



**JUDICIARY DEPARTMENT
REPUBLIC OF NAURU**

In the Supreme Court

Asylum Seekers Appeal No. 58/2015

Between:

SOS 005, 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

Refugees Convention Act 2012 (Nr)

ORDER


UPON HEARING Counsel for the Appellant Ms. Theresa Baw and, Counsel for the defendant Mr. Cahal Fairfeild and upon considering the minutes of consent orders filed by the parties, I make the following orders:

1. The decision of the Refugee Status Review Tribunal dated 8 April 2015 be quashed.
2. The matter be remitted to the Refugee Status Review Tribunal for reconsideration with a direction that in all the circumstances of this case, the Tribunal erred in law by failing to discharge its statutory duty because it failed to take into account the appellant's two written statements dated 29 January 2014 and 5 November 2014 in respect of what the appellant stated about:
 - (a) How the appellant intended to live and work in the reasonably foreseeable future upon his return to Pakistan.
 - (b) How the appellant and his father had managed to avoid detection by the Balooch before the appellant departed Pakistan.

(c) The father's business partner's identify as a Pashtun Kakar and that militants had 'turned their attention to the Pashtun population' in Pakistan, apart from 'members of the Qasi and Kakar tribes (who had been settled in Baloochistan for generations).'

3. There be no order as to costs.

Dated this 23rd day of March 2016.



Mohammed Shafiullah Khan
Judge

