

BETWEEN: August Letlet
Claimant

AND: Josiah Kautpen
First Defendant

AND: Attorney General
Second Defendant

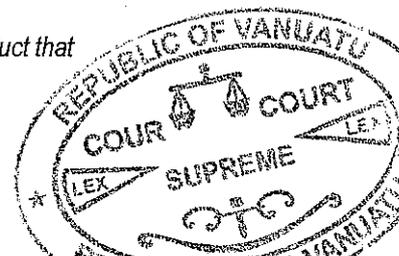
AND: Reserve Bank of Vanuatu
Third Defendant

Before: Hon. Justice EP Goldsbrough
In Attendance: Blake G for the Claimant
Aron. S for First and Second Defendant
Date of Decision: 17th November 2025

DECISION ON COSTS

1. After the publication of the decision in *Letlet v Kautpen* [2025] VUSC 301, a submission was filed by counsel for the claimant on indemnity costs. Orders were made for the filing of submissions on the same question by the defendant. I am told that no such submission has been filed by that counsel.
2. I have considered the submission made. I do not consider that indemnity costs are appropriate. The proceedings were not conducted in a way that prolonged them unnecessarily. The defendant had to answer the application made by the claimant. That the claimant had acted wrongly, as found by the Court following trial, did not contribute to the costs.
3. Indemnity costs are available in circumstances set out in the Civil Procedure Rules 2002 (CPR) Rule 15.5. Rule 15.5 (4) does not apply in this instance therefore reliance must be placed on R 15.5 (5) which provides :-

"The court may also order a party's costs be paid on an indemnity basis if:
(a) the other party deliberately or without good cause prolonged the proceeding; or
(b) the other party brought the proceeding in circumstances or at a time that amounted to a misuse of the litigation process; or
(c) the other party otherwise deliberately or without good cause engaged in conduct that resulted in increased costs; or



(d) in other circumstances (including an offer to settle made and rejected) if the court thinks it appropriate."

4. In my view, none of those circumstances apply in this case. The order for standard costs are described in the original decision stands.

Dated at Port Vila this 17th day of November 2025

BY THE COURT



Hon. Justice EP Goldsbrough

