

**REPUBLIC OF VANUATU  
OFFICE OF THE OMBUDSMAN**

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

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## **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.