.2 The Solicitor General

The Solicitor General is Mr. Jay Udit who reports directly to SJBC.

Pursuant to section 11 of the *Republic Proceedings Act 1972*, all civil proceedings instituted by or against the Republic must be filed against the Secretary for Justice. The Solicitor General heads the civil litigation section of DJBC and is responsible for the carriage of litigation by or against the Republic.

These civil matters include the following:

- (a) Ordinary civil suits instituted by or against Government against persons and/or entities;
- (b) Constitutional Redress and Interpretation;
- (c) Habeas Corpus;
- (d) Land Appeals from the decisions of the Nauru Lands Committee;
- (e) Administrative and Judicial review application challenging administrative decisions of the Government and its instrumentalities;
- (f) Statutory Appeals to Supreme Court under various legislation;
- (g) Appeals from the decision of Public Service Appeals Board;
- (h) Amicus Curiae where court or statute requires.

The Solicitor General is also mandated to represent Government in Court matters instituted in other countries involving the Republic. The Government has in the last few years enacted and implemented various legislative reforms to rejuvenate the economy and meeting its international commitments entered through treaties, protocols, conventions, and multilateral and bilateral agreements. Coupled with this is a fully functioning Supreme Court almost all the year around, it is expected that law suits against the Republic will increase.

Apart from the litigation work, the office through the SJBC also provides legal advice to all the Departments in the Public Service. These includes legal opinions, drafting disciplinary charges against public servants, drafting, reviewing and negotiating various legal agreements or instruments to which the Government is or becomes a party to, vetting and finalising Cabinet submissions with legal opinions for the Cabinet, attending meetings, assisting other departments in establishing and implementing legally compliant policies and such other legal work for Government save for criminal law matters.

The Solicitor General also acts as Head of Department in the absence of SJBC.

1.3 Office Director of Public Prosecutions ('ODPP')

At the time of the compiling of this report, the Director of Public Prosecutions was Mr. David Toganivalu whose term ended on 22 September 2017. Mr. John Rabuku assumed the role of the DPP on 25 September 2017. There are three (3) Public Prosecutors as well as a Pleader and Police Prosecutor in the ODPP.

The Director of Public Prosecutions Office is charged with the prosecution of Criminal Cases with its principal duties being:-

- to institute and conduct prosecutions, both summary and indictable;
- to institute and respond to appeals;
- to assist the coroner in inquests and inquiries;
- to restrain and confiscate assets used in, or derived from, the commission of criminal offences; and
- to provide advice to the police and other investigative agencies.

In each case which the ODPP reviews, it considers whether there is sufficient evidence and if so whether the public interest requires a prosecution.

Mr. Kristian Aingimea, Mr. Filimoni Lacanivalu, Ms. Laisani Tabuakuro and Ms. Salote Tagivakatini are staff members of ODPP.

1.4 Public Legal Defender

The Public Legal Defender's Office was established to widen access to justice by promoting equality before the law, the right to counsel and the right to a fair trial.

The Office commenced operations in 2009 vide a Policy decision by Government and continued operations under that policy until 12 May 2016. On 12 May 2016 the Public Legal Defender's Office became a creature of statute when the office was created under the *Criminal Procedure (Amendment) Act 2016*. The provisions in that Amendment Act created the Public Legal Defender's Office and its functions are to provide legal aid, advice and assistance to persons:-

- in need who may be charged or have been charged with a criminal offence; or
- who need such aid, advice and assistance in respect of legal proceedings under any other Act; or
- subject to the availability of resources and staffing, when requested to do so by the Supreme Court or the District Court.

The Director may, after consultation with the Secretary for JBC, establish guidelines setting out eligibility criteria for receiving legal aid, advice or assistance. The above provisions provide the legal basis of the operations of Public Legal Defender's Office a matter which has been queried on a number of occasions.

Currently, the Office provides legal assistance in family and criminal matters. The Office of the Public Legal Defender represents Nauruans, Non Nauruans, Asylum Seekers and Refugees.

The current Director of Legal Aid is Mr. Sevuloni Valenitabua. Mr. Valenitabua is assisted by a Legal Officer, Mr Ravuanimasei Tagivakatini and Pleader, Mr. Knox Tolenoa.

1.5 Legislative Drafting

The Principal Legislative Drafter is Ms. Kerryn Kwan who reports directly to SJBC.

The Section is tasked with the following duties and responsibilities:

- Drafting of legislation and other statutory instruments;
- Drafting of all documents linked with legislation and statutory instruments including cabinet submissions, explanatory memorandum, and second reading speeches for the Members of Cabinet;
- Administration of Ronlaw (www.ronlaw.gov.nr) which is the electronic archive of all legislation, statutory instruments, gazettes and court decisions of Nauru;
- Nominee of the Secretary for Justice for various committees;
- Attendance at meetings, workshops and conferences on behalf of the Secretary for Justice;
- Provision of legal advice for the Secretary for Justice, other legal staff and agencies of Government;
- Any other work delegated to the section by the Secretary for Justice.

The Legislative Drafting Section is currently staffed by the Principal Government Lawyer and two Legal Drafters, Ms. Selai Nasiga and Ms. Mele Lemaki.

1.6 Human Rights and Gender

The post of the Human Rights & Gender Officer within DJBC is currently vacant. The primary focus of this post is human rights compliance and reporting.

Whilst the submission of overdue country reports under various international conventions to which Nauru is a party have been submitted, follow up of the same is continuing.

Court and Statutory Tribunals and bodies:

Court

The newly appointed Chief Justice of the Republic of Nauru is Justice Filimone Jitoko who was the former Registrar of the Court.

The hierarchy of Courts in Nauru is as follows:-

- (a) High Court of Australia;
- (b) Supreme Court of Nauru;
- (c) District Court of Nauru; and
- (d) Family Court of Nauru.

The Registrar of the Court which has been vacant since the elevation of the current Chief Justice is the administrative head of the Judiciary. He performs various judicial functions such as the Master, Registrar, Taxing Master and Keeper of the Records of the High Court of Justice and also acts as the Magistrate in the absence of the Magistrate. The position of Registrar of the Court was left vacant after the elevation of the former Registrar to Chief Justice.

(a) High Court of Australia

An amendment to the *Appeals Act 1972* in 1974, prescribed that a decision of the Supreme Court of Nauru was appealable to the High Court of Australia.

Pursuant to S44 of the Act an appeal shall be made to the High Court:

- (i) Against any final judgment, decree or order of the Supreme Court in any cause or matter, not being a criminal proceeding or an appeal from any other Court or tribunal;
- (ii) With the leave of the trial judge or the High Court, against any judgment, decree or order, not being a final judgment, decree or order, of the Supreme Court in any cause or matter, not being a criminal proceeding or an appeal from any other Court or tribunal; and
- (iii) With the leave of the High Court, against any judgment, decree or order of the Supreme Court in the exercise of its appellate jurisdiction under Part III of this Act or under any other written law.

Appeals to the High Court of Australia are excluded in the following matters:

- (i) where the appeal involves the interpretation or effect of the Constitution;
- (ii) in respect of the determination by the Supreme Court of a question concerning the right of a person to be, or to remain, a member of the Parliament;
- (iii) in respect of a judgment, decree or order given or made by consent;
- (iv) in respect of a judgment, decree or order given or made by the Supreme Court upon an appeal from the Nauru Lands Committee or any successor to that Committee that performs the functions performed by the Committee immediately prior to the date on which this Part of this Act came into force;
- (v) from an order allowing an extension of time for appealing from a decision;
- (vi) from an order of a judge giving unconditional leave to defend an action;
- (vii) from the decision of the Supreme Court or of any judge thereof where it is provided by any written law that such decision is to be final; or
- (viii) from an order absolute for the dissolution or nullity of marriage in respect of any party who, having had time and opportunity to appeal from the decree nisi on which the order was founded has not appealed from that decree.

(b) Jurisdiction of the Supreme Court

The Supreme Court is the Highest Appellate Court of Nauru. It is vested with:-

- (i) Original Jurisdiction to hear criminal and civil matters.
- (ii) Supervisory Jurisdiction of all administrative decisions made by public bodies
- (iii) Appeals from the District Court
- (iv) Appeals from the Nauru lands Committee
- (v) Appeals from the decisions of Public Service Disciplinary Committee decisions
- (vi) Appeals from the Refugee Status Determination Tribunal under the *Refugee Convention Act 2012*
- (vii) Appeals provided for under any written law
- (viii) Power to determine all Constitutional matters and interpretation thereof.
- (ix) The Jurisdiction to sit as the Court of Disputed Returns.

(c) District Court

The jurisdiction of the District Court in civil matters is prescribed by section 21 of the Courts Act 1972 and, which is to hear and determine any cause founded on contract or on tort where the debt, demand or charge, or value of the chattels, claimed is not more than three thousand dollars. The criminal law jurisdictions are prescribed as well under the *Courts Act 1972*, *Crimes Act 2016* and *Criminal Procedure Act 1972* and amendments thereto.

The District Court is presided over by the Resident Magistrate, who is a qualified lawyer. Mr. Penijamini Lomaloma is currently the Resident Magistrate. However the law also provides for the appointment of lay Magistrates

A person can only be appointed as a lay magistrate if he or she he possesses the professional qualifications to be admitted to practice as a Pleader in the Courts of the Republic. The jurisdiction of lay Magistrates is prescribed and limited to traffic, minor misdemeanors and family court composition.

(d) Family Court

Nauru's family Court was established under the Family Court Act 1973. The Family Court has jurisdiction, powers and authorities conferred on it by the Family Court Act 1973, the Maintenance Ordinance 1959-1967, by the Adoption of Children Ordinance 1965-1967 and by any other written law.

The Family Court in Nauru sits as a panel comprising of the Resident Magistrate and two or three members who are not public office holders. The Resident magistrate is the Chairperson of the Court.

Tribunal and Statutory bodies

There are various decision making bodies established under various statutes but the major ones are:-

(a) Nauru Lands Committee

Nauru Lands Committee ('NLC') is statutory committee of seven members appointed under the Nauru Lands Committee Act 1956. Five members make the NLC's quorum.

The Committee's jurisdiction is prescribed by the Nauru Lands Committee Act 1956. It has the original jurisdiction to hear all land claims and disputes. In 2012 it was given additional jurisdiction to deal with all the personality estates of a deceased person as well. This jurisdiction was initially vested to the Supreme Court. The Curator was responsible for obtaining necessary administration order from the Court and acted as trustee of the respective Estates.

Now upon the death of the person the Nauru Lands Committee decides the beneficiaries of the deceased person and their respective benefits both in real and personal properties.

(b) Refugee Status Review Tribunal

The Refugee Status Review Tribunal (RSRT) is established pursuant to Section 11 of the Refugees Convention Act 2012. The RSRT consists of a Principal Member, 2 Deputy Principal Members and such number of other members which may be appointed. The members of the Tribunal must be appointed by Cabinet in consultation with the Chief Justice; (section 13(1)).

A person is eligible for appointment as the Principal Member or as a Deputy Principal Member only if the person is qualified to be appointed a judge of the Supreme Court (section 13(2)). The functions and duties of the Tribunal is provided for in the Act. Its primary role is to determine whether an asylum seeker may be granted refugee status or not.

(c) Refugee Status Appeals Tribunal

Any appeal from the decision of the RSRT is appealable to the Supreme Court. The Appeal is limited to on a "point of law". Presently there are over 100 appeals pending in the Supreme Court. Generally the appeals from Asylum seekers whose applications are to be determined is declined by RSRT.

(d) Public Service Disciplinary Committee

The enactment of the Public Service Act 2016 abolished all disciplinary proceedings to be considered by the Chief Secretary alone. The Public Service Disciplinary Committee (PSDC) comprises of Chief Secretary, Secretary for Justice and another Head of Department.

All serious misconduct matters relating to breaches of public service code of conduct is now heard and determined by this Committee. The committee brings in greater transparency and rigorous compliance of natural justice before finding of guilt and determination of penalty.

(e) Public Service Appeals Board

This Board is established by the Constitution of Nauru. The Board consists of the Chief Justice and two other lay persons who cannot be public office holders. The Board used to hear all appeals from the Chief Secretary's decisions. After the coming in effect of the Public Service Act 2016, it will now hear appeals from the Public Service Disciplinary Committee ('PSDC').

The new Act has broadened the Board's powers to determine appeals from the PSDC. The Board now has powers to determine compensation in case of unlawful or unfair termination or demotion of public servants.

2. Major law and justice sector achievements

2.1 Department of the Year Award

The Nauru Public Service organizes an annual Public Service day to raise public awareness on the various roles of each department. It is also a time to recognize the work and achievements of government departments throughout the working year.

The Department of Justice and Border Control incontestably retained the Department of the year award for three (3) years in a row at the 2017 Public Service Day.

3. Significant court decisions

There have been a number of significant court sentencing decisions under the new Crimes Act 2016.

(a) Establishing Sentencing Guidelines (tariff)

Criminal Case No. CF 01/2017 The Republic v Kennedy Olsson, was the first *Digital Rape* charge under the new Crimes Act (previously the offence of *Indecent Act*) and the first time a charge of *Deprivation of Liberty* appeared in the Supreme Court.

Accordingly, the Supreme Court set the sentencing tariff for *Digital Rape* to range from 12 years to 18 years as appropriate; and 3 years to 7 years for *Deprivation of Liberty*. Kennedy Olsson was ultimately sentenced to 12 years and 3 months.

See *Republic v. Kennedy Olsson – Supreme Court Criminal Case No. 01 of 2017*.

(b) Appeal to the High Court of Australia

In the matter of Republic v John Jeremiah; Josh Kepae; Job Cecil, the accused persons pleaded Guilty to 1 count of *Unlawful Assembly* contrary to s.61 of the Criminal Code 1889 and 1 count of *Disturbing the Legislature* contrary to s.56(2) of the Criminal Code 1889.

The Magistrate sentenced John Jeremiah to 3 months imprisonment, Josh Kepae to 6 months imprisonment and Job Cecil to 3 months imprisonment terms. The DPP appealed the sentence to the Supreme Court and the sentences were increased as follows:

- (1) John Jeremiah - 3 months increased to 18 months;
- (2) Josh Kepae - 6 months increased to 22 months;
- (3) Job Cecil - 3 months increased to 14 months.

The Defence lawyers then made an application to stay the sentence and asked that their clients be bailed. However, the then Acting Chief Justice, Justice Khan refused the application and asked them to file a proper application to be heard and argued.

The Defence Lawyers appealed the matter to the High Court of Australia, where the matter is currently listed to be called on 20 October 2017 for arguments on leave to appeal.

See *Republic v. John Jeremiah; Josh Kepae; Job Cecil – District Criminal Case Nos. 20, 21, 22, 24 of 2015*.

(c) Whether the accused exhibited the necessary recklessness so as to involve grave moral guilt and convict him of manslaughter.

In the matter of Republic v Rosen Ribauw [Cr: 51/16], the Defendant pleaded Guilty to the offence of *Dangerous Driving* and was found Guilty after trial of 4 offences: 2 counts of *Manslaughter* and 2 counts of *Grievous Bodily Harm*.

The maximum penalties for these offences are as follows:

- *Dangerous Driving*, contrary to s.67(1) Motor Traffic Act 2014 – suspension of driver’s licence for a period of 1 year and (a) a fine of \$1000; or (b) imprisonment for 6 months; or (c) both a fine and imprisonment;
- *Manslaughter*, contrary to ss.303 and 310 of the Criminal Code 1899 – imprisonment with hard labour for life;

- *Grievous Bodily Harm*, contrary to s.320 of the Criminal Code 1899 – imprisonment with hard labour for seven years.

This case made a determination on whether the degree of negligence in the dangerous driving charge which caused the death of 2 people could amount to a case of manslaughter. These contentious issues arose due to the limited provisions in the Criminal Code 1889 (now repealed) which was addressed by the Supreme Court when it held:-

“I am satisfied so that I am sure that the prosecution have proven the case beyond reasonable doubt. The degree of negligence exhibited overall by the accused in the reckless manner of the accused’s driving satisfies the high degree required for it to constitute criminal negligence for the offences of manslaughter of Drexler Eobob (also known as He-Anka) and Berlasha Dabwido.”

See Republic v. Rosen Ribauw – Supreme Court Criminal Case No. 51 of 2016.

4. Significant legal reform

There is tremendous efforts by Government to update and introduce laws that are necessary to reflect today’s modern and changing world. This exercise saw the following laws enacted in 2017:

1. Asylum Seekers (Regional Processing Centre) (Amendment) Act 2017

The Asylum Seekers (Regional Processing Centre) Act 2012 was amended to allow the Secretary for Multicultural Affairs to assume responsibilities that had previously been delegated to the Secretary for Justice and Border Control relating to asylum seekers in Nauru.

2. Business Licenses Act 2017

This Act repeals the Business Licenses Act 2011.

It was necessary for the Business Licenses Act 2011 to be repealed as it was restrictive and did not capture all types of revenue generating activities in Nauru. A number of business activities did fall within the scope of *‘prescribed business activities’* and this effectively allowed for other businesses not on the list of prescribed businesses to operate without a business licence.

The Business Licenses Act 2017 requires all businesses in Nauru to hold a business licence in order to operate.

The Act requires business owners to be compliant with provisions of the Act and failure to comply may result in fines or penalties.

3. Courts (Amendment) Act 2017

The Act makes amendment to the Courts Act 1972. This amendment increases the number of resident magistrates for the District Court from 1 to 2. The increase in the number of resident magistrates will improve the effective administration of justice in relation to both civil and criminal causes in the District Court. This ensures the efficient delivery of service from the courts to the people.

4. Domestic Violence and Family Protection Act 2017

This Act makes comprehensive provision for issues related to the rights, protection and welfare of the more vulnerable group of women and children in accordance with the principles and provisions of the UN Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

The Act will ensure that the laws of the Republic will be applied in the best interests of victims of domestic violence offences and strengthens the Republic's international standing in the way it treats and protects its women and children.

5. Derelict Sites Management Act 2017

The Act makes provision for the identification, control, removal and disposal of derelict sites which are abandoned and problem buildings and vehicles in Nauru.

The essential elements of this Act are:

- the identification of dilapidated, abandoned and problem buildings and vehicles within the Republic;
- notices to be served on responsible persons to remove or do something about the derelict site;
- the removal at the cost of the responsible persons of the derelict site;
- the recovery of the cost of dealing with derelict sites from the responsible persons where the Department takes necessary action;
- the appointment and powers of authorized officers; and
- enforcement and compliance related issues.

6. Electoral (Amendment) Act 2017

Previously, the method of counting votes for a by-election was different from the method of counting votes for a general election. The amendment to the Electoral Act 2016 allows the method of counting votes for a by-election to mirror the method of counting votes for a general election, which ensures consistency in methods.

7. Fisheries (Amendment) Act 2017

The Fisheries Act 1997 was amended to set out the procedures and registration requirements for foreign fishing vessels and imposes an obligation on vessel operators before applying to register their vessel as a Nauru flagged vessel.

This amendment also ensures the management and protection of the marine environment within Nauru's EEZ which requires preventative measures to be put in place by any vessel to control environmental pollution.

New maximum penalties have been included to match the severity of the offences under the Act.

The changes to the Act enhanced compliance and protection mechanisms. It also provides for regulatory requirements that are clear and consistent.

The amendments clarified the powers of the Chief Executive Officer when granting, suspending or cancelling permits licence and authorisations for fishing or fishing related activities in and beyond Nauru waters by national and foreign fishing vessels.

8. Mentally Disordered Persons (Amendment) No. 2 Act 2017

The purpose of this amendment is to ensure that the rights of mentally-disordered persons are protected upon arrest, search and seizure of items. This also includes the right to be explained everything that concerns their mental well-being, respecting their cultural identity, obtaining independent psychiatric advice and obtaining legal advice.

The amendment allows the Magistrate to conduct his or her interview of the person outside of the Court House, as it may be unhealthy for the person's mental health. The channel of communication between the Magistrate and health officials is encouraged, thereby paving the way for a clear and proper assessment on the person. If a person is dissatisfied with the Magistrate's decision to further detain them in a health institution, they can appeal to the Supreme Court in writing.

9. Nauru Fibre Cable Corporation Act 2017

This Act established the Nauru Fibre Cable Corporation and allows the Corporation to function independently while allowing for necessary oversight by the Cabinet to ensure the Corporation's sustainable financial performance and maximised viability in relation to the provision of international internet services in Nauru.

The core elements of the Act are to:

- Ensure that efficient international internet services are provided by the Nauru Fibre Cable Corporation;
- Enable the Corporation to operate efficiently and independently while allowing for necessary oversight by the Cabinet to ensure the Corporation is financially viable and performs its functions fully and effectively to maximise the benefits to its customers; and
- Ensure the powers and functions of the Corporation are exercised and performed according to best practices and industry standards.

10. National Heritage Act 2017

The National Heritage Act 2017 repealed the Antiquities Act 1935. This legislation enables and encourages Nauruans to nurture and conserve their legacy so that it may be handed down to future generations.

This Act also allows the establishment of an Office of the Director of National Heritage which will be responsible in coordinating the identification and management of heritage sites and objects, including the full administration of the Act.

Key components of the Act are:

- The establishment of the Office of the Director of National Heritage;
- The protection of areas of objects of heritage significance;
- The vesting of the property in objects of heritage significance in the Republic;
- The declaration of an amnesty period for people to return objects of significant cultural, national, historical importance or natural interest to the Republic; and
- The ban on the export of these objects.

11. Nauru (RPC) Corporation Act 2017

This Act establishes the Nauru (RPC) Corporation to be the authority able to engage services necessary to implement the Memorandum of Understanding between Nauru and Australia relating to the transfer and assessment of persons in Nauru.

This Act encourages capacity building by aiming to provide for the engagement of local subcontractors and employees and promoting value for money.

The measures required under the Act will ensure accountability and transparency by the Corporation relating to its operation and activities.

12. Nauru (RPC) Corporation (Amendment) Act 2017

This amendment was made to empower the Secretary for Multicultural Affairs to either execute contracts as required under section 16(1) of the *Asylum Seekers (Regional Processing Centre) Act 2012*, or, to “endorse” a contract under the Act where the Republic may not be a party. In such cases, the Secretary must endorse the contract.

13. Public Service (Amendment) Act 2017

The amendment to the Public Service Act 2016 allows public service employees to take leave of absence in order to attend court proceedings as a witness without having to use their annual leave entitlements.

14. RONPHOS (Amendment) Act 2017

The amendment to the RONPHOS Act 2005 changes the number of quorum meeting of the Board from 5 directors to 3.

15. Shipping Registration (Amendment) Act 2017

This Act is an amendment to the Shipping Registration Act of 1968.

This Act introduces a scheme for the establishment of an open ship registry. This is the licensing of foreign vessels under the Nauruan flag and which is to be administered by a Foreign Vessel Administrator or Registrar of Foreign Vessels. The foreign ship administrator is to be appointed by the Cabinet on the recommendation of the Minister. Nauru will consequently become a Flag State.

Major legislation to be drafted or vetted by section: Schedule for remainder of 2017

- **Consolidation of Laws;**
- **Ozone Depleting Substance Act and**
- **Review of Nauru Police Act – continuation from 2015.**

5. PILON Legal Policy Agenda – Update

(a) Cybercrime

- The enactment of the Cybercrime Act 2015 and the subsequent establishment of the Cybercrime Task Force in Nauru instigated the setting up of the Cybercrime Unit within the Nauru Police Force (NPF).
- Several cases have been prosecuted under the Cybercrime Act 2015 with 3 convictions to date.

See Republic v. KK – District Court Criminal Case No. 20 of 2016 – ;

See Republic v. CD – Supreme Court Criminal Case No. 09 of 2017;

See Republic v. Kennedy Olsson – Supreme Court Criminal Case No. 01 of 2017.

(b) Environmental Crime & Corruption Working Group Workshop – 21 – 24 August, Nadi

- The Workshop was chaired by Mr. Graham Leung, Nauru’s Secretary for Justice and Border Control.
- It was attended by other members of the Working Group including David James – Solicitor General, Cook Islands, Ronald Talasasa, Director Public Prosecution Office, Solomon Islands, Johnston Asher, Assistant Attorney General, FSM and Eric Iban Chief Civil Division, Attorney Generals Department, RMI.
- Resource persons included Janine McFarlane – Senior Legal Officer, AGD Canberra, Mihaela Stojkoska – Anti-Corruption Specialist, UNDP Pacific Office, Fiji, Jon Fraenkel – Professor of Comparative Politics, Victoria University, Howard Whitton- Founding Director, Ethicos Group Pty Ltd and Sasae Walter – Coordinator, PILON.
- The principal objective of the Nadi Workshop was to consider and propose concise and clear elements or guidelines which will form an integral part of drafting instructions to legislative drafts persons, should individual PILON member countries wish to consider adopting whistle-blower legislation.
- The Chairman of the Working Group will give a summary report of the outcomes of the Workshop at the Majuro meeting of PILON.

(c) Sexual & Gender Based Violence (SGBV)

- The DPP's Office in Nauru is a member of the PILON Sexual & Gender Based Violence Working Group which has recently developed a General Principles for Obtaining the Best Evidence from Vulnerable Witnesses to Sexual and Gender Based Violence Offences.
- This draft guideline is intended to provide a best practice document for prosecutors and courts in PILON Member Countries (PMCs) relating to the treatment of child and other vulnerable victims or witnesses of SGBV offences.
- These General Principles draw upon the principles set out in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime¹. They identify broad concepts that underpin best practice policies and procedures for protecting the interests of vulnerable witnesses of SGBV offences during criminal proceedings.
- Nauru has been actively involved in the discussions and contributions to the guideline.

6. Legislative framework(s) for criminal deportees

Nauru has no specific legislation for notice of criminal deportees to be made between countries, criminal histories of deportees to be disclosed to receiving countries, parole requirements or support services. Anything of this nature is either done through informal channels with our counterparts from other Pacific Island countries.

7. Legislative framework(s) for receiving evidence from expert witnesses

Expert witnesses' evidence in Nauru is admissible and there is no specific legislative framework that guides this area. Most of the expert evidence relied upon by prosecution is that of Doctors from the hospital who come to give testimonies on injuries or causes of death cases.

8. Significant issues affecting the law and justice sector, and options to address these issues

There are currently no local lawyers employed in the Department of Justice and Border Control. There is every intention to promote and prioritize law studies for Nauruans at regional and international universities to address this lacuna. Currently there are 5 Nauruan law students at the region's University of the South Pacific as well as other international universities.

¹ UN ECOSOC Resolution 2005/20

9. Technical legal assistance

There has always been significant technical legal assistance from either regional and international development partners or the Government of Australia in Nauru. Recently there is an increased involvement of DJBC as a check and balance mechanism. The involvement of DJBC occurs for numerous reasons, but primarily it is in the area of context, applicability, legality and enforcement.

10. Summary of relevant training attended by officers

Date of training	Name of training	Where the training was held and what organisation hosted the training	Who attended the training (name of officer/s and agency)
23 – 25 May 2017	PILON Cybercrime Workshop	Nukualofa, Tonga	Kristian Aingimea
12 – 14 June 2017	Regional Training Workshop for Anti-Corruption for Investigators and Prosecutors	Nadi, Fiji	Raynor Tom
26 – 28 June 2017	Regional Prosecutors and MCS Advisors Training	Honiara, Solomon Islands	Raynor Tom

11. Summary of major regional meetings attended

Date of meeting	Name of meeting	Where the meeting was held	Who attended the meeting (name of officer/s and agency)
1 st September to 2 nd September 2017	Annual Fiji Law Society in Fiji	Fiji	Graham Leung
21 st August to 25 th August	Environmental Crime and Corruption under the	Fiji	Graham Leung

	Auspices on PILON		
31 st July to 18 th August	International Seabed Authority in Jamaica	Jamaica	Graham Leung
15 th to 16 th June 2017	PILON Executive Committee Meeting in Samoa	Samoa	Graham Leung
14 th May 2017 to 18 th May 2017	UNCAC in Saudi Arabia	Saudi Arabia	Graham Leung
23 rd – 25 th August 2017	Pacific Technical Drafter Forum	Tonga	Selai Nasiga
09 th – 10 th Dec 2016	AG's Chambers Conference	Fiji	Sevuloni Valenitabua

12. Key contact information for law and justice agencies

Name of Agency	Contact person and position	Contact phone number and email
Department of Justice and Border Control	Graham Leung Secretary	+674 5573022 ovalaublue@gmail.com
Department of Justice and Border Control	Jay Udit Solicitor General	+674 557 3505 Jay.Udit@naurugov.nr jjjudit4@gmail.com
Department of Justice and Border Control	John Rabuku Director of Public Prosecutions	+674 557 3889 john.rabuku@naurugov.nr johnrabuku@gmail.com
Department of Justice and Border Control	Sevuloni Valenitabua Director Legal Aid	+674 5543314 svalenitabua@gmail.com
Department of Justice and Border Control	Kerryn Kwan Principal Government Drafter	+674 557 2940 kkwan.mfla@gmail.com
Department of Justice and Border Control	Rajeev Keerthiyil Director Immigration	+674 5572968 Rajeev.Keerthiyil@naurugov.nr
Department of Justice and Border Control	Amy Tsitsi A/Director Quarantine	+674 5579244 Amy.Tsitsi@naurugov.nr
Department of Justice and Border Control	Jeza Uepa Chief Corrections Officer	+674 5573518 Jeza.Uepa@naurugov.nr Jezauepa.corrections@gmail.com
Department of Justice and Border Control	Ruby Amram Passports Section	+674 5564123 Ruby.Amram@naurugov.fj

13. Regional and international organisations currently working on projects in your country

Name of organisation	Contact person and contact details (phone number/email)	Project type
Australian Attorney General's Department	Louise Bartholomew louise.bartholomew@ag.gov.au Luke Muffett luke.muffett@ag.gov.au	Legislative Review and legislative drafting.