



IN THE SUPREME COURT OF NAURU

AT YAREN

[CRIMINAL DIVISION]

Case No. 80 of 2016

IN THE MATTER OF a variation of Bail
in District Court Case No.'s 21, 22, 23
and 25 of 2015

BETWEEN:

SPRENI DABWIDU

Applicant/Defendant

AND

THE REPUBLIC OF NAURU

Respondent

Before: J. E. Crulci, A/ CJ

Applicant: V. Clodumar

Respondent: D. Toganivalu

Date of Hearing: 17 November 2016

Date of Ruling: 17 November 2016

CATCHWORDS – Application for Bail variation – Variation granted – Applicant waives rights under sec 155(1) Criminal Procedure Code if fails to return to jurisdiction

RULING

1. On the 4 November 2016 the Applicant appealed to His Excellency the President against a decision made by the Minister for Justice and Border Control, notified to the Applicant on the 14 October 2016, denying the application for a new Nauruan passport.
2. On the 10 November 2016 His Excellency the President informed the Applicant that in light of the Applicant's serious medical condition his application was granted and a new passport would be issued to him.
3. Passport NN021168 was issued on the 11 November 2016 and given into the care of the Court.
4. The Applicant applies to have his bail conditions varied to allow him to travel to Australia to seek medical treatment.
5. The Applicant has provided three sureties as follows: Krent Dabwido in the sum of \$2,000.00 (two thousand dollars) on his own recognizance; Donovan Dabwido in the sum of \$1,500.00 (one thousand five hundred dollars) on his own recognizance; and Starrion Akken in the sum of \$1,500.00 (one thousand five hundred dollars) on his own recognizance.
6. The sureties have previously been examined by the Court on 26 August 2016, and the Court was satisfied that each of them has the means and ability to pay the respective amount of recognizance should they be called upon to do so.
7. The Applicant has given signed consent to the commencement of trial in the District Court of matters 21, 22, 23 and 25 of 2015 should the Applicant not have returned to Nauru when the trials start. The Applicant states to this Court that he understands the consequences of his failure to attend the above mentioned trial.
8. The Applicant's bail is varied as follows:
 - (1) Sprent Dabwido is to enter into bail on his own recognizance in the sum of \$5,000.00 (five thousand dollars);
 - (2) Sureties in the sum of \$5,000.00 as outlined in paragraph 5 above;
 - (3) Sprent Dabwido is granted leave to travel to Australia for medical treatment;

- (4) Sprent Dabwido is not to travel to any other country other than Australia or Nauru without leave of the Court;
- (5) Sprent Dabwido's passport NN021168 be released to him;
- (6) Sprent Dabwido is due to return to Nauru on the 17 February 2017 ;
- (7) Whilst in Nauru the following bail conditions shall apply:
 - a) Not to leave the country without leave of the Court;
 - b) Reside at his home address;
 - c) To keep the peace and be of good behaviour whilst on bail;
 - d) Not to enter within the precincts of Parliament without the permission or invitation of the Speaker of Parliament ;
 - e) To appear in Court as and when notified.



J.E. Crulci, Acting Chief Justice



Dated 17 November 2016