

BETWEEN: NORRIS JACK KALMET
Claimant

**AND: MARCEL ANDRE BRUGGER
FABIENNE BRUGGER**
First Defendants

AND: THE REPUBLIC OF VANUATU
Second Defendant

Before: *Justice Oliver A. Saksak*

Counsel: *Mr Nigel Morrison for the Claimant/ Respondent
Mr Mark Fleming for the Defendants/ Applicants*

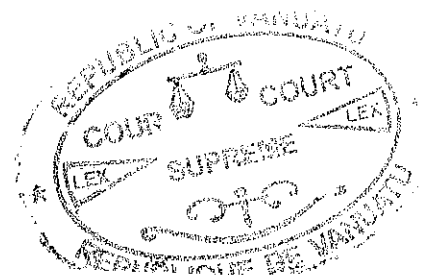
Date of Hearing: *21st June 2024*

Date of Decision: *25th June 2024*

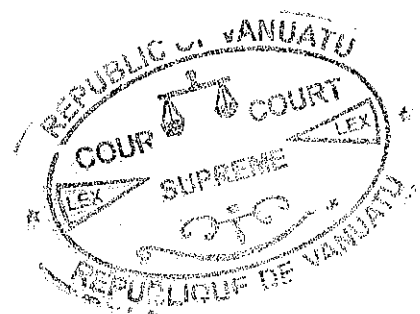
DECISION

Introduction

1. I heard Counsel in relation to the defendant's application for contempt of Court dated 29th April 2024.
2. The application was supported by the sworn statement of Stewart Gordon Mc Ewen filed on the same date.
3. The basis of the application is Rule 18.14 of the Civil Procedure Rules.
4. It was alleged the claimant had acted in breach of the Orders of the Court dated 23rd September 2023.
5. It was submitted by Mr Fleming that the claimant should be punished for contempt of Court orders by a fine of VT 100,000.



6. By formal response filed by the claimant on 18th June 2024 Mr Kalmet specifically admitted that he had breached the said Court orders by entering Lease Title 137 and causing interferences to the defendants. He also stated he wished to apologise and purge his contempt.
7. The Court permitted Mr Kalmet and he verbally apologised to the Court and to the defendants through their lawyer Mr Fleming and presented two pandanus mats as a token pursuant to the Ni Vanuatu and Melanesian way to reinforce his admission, apology and the purging of his contempt and presented mats. However that cannot be used as a bargaining chip and as a precedent in any future cases.
8. Contempt's of Court orders are a serious matter. Here the claimant took a bold step by admitting, apologising and purging his contempt. But so that there is a deterrence, Mr Kalmet's contemptuous acts should not go unpunished simply because he has admitted, apologised and purged his contempt.
9. In Mr Kalmets' case he is to be punished by a fine, but at a reduced sum of VT 50,000 because he apologised and purged his contempt. The fine is to be paid to the State.
10. Mr Fleming also sought costs of the application in the sum of VT 120,000. The application was unopposed and therefore the Court Ordered Mr Kalmet to pay costs in the sum of VT 120,000 to the Defendants.
11. The formal orders were-
 - a) That Mr Kalmet is punished for his contempt by a fine of VT 50,000 payable to the State.
 - b) Mr Kalmet is to pay the defendants' costs of the application fixed at VT 120,000 being for 3 hours.
12. To progress the matter further Mr Morrison sought leave to file an amended claim. The application is to be made within 7 days from the date hereof.



13. The matter will be returnable on 2nd August 2024 at 8:00am.

DATED at Port Vila this 25th day of June 2024

BY THE COURT



Hon. OLIVER A SAKSAK
Judge

