



**IN THE NAURU COURT OF APPEAL
CIVIL APPELLATE JURISDICTION
AT YAREN**

Civil Appeal Number 4 of 2025
Supreme Court Civil Case Number 1 of 2025

BETWEEN AA25 Appellant

AND Republic of Nauru Respondent

Before: Khan P
 Palmer JA
 Coates JA

Date of Hearing: 16 June 2026
Date of Judgement: 25 June 2026

Case may be cited as: *AA25 v The Republic*

CATCHWORDS: Section 34(4)(d) of the Refugees Convention Act 2012 – Whether the Tribunal failed to give adequate reasons or refer to the evidence as to why the appellant would not face harm in his home district.

APPEARANCES

M Kenneally for the Appellant
R O’Shannessy for the Respondent

JUDGMENT

1. **BY THE COURT:** This is an appeal against the decision of Brady J dismissing an appeal from the decision of the Refugee Status Review Tribunal (the Tribunal).
2. There is a single ground of appeal, that the Tribunal failed to comply with s34(4)(d) of the *Refugees Convention Act 2012* (the Act) in that it failed to refer to the evidence on which it relied for the purposes of finding that the appellant would not face harm in his home district.

BACKGROUND

3. The appellant is married and he previously lived in Mymensingh District of Bangladesh.
4. He worked in his father's shop.
5. He arrived in Australia in May 2024 and he was transferred to Nauru on 1 June 2024 pursuant to a memorandum of understanding between the governments of Australia and the Republic of Nauru.
6. On 25 June 2024 he made an application to the Secretary of the Department of Multicultural Affairs (THE Secretary) to be recognised as a refugee or a person owed complementary protection.
7. The appellant claimed that he was a supporter of the Bangladesh Nationalist Party (BNP). He stated that he participated in rallies and was close to a local politician.
8. He claimed that he was at a large pre-election rally in December 2018 and was attacked by Awami League (AL) supporters which caused him serious head injuries. They tried to target him at a second rally and he was denied the opportunity to vote.
9. He contends that this caused him to flee Bangladesh in March 2019 fearing further political violence.
10. He claimed that despite recent political developments in Bangladesh – the political situation in his home remains unchanged.
11. He fears persecution in his home area from AL supporters due to his political opinion (actual and imputed) as a BNP supporter who participated in rallies.
12. The primary judge addressed this claim at Appeal Book 38-40 at [116-134] and came to the conclusion that the Tribunal did not err by failing to set out the evidentiary basis for arriving at its conclusion.
13. At [49], the Tribunal discussed the political events following the removal of former Prime Minister Sheikh Hasina and the instalment of the interim government and acknowledged that uncertainties remained and that the national trend may not have filtered down to the local and municipal level of rivalries between AL and BNP supporters; at [51], the Tribunal stated that the developments are gradually positive for lower level or ordinary BNP supporters; at [52] it stated that the appellant was a lower level supporter of BNP

and he was not involved in political activities since 2018 and he had no intention to increase his political activities – and with the change of political situation there was no reasonable possibility of the appellant facing persecutory harm by reason of his political opinion as a lower level BNP supporter in the reasonably foreseeable future and therefore his claim was not well founded.

14. Mr Kenneally submitted that the Tribunal at [49] referred to the country information at footnote 3 titled '*Bangladesh Must Move Beyond the Politics of Revenge*' which deals with the national situation and that there was no evidence cited by the Tribunal regarding the circumstances as to the local level.
15. Mr O'Shannessy submits that the Tribunal found that there have been significant political changes in Bangladesh and the Tribunal accepted that there is some uncertainty and also acknowledged that the national level changes may not have filtered down to the local and municipal level and that the rivalry still exists between AL and BNP supporters.
16. He further submitted that the Tribunal engaged with the appellant to ascertain the situation that he feared at the local level. The following exchange took place between the appellant and the Tribunal at Court Book at pages 269 and 270 lines 40 and 5 respectively:

40: MR DARCY: So I think I sense that you are agreeing that there are some political and economic challenges in the country generally. Can I bring it down now to your situation and like what's happening in your area? So the information suggests very much that Awami League politicians, but also those who exercise power on behalf of Awami League, are now on the back foot, they have a disadvantage. And they can't exercise abuses with impunity that they might have had three months ago, for instance. Have you got any news about what's happening in your local area and for instance with Chairman Shaiful, since he was an Awami – a local leader?

The Interpreter: Actually, no I don't know any updates over there because I could not regularly contact my family members and I did not ask them about this. So that's why I don't know any updates.

17. Mr O'Shannessy concedes that there is no express finding of what will happen to the appellant at local level which he submits is totally understandable – that the appellant could have provided some information but he chose not to do so.
18. He submitted that the Tribunal made three findings:

Firstly, that the appellant was a low-level supporter of BNP;

Secondly, that he had no intention to increase his political activities; and

Thirdly, there has been significant political changes at the national level which will no doubt have some impact on the local level. He submitted that it was sufficient for the purposes of s34(4)(d) of the Act.

19. Mr O'Shannessy referred us to paragraph [128] of the judgment of the primary judge where His Honour states that the appellant attacked the finding at paragraph [52] of the Tribunal's decision and suggested that the relevant finding by the Tribunal was a rejection of the appellant's claim that AL was still in power in his home area. His Honour rejected that as an inaccurate description of the approach taken by the Tribunal at paragraph [52] and stated that the Tribunal having found that the appellant was a low-level supporter of BNP, and with the political changes explained at paragraph [49], the Tribunal concluded that there was no reasonable possibility that the appellant would face persecutory harm.
20. The primary judge concedes at [130] of the judgement that the Tribunal made no specific findings about the appellant's home area and he stated that the Tribunal based its findings on the basis that AL could not act with the same degree of impunity as in the past– thus reducing the violence to the BNP supporters. His Honour observed that this was a relevant step to the ultimate conclusion of the Tribunal.
21. We note that His Honour relevantly states at [132] that this was not a case where the Tribunal's reasoning was unclear or that it engaged in speculation or conjecture; and that the Tribunal's reason is set out in its decision and when it is read in the context and when it is properly understood – its conclusion was based on evidence.
22. His Honour found that the Tribunal complied with its obligation imposed under s34(4)(d) of the Act.
23. We agree with the primary judge's findings. No error of law has been established and therefore the appeal is dismissed.

ORDER

1. The appeal is dismissed

DATED this 25 day of June 2026



Khan P
President of the Nauru Court of Appeal



Palmer JA
Justice of the Nauru Court of Appeal





Coates JA
Justice of the Nauru Court of Appeal

