



THE SUPREME COURT OF NAURU

AT YAREN
[APPELLATE DIVISION]

Appeal No 13 of 2015

IN THE MATTER OF an appeal against a
decision of the Refugee Status Review
Review Tribunal, TFN 14022

Between

DWN055

Appellant

and

Republic of Nauru

Respondent

Being an appeal against a decision of the Nauru Refugee
Status Review Tribunal brought pursuant to s. 43 of the
Refugees Convention Act 1972

ORDER

UPON HEARING Counsel for the Appellant Mr. J.F. Gormly and Counsel for the respondent Mr. L. Brown and upon consideration of the proposed consent orders filed by the parties I make the following orders:

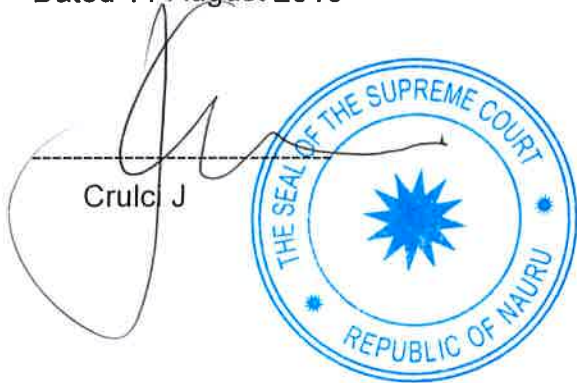
1. The decision of the Refugee Status Review Tribunal dated 28 December 2014 be quashed.
2. The matter be remitted to the Refugee Status Review Tribunal for reconsideration with the following directions:

- (a) the decision made by the Tribunal is affected by legal error because of a failure to consider whether the applicant would be exposed to a real risk of arbitrary loss of life in Punjab, if he were to relocate there; and
- (b) the decision made by the Tribunal is not affected by legal error in respect to the finding that the applicant had, at the time of the decision, a well-founded fear of being persecuted for the Conventions reasons of his political opinion and religion in the event he returns to his home area of Darsamand in Pakistan.

3. There be no order as to costs.

Dated 11 August 2016

Crulc J

A blue ink signature is written over the text 'Crulc J'. To the right of the signature is a circular blue seal. The seal contains a central sunburst emblem. The text around the inner border of the seal reads 'THE SEAL OF THE SUPREME COURT' at the top and 'REPUBLIC OF NAURU' at the bottom. There are two small stars on either side of the bottom text.