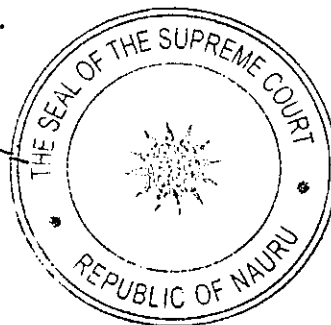


3. Under the Republic Proceedings Act, the Secretary is the named party on behalf of the Republic of Nauru and the right of the Secretary to be joined in these proceedings as envisaged in the aforementioned Act as well as the Electoral Act is expressly stated.
4. A decision to dissolve interim relief in these circumstances is not taken lightly. However, having heard submissions from the Secretary the Court is persuaded that the balance of convenience favours the immediate dissolution of the injunction and the expeditious conduct of elections in the Constituency of Aiwo.
5. Critical to this outcome is the consideration that the Applicant Tazio Gideon will still have an opportunity to litigate his right to be a candidate and participate in an election as the remedies available under section 100 of the Electoral Act are open to him. It is for the Applicant to prove his claim that the Electoral Commission acted beyond or in excess or want of jurisdiction.
6. Howsoever, that ought not to deprive the right of the voters of Aiwo to exercise their prerogative of choice when the entire country is doing so. The Court is also cognisant of the challenges to stability in the context of the body politic associated with elections that have occurred in the recent past. In balancing those factors against Mr Gideon's claim, which may or may not succeed, the entitlement of the electors of the Constituency of Aiwo must outweigh the vagaries of the latter's situation.
7. The interim injunction is accordingly dissolved immediately and the Electoral Commission is directed to expedite the conduct of polling in the Constituency of Aiwo forthwith. Liberty is reserved to Mr Gideon to proceed under the Electoral Act if he so chooses. Costs are in the cause.

DATED this 9th day of July 2016.

Joni Madraiwiwi



Joni Madraiwiwi
CHIEF JUSTICE