

**ODPP initiates training for Nauru Police Force on the topic of ‘Arrest’ and ‘The Conduct of caution interviews - Administering the Caution in Nauru’**

On Monday 20 May 2024 the DPP, Ms. Andie Driu and Senior Prosecutor, Mrs. Margaret Suifa’asia conducted a training for the Nauru Police Force (NPF), held at the Central Police Station, Yaren. The focus of the training was on the topics *Arrest* and the *Conduct of a Caution Interview* interchangeably referred to as a Record of Interview. A caution interview is one obtained of a suspect to an alleged crime.



The participants were refreshed in the training when asked ‘**Where Police get their power to arrest?**’. The question is not only important for the police, but for the general knowledge of all. The participants were directed to Section 10 of the *Criminal Procedure Act 1972* which provides for the procedural steps of an *Arrest without a warrant*. Section 12 of the Act provides for procedure for an *Arrest with a warrant*. Section 270 of the *Crimes Act 2016* provides for an *Arrest without warrant* in the instance of a police.

It was canvassed in the training under the *Arrest* topic, that in article 5 and clause 2 *Constitution of Nauru*, it provides that a person arrested or detained must be told the reasons for which they were arrested, and that person shall be allowed to consult with a legal counsel.

We demonstrated by a case authority in the matter of *Republic –v- Agege and Ors* [2021] NRSC 29, the importance of compliance in the law to constitute a lawful arrest. In that case, among other issues raised, the court considered the question of whether the arrest of the accused was lawful. The court found that in the circumstances of that case, the accused was not told of the reason for his arrest and this constituted an unlawful arrest. As a result, the accused was acquitted and released. For full details of the case, click on the link <http://www.pacii.org/cgi-bin/sinodisp/nr/cases/NRSC/2021/29.html?stem=&synonyms=&query=agege> .

The training took a turn to look at conduct of a *Caution Interview*. It was stressed in the training that in law, a person must be '**cautioned**' before any questions maybe put to them in an interview. Otherwise anything they say during the interview cannot be used as evidence in court.

Moreover, the purpose of a caution interview is to '*gather information from the suspect while ensuring that their rights are protected. It is a critical part of the investigation process, as the statements made during this interview can play a significant role in any subsequent legal proceedings.*'

The training helped the participants to appreciate their role in conducting a caution interview and emphasises the guiding principles in law, and the Judges Rules setting the procedure formulated to guide police officers in the questioning of witnesses, suspects and accused involved in crime.

Another important aspect of a caution interview is its admissibility. It was explained in the training that, where a suspect or accused has been cautioned in the interview, but he or she has made an admission to the alleged offence, that evidence may be sought to be admitted in court. In order for the caution interview to be admitted into evidence, the court has to be satisfied that the guiding principles in law of conducting the caution interview was complied with to rule out any involuntariness or unfairness in the process.

The participants were given illustrations of different circumstances and factors to consider in conducting a caution interview by way of case authorities in the Republic of Nauru, Fiji and Solomon Islands.

We hope to conduct a similar training in future and engage more participants from the Nauru Police Force.