



IN THE SUPREME COURT OF NAURU

AT YAREN

APPEAL NO 62 OF 2014

Being an appeal against a decision of Nauru Refugee Status
Review Tribunal brought pursuant to s43 of the Refugees
Convention Act 2012

BETWEEN

1-WCTGXR

APPELLANT

AND

REPUBLIC OF NAURU

RESPONDENT

Before: Khan, J

Date of Hearing: 12 May 2016

Date of Judgement: 12 May 2016

Case may be cited as: 1- WCTGXR v Republic

CATCHWORDS:

Appellant did not attend court despite served with notice to attend court. Appeal dismissed under Order 30 r 2 - decision of the Tribunal affirmed under section 44 of Refugees Convention Act 2012

APPEARANCES:

Counsel for the Appellant: Miss B Alexander
Counsel for the Respondent: Mr R O'Shannessy

JUDGEMENT

1. The appellant is a citizen of Cameroon and he arrived in Australia in 2013 and was later transferred to Nauru. He attended an RSD interview on 13 January 2014.

2. On 17 May 2014 the Secretary found that the appellant was not a refugee within the ambit of the Refugee Convention Act 2012 (Act) and nor was he owed a complementary protection under the Act.
3. The appellant made an application for review to the Refugee Status Review Tribunal (the Tribunal) and the Tribunal on 26 September 2014 affirmed the determination of the Secretary that the appellant is not recognised as a refugee and is not owed complementary protection under the Act.

APPEAL:

4. The appellant filed a notice of appeal on 13 November 2014 against the decision of the Tribunal pursuant to s43(1) of the Act which reads as follows:

“Jurisdiction of the Supreme Court:

- 1) A person who, by a decision of the Tribunal, is not recognised as a refugee may appeal to the Supreme Court against the decision on a point of law.”

5. This matter was set down for hearing on 12 May 2016 and the appellant was served with a notice to attend Court. He did not attend Court.
6. Mr O’Shannessy made an application that the appeal be dismissed pursuant to Order 30 Rule 1(a) of the Civil Procedure Rules 1972 (CPR 1972). He further submitted that the respondent had filed written submissions and the appellant had not filed any documents except the grounds of appeal.
7. Miss Alexander was not able to assist the court as she only appeared as a friend of the court to assist the appellant in the facilitation of the appeal.
8. Mr O’Shannessy then called upon the appellant to proceed with the appeal and relied on his written submissions.
9. As the appellant did not attend Court and Miss Alexander had only limited instructions the appeal could not proceed and I having considered the respondent’s written submissions dismissed the appeal under Order 30 Rule 2 of the CPR 1972 and under s44 (1(a)) of the Act and affirmed the Tribunal’s decision.

DATED this 12 day of May 2016


Mohammed Shafiullah Khan
Judge

