



NAURU POLICE FORCE
"To Serve and Protect the Republic of Nauru"

Office of the Director of Police

[REDACTED]

Dated: 2nd March 2015

To: To Whom It May Concern

From: Director of Police

Mr. Corey CALEB

RE: Nauruan Laws and the Constitution of Nauru

To Whom It May Concern,

I as the Director of Police for the Republic of Nauru, being the Nauru Police Force wish to advise you of the following attachments.

The attachments are legal copy of retyped laws that are still in force in Nauru today, any breach of such laws that are in force in Nauru will be liable to penalties and charges as described herein.



Duty of the Nauru Police Force

Section 23 (1) of the Nauru Police Force Act 1972 states, the duties of the Force shall take lawful measures for-

- (a) Preserving the public peace
- (b) Preventing and detecting offences
- (c) Preventing injury to life and property
- (d) Apprehending all persons whom it is lawful to apprehend -
- (e) Regulating processions and assemblies in public places or places of public resort
- (f) Preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements, for which purpose any police officer on duty shall have free admission to all such places and meeting and assemblies while open to the public
- (g) Protecting public property from loss or injury

Duty of the Nauru Police Force To Keep Order On The Public Roads

Section 24 (1) of the Nauru Police Force Act 1972 states:

- (c) To keep order on public roads, streets, thoroughfares and landing places, and at all other places of public resort or places to which the public have access; and
- (d) To prevent obstructions on occasions of assemblies and processions on the public roads and streets, and in any case when any road, street, thoroughfare or landing place may be thronged or maybe liable to be obstructed.

Section 24 (2); Every person who opposes or disobeys order given by any police officer in the performance of his duty under any of the provisions of this section is guilty of an offence and is liable to a fine and to imprisonment term

Constitution of Nauru

PART II.

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

3. Whereas every person in Nauru is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, 'whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following freedoms, namely --
 - (b) Freedom of conscience, of expression and of peaceful assembly and association;
- 12.—(1.) A person has the right to freedom of expression.
 - (2.) Except with his consent, no person shall be hindered in the enjoyment of his right to freedom of expression. (*No other is to be pressured and forced to do anything he/she does not wish to do so*)

Section 62 of the Criminal Code States;
Any person who takes part in an unlawful assembly is guilty of a misdemeanor, and is liable to imprisonment

Section 63 of the Criminal Code States; (DEFINITION)
Any person who takes part in a riot is guilty of a misdemeanor, and is liable to imprisonment for 3 years

Section 61 of the Criminal Code states:
'When three or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner, as to cause persons in the neighbourhood to fear on reasonable grounds that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

An assembly of three or more persons who assemble for the purpose of protecting the house of any one of them against persons threatening to break and enter the house in order to commit an indictable offence therein is not an unlawful assembly.

When an unlawful assembly has begun to act in so tumultuous a manner as to disturb the peace, the assembly is called a riot, and the persons assembled are said to be riotously assembled'.

Breach Of The Peace

The term 'Breach Of The Peace' is not defined in the Criminal Code or the Interpretation Act 1971.

A 'breach of the peace' is whenever harm is actually done or is likely to be done to a person or in his/her presence to his/her property or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or other disturbance.¹

Section 77 of the Criminal Code states:

(2) When three or more persons are so assembled together, it is the duty of a justice of the peace to read or repeat aloud, or cause some other person to read or repeat aloud, to the persons assembled a command in these words or to the like effect: --

Proclamation:

His Excellency the President of Nauru charges and commands all persons here assembled immediately to disperse themselves and peacefully to depart to their habitations or to their lawful business or they will be liable to be imprisoned. God Save the President of Nauru

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Any persons who, being so assembled, continue together to the number of three or more, and do not disperse themselves within the space of a quarter of an hour after the giving of the command are guilty of an offence; and each of them is liable on summary conviction to imprisonment