

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

Civil Case No. 42 /2007

BETWEEN: **ZEBEDEE MOLVATOL**
Claimant

AND: **BOETARA TRUSTEES LIMITED**
First Defendant

AND: **THE REPUBLIC OF VANUATU**
Second Defendant

Hearing: 30 March 2012
Before: Justice Spear
In attendance: Viran M Trlef, Solicitor General
John Obed Alilee, Chief Registrar

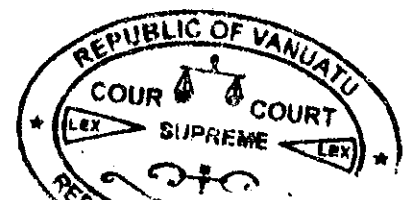


COPIES:

Felix Laumae
George Nakou

MINUTE

1. This case is subject of two appeals likely to be heard at the next sessions of the Court of Appeal commencing 23 April 2012. The Supreme Court file (from Santo) has been called for incidental to those appeals.
2. This matter has come before me in respect of an enforcement warrant relating to an amount of Vt 33,036,569.50 stated be owing by the second defendant, The Republic of Vanuatu. This enforcement warrant is directed to the Sheriff of the Supreme Court in Vanuatu and generally to police officers of Vanuatu. The warrant purports to authorise the Sheriff and any police officers to recover the specified sum from either the Department of Finance or from the seizure and sale of vehicles belonging to the Ministry of Agriculture, Department of Agriculture pr Agricultural College AND for any sum so recovered to be paid to "Trans-Melanesian Lawyers Trust Account" which is the law firm of Mr Felix Laumae.
3. The Sheriff raised a concern about the enforcement warrant with the Chief Registrar who, in turn, sought assistance from the Solicitor General.



4. The Solicitor General then asked for the matter to be placed before a Judge on an urgent basis as it was her intention to challenge validity of the search warrant.
5. The Solicitor General takes issue with the validity of the search warrant on the basis first that it is directed towards the Republic of Vanuatu and secondly as to the scope of the authority purported to be bestowed on either the Sheriff or a police officer.
6. There is clearly a serious case to be considered that arises from Ms Trief's application. I am conscious that there has been no involvement in this hearing today by the lawyers for either the claimant or first defendant but it is important that the Sheriff and police officer who might receive this warrant understand what might be expected off him or her.
7. The oral application for a stay of proceedings is granted and further action on that enforcement warrant is stayed until further order of this Court. This is on the strict basis that a formal application for stay and for a review of the decision to issue a search warrant is filed in the Port Vila Registry of this Honourable Court within 7 days.
8. By the time that the application is filed, it can be expected that the Santo file will have arrived in Port Vila.

BY THE COURT

