

BETWEEN: Wu Kim Ming
Claimant

AND: Republic of Vanuatu
First Defendant

AND: Nelson Sese
Second Defendant

AND: The Public Prosecutor
Third Defendant

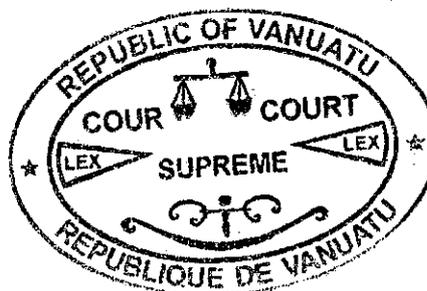
Before: Justice Oliver A. Saksak

Counsel: Mr Robert Sugden for the Claimant/ Applicant
Mr Lennon Huri for the First and Third Defendant
Mr Lent Tevi for the Second Defendant

Date of Decision: 2nd December 2025

DECISION

1. By an application filed by the claimant on 23rd June 2025 pursuant to Rule 18.11 of the Civil Procedure Rules the claimant alleges the Defendants have failed to make disclosures as ordered to do so by order dated 11th June 2025.
2. Amongst others, the Court ordered the Third Defendant to provide further and better disclosure of :
 - i) All notes, file notes and memoranda internal to the Third Defendant that concerned, directly or indirectly, all proceedings in relation to the prosecution, PP v Ming, Criminal Case No. 20/2330.
 - ii) All correspondence relating to or connected with Criminal Case No. 20/2330 between the Third Defendant and entities other than the Vanuatu Police Force
3. The third Defendant has claimed legal professional privilege for those documents.



4. The only issue for determination is whether the documents are privileged documents and should not be disclosed to the claimant.
5. In determining the issue I have had regard to :
 - a) The Supreme Court claim filed on 2nd May 2023.
 - b) The Amended claim filed on 6th June 2025.
 - c) The Constitutional Case No. 2884 of 2017 filed on 20th July 2017.
 - d) The Decision relating to the claimant's application for consolidation of cases dated 27th May 2024.
 - e) The Third Defendant's list of Documents filed on 18 June 2025.
 - f) The First and Third Defendant's Defence to the Amended Particulars filed on 13th June 2025.
 - g) The Claimant's submissions filed on 19th September 2025, and
 - h) The First and Third Defendant's submissions filed on 19th September 2025.
6. It appears to me Mr Tevi did not file any submissions in relation to the issues of privilege.
7. Paragraph 3 of the Decision dated 27 May 2024 records that the Criminal charges against the claimant in Criminal Case 20/2330 was dismissed on 19th September 2022 after the prosecutor offered no evidence.
8. The claimant has had the benefit of that decision since May 2024. Now the claimant is seeking disclosure of all notes, and internal memoranda directly or indirectly concerned with the Criminal Case 20/2330. The purpose of seeking disclosures of those documents have not been specified. Those documents are claimed to be privileged documents. The third Defendant is entitled to make that claim of privilege. By section 192 of the Evidence Act those privileged documents are inadmissible evidence.

Dated at Port Vila this 2nd day of December 2025

BY THE COURT

