

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

Civil
Case No. 22/2140 SC/CIVL

**BETWEEN: Jean Baptiste Hue representing
Drehu Tapaka Collectif BP 198-
988884, Chepenehe, Lifou Island,
New Caledonia**

Claimant

**AND: Sylvie Qenegeie & Christopher Karie
trading as Belair Farm**

First Defendants

**AND: Sylvie Qenegeie & Leopol (aka Leo)
Qenegeie**

Second Defendants

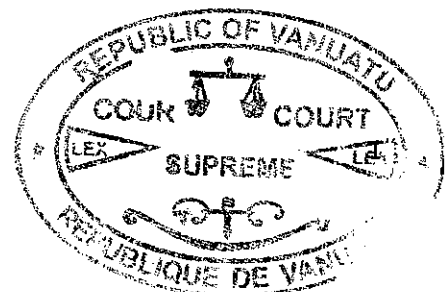
AND: Robert Murray Bohn and PITCO

Interested Parties

Date of Hearing: 31 March 2026
Before: Justice V.M. Trief
In Attendance: Claimant – Mr S. Kalsakau
First Defendants – no appearance (in person)
Second Defendants – Mr N. Morrison
Interested Parties – Mr R. Bohn in person

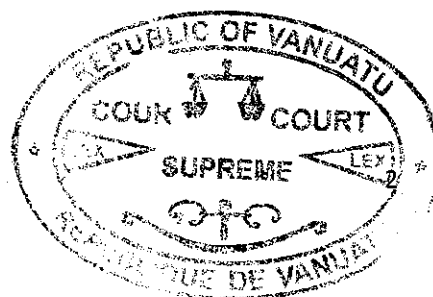
EX TEMPORE DECISION AS TO CLAIMANT'S URGENT APPLICATION FOR CONTEMPT

1. By the Claim, the Claimant Jean Baptiste Hue representing and on behalf of the farmers' association called Drehu Tapaka Collectif BP 198-988884 of Lifou Island, New

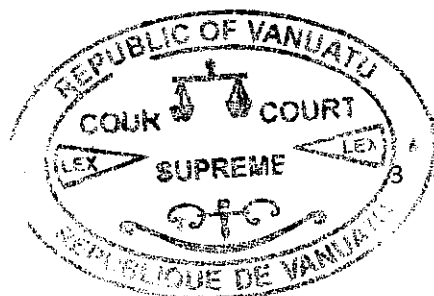


Caledonia (the 'Collectif') is suing the Defendants for refund of all monies collected as a result of the sale of the sandalwood belonging to the members of the Collectif, damages, interest and costs.

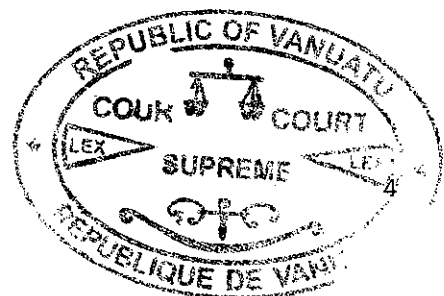
2. The First Defendants Sylvie Qenegeie and Christopher Karie trade as Belair Farm.
3. The Second Defendants the same Mrs Qenegeie and Leopold (also known as Leo) Qenegeie are wife and husband respectively and operate a business by the name of "Santal Dzyi" in Noumea, New Caledonia.
4. The Interested Parties have in their possession the proceeds of sale of the sandalwood which Mr Hue alleges belonged to the members of the Collectif.
5. By Orders dated 3 October 2022, the Court froze all monies that were held and in the possession of the Interested Parties Robert Bohn and PITCO. The Court ordered that, *"funds held by the Interested Parties consisting of cash VT87,392,270 and cash at bank VT42,595,593 (total VT129,987,863) are frozen until further order of the Court."*
6. On 3 March 2026, the Claimant filed Urgent Application for Interim Orders (the 'Urgent Application') and Sworn statement of Claimant's Counsel in support. On 11 March 2026, proof of service of that Application, Sworn statement and the Minute and Orders dated 9 March 2026 on the Interested Parties was filed.
7. By Minute and Orders dated 11 March 2026, I stated that having considered the Urgent Application and Sworn statement, and having heard counsel, I was satisfied of the following:
 - a. *That on 3 October 2022, the Court ordered that, "funds held by the Interested Parties consisting of cash VT87,392,270 and cash at bank VT42,595,593 (total VT129,987,863) are frozen until further order of the Court.";*
 - b. *That despite those Orders and for undisclosed reasons, the Interested Parties have been dealing with the frozen funds as shown in the statement attached to the Sworn statement in support;*
 - c. *Hence, to prevent further loss, the Orders sought are necessary to preserve the proceeds of sale of sandalwood;*
 - d. *That the best option for all the parties is for the monies to be paid into the Chief Registrar's trust account; and*
 - e. *In addition, that given that the funds were ordered to be frozen as of 3 October 2022, that the total as of that date should be the amount ordered to be transferred to the Chief Registrar's trust account.*



8. For those reasons, I granted the Urgent Application and ordered as follows:
- a) *That the amount of VT87,392,270 held as cash-in-hand by the Interested Parties, jointly or severally, must within 7 days from the date of this order, be placed, deposited and paid into the Chief Registrar's Trust Account 14149 at the ANZ Bank (Vanuatu) Limited; and*
 - b) *In addition, that the amount of VT42,595,593 (total VT129,987,863) held in the Interested Parties' bank, must within 7 days from the date of this order, be transferred, moved, deposited and paid into the Chief Registrar's Trust Account 14149 at the ANZ Bank (Vanuatu) Limited.*
9. The Interested Parties have not complied with the Orders dated 11 March 2026. They have not transferred and paid any funds into the Chief Registrar's Trust Account.
10. Consequently, on 27 March 2026, the Claimant filed Urgent Application for Contempt seeking orders that the Interested Parties be jointly or severally punished for contempt of Court orders by fine or imprisonment or both, that the Interested Parties must immediately comply with the Orders dated 11 March 2026 and other order deemed fit (the 'Contempt Application'). The Sworn statement of counsel Sakiusa Kalsakau was filed on the same date in support.
11. On 19 March 2026, Mr Bohn filed a Sworn statement to the effect that when the funds were frozen in October 2022, the funds held in cash notes could not be accepted by local banks. Hence the Interested Parties have been undertaking an exercise of converting the funds held in cash notes into banked funds, which is a lengthy and time consuming exercise, in respect of which the Interested Parties have been charging quarterly fees of VT500,000.
12. This accords with "**Attachment SK3**" to Mr Kalskau's Sworn statement filed on 7 March 2026 which is a transactions history statement which shows that PITCO has not charged monthly fees, as asserted in the Contempt Application, but a quarterly fee. In addition, they did not charge such VT500,000 fee regularly immediately after October 2022, but since 2023 to date they have been charging it each quarter.
13. Mr Bohn's evidence is that as of 18 March 2026, the total funds that the Interested Parties have in their possession is VT122,987,863 consisting of VT106,390,593 banked funds and VT16,597,270 in cash notes.
14. Mr Kalsakau submitted that the full amount of the funds frozen by Court Order, as set out in the 11 March 2026 Orders, should be transferred to the Chief Registrar's Trust Account.

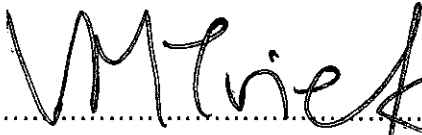


15. However, I take into account that from 3 October 2022 to 3 March 2026, the Claimant did not raise any issue in relation to the Interested Parties holding the funds frozen by the Orders dated 3 October 2022. Mr Kalsakau submitted that in 2024, he raised an issue with the Interested Parties. However, no Application was filed by the Claimant as to this in 2024. Indeed, no application was filed until 3 March 2026 and 27 March 2026.
16. It is only with the Interested Parties' evidence by way of Mr Bohn's sworn statement filed on 19 March 2026, that any party has now brought to the Court's attention the parties' arrangement that the Interested Parties continued to carry out the exercise of converting the cash notes held in-hand into banked funds. Mr Bohn stated that he and PITCO did so following discussion with both counsel and that the Interested Parties have always immediately responded to enquiries for information about to the funds.
17. I conclude therefore that the Claimant did not file an application including as to the wording of the 3 October 2022 Orders because up until 3 March 2026, all the parties understood and accepted that the Interested Parties were continuing to undertake the requisite exercise to convert the cash notes held in-hand into banked funds.
18. As I have already stated, no party raised any issue in relation to the funds held by the Interested Parties until the Claimant's Application filed on 3 March 2026.
19. I therefore accept the Interested Parties' explanation as to how they have been handling the funds in their possession since 3 October 2022, and that as of 18 March 2026, the total funds that the Interested Parties have in their possession is VT122,987,863 consisting of VT106,390,593 banked funds and VT16,597,270 in cash notes.
20. I also accept that the Interested Parties could charge quarterly fees for the exercise they undertook and are continuing to undertake to convert the funds held in cash notes into banked funds. I accept that they have been charging the fee as they would for any other client. I reject the Claimant's assertions that the fee was charged "monthly" and that it was "exorbitant."
21. I record that during my discussion with Mr Bohn in today's hearing, that he stated that the Interested Parties would charge only one further fee of VT500,000 – for the quarter ending 30 June 2026. He stated that if the Interested Parties had not succeeded in converting all of the VT16,597,270 currently held in cash notes by 30 June 2026, so that they would have to continue that exercise after 30 June 2026, that they would not charge any further fees after 30 June 2026.



22. For the reasons given, I find no contempt of Court by the Interested Parties therefore **decline and dismiss** the Claimant's Urgent Application for Contempt filed on 27 March 2026.
23. However, to protect the balance of the funds held by the Interested Parties, the parties are agreed therefore I order that the funds currently held as banked funds be transferred and paid into the Chief Registrar's Trust Account, and once the Interested Parties have converted all of the funds currently held as cash notes into banked funds, then they also transfer and pay that balance of the funds into the Chief Registrar's Trust Account.
24. The costs of the Application are in the cause.
25. The parties are to forward draft orders **by 4pm on 2 April 2026**.

**DATED at Port Vila this 31st day of March, 2026
BY THE COURT**


Justice Viran Molisa Trief

