

UA 93/21

AI Index: ASA 45/4680/2021 of 9 September 2021

SAMOA

SAMOAN-AUSTRALIAN BLOGGER AT RISK OF EXTRADITION

Talalelei Pauga is a vocal critic of the Samoan government's policies, known for protesting the former Samoan Prime Minister's 2018 visit to Australia by presenting him with a pig's head. Pauga is an Australian citizen with dual Samoan nationality. He is subject to an extradition request from the former Samoan Prime Minister, Tuilaepa Sailele Malielegaoi, over an alleged plot to assassinate him. Because of his vocal opposition to the former Samoan Prime Minister, Amnesty International believes the charges against Pauga are politically motivated and without merit and that he may not receive a fair trial if extradited.

Under Australia's extradition laws with Samoa, minimal evidence is required for the Australian government to act on the extradition request from Samoa. As a result, Pauga has been detained in Australia since August 2020 without knowing the evidence against him. This raises serious concerns about arbitrary detention and the right to a fair trial.

Please ask the Prime Minister to:

- Drop politically motivated charges against Talalelei Pauga, cease extradition proceedings and secure his release;
- If there is credible evidence that a crime has been committed, ensure that such persons receive a fair trial in line with international human rights law and standards; and
- Ensure a prompt, impartial, independent, transparent and effective investigation into any allegations of political interference, threats or intimidation to judicial officers or lawyers, in any cases related to the former Prime Minister Tuilaepa.

Write to:

Prime Minister Fiame Naomi Mata'afa
Ministry of Foreign Affairs
P.O. Box 1866
APIA, Samoa
Fax: 011 685 21817
Email: pressecretariat@samoa.ws
Salutation: Dear Prime Minister

Please copy:

Permanent Mission of Samoa to the United Nations
800 Second Avenue, Suite 400 J

New York, NY 10017
United States of America
Tel: 212 599 6196
Fax: 212 5990797
Email: samoa@un.int

Additional Information

Talalelei Pauga is a former Australian public servant who has been an Australian citizen for over twenty years. He is currently appealing the extradition proceedings through the Federal Court of Australia, with his trial before the Federal Court of Australia listed on 14 March 2022. Pauga was arrested and detained in August 2020 in Australia.

In late 2018, when the then Prime Minister Tuilaepa Sailele Malielegaoi (Tuilaepa) visited Brisbane, a city in Australia, Pauga verbally protested political corruption committed by the foreign leader and presented him with a pig's head, a Samoan cultural slur. In 2019, Pauga and the co-accused Lemai Sione and Malele Paulo, were all charged with conspiracy to murder. The accused had all been vocal opponents of the Samoan government and Tuilaepa.

Under the Australian *Extradition Act 1988* (Cth) a person is only required to have been charged with an extradition offence to get extradited. That is: an offence recognised in both countries that carries a penalty of at least 12 months. This means that there is almost no evidentiary burden to overcome in requests of extradition and as such concerning little evidence has been presented as to the charges Pauga is facing. The right to a fair trial includes the right to know what evidence is being presented in order to appropriately prepare a defence case with lawyers.