

THE APPLICATION

3. The application is made pursuant to Section 4 of the Act that ‘every accused person has a right to be released on bail.’ The Applicant relies on his own affidavit sworn on 13th January 2026, and his father’s, sworn on 11th February 26. In his affidavit, the Applicant deposes that:
 - i. He has been in remand for more than 3 months and his trial has not started;
 - ii. He needs to look after his elderly father;
 - iii. He is willing to abide by any bail conditions.
4. The accused’s father, Ruvae Daniel deposes:
 - i. He is 72 years old. He is aware of the charge being faced by the accused. He is aware that the accused will not be able to stay with any of his sisters. None of his relatives are willing to take care of the accused.
 - ii. The accused had looked after him for many years. He is thankful to his granddaughter, Mygretta Daniel and her fiancé for looking after him. He needs the accused to return home.
 - iii. If released on bail, the accused will stay with him and his granddaughter will move elsewhere.
 - iv. He is willing to be the accused’s surety for the sum of \$500. He receives \$500 and the accused \$300 a fortnight as welfare and disability pensions.

RESPONSE BY THE STATE

5. The prosecution objects to bail being granted.
6. Dabouge Daniel, the brother and complainant in the present case deposes that:
 - i. His father informed him that he is willing to look after the accused if bailed.
 - ii. He is concerned about his father’s safety and if released on bail, the ‘same thing may happen again;’ (I take this to mean that the accused may commit another offence)
7. Sgt Jamieson Laan deposes:
 - i. He is the IO for this case. He visited the accused’s father on 15th January 26 who stated that he does not wish the accused to be released as he is being looked after by his granddaughter, Mygretta Daniel and her fiancé’.
 - ii. The accused was convicted of a similar crime in 2025. The present offence was committed when the accused was living with his father.
8. Superintendent Czarist Daniel deposes:
 - i. The accused is her brother. She is aware that their father is willing to look after the accused if released on bail. She is concerned that her father is ‘aged and not physically fit to look after the accused.’
 - ii. The accused is not ‘mentally fit’ to look after their father. She is concerned for the safety of their father.
 - iii. She is concerned for the safety of the community too. **She was previously assaulted by the accused when he stabbed her with a knife.**

- iv. If the accused was to be bailed, she and other family members will not be able to visit her father for their fear of the accused. Even her children fear the accused when he turns up unexpectedly to their family home.

9. In her submissions opposing bail, Counsel contends:

Whereas under Section 17(2) of the Act the primary consideration in bail applications is the likelihood of an offender appearing in court to answer to the charges the accused is facing, the following need to be considered by the court:

- a. The accused's brother and sister object as they fear for the life of their father and the accused himself.
- b. The applicant has a psychological medical history. The medical assessment of Dr Victor Wasson dated 02nd October 2024 is relevant.
- c. The safety of the community needs to be considered.
- d. On the interests of the accused, the trial is fixed for 6-10th July. His continued remand will allow for his clinical monitoring. From the evidence, the accused's father 'is not well enough to assume the responsibility to care for the accused on his own.'
- e. The public interest consideration is persuasive to keep the accused on remand.
- f. The court can also fix an earlier hearing date.

CONSIDERATION

10. I have considered all the evidence and submissions in this case. I also note Dr Wasson's 'Forensic Mental Health Assessment Report' dated 02nd October 2024. This was compiled for a similar case where the accused stabbed the neck of a Chinese woman on Nauru. The report found that in that case, the accused was fit to stand trial. There is a troubling revelation in that report. When the accused was interviewed by Dr Wasson, the Report states- '**He admitted that he intended to kill the Chinese lady and not just harm and disable her.**' The accused was convicted and sentenced for that offence. From the evidence before me, the accused also stabbed his sister, Superintendent Czarist Daniel with a knife. The accused is now facing a similar charge for stabbing his brother on the head with a pair of scissors.
11. Pursuant to Sections 18 and in particular, 19(2)(b) of the Act, I find that 'the interest of the accused will not be served through the granting of bail.' His interest will be served with the continued monitoring of his mental and overall health whilst in remand.
12. I further find that under Section 19(2)(c) of the Act, based on his history of offending, the granting of bail to the accused here would endanger the public interest or make the protection of the community more difficult.'
13. On 14th January 26, I ordered that the Director of Medical Services, RON Hospital arrange for a psychiatric assessment of the accused. This report is yet to be furnished to the court. Any further applications for bail or review of bail is to await the receipt of this mental health assessment report on the accused.

14. The bail application is dismissed.

15. For the accused's continued remand, this matter is to be called before the Registrar on 11th March 2026.

DATED this 26th Day of February 2026


Kiniviliame T. Keteca

The seal of the Supreme Court of Nauru is circular, featuring a central emblem with a sun, a shield, and a banner. The text "SUPREME COURT OF NAURU" is inscribed around the perimeter of the seal, with two stars on either side.