



MS# 1401

20 January 2014

## Joint Media Statement

***The following statement can be attributed to Mr Michael Colbran QC, President of the Law Council of Australia and the Australian Bar Association:***

- The Law Council of Australia and the Australian Bar Association are deeply concerned by media reports that the Nauru Government has deported and terminated the employment of its only magistrate, Mr Peter Law, and denied its Chief Justice, Mr Geoffrey Eames QC, a visa to re-enter the country.
- The Law Council of Australia and the Australian Bar Association are also concerned by reports that the Nauru Government has ignored an injunction issued by Justice Eames which was intended to prevent Mr Law's removal from Nauru.
- While not commenting on the underlying reasons for the actions taken by the Nauru Government, both organisations consider the apparent lack of due process represents a direct affront to fundamental principles underpinning the independence of the judiciary and the rule of law.
- The existence of an independent, impartial and competent judiciary is an essential component of the rule of law. This extends to ensuring the term of office of judges, and their independence and security, are adequately protected by law.
- It has been reported that many court cases will be unable to proceed this week as a result of these actions, including the directions hearings of about 40 asylum seekers who are facing trial in relation to disturbances at Nauru's regional processing centre last year. The Law Council and the Bar Association are both deeply concerned about the impact these actions will have on the continuing administration of justice in Nauru.
- The Australian Government has a responsibility to help ensure that due respect for the rule of law operates within our region, particularly given the arrangements Australia has made with the Nauruan Government regarding the offshore processing of asylum seekers.
- The Australian legal profession has a commitment to monitoring the rule of law in the Region and in drawing any infringements to the attention of the Government and the broader community.
- The Law Council and the Australian Bar Association are watching developments closely and with deep concern.

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