

**REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN**

**PUBLIC REPORT
ON THE
DELAY
ON
POLICE INVESTIGATIONS**

30 September 1998

7290/8/21

PREAMBLE

"... Be of the same mind one toward another; mind not high kings, but condescend to men of low estate; be not wise in your own conceits. Provide things honest in the sight of all men. Be not overcome of evil, but overcome evil with good.

Romans ch. 12 v 16 - 21

One of the most disturbing aspects of the conduct of the Police Service is the evidence that emerged revealing the fact that the police were quick to arrest and prosecute when it suited them for example, more than 500 "offenders" who had attacked and resisted the police during the VNPF troubles in less than 2 weeks. Moreover, it also became apparent that selected other cases are dealt with quickly. There is clear evidence of reluctance to take any kind of action against anyone in the category of "big men" while "small people" were pursued.

It is obvious that priority in these matters is very much a disorderly and unfair gamble, and is symptomatic of the undisciplined and unbalanced attitudes which arise from lack of training, discipline and good example. This results in a growing lack of confidence in the police.

It is time that a new training philosophy was put in place to raise the standard of performance as well as police morale and behaviour.

SUMMARY

On 10 September 1996 the Office of the Ombudsman, on its own initiative, commenced an enquiry into the conduct of the Vanuatu Police Force relating to the continuous delays in police investigations, in particular to major misappropriation cases and one assault case. The accused included government leaders, and political advisers.

Police admitted that these cases had not been passed on for prosecution for a variety of reasons. Police took up to seven years to complete investigations.

The Ombudsman found that standard procedures for recording, investigation and supervision were not enforced. The Ombudsman also found that the police failed to carry out their duties, the Officer-In-Charge of Criminal Investigation Department ("OIC CID") did not supervise these investigations properly and investigations were delayed for unjustified reasons.

Consequently, these criminal offences have not been prosecuted with the result that alleged offenders have not been brought to justice and misappropriated funds have not yet been recovered.

**FINAL REPORT
ON THE
DELAY ON POLICE INVESTIGATIONS**

TABLE OF CONTENTS

PREAMBLE.....	1
SUMMARY.....	1
1. JURISDICTION.....	3
2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED.....	3
3. OUTLINE OF EVENTS.....	3
4. RESPONSES TO THE PRELIMINARY REPORT.....	9
5. RELEVANT LAWS AND REGULATIONS.....	10
5.3 S6(1) OF THE POLICE ACT (CAP 105).....	10
6. FINDINGS	10
<u>Finding No. 1:</u> The former Police Commissioner Mr Luc Siba and the Police Commissioner Mr Peter Bong breached the Leadership Code, Article 66(1) (b), (c) and (d) of the Constitution.	10
<u>Finding No. 2:</u> Former Commissioner Luc Siba, Commissioner Peter Bong, Superintendent Vake Rakau, Inspector George Namaka, Inspector George Twomey, Sergeant Jean Yve Kali, Corporal Judah Silas, Corporal Jean Paul Toure and former Chief Inspector Andrew Bambara, breached Section 4(2) of the Police Act (CAP 105).....	11
<u>Finding No. 3:</u> The conduct of Inspector George Namaka, Superintendent Vake Rakau and Chief Inspector Andrew Bambara was improper in that they breached Section 1 of the Force Standing Orders on Offences and Complaints and Action by Police.	11
<u>Finding No. 4:</u> The administrative practice of the Vanuatu Police Force is defective in that the laws and procedures are not enforced and as a result significant delays in prosecution occur.	12
<u>Finding No. 5:</u> Mr Siba has been implicated in other reports published by this office have:.....	12
7. RECOMMENDATIONS.....	13
<u>Recommendation No.1:</u> Mr Luc Siba never be appointed to any leadership post again, nor to any post in the Public Service.....	13
<u>Recommendation No. 2:</u> The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr Peter Bong for failing to properly supervise the Police Force.....	13
<u>Recommendation No. 3:</u> The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr George Namaka for failing to properly supervise CID.....	13
<u>Recommendation No. 4:</u> The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr Vake Rakau for failing to properly supervise CID.....	13
<u>Recommendation No. 5:</u> Mr Rakau be removed from his post as OIC CID to another post in the Police Force which does not require investigations skills and being responsible for the work of others.....	13
<u>Recommendation No.6:</u> The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr Andrew Bambara for failing to investigate Mr Kalmer's 1989 case.	13
<u>Recommendation No.7:</u> The system of administration and investigation be reviewed to minimise undue delays and general inefficiency within the Force.	13
8. CONCLUSION.....	13
9. INDEX OF APPENDICES.....	14

1. JURISDICTION

- 1.1 The Ombudsman conducted this enquiry in accordance with art 62 of the Constitution and sections 14 and 17 of the Ombudsman Act No. 14 of 1995. Under Art 62 of the Constitution, the Ombudsman is empowered to enquire into matters either on his own initiative or upon receiving complaints from any persons as a result of a particular conduct or action by another person.
- 1.2 The Ombudsman Act continues to apply to this case regardless of its recent repeal, since the investigation began while the Act was in effect (Interpretation Act [CAP 132] s. 11).

2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The purpose of this report is to present my findings in accordance with Article 63 of the Constitution and Section 24 of the Ombudsman Act.
- 2.2 The scope of this investigation is to ascertain the relevant facts with respect to police delayed investigations into cases of misappropriation of public funds and an assault case and to determine whether:
- the conduct of Mr Luc Siba, the former Commissioner, and Mr Peter Bong, Commissioner of Police, during the period of these police delayed investigations was proper;
 - the conduct of Messrs George Namaka, George Twomey, Jean-Yve Kali, Judah Silas, Jean Paul Toure, and Andrew Bambara, who are police investigation officers, was proper;
 - the administrative practice of the Vanuatu Police Force is defective;
 - Mr Luc Siba and Mr Peter Bong breached the Leadership Code;
- 2.3 This Office acquires relevant information and documentation by informal request, summons, correspondence, personal interviews and research.

3. OUTLINE OF EVENTS

The police case files subject to this enquiry are listed below.

3.1 MR THEODORE SOLONG

A strong supporter of the Union of Moderate Parties (UMP). Posts held: Third Political Secretaries in the Ministries of Transport & Public Works, Third Secretary in the Ministry of Telecommunication, Civil Aviation, Meteorological Services & Postal Services.

Offence: Alleged Misappropriation of funds. VT.129,000

Date reported to the police: 31/10/95

Date sent for prosecution: Case file is still with the police.

Duration of Investigation: Now over 32 months.

Police Investigating Officer: Corporal Judah SILAS

- 3.1.1 On 31 October 1995 a complaint was made to the police that Mr Theodore Solong, the former Third Secretary in the Ministry of PWD, misappropriated an amount of VT.129,000 during early 1995. This fund was for the Vietimboso Community.

- 3.1.2 The Ombudsman asked the Police Commissioner, Mr Siba by letter on 9 January 1996 whether the police were investigating this complaint and when the file would be forwarded to the Public Prosecutor. A letter from Mr Peter Bong Officer In Charge, Criminal Investigation Department (**OIC CID**) on 19 January 1996 to the Ombudsman stated that only a number of witness statements were needed to complete the investigation. Copies of these letters are attached as **Appendices 1 and 2**.
- 3.1.3 The Ombudsman asked Mr Siba on 7 February 1996 whether the police had already obtained a statement from Mr Solong. On 13 February 1996, Mr Siba admitted that he was not aware of what was happening in some investigations and suggested that the Ombudsman enquire with the Public Prosecutor. Copies of these letters are attached as **Appendices 3 and 4**.
- 3.1.4 The Ombudsman asked to examine the Crime Docket on the investigation into this complaint in June 1996. It then discovered that this complaint was only registered in the police register in June, over seven months after it was reported and five months after the Ombudsman had started her investigation. This is contrary to standard procedure. (**Appendix 13**).
- 3.1.5 On 11 September 1996 during an interview with the Ombudsman, the OIC CID Inspector Namaka said that a statement had already been obtained from Mr Solong. However, during the inspection of the Crime Docket the Ombudsman saw no statement from Mr Solong.
- 3.1.6 The Public Prosecution Department stated to the Ombudsman on 23 March 1998 that the Department had already received a police case file on this complaint but was not satisfied with the investigation, so the file would be sent back to the police for further investigation. Three years after the complaint was made the police still have not finalised their investigation.

3.2 **MR THEODORE SOLONG**

Offence: Alleged Misappropriation of funds VT.1.000.000.

Date reported to the police: 11 June 1996

Case file sent for prosecution: The case was listed to go before the court on 1 April 1998.

Duration of investigation: Over 20 months.

Police Investigating Officer: Corporal Judah SILAS

- 3.2.1 On 11 June 1996 a second complaint about misuse of funds against Mr Solong was made to the police. The complaint involved the amount of VT.1.000.000 that was deposited in his name on behalf of the Gaua Community for the purchase of a motor vehicle. This money was never used to purchase a vehicle for the community.
- 3.2.2 Mr Solong was interviewed by the police one week before the Ombudsman inspected the Crime Docket. The case is now with the Public Prosecutor.
- 3.2.3 The police stated that their investigation into this complaint had already been completed and the crime docket was sent to the Public Prosecutor on 29 August 1996. The Public Prosecutor confirmed on 4 July 1997 that the crime docket had been sent back to the Police for further evidence. The Public Prosecutor stated to the Ombudsman on 23 March 1998 that this case will be heard before the Supreme Court on 1 April 1998 for plea.

3.3 **MR WAIMINI PEREI**

A strong UMP supporter from Santo. He occupied senior posts within the Government Ministries that came under the responsibilities of the former Prime Minister Mr Rialuth Serge Vohor. Posts held: Principal Immigration Officer, Director of National Tourism Office, Chairman of the Police Service Commission, and lastly the Director of Public Service Department.

Offence: Alleged Unlawful removal of Government property

Date reported: 8 March 1996

Date sent for prosecution: 18 September 1996

Duration of investigation: Over 6 months (it took more than 3 months to obtain one statement from Mr Perei by the Police)

Police Investigating Officer: Inspector George TWOMEY and Inspector NAMAKA

- 3.3.1 An allegation of unlawful removal of Government property against Mr Waimini Perei was made to the Police on 8 March 1996. It was alleged that Mr Perei unlawfully removed 5 Law Volumes, Public Finance Act and other Regulations. Inspector Namaka dealt with the investigation.
- 3.3.2 A Search Warrant was executed at the residence of Mr Perei on 10 March 1996 where the items were found. These items were seized by the police.
- 3.3.3 Inspector Namaka told the Ombudsman during his interview that six months after the complaint was made, a caution statement had not been obtained, but that he intended to obtain one from Mr Perei on 11 June 1996.
- 3.3.4 The crime docket was finally sent to the Prosecution Department on 18 September 1996.
- 3.3.5 Mr Perei appeared before the Magistrates Court on 17 March 1997. It took over a year for the police investigation and prosecution process to be completed. His caution statement was only obtained and the investigation was only finalised when the Ombudsman started her enquiry.
- 3.4 **MR ONNYNE TAHI (Deceased)**

He was formally a strong supporter of the Vanuaaku Party (VP) but changed his affiliation to the National United Party (NUP) and, before his death, one of the founders of the People's Democratic Party (PDP). Post held: Speaker of Parliament, Government Minister.

Offence: Alleged Misappropriation of public funds VT.249.200

Date reported to the police: 29 February 1996

Date sent for prosecution: Case file still with the police.

Duration of investigation: The investigation was still ongoing 17 months after the complaint had been laid.

Police Investigating Officer: Corporal Jean Paul TOURE

- 3.4.1 An allegation of misappropriation of public funds against the late Mr Onnyne Tahi was made to the police on 29 February 1996. The amount involved was VT.249.200. According to Inspector Namaka's statement this investigation was delayed due to non-availability of funds to pay for airfares in order for the late Mr Tahi to be seen on Ambae.
- 3.4.2 The Saratamata Police Station is about 5 km from the late Mr Tahi's village. It was possible for late Mr Tahi to be seen at the Saratamata Police Station.
- 3.4.3 Mr Siba informed the Ombudsman on 24 April 1996 that the investigation into the complaint was still ongoing, however, he later informed the Ombudsman that he would release funds so that a police investigator could go to Ambae
- 3.4.4 The police investigation into this complaint is still not completed with the crime docket still with the police.
- 3.4.5 Mr Tahi was killed in a road accident on 29 July 1997 and the investigation was never finalised.

3.5 **NATIONAL HOUSING CORPORATION**

Offence: Alleged Misappropriation of Fund VT.1.951.400

Date reported to police: 28 November 1995

Date sent for prosecution: Still with the police since 1995

Duration of investigation: Over 30 months.

Police Investigating Officer: Sergeant Jean Yve KALI

- 3.5.1 On 28 November 1995 the General Manager of the National Housing Corporation (NHC) Mr Paul Willie alleged to the Police that the former Manager of NHC, Mr Philibert Raupepe, and the former Secretary/Accountant, Mr Hugo Bahnesem, had allegedly misappropriated funds amounting to VT.1.951.400, being the NHC funds.
- 3.5.2 This fund was drawn to finance a trip for Messrs Raupepe and Bahnesem to go to the USA to negotiate funding for the NHC projects. The former Minister of Home Affairs Honourable Charley Nako, responsible for NHC, instructed them to postpone the trip, however they went ahead anyway and ended up in Fiji rather than the USA.
- 3.5.3 Mr Raupepe was interviewed by police of the 24 April 1996. Mr Bahnesem was interviewed by the police on 25 April 1996, four months after the complaint was made. The police said that the Crime Docket prepared on this investigation has already been sent for prosecution.
- 3.5.4 The crime docket was sent back to the police on 26 September 1996 by the Public Prosecutor for further evidence to be collected. It is now over twenty seven months and the crime docket is still with the police.

3.6 CHARLIE KALMET

Formerly a strong supporter of the VP but in 1988 he changed his affiliation to the Melanesian Progressive Party (MPP). Post held: President of the former Efate Local Government Council, President of the SHEFA Province, and the Private Secretary to the former Deputy PM Mr Barak Sope.

Offence: Alleged Misappropriation of fund VT.824.590

Date reported to the police: 14 April 1989

Date sent for prosecution: 24 October 1996

Duration of investigation: Over 7 years.

Police Investigating Officer: Former Deputy OIC CID Mr Andrew BAMBARA, Inspector NAMAKA and Inspector George TWOMEY

- 3.6.1. An allegation of misappropriation of funds was reported to the police on 14 April 1989. These funds were former Efate Local Government Council (ELGC) funds and the misappropriation occurred during the period when Mr Kalmet was its President. Mr Kalmet took advances of VT824,590 which were never approved and that he never reimbursed. The Ombudsman found no action was taken on this investigation. The original police crime docket was filed away by the former Deputy OIC CID Mr Andrew Bambara and is now missing.
- 3.6.2 The Ombudsman wrote to the Acting Commissioner of Police Mr Seule Takal on 8 March 1996 concerning unpaid advances made by Mr Kalmet in 1988. The Ombudsman requested Mr Takal to check this matter and give reasons as to why it had not been investigated. Mr Takal instructed the OIC CID on 11 March 1996 to investigate this complaint. A copy of this letter is attached as **Appendix 5**.
- 3.6.3 The investigation into this complaint was completed and the crime docket sent to the Prosecution Department on 24 October 1996.
- 3.6.4 On 28 May 1997 Inspector George Twomey confirmed that this investigation was completed on the documents obtained again from the Department of Provincial Affairs files. The original police case file opened for this investigation in 1988 could not be found.
- 3.6.5 The Public Prosecutor confirmed on 16 October 1997 that the case went to the Magistrates Court for preliminary enquiry on 25 September 1997. It has been committed to the Supreme Court, and the case should be heard in September 1998, 9 years after the report to the Police.

3.7 CHARLIE KALMET

Offence: Alleged Misappropriation of fund VT.10.228.845

Date reported to the police: January 1996

Date sent for prosecution: 24 October 1996

Duration of investigation: Over 9 months.

Police Investigating Officer: Inspector George TWOMEY and Inspector George NAMAKA

- 3.7.1 The Ombudsman submitted formal recommendations in the Ombudsman's Public Report entitled: *ALLEGED MISAPPROPRIATION OF FUNDS BY THE PRESIDENT OF SHEFA PROVINCE AND MALADMINISTRATION OF THE SHEFA PROVINCIAL COUNCIL*, dated 23 July 1996. A copy of this report was sent to the then Commissioner of Police Mr Siba on 23 July 1996, and his attention was drawn to paragraph 19 which states:
- 19.1. I am asking the police to finalise the investigation into the alleged misappropriation of Shefa Province Council funds by Charlie Kalmet and refer it to the Public Prosecutor, ... alleged aiding and abetting or misfeasance by the Councillors.
- The investigation must specifically look at breaches of Penal Code (CAP 135), and move immediately to prosecution if sufficient evidence of misappropriation is found.
- 19.2. The Commissioner of Police must determine by way of an internal police investigation why the previous case of misappropriation against Mr C Kalmet was not proceeded with. The Commissioner must ensure that this case is immediately transferred to the Public Prosecutor.
- 3.7.2 The Acting Director of Department of Provincial Affairs Mr J. Tensley Lulu wrote to the Commissioner of Police on 2 August 1996 requesting him to carry out an investigation as stated in the Ombudsman Public Report on the SHEFA Provincial Government President. Mr Lulu stated his concern that the police had failed to prosecute Mr Kalmet on the first allegation of misappropriation made against him. (**Appendix 6**).
- 3.7.3 The Ombudsman wrote again to Mr Siba on 13 August 1996 asking him to take note of the findings and recommendations of this report. The Ombudsman, in accordance with s25(2) of the Ombudsman Act No 14 of 1995, requested Mr Siba to notify the Ombudsman Office of what course of action he proposed to take after the expiration of 15 days from the date he received this letter. A copy of this letter is attached as **Appendix 7**.
- 3.7.4 Mr Tete wrote on 20 August 1996 to the Commissioner of Police stating his concern that it was now seven months since he provided the police with the coverage report on the allegation of misappropriation of funds against Mr Kalmet. Mr Tete requested that prompt action be taken by the police so that Mr Kalmet could be prosecuted. **Appendix 8**.
- 3.7.5 Mr Siba informed the Ombudsman on 27 August 1996 that the complaint was under police investigation with only a statement from Mr Kalmet to be obtained. Once this was done the investigation would be completed and sent to the Public Prosecutor. **Appendix 9**.
- 3.7.6 On 30 August 1996, Mr Tete informed the Commissioner of Police of additional records on personal cash advances taken by Mr Kalmet which amounted to VT.2.224.000 for a period February - August 1996. (**Appendix 10**).
- 3.7.7 According to Inspector Namaka during his interview with the Ombudsman, this complaint was reported to the police on 11 September 1996, about 15 months ago. Upon the inspection of the police crime docket on this investigation the Ombudsman discovered that no action was being taken on the investigation.
- 3.7.8 Mr Kalmet was only interviewed by the police on 13 September 1996 after the Ombudsman's interview with Inspector Namaka concerning the delays of the Police.
- 3.7.9 The Public Prosecutor confirmed on 16 October 1997 that the case went to the Magistrates Court for preliminary enquiry on 25 September 1997. It was committed to the Supreme Court.

- 3.7.10 The delay for this investigation since the original complaint on 2 August 1996 by Tensley Lulu is unacceptable.
- 3.7.11 The case should be heard in court in September 1998, 3 years after it was first reported to the Police.

3.8 MR ALFRED CARLOT

A strong supporter of the UMP. Post held: First Secretary in the Ministry of Agriculture, Executive with the Vanuatu Commodities Marketing Board.

Offence: Alleged Misappropriation of public fund. VT.482.176

Date reported to the police: 27 March 1996

Date sent for prosecution: 2 July 1997.

Duration of investigation: 15 months.

Police Investigating Officer: Inspector George NAMAKA

- 3.8.1 A complaint of misappropriation of public funds was reported to the police on 27 March 1996 by the then Office Supervisor Mr Pierre Marie Bubunbo. It was alleged that Mr Alfred Carlot, the then First Secretary of the Ministry of Agriculture, Livestock, Forestry and Fisheries authorised the payment by the Government Local Purchase Order the following items:

- | | |
|-------------------------|--------------|
| a) One deep freezer | - VT. 92.000 |
| b) One Yamaha Generator | - VT.148.200 |
| c) Two Lawn mowers | - VT.127.296 |
| d) Two Lawn mowers | - VT.114.680 |

- 3.8.2 These items were allegedly donated to communities on Efate as political gifts by Mr Carlot.

- 3.8.3 During the Ombudsman's investigation, she was told that the case against Mr Carlot had been cancelled. She was told that Mr Namaka was approached by Mr Alfred Carlot who asked him to cancel his complaint and he did so. Mr Namaka stated that he cancelled the complaint because Mr Carlot visited him and asked to do so.

- 3.8.4 Mr Namaka initiated the cancellation of a complaint of misappropriation of public funds made against Mr Alfred Carlot contrary to standard practice which is that all complaints where public funds are involved must be investigated, and that the crime docket must go as far as the Public Prosecutor who alone makes a decision on whether further action is to be taken. It was only the Ombudsman's enquiries which alerted the investigating officer that the complaint had been cancelled, and caused its reinstatement.

- 3.8.5 The case is still with the Police some two years later.

3.9 MESSRS WILLIE JIMMY, WILLIE KALORISU, PAKOA SANDY AND NOEL FAENOLAVE

Strong supporters of the UMP. Mr Jimmy is a former Minister of Finance and Minister of Foreign Affairs. Messrs Kalorisu, Sandy and Faenolave are strong supporters of Mr Jimmy.

Offence: Alleged Intentional Assault and Trespass

Date reported to the police: 28 October 1995

Date sent for prosecution: 14 December 1996

Duration of investigation: Over 1 year

Police Investigating Officer: Inspector George NAMAKA

- 3.9.1 On 28 October 1995 Mr Kaltau Aiong made complaints of intentional assault, criminal trespass and damage to property to the police stating that seven people from

Tonga Island unlawfully entered his residence, assaulted him and damaged his property. The Minister of Foreign Affairs Mr Willie Jimmy was also present during this incident, which occurred on 28 October 1995.

- 3.9.2 The Ombudsman wrote to Inspector Namaka on 24 January 1996 requesting information on any report of misconduct of Hon. Willie Jimmy. Inspector Namaka responded through a letter on 25 April 1996 to the Ombudsman saying that a complaint of assault against Hon. Willie Jimmy was near completion and the Ombudsman would be advised of the result. **Appendices 11 and 12.**
- 3.9.3 The investigation of this complaint was left unattended until 26 May 1996 when Hon. Willie Jimmy submitted his caution statement to the police. This was only done when the Ombudsman asked to examine the Crime Docket. The Crime Docket was sent to the Public Prosecutor.
- 3.9.4 On 12 March 1997 the Public Prosecutor Chief John William Timakata informed the Ombudsman Office that there was insufficient evidence to proceed on a charge of intentional assault against Hon Willie Jimmy, however charges of criminal trespass and intentional assault were filed against Messrs Kalorisu, Sandy and Faenolave. They appeared before the Magistrate Court on 28 May 1998, nineteen (19) months after the file was sent for prosecution, but the charges were withdrawn by the prosecution because the date of incident mentioned in the charges was 30 October 1996 when the actual date the incident occurred was on 28 October 1995, and the complainant's statement was also missing in the case file.

4. RESPONSES TO THE PRELIMINARY REPORT

- 4.1 The preliminary report in this matter was issued on 13 August 1998 in accordance with Article 62(4) of the Constitution and Section 16(4) of the Ombudsman Act, which requires that the person or body complained of be given an opportunity to reply to the complaints made against them.

- 4.2 The preliminary was issued to the following people:

Mr Luc Siba	-	former Commissioner of Police
Mr Peter Bong	-	Commissioner of Police
Mr Vake Rakau	-	Superintendent of Police
Mr George Namaka	-	Chief Inspector of Police
Mr George Twomey	-	Inspector of Police
Mr Andrew Bambara	-	Police Sergeant
Mr Jean Yve Kali	-	Police Sergeant
Mr Judah Silas	-	Police Corporal
Mr Jean Paul Toure	-	Police Corporal

- 4.3 Responses were received from:

Mr Judah Silas

He said that he was the one investigating Mr Solong's case. He went to the TORBA Province in April 1997 to obtained statements and on his return to Vila he gave the case file to Inspector Namaka to conduct the final interview

- 4.4 No responses were received from:

Mr Luc Siba	-	former Commissioner of Police
Mr Peter Bong	-	Commissioner of Police
Mr Vake Rakau	-	Superintendent of Police
Mr George Namaka	-	Chief Inspector of Police
Mr George Twomey	-	Inspector of Police
Mr Andrew Bambara	-	Police Sergeant
Mr Jean Yve Kali	-	Police Sergeant
Mr Jean Paul Toure	-	Police Corporal

These people, including the present Police Commissioner, have not answered our preliminary report and have not forwarded to our office any comment and this office will have to assume that they agreed with the facts as presented.

5. RELEVANT LAWS AND REGULATIONS

5.1 CONSTITUTION OF THE REPUBLIC OF VANUATU

CONDUCT OF LEADERS

- 66.(1) Any person defined as a leader in Article 67 has a duty to conduct himself in such a way, both in his public and private life, so as not to-
- (a) place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised;
 - (b) demean his office or position;
 - (c) allow his integrity to be called into question; or
 - (d) endanger or diminish respect for and confidence in the integrity of the Government of the Republic of Vanuatu.
- (2) In particular, a leader shall not use his office for personal gain or enter into any transaction or engage in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by subarticle (1).

DEFINITION OF A LEADER

67. For the purposes of this Chapter, a leader means the resident of the Republic, the Prime Minister and other Ministers, members of Parliament, and such public servants, officers of Government agencies and other officers as may be prescribed by law.

POLICE ACT (CAP 105)

5.2 s4(2) of the Police Act CAP 105 provides:

The Force shall be employed throughout Vanuatu and its territorial waters for -

- d) the prevention and detection of offences and the production of offenders before the court

5.3 s6(1) of the Police Act (CAP 105)

The Commissioner shall have the command, superintendence and direction of the Force, and ... may ...

- (b) make Force Orders for the general government of members ...

In line with this Act, the Force Standing Orders on Offences And Complaints Reported And Action By Police provide that:

- s1 All Officer-in-Charge of Police Stations and departments within the Force, have the responsibility to ensure that:
- a) all offences and complaints are properly attended to at the time they are received; and
 - b) that proper supervision is given to ensure the subsequent investigation is thoroughly and speedily completed.

6. FINDINGS

Finding No: 1. The former Police Commissioner Mr Luc Siba and the Police Commissioner Mr Peter Bong breached the Leadership Code, Article 66(1) (b), (c) and (d) of the Constitution.

- 6.1 Mr Siba was appointed Commissioner of Police on 30 August 1994. He resigned on 14 February 1997. Mr Bong was appointed Commissioner of Police on 27 June 1997, after occupying the post on an acting basis since November 1996.

- 6.2 Both Mr Siba and Mr Bong did not carry out their duties and responsibilities as Heads of the Vanuatu Police Force. They did not manage and supervise the Criminal Investigation Department properly. There is a proper monitoring system in place so that the Office of the Commissioner of Police can monitor the work productivity of each section of the Police on a monthly basis. Mr Siba and Mr Bong failed to follow the system of regular checks on senior officers who were handling police investigations into some complaints made against leaders. In fact, they were at the least negligent and at most wilfully contributed to the delay in the investigations by not carrying out their duties as outlined in the Police Act and in the Force Standing Orders.
- 6.4 Because of the lack of prosecution of these political people, the conduct of Mr Siba endangered or diminished respect for and confidence in the integrity of the Government of the Republic of Vanuatu. Mr Peter Bong has also contributed to the loss of respect and confidence of the people of Vanuatu for the Police, because he was not able to get his officers to proceed and finalise these outstanding investigations.
- 6.5 The people of Vanuatu are losing and will continue to lose the confidence and trust they have in the police and their ability to maintain law and order as long as such delays occur and leaders or political powerful people are not prosecuted.

Finding No. 2

Former Commissioner Luc Siba, Commissioner Peter Bong, Superintendent Vake Rakau, Inspector George Namaka, Inspector George Twomey, Sergeant Jean Yve Kali, Corporal Judah Silas, Corporal Jean Paul Toure and former Chief Inspector Andrew Bambara, breached Section 4(2) of the Police Act (CAP 105)

- 6.6 The law states that it is the duty of every Policeman or Policewoman to prevent the commission of crime and to investigate offences and to arrange for prosecution of offenders. In all the investigations subject of this report, each police officer involved did not carry out his duty according to law.
- 6.7 Messrs Twomey, Kali, Silas and Toure were investigation officers in these investigations. Even though they were poorly supervised, they also contributed to the delay in these investigations when, as investigation officers, they failed to complete their investigations as required by procedure, and did not question events which they must have known were contrary to standard procedure.
- 6.8 These investigations involved public funds and properties. Due to these officers' delayed action, these funds cannot be recovered. One of the people who is subject of one of these police investigations has died. If the police investigations had been attended to properly, funds allegedly misappropriated could have been recovered from the person before he died.
- 6.9 As well as the delays in investigations, it appears that the standard of work of CID in general is very poor as many files have been repeatedly returned by the Public Prosecutor for further investigation.
- 6.10 The attitude of these senior police officers is unacceptable. These men are the backbone of the Police Force and if they avoid enforcing the laws by delaying and forgetting the files, the sense of justice and community security will be eroded and the Police Force will eventually become totally discredited. Also, these subordinate officers cannot escape criticism. It is the duty of all police officers to enforce the law for all members of the public on an equal basis.

Finding No. 3:

The conduct of Inspector George Namaka, Superintendent Vake Rakau and Chief Inspector Andrew Bambara was improper in that they breached Section 1 of the Force Standing Orders on Offences and Complaints and Action by Police.

- 6.11 With the exception of Mr Kalmet's 1989 case (refer to Section 3.7), Inspector Namaka was ultimately responsible for the delay in all of the police investigations into the cases mentioned in Section 3 of this report because he was the OIC CID at that time.
- 6.12 Inspector Namaka did not attend to them using proper investigation procedures with which he must be familiar. There was no proper supervision of these investigations by Inspector Namaka.
- 6.13 Inspector Namaka withdrew the investigation into charges made against Mr Carlot, a politician, on the instruction of Mr Carlot himself. He was well aware that he could not do this because the complaint involved public funds. He was forced to reinstate it when enquiries were made into the matter.
- 6.14 In the case against Mr Perei, Inspector Namaka only took the statement of Mr Perei when the Ombudsman started her enquiry. Had there been no Ombudsman enquiry, this matter would also have been shelved.
- 6.15 Mr Namaka's handling of Police cases is totally unacceptable as Mr Namaka appears to have been afraid to investigate complaints against important political people. This is not acceptable behaviour for a police officer and even less so for a senior police officer.
- 6.16 Mr Rakau took over as the OIC CID in November 1996 from Inspector Namaka. With the exception of Mr Kalmet's 1989 case, he was also responsible for the delay in all the police investigations into cases subject to this report.
- 6.17 It appears that Mr Rakau took these cases lightly, even when they involved public officers and funds. The conviction of the people involved and the subsequent recovery of public funds was also not his priority. During my enquiry, I found out that his knowledge of the investigation of each case was not up to date. He did not provide proper supervision for the investigation into these cases. Mr Vake Rakau has little experience and training in Police investigations matters. However, Mr Rakau was trained and sat as a Magistrate in the Magistrate Court and must therefore be familiar with what is required for a conviction.
- 6.18 The complaint on Mr Kalmet's 1989 case was reported to the police by the Local Government Department because these funds were the then Efate Local Government funds. The witnesses and Mr Kalmet lived in Vila at that time but were never interviewed. Instead Mr Bambara filed away the police case file on Mr Kalmet's 1989 case for no valid reason. This police file is now missing.
- 6.19 If this case had gone to court, Mr Kalmet would never have been appointed as the President of SHEFA Provincial Government where he repeated the same thing involving a larger amount of money.

Finding No. 4: **The administrative practice of the Vanuatu Police Force is defective in that the laws and procedures are not enforced and as a result significant delays in prosecution occur.**

- 6.20 On numerous occasions, during our investigation over a period of 2 years, the Ombudsman was reassured by the Police that particular actions were imminent, that Mr Solong's statement was going to be taken, and many excuses given for lack of progress.
- 6.21 The Police Commissioner assured the Ombudsman repeatedly that measures were being taken. He complained about that the Head of CID, Mr Rakau was inefficient, but nothing was done. No one was disciplined for misconduct or maladministration. Mr Rakau is still Head of CID. Mr Namaka is still a Chief Inspector.

Finding No. 5: **Mr Siba has been implicated in other reports published by this office have:**

- Improper retirement of a Senior Police Officer

- Improper appointment of Mr Luc Siba as the Commissioner of Police and his misconduct in office

Recommendations which the Ombudsman made include Mr Siba

- that Mr Siba not be appointed to positions that demand integrity and effective administrative skills
- that Mr Siba never be appointed to any Leadership post again, nor to any post in the Public Service

7. RECOMMENDATIONS

Recommendation No.1: Mr Luc Siba never be appointed to any leadership post again, nor to any post in the Public Service.

Recommendation No. 2: The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr Peter Bong for failing to properly supervise the Police Force.

Recommendation No. 3: The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr George Namaka for failing to properly supervise CID.

Recommendation No. 4: The Police Service Commission investigate and take any disciplinary proceedings warranted against Mr Vake Rakau for failing to properly supervise CID.

Recommendation No. 5: Mr Rakau be removed from his post as OIC CID to another post in the Police Force which does not require investigations skills and being responsible for the work of others.

Recommendation No.6: The Commissioner of Police investigates and takes any disciplinary proceedings warranted against Mr Andrew Bambara for failing to investigate Mr Kalmet's 1989 case.

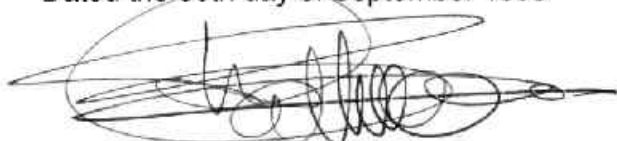
Recommendation No.7: The system of administration and investigation be reviewed to minimise undue delays and general inefficiency within the Force.

8. CONCLUSION

8.1 In accordance with Article 63(2) of the Constitution and Section 22 of the Ombudsman Act No. 14 of 1995, the Ombudsman requests the Deputy Prime Minister as Minister responsible for the police, Chairman of the Police Service Commission, and Commissioner of Police to consider these recommendations and put them into effect.

8.2 The Office of the Ombudsman must be notified of the decision and proposed steps to implement these recommendations **within thirty (30) days** of the date of this report.

Dated the 30th day of September 1998



Marie-Noëlle FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU

9. INDEX OF APPENDICES

1. A copy of Ombudsman's letter of 9/1/96 to the Commissioner of Police Mr Siba regarding police investigation into Mr Solong's case.
2. A copy of Mr Peter Bong's (then OIC CID) letter of 19/1/96 on Mr Solong's case.
3. A copy of Mr Siba's letter of 7/2/98 to the Ombudsman on Mr Solong's case.
4. A copy of Mr Siba referring the Ombudsman to the Public Prosecutor on cases under police investigation.
5. A copy of the Ombudsman letter of 8/3/96 concerning Mr C. Kalmet's 1988 case to the Commissioner of Police.
6. A copy of Mr Tensley Lulu's letter of 2/8/96 to the Commissioner of Police raising his concern on the delay of police investigation into Mr Kalmet's cases.
7. A copy of the Ombudsman's letter of 13/8/96 to the Commissioner of Police regarding the findings and recommendations on Mr Kalmet's SHEFA Province public report.
8. A copy of Mr Tete's letter of 20/8/96 to the Commissioner of Police on the delayed police investigation in Mr Kalmet's case.
9. A copy of Mr Siba's letter of 27/8/96 to the Ombudsman on Mr Kalmet's case.
10. A copy of Mr Tete's letter of 30/8/96 to the Commissioner of Police regarding Mr Kalmet's additional personal cash advances.
11. A copy of Ombudsman's letter of 24/1/96 to Inspector Namaka on Mr Willie Jimmy's misconduct.
12. A copy of Inspector Namaka's letter of 25/4/96 to the Ombudsman concerning Mr Jimmy's assault case.
13. Police standard procedure.

9 LISTE DES ANNEXES

1. Copie de la lettre en date du 9 janvier 1996 du Médiateur au chef de police M. Siba concernant l'enquête policière sur l'affaire de M. Solong;
2. Copie de la lettre de Peter Bong (alors directeur de la Police Judiciaire) du 19 janvier 1996 sur l'affaire de M. Solong;
3. Copie de la lettre de M. L. Siba du 7 février 1998 sur l'affaire de M. Solong;
4. Copie de la lettre de M. L. Siba renvoyant le Médiateur devant le Procureur général pour tout renseignement sur des enquêtes menées par la police;
5. Copie de la lettre du Médiateur du 8 mars 1996 concernant l'affaire Kalmet de 1989 adressée au chef de police;
6. Copie de la lettre de M. Tinsley Lulu du 2 août 1996 au chef de police lui faisant part de son inquiétude sur les délais dans les enquêtes policières sur M. Kalmet;
7. Copie de la lettre du Médiateur du 13 août 1996 au chef de police sur les constatations et recommandations du bureau du Médiateur publiées dans le rapport public sur les exactions de M. Kalmet et de la province Shéfa;
8. Copie de la lettre de M. Tété du 20 août 1996 au chef de police sur les délais dans les enquêtes policières sur M. Kalmet;
9. Copie de la lettre de M. L. Siba du 27 août 1996 au Médiateur sur l'affaire Kalmet;
10. Copie de la lettre de M. Tété du 30 août 1996 au chef de police concernant les nouvelles avances personnelles que M. Kalmet s'est octroyé;
11. Copie de la lettre du Médiateur du 24 janvier 1996 à l'inspecteur Namaka sur les manquements de M. Willie Jimmy;
12. Copie de la lettre de l'inspecteur Namaka du 25 avril 1996 au Médiateur sur les allégations d'agression volontaire pesant sur M W. Jimmy;
13. Procédure policière normale.

OFFICE OF THE
OMBUDSMAN

P. O. BOX. 126
PORT VILA
VANUATU

ANNEX 1

Phone: 27200 / 25757

Fax: 27140 / 25660

OMB038/95/MNFP/eri

9th January 1996

Mr Luc Siba
Commissioner of Police
Police Headquarters
P.M.B. 014
PORT VILA

Dear Sir,

RE: INVESTIGATION THEODORE SOLONG

A matter has come to our attention, i.e. that the former Secretary Theodore Solong allegedly had been issued an LPO of Vt. 129.000 on behalf of the VETAN BOSO Community from Banks/Torres and that apparently this amount was never remitted to the Community.

We understand that you received a first communication concerning this matter from the Department of Finance on 03.11.95 and a memo from the Public Prosecutor concerning this alleged misappropriation on 08.11.95.

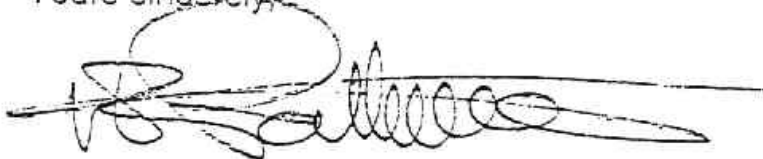
We also understand that the main matter to establish is the fact that the Vetan Boso Community has not received the funds.

Could you please let us know whether you are investigating this matter, and when this file will be forwarded to the Public Prosecutor.

It is a matter of concern to us as our Office is responsible of the enforcement of the Leadership Code.

In accordance with section 14 (2) (e), a political secretary is a leader and as a leader, accusations like misappropriation have got to be treated with due care and fully investigated.

Yours sincerely,



MARIE-NOËLLE FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU.

FAX : (678) 25315
 TELEX : (771) 1127 VPF NOC
 TELEPHONE : (678) 22222 - Ext. : 222



REPUBLIC OF VANUATU

VANUATU POLICE FORCE

Private Mail Bag 014
 Port Vila
 VANUATU

19.01.96

Your Reference :
 Our Reference CID/02/25
 Date : 19/01/96

To: Mrs. MARIE NOELLE FERRIEUX PATTERSON
 OMBUDSMAN OF THE REPUBLIC OF VANUATU
 OFFICE OF THE OMBUDSMAN
 PO Box 126
 PORT VILA
 VANUATU

Dear Madam,

RE: INVESTIGATION THEODORE SOLONG

Thank you for your letter dated 9th January 1996 concerning the above subject matter.

The Docket file is near completion, it only require a witness statement from a number of the Vitimboso community to Collaborate the other statements before the Police can interrogate Mr. T. SOLONG.

In the meantime, the officer Incharge SOLA Police Station has been instructed to obtain the said statement.

My Office will inform you in due course of the out come of the investigation when the case is completed.

At this stage, it is pre-mature for the Police to comment further on the subject.

Thank you for your concern and anticipation.

Peter Boney
 P. BONG (SUPT)
 OC CID

(for) Commissioner of Police



**OFFICE OF THE
OMBUDSMAN**

P. O. BOX. 126
PORT VILA
VANUATU

Phone: 27200 / 26757

Fax: 27140 / 25660

OMB191/96/MNFP/erl

7 February 1996

Mr Luc Siba
The Commissioner of Police
Police Headquarters
P.M.B. 014
PORT VILA

Dear Commissioner,

Within my enquiry on some aspects of inefficiency and lack of discipline of the Police, I would be grateful if you could look in the matters mentioned here under and indicate the reasons for delaying the action or the taking of statements as requested by the Finance Department.

- 1) Alfred Carlot alledgedly was granted a personal account for travelling for an amount of USD 4900. Apparently the trip was cancelled and the money was not returned and no explanation was given by Mr Carlot.
Has a statement been taken? If the statement has already been taken, please let me know what is the next step.
- 2) The enforcement of the Court Order to seize the vehicle belonging to Mrs Leah Vuti Leo sentenced to jail. Apparently the vehicle is still parked at Decu Motors, and the Court Order has not been enforced.
- 3) Investigation Theordore Solong

Following my letter dated 9th January 1996, and Mr Bong OC CID's answer, I understand that you were in the process of obtaining the statement from a number of the Vitimboso Community.

Have you obtained these statements and has Mr Theodore Solong being interrogated?

Thank you in advance for your help and information in these matters.

Yours faithfully



MARIE-NOËLLE FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU

Copies: - Director General of Finance
- Public Prosecutor.

FAX : (678) 25315
TELEX : (0771) 1127 VPF NOC
TELEPHONE : (678) 22222



ANNEX 4. 13.2.96
Vanuatu Police Headquarters

Private Mail Bag C
Port V.
VANUA

REPUBLIC OF VANUATU

Your Reference
Our Reference 01/02/36
Date 13 February 1996

The Ombudsman
Office of the Ombudsman
P.O. Box 126
PORT VILA.

Dear madame,

ENQUIRIES

Your letter OMB191/96/MNFP/errl of 07 February refers.

I write to endorse the Public Prosecutor's comments on all the matters raised. He is more conversant with some of this matters as investigating officers are constantly communicating with him on the progress of investigation.

Should you still require further information on any of this matters, please do not hesitate to write.

Thank you for your understanding.

Yours Sincerely,


(Luc SIBA)
Commissioner of Police



ANNEX 5 20/01/03
11 MAR 1996

OFFICE OF THE
OMBUDSMAN

P. O. BOX. 126
PORT VILA
VANUATU

Phone: 27200 / 26757

Fax: 27140

OMB317/96/MNFP/js

8 March 1996

Mr Seoule Takal
Acting Commissioner of Police
Police Headquarters
PMB 014
PORT VILA

Dear Sir,

RE: OUTSTANDING ADVANCES: VT824.590 - 1988
CHARLIE KALMET

I understand from the Department of Local Government that a prosecution file was forwarded to your office in 1988 following the non-reimbursement of advances to Mr Charlie Kalmet (President of the Efate Local Government) including the enclosed documents.

* Could you please check into this matter, and let me know the reasons why it was not investigated then, and I hereby request your office to investigate it now.

I thank you in advance for your cooperation in this matter.

Yours faithfully,



MARIE-NOËLLE FERRISUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU.

Encl.

Copies: - Public Prosecutor
- Local Government Department, Att: Martin Tete

↓
cc: *

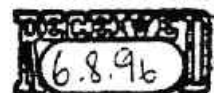
Please deal with this case
and advise me if we have any
records in 1988 showing this allegation
S/APP - 11/3/96

DEPARTMENT OF LOCAL GOVERNMENT

PRIVATE MAIL BAG 021
PORT VILA
VANUATU



Telephone : 22252



SERVICE DES AUTORITÉS LOCALES

SAC POSTAL PRIVÉ 021
PORT VILA
VANUATU

JTL/rm
LG 2/12/35

2nd August 1996

Commissioner of Police
Police Headquarters
Private Mail Bag 014
PORT VILA

Dear sir

RE : OMBUDSMAN REPORT ON SHEFA PROVINCIAL GOVERNMENT PRESIDENT

Following the above mentioned report compiled by the Ombudsman's office on 23rd July 1996 and made public on the same day.

I request your office to carried out a full investigation following the report for prosecution.

Pass experience shows that your office had fail to prosecuted the above mentioned on the account of misappropriation.

Therefore, I strongly demand your office to carried out the investigation in ~~appropriate~~ manner as soon as possible for prosecution.

Yours Sincerely

A handwritten signature in dark ink, appearing to read "J. Tinsley Lulu".

J. TINSLEY LULU
Acting Director
Department of Provincial Affairs



cc : Department of Public Prosecutor
cc : Attorney General Chamber
cc : Ministry of Home Affairs
cc : Principal Electoral Office
cc : Chairman Electoral Commission
cc : Ombudsman Office.

OFFICE OF THE
OMBUDSMAN

P. O. BOX. 126
PORT VILA
VANUATU

Phone: 27200 / 26757

Fax: 27140

OMB2036/96/MNFP/js

13 August 1996

Mr Luc Siba
Commissioner
Police Headquarters
PMB 014
PORT VILA

Dear Sir,

RE: SHEFA REPORT

Following my letter dated 23rd of July 1996 and Pursuant to the provisions of Article 63(1) of the Constitution and Section 22 and 23 of the Ombudsman Act, I have forwarded to you a copy of the Final Report on the alleged misappropriation of funds by the President and maladministration of Shefa Provincial Council. I ask you to note the findings and recommendations.

At the expiration of 15 days from the date of receipt by you of this letter, I shall be requesting details of what action, if any, you have taken in respect of my recommendations. May I remind you of the provisions of Section 25(2) of the Ombudsman Act which provides:-

"For the purposes of Article 63(4) of the Constitution, the Prime Minister or the person in charge of the relevant Public Authority, or Ministerial Department or Governmental body or other service or body referred to under Section 14 of this Act, as the case may be, shall, within a reasonable time, as specified by the Ombudsman, decide upon the findings of the Ombudsman and shall notify the Ombudsman in writing of, what steps he proposes to take (and notify the Ombudsman if he does not propose to take any action) to give effect to his recommendations".

I look forward to hearing from you within the time set above.

Yours faithfully,



MARIE-NOËLLE FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU.

REPUBLIC OF VANUATU

DEPARTMENT OF LOCAL GOVERNMENT

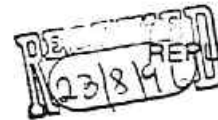
PRIVATE MAIL BAG 021

PORT VILA

VANUATU



Telephone : 22252



ANNEX 8-1

SERVICE DES AUTORITÉS LOCALES

SAC POSTAL PRIVE 021

PORT VILA

VANUATU

20 August 1996

LG: 6/11/7

To: The Commissioner
Vanuatu Police Constabulary
PORT VILA
Vanuatu

cc: Ombudsman of the Republic of Vanuatu
cc: First Secretary, Ministry of Home Affairs
cc: Public Prosecutor
cc: Attorney General
cc: Auditor

**re: ALLEGATION OF MISUSE OF PUBLIC FUND BY THE
PRESIDENT OF SHEFA PROVINCE
MR. CHARLIE KALMET**

It is now almost seven (7) months after when I had presented the first Full Coverage Report in the case of the President of Shefa Province Mr. Charlie KALMET.

This is a very serious case and it is still yet to be finalized by the Police Investigation Department. I understand that it would take sometime before the final report would be ready to be presented to Court for the necessary proceedings.

However, in the same report, I have made several recommendations. One of which that it would be most appropriate for (Mr. Charlie Kalmet's) case to be dealt with promptly in order to stop his committing of further breaches of law.

The Department of Provincial Affairs is terribly concerned over the prolonged attitude currently experienced on the time consuming in formalizing and completing your side of story particularly on this case.

I have noted that the officer who was dealing with the above case is currently taking his vacation and should only returned to take on his normal duty sometime in December of this year 1996. I have noted also that prior to his departure on vacation, he had not given any briefing to the police officer

currently taking over. Strictly speaking such situation surely means that this very serious case which requires urgent court hearing and proceedings may temporarily be put aside before further investigations could be completed.

For your information, Mr Charlie KALMET's illegal drawing of 200,000 vatu monthly salary and regular cash advances are still continuing.

The Accountant of Shefa Province Mrs Wendy SOPE had confirmed to me today (20.08.96) that Mr. Charlie KALMET has already so far this year taken personal cash advances up to approximately June of 1997.

Therefore, unless Mr. Charlie KALMET is promptly taken to court for his illegal dealings, he would continue to draw the 200,000 vatu monthly salary and commit more personal cash advance of Shefa Province fund.

Thus, it is felt that Sergeant George Twomy, Officer In-Charge CID, CD1 who deals with this matter and who is currently on vacation should be called upon to resume duty in order that he completes this assigned task immediately in order that Mr. Charlie Kalmet can be put before the court urgently for his illegal dealings and for misuse of public fund.

Yours faithfully,



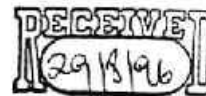
MJ.TETE
PRINCIPAL FINANCE OFFICER
DEPARTMENT OF PROVINCIAL AFFAIRS

FAX : (678) 25315
TELEX : (771) 1127 VPF NOC
TELEPHONE : (678) 22222 - Ext. : 222



VANUATU POLICE FORCE

Private Mail Bag 014
Port Vila
VANUATU



REPUBLIC OF VANUATU

To: Marie-Noelle Ferrieux Patterson
Ombudsman
P.O. Box 126
PORT VILA

Your Reference :

Our Reference : 01/02/135

Date : 27 August 1996

Dear Madame,


RE : REPORT SHEFA PROVINCE

Your letter OMB2036/96/MNFP/js of 13 August 1996 refers.

The case is currently under investigation and we still have yet to obtain a statement from Mr. Kalmet before we finalise the docket in preparedness for submission to the Public Prosecution Office.

When this is done we will notify your office.

Yours Faithfully,


(Luc SIBA)
Commissioner of Police



DEPARTMENT OF LOCAL GOVERNMENT

PRIVATE MAIL BAG 021

PORT VILA

VANUATU



Telephone : 22252

SERVICE DES AUTORITÉS LOCALES

SAC POSTAL PRIVE 021

PORT VILA

VANUATU

30th August 1996

LG: 6/11/7



TO: The Commissioner of Police
(Attention): Police Officer In-Charge
CID, CDI

cc: Attorney General
cc: Auditor General
cc: First Secretary, Ministry of Home Affairs
cc: Ombudsman of the Republic of Vanuatu

Dear Sir,

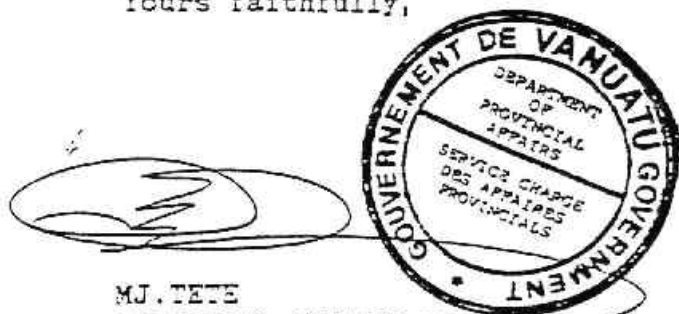
ADDITIONAL RECORDS OF PERSONAL CASH ADVANCES
TAKEN BY
MR. CHARLIE KALMET

Please refer to my initialed -Internal Audit Report- of the 4th day of March 1996 and the attached self explanatory copies of the Shefa Provinces General Payment Vouchers (GPVs).

In due respect of our verbal conversation in my office of last week on the above subject, I hereby present forthwith a statement of proven records of additional personal cash advances obtained from the Shefa Provinces fund by Mr. Charlie KALMET, former President of the Shefa Province.

The total additional amount already committed from 2nd half February 1996 to the last half of August 1996 is VT2,224,000.

Yours faithfully,



MJ. TETE
PRINCIPAL FINANCE OFFICER
DEPARTMENT OF PROVINCIAL AFFAIRS

OFFICE OF THE
OMBUDSMAN

P. O. BOX. 126
PORT VILA
VANUATU

Phone: 27200 / 25757

Fax: 27140 / 25660

OMB126/96/MNFP/erl

24th January 1996

Inspector NAMAKA
Police Headquarters
P.M.B. 014
PORT VILA

Dear Inspector,

RE: LEADERSHIP CODE

I request under section 14 and 17 of the Ombudsman Act the following information:

- Any report of misconduct of Commissioner Luc Siba;
- Any report of misconduct of Mr Willie Jimmy (assaults Clarence Marae, Kaltau Along).

Thank you in advance for your cooperation.

Yours faithfully,



MARIE-NOËLLE FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU.



ANNEX 12
RECEIVED
24.4.96

VANUATU POLICE FORCE

Private Mail Bag 014
Port Vila
Vanuatu.

Telephone : (678) 22222
Fax : (678) 22800

Ref : 01/01/20

Date : 25 April 1996

To : Mrs. Marie-Noelle Ferrieux Patterson
Ombudsman
P.O. Box 126
PORT VILA

Dear Madame,

REPORT CONCERNING COMMISSIONER OF POLICE
AND MR. WILLIE JIMMY

Your inquiry into the above reports refers.

I do not have in our files any official report concerning the Commissioner of Police in any matter.

Mr. Willie Jimmy's case for assault is near completion and I will endeavour to advise your office of the results in due cause.

Thank you for your understanding.

(George Namaka)
Inspector
Acting Officer Commanding CID



POLICE PROCEDURES

1. A complaint will normally be reported to the police through a visit, letter, telephone call, or tele-radio to a Police Station by the complainant. The police can also investigate any allegations on its own initiative.
2. Once a complaint is reported in a Police Station the following actions are immediately taken:
 - 2.1. It is immediately recorded in a register called the Station Occurrence Book ('O.B.'). The O.B. records all daily reports and information that come in the Police Station on crimes, requests for police assistance, general information of all policemen in that particular Station, etc.
 - 2.2. The complaint is then registered in another register called the Crime Register Book ('CRB') and given a CRB number. This CRB number is entered, together with the name of the complainant and the offence alleged to have been committed, on the Crime Docket and Investigation Dairy form.
 - 2.3. A pre-printed Police Crime Docket, also called "case file", is then opened for this complaint. The purpose of this Crime Docket is to store and maintained all documents obtained during the investigation of this complaint.
 - 2.4. An Investigation Diary form is then attached to the cover of this Crime Docket. The purpose of this Investigation Diary is to record all actions taken by the investigation officer and also instructions issued to him by his Officer-In-Charge Investigation Branch ('OIC IB') when the Crime Docket is brought to his OIC IB for checking during the investigation of the complaint. The OIC IB informs the investigation officer the next date when he conducts the next check on the progress of the investigation on this form.
 - 2.5. The Crime Docket is then handed over the OIC IB where upon receiving it, he immediately starts issuing his instructions on the Investigation Diary to one of his investigators he allocates this complaint to carry out the investigation. The OIC IB then conducts weekly checks on the progress of the investigation.
 - 2.6. The OIC IB also maintains his own register to record new Crime Dockets he receives, the dates where they will be brought up for his personal checking, the dates the Crime Dockets are sent for prosecution or for file away, and also the movements of Crime Dockets if they are sent to other Stations for investigation.
 - 2.7. When the investigation is completed, it is brought back to the Officer-In-Charge for the final check before he sends it to the Public Prosecution Department for prosecution.
 - 2.8. During the investigation if the complaint appears to be a civil matter and not a criminal matter the complainant is advised to see the Public Solicitor or a private lawyer.
 - 2.9. A Crime Docket on an outstanding investigation can only be filed away on the recommendation of the investigation officer when the complaint is very old, too trivial, the complainant left Vanuatu for good, pending new informations, or when the complainant withdraws his complaint. For the latter, for a complaint involving injury of a serious nature being caused to another man by another, or, public properties, or, against morality, the Crime Docket must at all times sent to the Public Prosecutor who alone makes a decision whether to prosecute or otherwise.
 - 2.10. A progress of investigation can be easily monitored in the CRB, on the Investigation Diary form, and also in the OIC IB's register on the informations entered in them. These informations will tell the OIC IB on the progress of investigation and if delayed for too long for what reasons and remedial actions. The delay in an investigation will usually occur when the OIC IB fails to conduct his weekly inspections on the progress on such investigation.
 - 2.11. During the police investigation stage on any complaint involving public properties, leaders, or a major investigation (e.g. fraud, dangerous drugs, offences committed in Vanuatu and other countries) where advice on technical areas had to be sought, the Public Prosecutor and/or the Attorney General is consulted however, the responsibility for the continuity investigation still rests with the Commissioner of Police. Only when the police completes its investigation and forwards the case to the Public Prosecutor for the purpose of prosecution that the responsibility of the case automatically transfers to the Public Prosecutor.