

IN THE SUPREME COURT OF SAMOA

HELD AT APIA

MISC. 21020

BETWEEN: POLYNESIAN AIRLINES
(HOLDINGS) LIMITED a duly
incorporated company having its
registered office at Apia

Applicant

A N D: SAMOA OBSERVER
COMPANY LIMITED a duly
incorporated company having its
registered office at Apia

First Respondent

A N D: SAVEA SANO MALIFA,
publisher of Apia

Second Respondent

A N D: RUTH THOMSEN of Apia,
reporter

Third Respondent

A N D: ANDREW ROBSON of
Melbourne, Solicitor

Fourth Respondent

Counsel: T K Enari for applicant
H Schuster for first, second and third respondents

Hearing: 16 June 1998

Ruling: 16 June 1998

ORAL RULING OF SAPOLU, CJ

I have considered the apology which the first, second and third respondents in this matter have produced and submitted to the Court. I have decided to accept that apology and to impose as a condition of that acceptance that the apology be published within seven(7) days on the first page of an issue of the Samoa Observer newspaper. When that is done, it is the end of this matter.

But I must admonish the respondents, particularly the second respondent as publisher and owner of the Samoa Observer, to take and exercise due care in the future to ensure that there would be no repetition of the kind of publication which is in issue in this case so that the respondents would not have to appear again before this Court on contempt proceedings. I say that because if the respondents do appear again before this Court on contempt proceedings arising from any publication in the Samoa Observer, this Court may take a more serious attitude and impose a severe penalty.

TFM Sapolu
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CHIEF JUSTICE

Solicitors:

Kruse, Enari & Barlow of Apia, for applicant

Fepuleai Law Firm of Tamaligi, for first, second and third respondents