

**REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN**

**PUBLIC REPORT
ON THE
LOSS OF PROPERTIES
AT SANTO POLICE STATION**

14.12.99

6173/9/21

**PUBLIC REPORT ON THE
LOSS OF PROPERTIES AT SANTO POLICE STATION**

TABLE OF CONTENTS

1. JURISDICTION	3
2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED	3
3. RELEVANT LAWS, REGULATIONS AND RULES	3
4. OUTLINE OF EVENTS	3
5. RESPONSES BY THOSE WITH COMPLAINTS AGAINST THEM	.5
6. PRELIMINARY FINDINGS	6
7. RECOMMENDATIONS	6
8. INDEX OF APPENDICES	8

1. JURISDICTION

- 1.1 The Constitution and the Ombudsman Act allow me to look into the conduct of government, related bodies, and Leaders. This includes the actions of the Police. I can also look into defects in laws or administrative practices, including the mal-administration and unjust conduct of the Police.

2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The purpose of this paper is to provide an opportunity for you to respond to its contents and, if possible, to resolve outstanding issues before this Office issues a public report.
- 2.2 The scope of this investigation is to establish the facts about the loss of Mr. Peter Dick's properties that went missing in Police custody and to determine whether or not the Police should consider providing reasonable compensation to him.
- 2.3 This Office collects information and documents by informal request, summons, letters, interviews and research.

3. RELEVANT LAWS, REGULATIONS AND RULES

3.1 CRIMINAL PROCEDURE CODE [CAP 136]

SEARCH OF ARRESTED PERSONS

- S. 8 Where a person is arrested and detained in custody, the police officer making the arrest or, when the arrest is made by a private person the police officer into whose custody he places the person arrested, may search such person and place in safe custody all articles other than necessary wearing apparel, found upon him.

3.2 PRISON ADMINISTRATION ACT [CAP 20]

PRISONERS TO BE SEARCHED ON ADMISSION

- S.15 Prisoners on admission shall be searched and all prohibited articles (as hereafter defined) shall be taken from them. Their names, descriptions, and particulars of their sentence or imprisonment shall be recorded in the register book.

PRISONERS PROPERTY TO BE RETURNED ON DISCHARGE

- S.16 On the discharge of a prisoner his clothes and other property handed in by him and appearing against his name in the prisoner's property book shall be returned to him, and entry made accordingly.

4. OUTLINE OF EVENTS

- 4.1 On 7 April 1996, Mr. Peter Dick was incarcerated. Mr. Peter was sentenced by the Santo Magistrate Court to two (2) years and six (6) months imprisonment for an offence of damage to property.

Mr. Peter committed this criminal offence while in Santo. He then took refuge in the capital, Port Vila, where he was arrested and was sent back to Santo to stand trial for the said offence. In Santo Mr. Peter was held in Police cell until he was sentenced. Upon the pronouncement of his sentence, Mr. Peter was sent back to Port Vila to serve his prison terms.

Mr. Peter alleged that while he was detained in the Santo Police Station, his properties (personal belongings) were confiscated by the Police. However, most of his personal belongings were returned to him, with the exception of the subsequent items worth an approximate value of VT7,450:

1 pair of Adidas shoes worth VT7,000,
1 brown belt worth Vt450, and
1 pair of white socks.

With the intention of claiming reasonable compensation payment from the Police Department for the loss of his personal properties, Mr. Peter took the initiative to send a letter on the matter to the Police in Santo but received no response. Mr. Peter alleged that the CID officer who handled his case was Mr. George Alick.

It was only on 10 July 1996 that Mr. Peter lodged a formal complaint to the Ombudsman Office so as to check on the properties that had not been returned to him.

- 4.2 Upon receipt of this complaint, the Ombudsman of the Republic of Vanuatu sent on 28 August 1997 a notification letter under section 16(3) of the Ombudsman Act No.14 of 1995 of her intention to embark on an inquiry on the above complaint to the Officer Commanding Police District (Northern), Superintendent Paul Willie Reuben.

In the same letter, the Ombudsman also requested that under section 17 of the Ombudsman Act Superintendent Paul Willie Reuben provide his comments on this matter and furnish her with: the reasons for the police officers not returning the personal items as requested earlier on; the names of the other police officers who might have any knowledge of these items; and an explanation of the Police laws dealing with the confiscation of prisoner's personal properties during arrest, custody and imprisonment (Refer to Appendix A).

- 4.3 On 27 April 1998, the OCPD(N), Superintendent Paul Willie Reuben, answered the Ombudsman's letter in the subsequent terms [Refer to Appendix B]:

"1. The reason for the Police Officers not returning the personal items for this Ex-Prisoner was that Peter Dick and his friends arrested by the Police were taken before the court very late that day on a holding charges and later taken to the Santo Prison House.

In fact the Prisoners properties were to return the next day, but it was a pity that the CID building had been broken into and the items listed were also taken (Stolen).

2. Det. Sergeant A.G.Peter, Det. Corporal Sam Samson and Corporal E. Molisa submitted a statement respectively of their knowledge about these items. [Refer to Appendices C, D,and E]

3. I would draw your attention to CAP 136 Section 8 and 9 and also CAP 20 Section 8 of the Prison Administration involving Police laws dealing with confiscating of Prisoners personal properties during arrest custody and Imprisonment."

- 4.4 Upon an analysis of the Superintendent's response of 16 February 1999, the Ombudsman has drawn the following conclusions that:

- (a) In fact, section 8 of the Criminal Procedure Code allows police to place in safe custody the personal belongings other than necessary clothing;
- (b) Mr. Peter's property (shoes, belt, and socks) was in the custody of the Police when it was stolen. The Police should have put the goods in safe custody. They did not, so the items were stolen. Thus, it is the responsibility of the Police to compensate Mr. Peter for the loss of his

personal property. (In reality, if they don't voluntarily pay him, it would not be worth going to court for compensation since the costs would be more than the loss).

- 4.5 On 4 March 1999, the Ombudsman sent a letter to the Police Senior Legal Officer, Superintendent Saling Stephen (Refer to Appendix F), to outline the basis on which the Police could be found liable in law. The Ombudsman asked Superintendent Saling to suggest that the Police compensate Mr. Peter and the Ombudsman offered the mediation services of her Office to assist the Police.

The Ombudsman's letter requested that the Police provide good grounds for not paying any compensation for the loss of the said properties if the Police believed they could not be held liable. Moreover, the Ombudsman's letter said that the Ombudsman then would consider proceeding with this inquiry on the basis of maladministration and unjust conduct of the Police.

However, if the Police considered providing reasonable compensation to Mr. Peter, then the Ombudsman would consider this matter resolved.

- 4.6 In his letter dated 15/05/99 to the Ombudsman, Superintendent Saling explicitly stated that:

"We are advised that the said properties were kept at the CID office in Santo and unfortunately the said office was broken into by an unknown person and amongst others, that were stolen therein.

Owing to the fact that it was an act committed outside our control, we respectfully submit that our clients are not liable to repair the loss." [Refer to Appendix G]

- 4.7 On 28 June 1999, the Ombudsman thanked Superintendent Saling for his letter dated 12/05/99 and reiterated this Office's position on this matter. Under sections 8 and 9 of the Criminal Procedure Code [CAP 136] and section 20 of the Prisons (Administration) Act [CAP 20] empower the police to confiscate properties belonging to any accused person. However, section 16 of the Prisons (Administration) Act [CAP 20] provides that "on the discharge of a prisoner his clothes and other property handed in by him and appearing against his name in the prisoner's property book shall be returned to him, and entry be made."

The Police have a statutory duty to safeguard prisoner's properties and to return them when the prisoner is ready to leave the prison.

5. RESPONSES BY THOSE WITH COMPLAINTS AGAINST THEM

- 5.1 The preliminary report in this matter was issued on 6 September 1999 to provide the persons or bodies complained about or affected an opportunity to reply to the preliminary findings made against them.

- 5.2 The preliminary report was issued to the following people:

- Mr Peter Bong	Police Commissioner
- Superintendent Saling Stephen	Senior Legal Officer
- Corporal Sam Samson	CID Officer
- Corporal E. Molisa	CID Officer
- Sergeant A.G. Peter	CID Officer
- CID Officer George Alick	CID Officer
- Mr. Peter Dick	Complainant / Prisoner

However, the Ombudsman has not yet received any response from anyone of them.

6. PRELIMINARY FINDINGS

- 6.1 **Finding 1:** **The CID officers in Santo Police Station had breached their duty of caring for Mr. Peter's property which they should have returned to him upon his discharge from prison. The Police's breach of duty may amount to negligence.**

The report clearly indicated that the CID officers in Santo Police Station, particularly Sergeant A.G. Peter, Corporal Sam Samson, and Corporal E. Molisa, acknowledged the break-in that was conducive to the loss of Mr. Peter Dick's property. Because of such incident, the CID police in Santo could not return the said property to Mr. Peter upon his discharge from prison.

In fact, they (CID officers) have a statutory obligation to keep and return the prisoner's personal effects. Hence, failure to do so would amount to a breach of their statutory duty.

In this case the duty of care existed between the police and Mr. Peter Dick. At the time when the police officers took Mr. Peter's possessions, a duty existed for the police to take care of those belongings until the time they are supposed to return them to Mr. Peter. A failure to do so would definitely amount to a breach of duty.

The prisoner's possessions were kept in the police CID building where the Police have a duty to safeguard important items, including physical evidence, exhibits to be used in criminal prosecutions, and weapons. It is reasonable, therefore, to expect that the Police would take steps to ensure that they would keep the property that is under their care and control safe from loss or damage.

The police officers' failure to secure the property over which they had control and the duty of care indicated that the police officers had failed to exercise their duty properly. At common law, this failure could amount to negligence.

- 6.2 **Finding 2:** **As a result of the Police's breach of duty to secure and return property upon his discharge from prison, Mr. Peter suffered damage, which was reasonably foreseeable.**

Mr. Peter Dick suffered damage when he lost his personal properties as a consequence of the police's failure to take adequate measures to secure the property.

Indeed, the damage is not so remote as to free the Police from liability for the loss. Given the sensitivity and crucial importance of items commonly under the Police's care and control, it is reasonable to expect that the Police would foresee the danger of losing those items if the items were not properly safeguarded. It is also reasonable to expect that the Police would take comparable steps to protect personal property that they have a duty to secure by statute and under common law.

7. RECOMMENDATIONS

- 7.1 **Recommendation No.1:** **The Police Force should compensate Mr Peter Dick accordingly for the loss under police custody of his property valued at 7450 Vatu.**
- 7.2 **Recommendation No.2:** **The Police Force should ensure that the prisoners' property under their care and control, as well as all court exhibits to be used in criminal prosecutions, are always kept in safe custody, so as to avoid any future loss or damage.**

7.3 **Recommendation No.3:** Access to the room in which the prisoners' property and exhibits are kept, should be limited to one officer who should be designated each shift so as to ensure accountability in the event of improper or illegal appropriation of certain items.

7.4 **Recommendation No.4:** Two or more officers should do the recording of the prisoners' properties in the Register Book, where a superior will check the recording of the officers that make the first entry.

8. CONCLUSION

8.1 To comply with Article 63(2) of the Constitution and Section 22 of the Ombudsman Act, the Ombudsman requests the Prime Minister and the Minister of Internal Affairs and the Police Commissioner to consider these recommendations and to 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 14th day of December 1999.



Hannington G. ALATOA
OMBUDSMAN OF THE REPUBLIC OF VANUATU

8. INDEX OF APPENDICES

- A** Ombudsman's letter date 28/08/97 requesting information from OCPD(N), Supt. Paul Willie Reuben, regarding the lost property.
- B** Letter of Superintendent Paul Willie Reuben providing the reasons for not returning Mr. Peter's personal items.
- C** Statement of Sergeant A.G. Peter
- D** Statement of Corporal Sam Samson.
- E** Statement of Corporal E. Molisa
- F** Ombudsman's letter requesting the Police Department to compensate Mr. Peter.
- G** Letter of Superintendent Saling Stephen dismissing police liability to repair the loss.



Appendix A

Office of the Ombudsman Bureau du Médiateur Ofis blong Ombudsman



OMB3243/97-14

28 August 1997

Mr Paul Willie Rueben
Officer Commanding Police District (Northern)
Santo Police Headquarters
PMB 118
Santo.

Dear Sir,

RE: ALLEGED LOST PROPERTIES AT SANTO POLICE STATION

I hereby notify you in terms of s 16 (3) of the Ombudsman Act No.14 of 1995 of my intention to investigate the above complaints.

I have received a complaint from ex prison inmate, Mr Peter Dick of Tanna who alleged that following his arrest by the police officers, he lost some of his personal properties at the Santo Police Station when he was instructed by the officers to take them off on his arrest. He claimed that, after being held in custody and sentenced to 2 years imprisonment, he asked for these personal belongings to be returned to him but that the properties were never given back to him. He was later transferred to Vila Prisons and was later he has now been released. He also alleged that the CID officer who was responsible for his personal belongings was Mr Alick George.

The personal properties he alleged to have lost are:

- 1 pair of Addidas Shoes - Condition new - Cost : 7,000VT
- 1 brown belt - Cost : 450 VT
- 1 pair of white socks

To enable me to investigate this matter I request pursuant to s 17 (1) of the Ombudsman Act your comments on this matter and furnish me the following documents for my examination.

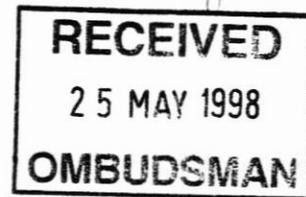
1. Reasons for the police officers not returning the personal items as requested earlier on.
2. Names of other police officers who may have knowledge of this items.
3. Explanation of the Police laws dealing with confiscating of prisoner's personal properties during arrest, custody and imprisonment
4. Any other relevant information that you may have in regards to this complaint.

I wish to expeditiously conclude this investigation and therefore request your response within 7 days upon receipt of this letter. Your response within the time given will avoid me the necessity to resort to other provisions of the Ombudsman Act to compel you to provide me the requested information.

Yours faithfully

MARIE-NOELLE FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU

A. 1899



Telephone: 36 468



Northern Police Headquarters
P.O. Box 118
Luganville
SANTO

Our ref: SPS/20/1/1
Date: 27 April 1998

To: The Ombudsman of
the republic of Vanuatu

- REFERENCE: A. RE: ALLEGED LOST PROPERTIES AT SANTO POLICE STATION.**
B. POLICE BRUTALITY AGAINST JOEL BOIBOI DURING HIS ARREST AND HIS 44 DAYS WITH HANDCUFFS IN NO.6 CELL.
C. POLICE ASSAULT ON MR. LISONG MALSÆ DURING HIS ARREST IN SANTO

RE: ALLEGATIONS INVOLVING POLICE OFFICERS SERVING IN LUGANVILLE POLICE STATION DURING 1996.

In collaboration with the attached statements my comments on your request for your examination would be as follows:

1. The reason for the Police Officers not returning the personal items for this Ex-Prisoners was that Peter Dick and his friends arrested by the Police were taken before the court very late that day on a holding charges and later taken to the Santo Prison House.
In fact the Prisoners properties were to return the next day, but it was a pity that the CID building had been broken into and the items listed were also taken (Stolen).
2. Det. Sergeant A.G.Peter, Det. Corporal Sam Samson and Corporal E.Molisa submitted a statement respectively of their knowledge about these items.
3. I would draw your attention to CAP 136 Section 8 and 9 and also CAP 20 Section 8 of the Prison Administration involving Police laws dealing with confiscating of Prisoners personal properties during arrest custody and Imprisonment.

E A [unclear]

RE: JOEL BOIBOI

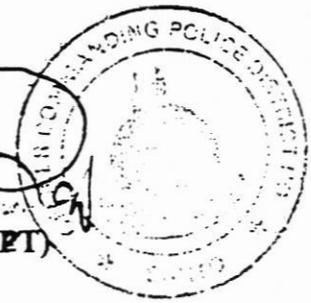
- 1. The following officers involved in Joel Boiboi's arrest, see attached copy of OPS-Order.
- 2. I have no further comment, unless reasonable force is permitted.
- 3. I referred to Senior Inspector Boe's statement of Chief Inspector Erick Pakoa's instruction. Furthermore, I see no reason at all to this action.
- 4. I will refer this to the attached statements.

RE: LISONG MALSÆ

- 1. I referred to the attached officers statement and the attached note from OC Santo Prison.
- 2. I couldn't recall the exact case, but to my knowledge he was handled by the Police at Lakatoro, where he was sent to Santo to serve his prison terms sentence, later transferred to the Central Prison.
- 3. Furthermore an Ex.Police Woman officer by the name Winnie Bethel who is currently working for the LCC Store in Port Vila may have some knowledge about being handling this case.

I apologize for the delay in response to your instruction because I was away in overseas course from September - December 1998.

I hope these information provided will be of assistance for your examination regarding this ~~allegation~~.



P.W. REUBEN (SUPT)
OCPD(N)

PROCESS VERBAAL
AUDITION DE TEMOIN
STATEMENT OF WITNESS

Public Prosecutor

Station: Santo
Date: 20. 4. 98 No: 7 Place: LID
Name: Alice Surname: George
Age: _____ Home Island: _____
Son/Daughter of: George and of Ullean
Occupation: Police man
Address: Santo (Belote)
Religion: KNAUKAN

Time: _____
Nationality: _____

Statement taken on _____

Interpreter Yes/No _____

Name: _____

I hereby declare that my statement is the expression of the truth to the best of my knowledge and belief and is made by me knowing that I am liable to be prosecuted criminally if I willfully give information which I know to be false or do not believe to be true.

Mi talemout se tok blong mi ia i tru. Mi save se bambae mi go long kot suppose mi tok be mi kiman, o suppose mi talemout ol ting we mi no ting se oli true.

Signature: _____

Alice George

Sometime long Manis March and April 1996 i been gat fulap breakin mo steal long ol store long Santo, especially long town area.

Fulap police investigation str mi fala i arnesthem mo interviewim Peter Dick mo some other friends iday em. Long 24/04/96 after long ol interview mo mi fala i completim ol cases. mi fala i proceed watem igo long Court.

Mo Court i been haven case helpet late mo layem charge blong oli go long prison. So mi fala igo putum olgeta street long prison house. Long taping sei next day mbae mi fala i just returnem any private property blong olgeta -

Unfortunately emi no happen olsem taping la Long morning blong 25/04/96

D & Vibrogg

taem Cpl Sam Sanson me Esromi melisa
di kam blong usok long morning.
Naw tufala i tainem out sei ikat
one buylang long CID office, Saueo.

me ol lost stolen property emi includen
blong Mr Peter Dick to item emi taken
Long Saueo morning ia mi been go
wikim Mr Peter Dick me karem emi
long CID car 9007 ikam long CID office

Long ples ia nao mi explanan situation
wei stop me emi aware long em good
threefala properties blong em te i lost
after long steal ia.

Mi been advisem em blong emi help
long ~~stop~~ tingting sei maybe some
convicted prisoners oli involve long em.

Be as far as investigation emi go
me gat em any suspected person long
case ia to this date.

Mifala i apologise long Mr Peter Dick
Spes mifala i causem some tingting wei
me good. Be mifala me meanim
blong situation emi end up this way.

Thank you times

Statement written down by the witness and recd by us
Declaration, Faite de la main de temoin et recu nous.

Officer de Police a la Residence
Police Officer stationed: _____

Le _____ a _____ or signed
The _____ at _____ hrs _____ and signed) _____

after being read over by us and the witness _____

The witness not knowing how to sign his/her statement was read out to him/her
in the presence of _____ who was signed the present report with us.

Le Temoin. The witness

L'Officier de Police

Interpreter
L'Interpreteur

PROCESS VERBAL
AUDITION DE TEMOIN
STATEMENT OF WITNESS

Document No: _____
Public Prosecutor

Station: Santo
Date: 20/04/88 No: _____ Place: CID
Name: Samson Surname: Sam
Age: _____ Home Island: Enau
Son/Saughter of: Sam and of Huey
Occupation: Police Officer
Address: Po Box 118, Hufanide Santo
Religion: Presbyterian

Time: 15:15hr
Nationality
NI-Jan.
Statement taken in

Interpreter Yes/NO
Name:

I hereby declare that my statement is the expression of the truth to the truth to the best of my knowledge and belief and is made by me knowing that I am liable to be prosecuted criminally if I willfully give information which I know to be false or do not believe to be true.

Mi talemout se tok blong mi ia i tru. Mi save se bambae mi go long kot suppose mi tok be mi kiaman, o suppose mi talemout ol ting we mi no ting se oli true.

Signature: [Signature]

Mi bin remember gud se long long morning blong 25th April 1986 taem we nifala ol officers blong criminal Investigation Department (CID) i kam long office blong wok, nifala i finem out se sam unknown people oli bin breakin long tufala room blong CID. One long tufala room is hein ~~Sam~~ office blong oe CID.

Unknown people is oli bin cuttem breaker screen blong window, removal ol louvers no go insaed removal out ol property insaed. Most long ol property is oli ~~ol~~ Court Exhibits namely: Radio cassette Player, Mini Stereo, Clothings, CD cassette including some personal property, baketen. Mi recalled long ~~ol~~ ^{Samson} victim long breakin is we name blong ~~ol~~ ^{ol} Peter Dick blong Tanna, David Laam (Chinese) no Samfala more. Hem name.

Thank you.

[Signature]

[Large section of the document consisting of horizontal lines, mostly crossed out with a diagonal line. The initials 'M/A' are written in the center of this section.]

Statement written down by the witness and recieved by us _____
Declaration, Faite de la main de temoin et recue nous .

Officer de Police a la Residence Santo
Police Officer stationed: _____

Le 20/04/50 a _____ a _____ et signed _____
The _____ at 15 30 hrs _____ and signed) _____

after being read over by us and the witness _____

The witness not knowing how to sign, his/her statement was read out to him/her
in the presence of _____ who was signed the present report with us.

Le Temoin. The witness

L'Officer de Police

Interpreter
L'Interpretar

Appendix E

PROFESS VERBAI

6/32

AUDITION DE TEMOIN

STATEMENT OF WITNESS

Document No
Public Prosecutor

Station: SANTO

Date: 30. 4. 96

No: _____

Place: CID office

Time: 0930hrs.

Name: Esrom TANO

Surname: MOLISA

Nationality

NI-VANUATU

Age: 28 yrs

Home island

Espirito SANTO

Statement taken by

BISLAMA

Son/Daughter of TANO

and of UTUJA

Interpreter

Yes NO

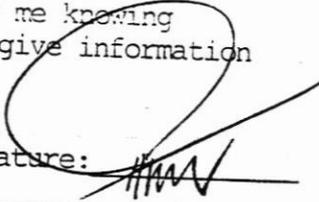
Occupation: POLICE MAN

Name: _____

Address: Santo Police Station Box 113

Religion: PRESBYTERIAN

I hereby declare that my statement is the expression of the truth to the truth to the best of my knowledge and belief and is made by me knowing that I am liable to be prosecuted criminally if I wilfully give information which i know to be false or do not believe to be true.

Signature: 

Mi aboue officer mentioned, mi attached long C.I.D Section long Santo Police Station.

Long 25/4/96 long morning about 0730hrs mi fala i bin nesome duty long office, but taem mi fala i Kasem office mi fala i faenemaet se igat unknown person i bin unlawfully enterem mi fala C.I.D office mo stealin some items insaid.

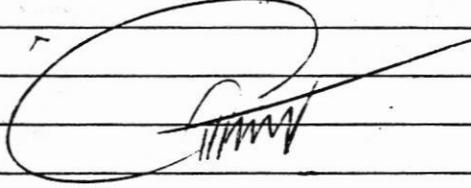
Mi bin holem key blong war office but taem mi kam wkim door emu open nomo i stap.

Mi bin checkem olgeta stolen properties we olgeta mi fala i recoverem long ol suspects mo faenemaet se igat: 1x Panasonic tape recorder - KX 55710. ~~ADIDAS SHOE (WHITE BLUE)~~ ~~SOLES~~ 2 CASIO WATCHES (BLACK/WHITE) 1X CASIO WATCH (GOLD.) ~~BROWN~~ ~~Belt~~ 1X PACE PHONOGRAMM PICTURE.

olgeta items ca noo oli missing insaid

office and his stap work inside long here.
I discovered unknown person in house
entertainment house through long window we
broke screen and pulled three ladders
no name inside long office.

With every understanding in making statement
ca.



NIL

Statement written down by the witness and received by us declaration, Faite
de la main de témoin et recue nous: PC Melissa

Officer de Police a la Residence Santo
Police Officer Stationed

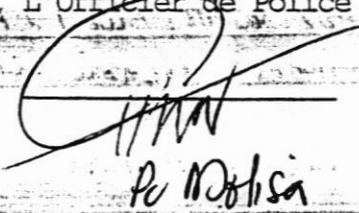
Le 30/4/95 at 09 hrs 50 et signed
after being read over by us and the witness PC Melissa

The witness not knowing how to sign, his/her statement was read out to
him/her in the presence of _____ who was signed
the present report with us.

Le Témoin/The witness

L'Officier de Police

Interpreter,
L'Interpretar



PC Melissa

Appendix F



Office of the Ombudsman Bureau du Médiateur Ofis blong Ombudsman



Our Ref: 1527/6173/L55/ss
(Please quote this reference in all correspondence)

4 March 1999

Mr Saling Stephen
Police Legal Officer
Police Headquarters
PMB 014
PORT VILA

Dear Sir

ALLEGED LOST PROPERTIES AT SANTO POLICE STATION

We refer to the above matter.

The complaint was about Police removing Mr Peter Dick's personal belongings whilst being arrested and held in custody. On being sentenced to jail by the court, the police in Santo failed to return to Mr Dick:

- 1 pair of Adidas Shoes - Condition new - Cost: 7,000VT
- 1 brown belt - Cost: 450VT
- 1 pair of white socks.

Upon writing to the Police in Santo they confirmed to have removed this belonging on Mr Dick's arrest in accordance to Section 8 & 9 of the Criminal Procedure Code, and Section 20 of the Prison Administration Act. However, the Police failed to give back all his personal belongings because the CID Office in which those properties were kept was broken into, and the burglars took away items including those mentioned above.

In fact, Mr Dick's property was in the custody of the police when it was stolen. It is not the police' fault that this property was stolen, but it is still their responsibility. The police should compensate Mr Dick for the loss of his personal property. The police would certainly be held responsible for compensating Mr Dick if the matter was taken to a court of law.

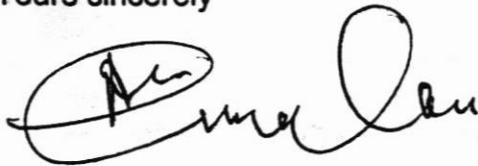
Mr Dick has claimed the value of the three items to be approximately 7450VT. We would appreciate it if you could advise the police to compensate him accordingly. If your advice is different, please explain the reasons.

If the police provides reasonable compensation then we will consider this matter resolved; if not, we will consider proceeding with this inquiry on the basis of maladministration and unjust conduct of the police.

E x i b i t

We look forward to hearing from you and we thank you for your assistance and cooperation in this matter. Please quote our reference number above in any correspondence.

Yours sincerely



Alfred MAHO
Director of Leadership Code
for: Marie-Noëlle FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU

cc: Paul Willie Reuben

Appendix G-E

AUM

POLICE LEGAL OFFICE

Police Headquarters
PMB 014
Port Vila
Vanuatu

TEL: 22222
FAX: 22800



Our ref: 10/02/26-117-99
Your ref: 3574/6173/L55/ss

Date. May 12, 1999

The Ombudsman
Office of the Ombudsman
PMB 081
Port Vila

Attention: Alfred Maho

Dear Sir,

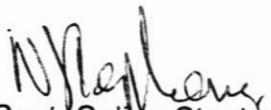
Re - Alleged Loss of Properties at Santo Police Station

Thank you for your letter dated 10 May 1999 concerning the above matter.

We are advised that the said properties were kept at the CID office in Santo and unfortunately the said office was broken into by an unknown person and was amongst others, that were stolen therein.

Owing to the fact that it was an act committed outside our control, we respectfully submit that our clients are not liable to repair the loss.

Yours faithfully,


Supt. Saling Stephen
Senior Legal Officer



