

Friday, 20 December 2019

Law Council calls for Australian Government to intervene to support ‘Nauru 19’

The Law Council of Australia has called on the Australian Government to urgently seek pardons for the MPs and their supporters known as the Nauru 19.

Law Council President, Arthur Moses SC, said the sentencing in Nauru on Thursday of twelve of the Nauru 19 was a blow to the democratic ambitions and institutions on Nauru.

“The conviction and sentencing of the Nauru 19 has been an affront to the rule of law. It is a stain on their justice system,” Mr Moses SC said.

“This brings into disrepute the administration of justice and there is no doubt that in the circumstances of this case that the Nauru Government has denied these individuals the right to a fair trial.”

“There is no doubt that the sovereignty of Nauru has to be respected, but that does not mean that Australia, as a leader in the Pacific walks away from its role in placing a country such as Nauru under scrutiny when it violates each international obligations in relation to the protection of the right of a citizen to a fair trial and the right to legal representation.”

In June 2015, 19 Nauru opposition MPs and their supporters – known as the Nauru 19 – were charged after a protest outside Nauru’s parliament on budget day. Last year, former Australian judge Geoffrey Muecke granted a permanent stay in the proceedings finding the defendants were being persecuted, denied a fair trial, denied legal representation and deprived of work and resources under a government "blacklist".

But he was then sacked by the Nauru Government and his decision overturned by the newly created Nauruan Court of Appeal. In a trial before former Fijian Chief Justice Daniel Fatiaki the Nauru 19 were last month found guilty.

The leader of the Nauru 19 and former President Sprent Dabwido died earlier this year after it was reported that he was denied medical treatment on Nauru for a very treatable cancer.

Mr Moses SC called upon the Australian Government to intervene.

“As a significant aid donor to Nauru and a leader in the Pacific, the Australian Government has a moral responsibility to condemn the manner in which this trial was conducted. The Morrison Government should request the President of Nauru, Lionel Aingimea, immediately pardon those sentenced yesterday,” Mr Moses SC said.

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