

Australia likely to pay asylum seekers' Nauru legal costs

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Australia will likely need to pay not only to defend, but also to prosecute asylum seekers charged with criminal offences in Nauru, its chief justice says.

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Geoffrey Eames, a retired Victorian Court of Appeal judge, said that Nauru could manage the 10 criminal cases involving asylum seekers currently listed with the help of pro bono lawyers.

Chief Justice Eames expected many more charges to be laid over a detention centre riot on July 19 that resulted in about \$60 million worth of damage. More than 100 people have been charged so far.

The Nauruan government has already provided about \$3000 in legal aid for the asylum seekers and Mr Eames has bid for about \$50,000 more.

The Nauruan Constitution states that people charged with a crime must be afforded a fair hearing within a reasonable time by an independent and impartial court. It also says that the court must assign a lawyer to people who cannot afford legal representation where it is in the interests of justice to do so.

The island nation has only one public prosecutor. There are up to six "pleaders" without legal qualifications who represent defendants.

Chief Justice Eames is going to Nauru on Thursday for three weeks and will assess the extent of the need for more funding in that time.

He will then present his findings to the Rudd government.

Two Victorian lawyers – Sam Norton and Ashley Halphen – will fly to Nauru in coming months to help represent asylum seekers facing criminal charges pro bono. They will also seek instructions from those involved in the most recent detention centre riots.

Their flights will be funded by the Pacific Judicial Development Programme, in exchange for providing legal training for Nauruan pleaders which is run by the Federal Court of Australia but financed entirely by the New Zealand Ministry of Foreign Affairs and Trade.

Human Rights Law Centre lawyer Daniel Webb said: "Our government transferred these asylum seekers to Nauru and it's our government's responsibility to ensure their basic human rights are respected post-transfer."

The Department of Immigration has said that the asylum seekers' legal defence in Nauru was a matter for the Nauruan government.

Attorney-General Mark Dreyfus could not respond by deadline.

This story was found at: <http://www.brisbanetimes.com.au/federal-politics/political-news/australia-likely-to-pay-asylum-seekers-nauru-legal-costs-20130730-2qx8a.html>