

BETWEEN:

DWN 042
Appellant

and

The Republic of Nauru
Respondent



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APPELLANT'S CHRONOLOGY

Part I:

The Appellant certifies by his lawyers that this chronology is in a form suitable for publication on the internet.

20 **Part II:**

1. On 7 September 2013, the Appellant was transferred to Nauru from Australia against his will on a regional processing visa and was detained at a Regional Processing Centre.
2. On 28 November 2013, the Appellant was subject to a "transfer interview" (**Transfer Interview**).¹
3. On 8 December 2013, the Appellant lodged an application for Refugee Status Determination with the Secretary of the Department of Justice and Border Control of the Republic of Nauru (**Secretary**).²

¹ Book of documents before the Refugee Status Review Tribunal (**BoD**), 3-17.

² BoD, 19-44.

4. On 8 December 2013, the Appellant filed a sworn statement disowning the purported record of the Transfer Interview and making claims to be at risk of arbitrary deprivation of his life.³
5. On 17 July 2014, the Secretary determined that the Appellant was not a refugee under the *Refugees Convention Act 2012* (Nr) (**Refugees Act**), nor was he a person to whom the Republic of Nauru owed complementary protection.⁴
6. On 1 August 2014, the Appellant was notified of the Secretary's determination to refuse complementary protection. On the same day, he
10 lodged an application for merits review of this determination with the Refugee Status Review Tribunal (**Tribunal**).⁵
7. On 21 September 2014, the Appellant filed a sworn statement in response to the Secretary's determinations. The sworn statement further outlined the Appellant's claims, including his claim of being at risk of arbitrary deprivation of his life because of the place in Pakistan to which he would return.⁶
8. On 25 September 2014, the Appellant attended and gave evidence at a hearing before the Tribunal at a Regional Processing Centre on Nauru during which he continued to be detained.⁷

³ BoD, 41-44.

⁴ BoD, 73-90.

⁵ BoD, 103.

⁶ BoD, 140-145.

⁷ BoD, 147-181.

9. On 29 December 2014, the Tribunal affirmed the decision of the Secretary made on 17 July 2014 that the Republic of Nauru did not owe the Appellant protection obligations under the Refugees Act.⁸
10. On 21 January 2015, the Appellant received a copy of the Tribunal's decision made on 29 December 2014.⁹
11. On 24 April 2015, the Appellant filed a Notice of Appeal in the Supreme Court of Nauru against the Tribunal's decision.
12. On 4 May 2016, the Appellant first engaged counsel to assist with his appeal, which was due to be heard the next day.
- 10 13. On 5 May 2016, the Appellant filed an Amended Notice of Appeal in the Supreme Court of Nauru. On the same day, the Respondent filed a motion to strike out grounds 1 and 2 of the Amended Notice of Appeal (**Grounds 1 and 2**).
14. On 5 May 2016, the appeal of the Tribunal's decision was heard by the Supreme Court of Nauru. Judge Khan of the Supreme Court of Nauru made an order that Grounds 1 and 2 be struck out.
15. On 20 May 2016, Judge Khan of the Supreme Court of Nauru provided his reasons for making the order on 5 May 2016, that Grounds 1 and 2 be struck out. His Honour reserved judgment in respect of grounds 3 and 4 of the
20 Amended Notice of Appeal (**Grounds 3 and 4**).

⁸ BoD, 199-210.

⁹ BoD, 213.

16. On 17 June 2016, the Appellant applied for leave to appeal the Supreme Court of Nauru's decision of 20 May 2016 to the High Court of Australia **(Leave Application)**.

17. On 16 December 2016, the Leave Application was heard and dismissed by the High Court of Australia. However, at the hearing of the Leave Application, senior counsel for the Respondent provided assurances to the High Court of Australia to the effect that:

17.1 the Respondent accepts that the reasoning of Judge Khan is plainly wrong;

10 17.2 the Respondent will not rely on the reasoning of Judge Khan as a precedent in other proceedings; and

17.3 the Respondent will not rely on the reasoning of Judge Khan in opposition to an application by the Appellant to further amend the grounds of appeal before the Supreme Court of Nauru (noting that other reasons may be relied upon in opposition to such an application by the Appellant).

18. On 6 February 2017, the Appellant filed a notice of motion in the Supreme Court of Nauru seeking to reinstate Grounds 1 and 2.

19. On 7 February 2017, Judge Khan of the Supreme Court of Nauru handed
20 down his final judgment dismissing all grounds and affirming the decision of the Tribunal.

20. On 21 February 2017, the Appellant filed a Notice of Appeal in the High Court of Australia.

Dated: 28 March 2017


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