

BETWEEN : 'ETUATE LAVULAVU Plaintiff

AND : THE PRIME MINISTER OF TONGA First Defendant

AND : THE KINGDOM OF TONGA Second Defendant

COURT ORDER

BEFORE: HON.LORD CHIEF JUSTICE BISHOP KC

Appearances: The Plaintiff
: Mr S Sisifa SC, Solicitor General for the Defendants

HAVING HEARD the Plaintiff's application for an interim injunction and the Defendant's response, which was received by the Court this morning, and noting the logistical difficulties arising from the absence of Justice Garlick overseas and Justice Tupou sitting in Vava'u, so that consideration shall be given as to whether the final hearing should be before the Lord Chief Justice alone or the whole court sitting en banc;

AND UPON CONSIDERATION of the basis of the Plaintiff's application, that he was unlawfully prevented from attending the Press Conference;

AND HAVING BEEN SATISFIED of the fact that the Plaintiff was not expressly invited to attend the press conference, does not of itself, provide a sufficient basis for the relief sought; and further considering that the reasons advanced for the Plaintiff's exclusion include the ongoing inquiry by the Communications Commission and an allegation of unspecified unacceptable behaviour;

IT IS HEREBY ORDERED THAT:

- [1] The existing interim order issued on 4 September 2026 is suspended until after the next press conference.
- [2] The next press conference shall proceed without impediment to the Plaintiff's participation, where he shall remotely access the livestreamed Press Conference through the ordinary social media platforms subject to the undertakings and conditions set out below. The Plaintiff shall undertake to the Court that:
- a. any questions asked by the Plaintiff at the press conference shall be put courteously and respectfully; and
 - b. any answers given at the press conference shall be reported accurately.
- [3] The Solicitor General is directed to arrange for the next press conference to be audio or digitally recorded.
- [4] A copy of the recording of the next press conference shall be provided to the Court.
- [5] The recording shall include the questions asked by, or on behalf of, the Plaintiff, together with the responses given.
- [6] The Court will consider the recording and the circumstances of the Plaintiff's participation in the next press conference, including whether the Plaintiff was afforded a reasonable opportunity to participate remotely and ask questions.
- [7] In determining whether the existing order should be continued, varied, or discharged, the Court will have regard to the Plaintiff's conduct at the next press conference and whether the Plaintiff complied with the undertakings given to the Court.
- [8] The Court reserves its decision as to the continuation, variation, or discharge of the existing order until after consideration of the recording and the matters arising from the next press conference.

NUKU'ALOFA: 11 SEPTEMBER 2026



Malcolm Bishop
HON. MALCOLM BISHOP KC

LORD CHIEF JUSTICE