



**IN THE SUPREME COURT OF NAURU  
AT YAREN  
[CRIMINAL JURISDICTION]**

**Criminal Case No. 09 of 2025**

**BETWEEN:** REPUBLIC

**PROSECUTION**

**AND:** HUBERT HUBERT

**ACCUSED**

**BEFORE:** Keteca J

**Date of Hearing:** 22<sup>nd</sup> September 2025

**Date of Ruling:** 06<sup>th</sup> October 2025

**Case may be cited as:** R v Hubert Hubert

**Catchwords:** Application for Bail.

**Appearances:**

Counsel for the Prosecution: **M. Suifa'asia**

Counsel for the Accused: **J. Olsson**

**RULING**

**BACKGROUND**

1. The accused is charged with:
  - i. Causing Harm to Police Officer contrary to Section 77(a)(b)(c)(ii) of the Crimes Act 2016;
  - ii. Dangerous Driving contrary to Section 67(1) of the Motor Traffic Act 2014.

2. The accused has applied for bail under Section 15 of the Bail Act 2018 ( the Act). He relies on the affidavit of Deiga Lawry Agir, who states:
  - He is the owner of LRA Security Services of Aiwo District. The accused is his neighbor.
  - The accused's father works in Australia under the Palm Scheme and his mother lives with her new partner.
  - Since the accused was remanded, his mother has returned home to look after her youngest daughter.
  - The accused finished school last year and is employed with LRA Security Services.

### **SUBMISSIONS for the ACCUSED**

3. Ms Olsson submits that there are exceptional circumstances here that warrant that the accused be released on bail.

### **PROSECUTION**

4. Ms Suifa'asia submits the following:
  - The accused has spent over 3 months in remand.
  - He does not have to show the exceptional circumstances under Section 4B(1) as his trial will not be held within 3 months as in Section 4B(5). The trial date has been fixed for 22<sup>nd</sup>- 23<sup>rd</sup> Dec 25.
  - *Temaki v Republic* [2020] NRSC 49 is relevant here.
  - The present application lacks the requirements under Section 18(1) of the Act.
  - The supporting affidavit of Deiga Agir falls short in meeting the above factors.

### **CONSIDERATION**

5. The entitlement to bail for every accused is provided under Section 4 of the Act. Section 4B (5) provides that the trial for the accused will commence more than 3 months from the date the charges were filed in court. The accused does not have to show that there are exceptional circumstances here that justify his bail.
6. Section 17(2) of the Act provides:

*'The primary consideration in deciding whether to grant bail is the likelihood of the accused person appearing in court to answer the charges laid against him or her.'*
7. The trial for the accused is still 3 months away. He has been in remand since 14<sup>th</sup> May 2025, some 5 months ago.
8. Though the application for bail and supporting affidavit could have been better, I find that with provision of sufficient sureties, the application can be perfected to cure the defect.

## ORDERS

9. Application for bail is granted on the following conditions:

- i. The accused is to reside at their family home in Aiwo and is not to change his residential address without the leave of this court.
- ii. He is not to commit another offence whilst on bail.
- iii. He is to report to the Nauru Police Station every Friday between 9am – 4pm until the conclusion of this case.
- iv. He is to appear on every call date of this case.
- v. He is to surrender his passport or any other travel document to the court.
- vi. He will provide two sureties who will ensure that he complies with his bail undertaking.
- vii. He is not to interfere with any witnesses.
- viii. He enters into his own recognizance to abide by the above bail conditions for the sum of \$500.

DATED this 06<sup>th</sup> Day of October, 2025

  
Kiniviliame T. Keteca

Judge

