

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Civil Jurisdiction)

In the Matter of Civil Contempt of Court

and Mr Christian Roger de Robillard.

CIVIL CONTEMPT OF COURT.

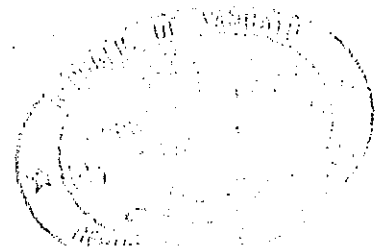
On 14th March 1997, this Court ordered the following:

- 1- That Mr de Robillard is ordered to withdraw himself forthwith from Civil Cases No. 140 & 144 of 1996.
- 2- That by this afternoon, at 2 o'clock pm today, 14 March 1997, Mr de Robillard is ordered to deliver the Original Instrument of his appointment that he took in the Attorney General's Chambers in his absence.
- 3- That by 2.00pm this afternoon, 14 March 1997, Mr de Robillard is ordered to deliver all the documents in relation to Civil Cases No. 140 & 144 of 1996 to the Attorney General's Chambers.
- 4- That the substantive matters in Civil Cases No.140 & 144 of 1996 be fixed on 21st March 1997 at 9.00am o'clock.
- 5- That Mr de Robillard's costs be paid through Taxation process failing agreement.

The Orders that are of interest in these proceedings now, are Orders 2 and 3 which were issued on 14 March 1997.

Orders 2 & 3 of 14 March 1997 are very clear and precise. Mr de Robillard was ordered to return certain files to the Attorney General's Office by 2.00pm on Friday 14th March 1997.

Mr de Robillard did not comply with the terms of Orders 2 & 3 issued on 14th March 1997 by this Honourable Court. Instead he did try to negotiate and/or make an arrangement with the then Attorney General, Mr Oliver Saksak, which is something that is not intended by this Court when issuing these orders of 14 March 1997.



The then Attorney General, Mr Oliver Saksak, informed the Court in a written letter of 14th March 1997 that Mr de Robillard did not return documents and files as ordered on the 14th March 1997 by this Court. He then came before the Chief Registrar and made a statement to the effect that a Warrant of Arrest be issued against Mr de Robillard for breaching the terms of the Orders 2 & 3 of 14th March 1997.

A warrant has, thus, been issued on 17 March 1997 to that effect.

Today, Mr de Robillard is brought before this Court to show cause why he should not be imprisoned for breaching the terms of Orders 2 & 3 of Order of 14th March 1997.

This is a Civil Contempt of the Court.

It is a Civil Contempt of Court to refuse or neglect to do an act required by a Judgement or order, or to disobey a judgement or order requiring a person to abstain from doing a specific fact.

Where an order is made by a Court of competent jurisdiction it is the obligation of every person against, or in respect of whom the order is made, to obey it unless and until that order is discharged; the obligation extends to cases where the person affected by the order believes it to be irregular or even void.

I request Mr de Robillard to show cause why he should not be sent into prison for disobeying the Court orders 2 & 3 of Order of 14th March 1997. Mr de Robillard has refused categorically to answer to these breaches.

I call on Mr Oliver Saksak, the then, Attorney General to provide information to this Court. He does confirm the content of his previous information before the Court on 14 March 1997 and his statement deposited before the Chief Registrar on 17 March 1997.

Mr de Robillard applies for the Acting Chief Justice to disqualify himself on the ground of apprehended bias.

I refuse that application on the basis that this is a Civil Contempt of my Court Orders and I have a duty to enforce them and that the allegation of apprehended bias has nothing to do here when I have the duty to give length arm and/or big teeth on the effective enforcement of the Orders of the Supreme Court of the Republic of Vanuatu and that he could appeal if he wishes to, on these grounds.

Upon these basis, having considered my jurisdiction under the law of this Republic, Section 29 of the Courts Act CAP 122, reads:

Section 29 (1):

"Subject to the Constitution, any written law and the limits of its jurisdiction, a Court shall have such inherent powers as shall be necessary for it to carry out its functions"

Furthermore, Section 23 of the Courts Act CAP 122, provides:

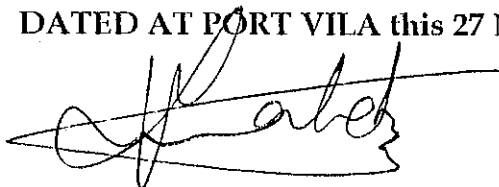
"The Supreme Court shall have power to punish summarily for Contempt of Court, by imprisonment for a term not exceeding 1 year, or, at the discretion of the Court, a fine".

I therefore decide to use that power to deal summarily with Mr de Robillard for Civil Contempt of the Court.

Having further considered the relevant information I have before me, I am satisfied beyond any reasonable doubt that Mr de Robillard is in breach of the terms of Orders 2 and 3 of 14 March 1997 which amount to a clear civil contempt of the Court and I, therefore, make the following orders:

- 1- That Mr de Robillard is committed to prison for a term of 2 months as from today 27 March 1997.
- 2- That his passports be seized and be kept within the Supreme Court custody.
- 3- That Police Officers responsible for Central Prison are directed to respect and enforce the terms of these orders with immediate effect.
- 4- That Mr de Robillard has 30 days to lodge his appeal.
- 5- That the Appeal should not operate as a stay of executing the imprisonment sentence.
- 6- That Reasons of this Order are reserved.

DATED AT PORT VILA this 27 March 1997.



LUNABEK Vincent J.
Acting Chief Justice.

