Trial begins over 2015 anti-government protest on Nauru

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The long-delayed trial of a group of activists and former politicians involved in an anti-government protest on Nauru in 2015 began in the country's High Court on November 14. The so-called 'Nauru 19'—now reduced to 15 people—face charges including rioting and disrupting the legislature.

Nauru, a Pacific atoll of just 21 square kilometres with a population of less than 12,000 people, functions as an Australian semi-colony. It has a long history of oppression by the imperialist powers and a legacy of poverty and economic backwardness.

The defendants were last year granted a permanent stay of proceedings by Supreme Court Judge Geoffrey Muecke. Muecke, a retired chief judge of the South Australia District Court, found the trial could not be fair, that the government had thwarted legal representation and was persecuting the defendants. The government had also refused legal aid and placed them on a blacklist, ensuring they would struggle to find work.

The stay was removed in June by the newly established Nauru Court of Appeal after Muecke was sacked and abused in parliament by the former justice minister David Adeang. Newly-appointed Supreme Court Justice Daniel Fatiaki last month rejected another stay application and refused the Nauru 19 leave to appeal his decision.

Two defendants, former MP Squire Jeremiah and his cousin sought asylum in Australia before the government placed a ban on group members travelling overseas. Jeremiah said Nauru's new president Lionel Aingimea had, as junior justice minister in the previous government, been closely involved in the pursuit of the Nauru 19, and was "denying us our political rights and our constitutional rights." Former president Sprent Dabwido, also a Nauru 19 member, sought asylum in Australia earlier this year, before dying of cancer.

The protests in June 2015 erupted outside Nauru's parliament over government corruption, with some 300 people attending. For nearly a year previously there had been no effective opposition, with five MPs suspended before they could take their seats.

The country's then president, Baron Waqa, had sole power to appoint the cabinet from among the parliamentarians. Legal moves by the MPs to regain their seats failed. Mathew Batsiua, one of the excluded MPs, said people were angry at "the absence of checks and balances on government." Waqa responded with increasingly authoritarian measures. These included harsh prison terms for publishing anything that "stirred up political hatred," "caused emotional distress to a person," or was "likely to threaten national defence, public safety, public order, public morality or public health."

Waqa's administration operated from 2013 as a virtual dictatorship, deporting and imprisoning opposition politicians, disciplining the police and judiciary, shutting down social media websites, and criminalising political dissent. The government's treatment of refugees at the Australian-run detention centres frequently came under fire from rights groups.

In the lead-up to the 2018 Pacific Islands Forum (PIF) in Nauru, the government banned Australian journalists entering the country after the Australian Broadcasting Corporation (ABC) aired a program in June 2015, which coincided with the anti-corruption protests in Nauru, and another in 2016. The Nauru government accused the ABC of "blatant interference in Nauru's domestic politics" prior to the 2016 election, and "continued biased and false reporting about our country."

The ABC had alleged that Getax, a large Australian

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phosphate company, funnelled more than half a million dollars in kickbacks to Waqa and other government figures. The ABC also publicised leaked emails it claimed revealed a plot to overthrow the previous Nauru government in 2010. The ABC's reporting reflected concerns by a section of the Australian foreign policy establishment that Waqa's administration might not have been toeing Canberra's line closely enough.

In what was viewed as a vote for change, Waqa lost his seat in the general election held in August. He was replaced as president by Aingimea. In a Radio NZ interview in September, Aingimea defended the previous administration, of which he had been a member, and scotched any suggestion of major policy changes. He repeatedly denied government involvement in the treatment of the Nauru 19.

However, Australian lawyer Stephen Lawrence, who has represented the Nauru 19, told media in Australia and NZ that the rule of law on the island had completely "broken down." Lawrence described the ruling that prevented the group from appealing Justice Fatiaki's decision as "nuts," saying the court was riding roughshod over their rights. He said the Nauru judiciary has no independence, and declared the proceedings to be a "true sham trial" and a "parody of justice."

Lawrence added that Australian lawyers could no longer provide pro bono services, so the defendants now faced a criminal trial without their own legal representation. Their sole legal representative is the court-appointed public defender and they continue to be denied legal aid.

The Law Societies in NZ and Australia have previously called for action against Nauru. In 2015, legal academics in New Zealand published an open letter demanding the then National Party government take a "more forceful" approach and remove aid from Nauru's justice sector. NZ Foreign Minister Murray McCully suspended $NZ1.2 million ($US0.76 million) in aid, citing concerns around "civil rights abuses and the rule of law." It has since been restored.

Australia's then foreign minister Julie Bishop said in September 2015 that Nauru's legal processes were "progressing and judicial processes are being followed" and Canberra's assistance was "not under threat." Bishop defended the Waqa administration, insisting that its affairs were "domestic matters" that she discussed "confidentially" with the president.

Both regional powers are determined to maintain their geo-strategic dominance across the South Pacific and lock out rivals, above all China. Nauru is strategically situated adjacent to the US-controlled Marshall Islands, an American missile testing ground. It is one of the few countries in the world that continues to recognise Taiwan and has no diplomatic relations with China.

For nearly a decade from 2005, Australian governments ran a so-called Pacific Regional Assistance for Nauru program (PRAN). Modelled on Canberra's intervention in the Solomon Islands, PRAN saw Australian officials take over key elements of the state apparatus, including the finance ministry, police and judiciary, until they were removed when Waqa became president.

However, Australian domination has continued with Canberra's notorious asylum seeker "processing centre," where refugees have been detained indefinitely in breach of their basic rights under international law. More than 1,000 men, women, and children who attempted to claim asylum in Australia after arriving by sea were imprisoned on Nauru after being deported by Australian Border Force officials.

The trial of the Nauru 19 is currently continuing.

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