

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

**Judicial Review**  
**Case No. 25/3286 SC/JUDR**

**BETWEEN: George Bogiri**  
*Claimant*

**AND: Minister of Foreign Affairs and International  
Cooperation & External Trade**  
*First Defendant*

**AND: The Republic of Vanuatu**  
*Second Defendant*

**Before: Justice Oliver A. Saksak**

**Counsel: Colin B Leo for the Claimant**  
**Sammy Aron for the Defendant**

**Date of Hearing: 16<sup>th</sup> February 2026**

**Date of Decision : 4<sup>th</sup> March 2026**

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### **JUDGMENT**

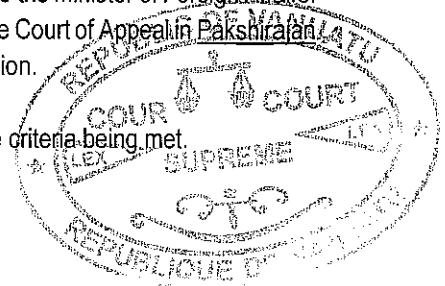
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1. At the hearing under Rule 17.8 of the Civil Procedure Rules on 16<sup>th</sup> February 2026 Mr Aron argued that the Claimant has no arguable case and that he is not directly affected by the decision of the First Defendant. Counsel conceded that there was no undue delay and that there is another remedy available to the Claimant.
2. I reserved my decision after hearing oral submissions from both Mr Leo and Mr Aron because Mr Aron sought leave to file sworn statements. Leave was granted.
3. The First Defendant filed his sworn statement on 19<sup>th</sup> February 2026. This prompted Mr Leo to file a responding sworn statement and supplementary written submissions on 23<sup>rd</sup> February 2026.
4. I have read the evidence and the further written submissions by the Claimant. I deal with each of the four criteria in Rule 17.8 (3) s follows: Whether the Claimant has an arguable case?  
The Claimant's complaints are that-
  - i) His recall letter dated 2<sup>nd</sup> July 2025 was only received on 25<sup>th</sup> September 2025;
  - ii) No summons was received therefore he was not aware of what allegations were made against him, and
  - iii) No adequate opportunity was afforded to him to answer the charges made against him.
5. The evidence shows that the letter of 13 June 2025 which was the summons for him to return to Vanuatu for briefing, these allegations are made namely:
  - a) That there was consistent disregard to lawful instructions in terms of relocating the Hong Kong Office.
  - b) Not receiving Government Ministers on arrival in Hong Kong.
  - c) Taking instructions from outside authorities without the approval of the Minister.



6. In his evidence the claimant clarified that he acted upon the instructions he received resulting in relocating the office on 30<sup>th</sup> May 205 during which time the Minister himself attended the Official opening of the new office. As a result the claimant submits this allegation has been purged.
7. Be that as it may, there were two other allegations. The claimant has not given any evidence about the two allegations. The First Defendant's evidence is that the claimant did attend the briefing he was summoned to attend. The date is not stated however the claimant's evidence confirms that he attended the briefing on 30<sup>th</sup> April 2025 whereby he was appraised of the need to relocate the Hong Kong Office. Subsequently the relocation was done in May 2025.
8. But that briefing took place in April 2025. The letter of summons is dated 13<sup>th</sup> June 2025. So was there another meeting held between 13 June 2025 and 2<sup>nd</sup> July 2025 when the Minister issued the Recall letter because he states in paragraph 2 of the letter:
 

*" A summon has been served on you in June 2025 requiring you to attend my office to brief me on specific allegations. I regret to inform you that I am not satisfied with the response of the allegations during the briefing...."*
9. The claimant's responding sworn statement dated 23<sup>rd</sup> February 2026 at paragraph 14 deposes to him attending another meeting on 5/6 June 2025 where he met with the First defendant in his office. I presume that it was at this meeting that the claimant was given the opportunity to address the two other allegations made against him in the letter of 13<sup>th</sup> June 2025. The Minister ( First Defendant) however was not satisfied with the explanations given. That is the reason he stated his dissatisfaction in paragraph 2 of his letter of 2<sup>nd</sup> July 2025.
10. Therefore in all probability from the evidence presented, I am satisfied the claimant did attend a briefing in June 2025 during which he was given the opportunity to respond to all the three allegations made against him in the letter dated 13 June 2025.
11. The claimant claims he never received that letter. If that was the case, then why was he in Port Vila in June 2025 and confirmed in paragraph 14 of his statement he attended the First Defendant in his office around 5/6 June 2025? I therefore conclude in all probability the claimant was made aware of the letter of 13 June 2025.
12. The Claimant relied on the case authorities of the Minster of Education/ Training v Tabi [2003] VUCA 30 and Gamdiere v The Government in the right of the Minister of Foreign Affairs [2023] VUSC 141 ( JR 23/901) in support of his contention that an opportunity be given to him before the recall decision made. Those cases establish clear legal principles as to the process but they do not assist the claimant in the circumstances of his case. On the contrary those cases lend support to the defendant's case.
13. I therefore conclude that the claimant has no arguable case.
14. Next, whether the claimant is directly affected? The answer is in the affirmative, however the First Defendant being the Minister for Foreign Affairs took a policy decision to recall the claimant. That decision falls squarely within the powers of the executive branch of government. The Court must therefore be vigilant not to exercise or intrude into the powers which properly belongs to the Minister of Foreign Affairs. The case of Alickson Gamellere v Republic [2013] 41 and confirmed by the Court of Appeal in Pakshirajan v Foreign Service Board [2025] VUCA 35 is the authority for this proposition.
15. Next, whether there was no undue delay? Mr Aron took no issue with the criteria being met.



16. And finally whether there is no other remedy to resolve the matter fully and directly? Mr Aron submitted there is a remedy available to the Claimant. Reliance was placed on the Fourth paragraph of the First Defendant's letter of 2<sup>nd</sup> July 2025 which states:

*"The Government is intending to appoint you to another foreign mission which if so decided will have to follow normal processes and procedures of the Foreign Services Act as amended."*

a) The end result is that the main criteria in Rule 17.8 (3) (a) has not been satisfied. The claimant has no arguable case. That is sufficient for me to decide that I must decline to hear this claim any further. Accordingly I strike out the claim and proceeding in its entirety.

17. As to costs I decide that there will be no order as to costs. Each party is to bear its own costs.

**DATED at Port Vila this 4<sup>th</sup> day of March 2026**

**BY THE COURT**

**Hon. Justice Oliver A Saksak**

