

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

Judicial Review Case No. 26 of 2015

**BETWEEN:** PETER BONG  
ALAN CARLOT  
KEVIN ABEL  
Claimants

**AND:** AIRPORT VANUATU LTD  
First Defendant

**AND:** VAKE RAKAU AS ACTING  
COMMISSIONER OF POLICE  
Second Defendant

*Coram:* Mr Justice Oliver A. Saksak

*Counsel:* Felix Laumae for First, Second and Third Claimants (the Claimants)  
Daniel Yahwa for the First Defendant  
Kent Tari (State Law Office) - No instructions

*Date:* 4<sup>th</sup> November 2015

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**DECLARATIONS AND ORDERS**

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**WHEREAS:-**

1. Upon hearing Counsel in relation to the Claimants' application for abridgement of time and in relation to the substantive claim,
2. And upon being satisfied that there is urgency in hearing this matter, and having decided to allow the application and abridge time for the filing of defences,
3. And upon hearing Counsel further in relation to the claim for judicial review and all the sworn statements and documents annexed and filed in support,
4. And upon being satisfied that the Claimants have met all the requirements under Rule 17.8 (3) of the Civil Procedure Rules, and that the First Defendant do not object to the application for abridgement of time and to the declarations and orders sought by the Claimants,



5. And upon the First Defendant making cross-claims against the Second Defendant for the return of all Files and Documents seized under the search warrant issued by the Magistrate Court on 2<sup>nd</sup> October, 2015,
6. And upon being further satisfied that the Second Defendant, having been duly served and having failed or omitted to give any instructions to the State Law Office or a legal Counsel or make representation in person implies that the Second Defendant has no prospect of defending this claim.

**IT IS DECLARED THAT:-**

1. The Airports Vanuatu Limited (AVL) as First Defendant is estopped by law from lodging any criminal complaint to the police against the claimants or any of them for allegations the subject of judgments in Judicial Review Case No. 16 of 2014, Court of Appeal Case No. 46 of 2014, Supreme Court Civil Case No. 284 of 2014, Supreme Court Civil Case No. 294 of 2014 and the Deed of Release dated 5<sup>th</sup> November 2014.
2. The Commissioner of Police, Mr Vake Rakau as Second Defendant has no standing whatsoever in law to initiate in his own right investigations in matters concerning the First Defendant as a local incorporated company and/or the claimants.

**3. AND IT IS ORDERED THAT:-**

- (i) The AVL and the Commissioner of Police and/or anyone working under their supervision and/or direction be restrained from investigation and charging the claimants or any of them for allegations made against them by the First Defendant which was the subject matter of Judicial Review Case No. 16 of 2014, Court of Appeal Case No. 46 of 2014, Supreme Court Civil Cases No. 284 and No. 294 of 2014 and the Deed of Release dated 5<sup>th</sup> November 2014.
- (ii) All the Files and Documents belonging to AVL ( First Defendant) seized by the Police under the search warrant issued by the Magistrate Court on 2<sup>nd</sup> October, 2015 be returned forthwith by the Police Commissioner to AVL.

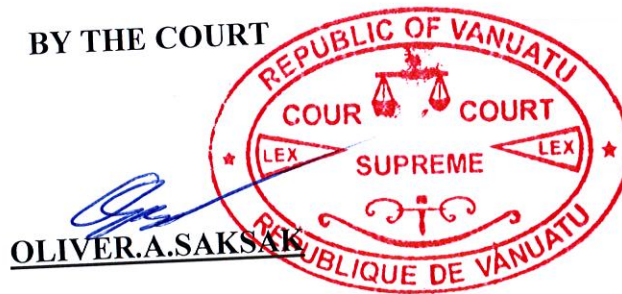


(iii) The Police Commissioner Mr Vake Rakau shall pay the claimant's costs of this proceeding personally. Costs are allowed on the standard basis as agreed or be taxed by the Master.

4. Reasons are to be published.

**DATED at Port Vila this 4<sup>th</sup> day of November, 2015**

**BY THE COURT**



**Judge**