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

ELECTION PETITION CASE NO 01 OF 2012

IN THE MATTER OF: SECTION 62 OF
REPRESENTATION OF THE
PEOPLES ACT CAP [146]

BETWEEN: **JEAN KALOMULE RAVOU AKII**
GEORGE BOAR ATTORNEY AT
LAW Port Vila in the Republic of
Vanuatu
Petitioner's /Applicant's Lawyer

AND: **THE PRINCIPAL ELECTORAL
OFFICER**
First Respondent

AND: **THE ELECTORAL COMMISSION**
Second Respondent

AND: **HOSEA NEVU**
Third Respondent

ELECTION PETITION CASE NO.05 OF 2012

IN THE MATTER OF: SECTION 62 OF
REPRESENTATION OF THE
PEOPLES ACT CAP [146]

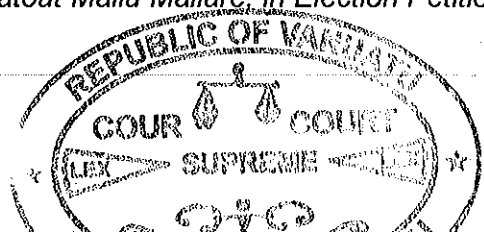
BETWEEN: **VATOUT MALIU MALIARE**
TIMAKATA & ASSOCIATES of Rue
Pierre Lamy, P.O.Box 707, Port Vila
in the Republic of Vanuatu
Petitioner's /Applicant's Lawyer

AND: **THE PRINCIPAL ELECTORAL
OFFICER**
First Respondent

AND: **THE ELECTORAL COMMISSION**
Second Respondent

AND: **HOSEA NEVU**
Third Respondent

- *Mr George Boar for the Petitioner, Jean Kalomule Ravou Akii, in Election Petition Case No.01 of 2012*
- *Mr John William Timakata for the Petitioner, Vatout Maliu Maliare, in Election Petition Case No.05 of 2012*



- *Mr Avock Godden of State Law Office*
- *The Principal Electoral Officer, Etienne Combe*

ORDERS

1. Pursuant to Orders dated December 13, 2012 in particular Order 3, following process of examination pursuant to s.62 of the Act [CAP.146] is directed and set up and for the purpose of the examination process, the Petitioner in Election Petition Case No.01 of 2012 shall be "Petitioner 1" and Petitioner in Election Petition Case No.05 of 2012 shall be "Petitioner 2" and Mr Hose Nevu is the Third Respondent in both Petitions.

ESTABLISHMENT OF THE COMMITTEE

2. An Examination Committee is set up;

COMPOSITION OF COMMITTEE

3. The Examination Committee is composed of the following:
 - a. Counsel for Petitioner 1 or Petitioner 1 in person if not legally represented and or their respective designates;
 - b. Counsel for Petitioner 2 or Petitioner 2 in person if not legally represented and or their respective designates
 - c. Counsel for the First and Second Respondents or their designates
 - d. The Principal Electoral Officer
 - e. Counsel for the Third Respondent or Third Respondent in person if not legally represented and or respective designate;

NOTE: NO MEMBER OF ELECTORAL COMMISSION SHALL INVOLVE IN THE EXAMINATION EXERCISE UNDER S.62 OF THE ACT SAVE THEIR COUNSEL.

SUPERVISION OF EXAMINATION PROCESS AND THE RECOUNTING OF VOTES

4. The Principal Electoral Officer shall supervise the examination process and the examination of counted votes and void votes and examination of the counting of votes.

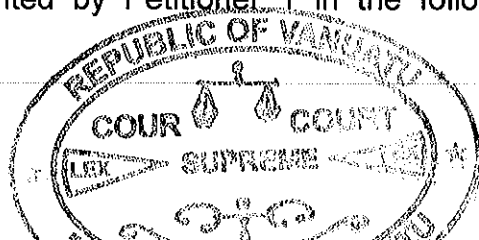
EXAMINATION PROCESS LIMITED TO ONLY PERSONS NAMED IN ORDER 2

5. No other person is allowed to attend the examination process and the recount, except those persons identified and named in Order 2 above.

EXAMINATION PROCESS

Examination process in respect to Petitioner 1 and the Third Respondent

6. (1) Petitioner 1's ballot papers are counted by Petitioner 1 in the following manner:



- (a) Petitioner 1's ballot papers of counted votes are counted and totalled;
- (b) Petitioner 1's ballot papers counted, are handed to Third Respondent to be checked by Third Respondent
- (c) Void votes if any are counted and totalled by Petitioner 1 and handed to Third Respondent for checking
- (d) The Third Respondent's ballot papers are similarly dealt with in the same manner as Petitioner 1's.
- (e) The counting of votes to take place thereafter.

Examination process in respect to Petitioner 2 and the Third Respondent

- 6. (2) Petitioner 2's ballot papers and the Third Respondents ballot papers shall be similarly examined in the same manner as set out in order 5.

EVENT OF DISPUTE

- 7. If any dispute arises the opinion of the Principal Electoral Officer may be sought and obtained.
- 8. If any papers remain disputed by either party, the committee reserves it for the decision of the Supreme Court, setting out in its final decision.

VENUE, DATE AND TIME FOR EXAMINATION PROCESS TO TAKE PLACE

- 9. The examination process referred to in these orders is to start on January 15, 2013 at 900am and to continue on January 16, 2013 and January 17, 2013 at the Supreme Court Hearing Room 2, Supreme Court building, Port Vila, Republic of Vanuatu.

SUBMISSION OF EXAMINATION REPORT BY EXAMINATION COMMITTEE TO SUPREME COURT

- 10. A report must be prepared by the Examination Committee on the process of examination and examination of counted votes and void votes and examination of the counting of votes and be submitted to the Supreme Court within 48 hours of completion of the examination process. The Examination Report must be treated as confidential and submitted by sealed envelope to the Supreme Court by January 23, 2013.

HEARING/CONFERENCE BEFORE THE SUPREME COURT

- 11. A hearing/conference is scheduled before the Court on 25 January 2013 at 9.00am o'clock.

COSTS

- 12. The costs are in the cause.

DATED at Port-Vila this 19th day of December 2012

BY THE COURT

**Vincent LUNABEK
Chief Justice**

