

30 January 2014

His Excellency President Baron Waqa, MP  
President of the Republic of Nauru

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Our ref 21000325/16: BD

Dear Excellency

### **Rule of law and the administration of justice in the Republic of Nauru**

The Queensland Law Society is Queensland's peak legal body representing the solicitors of the State.

The Society is deeply concerned over media reporting that the Nauru Government has deported and terminated the employment of magistrate, Mr Peter Law, and revoked the visa of Chief Justice, the Honourable Geoffrey M Eames AM QC, denying his re-entry to the Republic of Nauru and effectively preventing him from discharging his duties. We are also concerned following reports that the order of the Chief Justice injunctioning the deportation of Magistrate Law was not followed.

The Society makes no comment as to the reasons for the decisions made concerning the Chief Justice and Magistrate Law, however we share the views of the Law Council of Australia in being deeply troubled at the lack of due process afforded to judicial officers and the implications of these actions for the independence of the judiciary and the protection and promotion of the rule of law in the Republic of Nauru.

With respect to the issue of judicial independence, the Society notes the internationally agreed United Nations Basic Principles on the Independence of the Judiciary ("Basic Principles"). As a Member State of the United Nations, the Society respectfully notes that the Republic of Nauru is bound to adhere to these Basic Principles, which were formulated to assist States in their task of securing and promoting the independence of the judiciary. The Basic Principles

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ensure that judges are respected by governments within the framework of their national legislation and practice.

The Society notes in particular that the Basic Principles provide, inter alia:

1. *The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.*
17. *A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential, unless otherwise requested by the judge.*
18. *Judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.*
19. *All disciplinary, suspension or removal proceedings shall be determined in accordance with established standards of judicial conduct.*

The Queensland Law Society respectfully urges the Nauru Government to recognise the importance of adherence to the Basic Principles and to ensure that due process is followed in relation to the actions taken concerning the Chief Justice and Magistrate Law.

Yours faithfully,

Ian Brown  
**President**