

**REPUBLIC OF VANUATU  
OFFICE OF THE OMBUDSMAN**

**PUBLIC REPORT**

**ON THE**

**ALLEGED LEADERSHIP CODE  
BREACHES**

**BY**

**JOHN WILLIAM TIMAKATA  
(FORMER PUBLIC PROSECUTOR)**

**Date: 28<sup>th</sup> December 1999**

**8131/9/23**

**PUBLIC REPORT  
ON  
THE ALLEGED BREACHES OF THE LEADERSHIP CODE BY JOHN  
WILLIAM TIMAKATA (FORMER PUBLIC PROSECUTOR)**

**SUMMARY**

This report is published to show how the former Public Prosecutor, who was given the duty and obligation to uphold the laws and prosecute offenders in Vanuatu, was himself wanted by authorities of another sovereign state to face justice for an offence.

Mr John William Timakata was a student at Waikato University in New Zealand in 1994 when he was charged with injuring with intent of a fellow female student. He failed to appear before the District Court Judge in New Zealand to hear the charges laid against him. A warrant was issued to arrest him but Mr Timakata returned to Vanuatu. The warrant is still pending.

In 1996, Mr Timakata was appointed as the Public Prosecutor. While serving in this position, he traveled to New Zealand under a different name to avoid being arrested by the New Zealand authorities.

The Ombudsman found that Mr Timakata might have breached the Leadership Code under the Constitution. His conduct endangered and reduced respect for and the integrity of the Public Prosecutor's Office and the Government of the Republic of Vanuatu.

The Ombudsman recommended that Mr Timakata should not be appointed again to hold any responsible position in the public sector until he is cleared of the alleged charge laid against him by the New Zealand authorities.

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## 1. JURISDICTION

- 1.1 The Constitution and the Ombudsman Act allow the Ombudsman to look into the conduct of government-related bodies, and leaders. This includes the conduct of the former Public Prosecutor, John William Timakata. Mr Timakata's alleged actions in obtaining a new Vanuatu Passport **under a different name** in order to enter New Zealand, apparently to avoid being arrested for a criminal charge he was alleged to have committed in New Zealand, are within the Ombudsman's jurisdiction.

## 2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The scope of this investigation is to establish the facts about allegations that Mr Timakata obtained a new passport under a different name to travel to New Zealand, apparently to avoid being arrested for a criminal charge pending against him there.
- 2.2 This Office collected information and documents by informal request, summons, letters, interviews and research.

## 3. RELEVANT LAWS, REGULATIONS AND RULES

### 3.1 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/herself 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 sub-article (1).

## DEFINITION OF A LEADER

67. For the purposes of this Chapter, a leader means the President 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.

[Emphasis added]

## 3.2 OMBUDSMAN ACT NO 14 OF 1995

### FUNCTIONS OF THE OMBUDSMAN

Section 14 (2): For the purposes of paragraph (d) of subsection (1), in addition to those persons referred to as leaders under Article 67 of the Constitution, **leaders shall include:**

- (d) **all Constitutional Office holders;**

[Emphasis added]

## 3.3 PASSPORT ACT

### INTERPRETATION

1. In this Act unless the context otherwise requires -

"passport" means a passport issued by or on behalf of a Government of the country of which the person to whom it relates is a subject or citizen and which by means of an attached photograph and otherwise identifies that person and which is still in force :

### ISSUE OF PASSPORTS

3. (1) **A citizen** of the Republic of Vanuatu **shall be issued with a passport if he makes application either himself** or by his parent or lawful guardian to the Principal Passport Officer on a prescribed form

### POWER OF PRINCIPAL PASSPORT OFFICER TO TAKE POSSESSION OF PASSPORTS IN CERTAIN CIRCUMSTANCES

11. (1) The Principal Passport Officer may take possession of any passport which he reasonably believes is in the wrongful possession of a person or **has been issued or renewed by means of any willfully false or misleading statement**
- (2) A person having in his possession or control a passport, to which subsection (1) applies shall on demand deliver it without unreasonable delay to the Principal Passport Officer

### OFFENCES

13. A person who willfully-
- (b) **makes any false statement for the obtaining of a passport**, certificate of identity or travel document
- (e) in any other manner contravenes the provisions of this Act ;...
- (f) **".....is guilty of an offence ....."**

[Emphasis added]

#### 4. **OUTLINE OF EVENTS**

- 4.1. **In 1994**, John William Timakata completed the requirements for a Bachelor of Law Degree at Waikato University in New Zealand.
- 4.2 The degree was conferred on him in 1995.
- 4.3 **On 20/05/96**, His Excellency the President appointed Mr Timakata as the Public Prosecutor. The appointment instrument is **annexed A**
- 4.4 **On 28/05/96**, the Judicial Services Commission confirmed the approval of Mr Timakata's appointment. The letter is **annexed B**.
- 4.5 **On 12/06/96**, the Public Service Department informed the Finance Department about Mr Timakata's appointment as Public Prosecutor.
- 4.6 **On 25/09/97**. Mr Timakata made a statement to the Police claiming to have lost a passport. He also made an application for a new Vanuatu passport in the name of Matariki Tion (John) William. The statement and application form are **annexed C & D respectively**.
- 4.7 **On 02/10/97**, Mr Timakata was issued with a new passport number with the name Matariki Tion (John) William. The passport number is A005723
- 4.8 **On 21/11/97**, the following information was received from Interpol in New Zealand:
  - \* The summary of facts by the New Zealand Police about an assault that Mr Timakata was alleged to have committed whilst in New Zealand (**Annex F**). In late 1994, Mr Timakata was charged with injuring a woman with intent, an offence subject to a penalty of imprisonment, in New Zealand. The evidence further indicates that Mr Timakata did not attend for his criminal hearing, and a warrant of arrest was issued on 10 March 1995. As at 18/11/97, Mr Timakata had apparently not surrendered himself to the authorities in New Zealand.
  - \* The victim impact statement (**Annex E**)
  - \* The copy of the warrant dated 10/03/95 to arrest Mr Timakata in New Zealand (**Annex G**)
- 4.9 **On 21/11/97**, Interpol in Wellington sent documents detailing the list of passengers that arrived in New Zealand on Air Vanuatu Flight NF 51 from Vanuatu on 18 October 1997. The name Matariki Tion was listed with Passport number A005723. The list is **annexed H**.
- 4.10 **On 06/12/97**, the Vanuatu Weekly in the issue No 675 published a statement by the then Minister of Justice in which the Minister confirmed his receipt of reports about the proceedings in New Zealand. In his statement the former Minister Fr Walter Lini asked Mr Timakata to resign as Public Prosecutor. The copy of this statement is **annexed I**.

- 4.11 **On 12/12/97**, the Judicial Service Commission met and unanimously accepted Mr Timakata's resignation. The letter is **annexed J**.
- 4.12 **On 02/09/98**, the Judicial Service Commission confirmed that Mr Timakata had not yet been registered with the Law Council to practice as a legal practitioner in Vanuatu

## **5. RESPONSES TO THE PRELIMINARY REPORT (Working Paper)**

- 5.1 A preliminary report in this matter was issued on 13 August 1999 to give persons or bodies who might be adversely affected an opportunity to reply.
- 5.2 The preliminary report was sent to Mr Timakata. However, no response was received from him.

## **6. FINDINGS**

### **Finding 1: MR TIMAKATA BREACHED THE LEADERSHIP CODE OF THE CONSTITUTION**

- 6.1 Mr Timakata, while being Public Prosecutor in Vanuatu, breached the Leadership Code in the Constitution by continuing to evade prosecution in New Zealand.

### **Finding 2: MR TIMAKATA'S CONDUCT Demeaned THE POSITION OF THE PUBLIC PROSECUTOR**

- 6.2 Mr Timakata's conduct demeaned the position of the Public Prosecutor. As the Constitutional Office-holder responsible for all criminal prosecutions in Vanuatu, he himself had an outstanding criminal charge and Warrant for his arrest. This is a breach of Article 66 (1)(b) of the Constitution.

### **Finding 3: MR TIMAKATA'S CONDUCT CALLED HIS OWN INTEGRITY INTO QUESTION AND DIMINISHED RESPECT FOR AND CONFIDENCE IN THE INTEGRITY THE GOVERNMENT OF THE REPUBLIC OF VANUATU**

- 6.3 The position of Public Prosecutor is a constitutional office. While functioning as Public Prosecutor, Mr Timakata obtained a passport under a different name and used the passport to enter another sovereign nation, presumably to avoid arrest for a criminal charge. Both appear to have been illegal actions. Mr Timakata's conduct brought his own integrity into question, and also endangered and reduced the respect and confidence in the integrity of the Government of Vanuatu. This is a breach of Article 66 (1)(c) & (d) of the Constitution.

## **7. RECOMMENDATIONS**

**Recommendation 1:**                    **The Judicial Service Commission should ask Mr Timakata to submit himself to justice in New Zealand, in order to resolve the criminal case against him.**

7.1    The Judicial Services Commission should ask Mr Timakata to go to New Zealand to face the charges against him before he is allowed to practise law in Vanuatu.

**Recommendation 2:**                    **Mr Timakata should not hold any post in the public sector until the alleged charge against him is cleared in the court of law.**

7.2    By his past actions while he held a constitutional position, Mr Timakata has demeaned the position and diminished confidence in the integrity of the Government. He should not be appointed to any position in the public sector, at least until his case in New Zealand has been settled.

**Recommendation 3:**                    **The Law Council should suspend admission of Mr. Timakata to the practice of law in Vanuatu until the criminal case against him has been resolved in the court of law.**

7.3    By his past actions, Mr Timakata has brought his own name into disrepute and cast a stain on his own character. His conduct was unethical and was sufficiently serious in disqualifying him the right to practice law, a profession which entails the public trust, and a faith in the moral character of its practitioners. Therefore, the Law Council should reconsider admitting Mr Timakata to the practice of law in Vanuatu.

Dated the 28th day of December 1999



**Hannington G. ALATOA**  
**OMBUDSMAN OF THE REPUBLIC OF VANUATU**



**8. APPENDICES**

- A** Mr Timakata's appointment instrument instrument by His Excellency the President'
- B** The letter of confirmation of Mr Timakata's appointment by the Judicial Services Commission
- C** Mr Timakata's statement to the Police about his missing passport
- D** Mr Timakata's application for a new passport
- E** The Victim Impact Statement from New Zealand Police
- F** The summary of facts about the charges laid against Mr Timakata by the New Zealand Police
- G** The copy of the Warrant of Arrest (which is still pending)
- H** The passenger list on Air Vanuatu flight NF 51 on 21/11/97
- I** The copy of the Ministry of Justice's statement in the Vanuatu Weekly
- J** The letter from the Judicial Services Commission to Mr Timakata accepting his resignation



20.03.98

(K)

ANNEX " J "

Mr John William Timakata  
Port-Vila

12th December 1997

Dear Sir

**Subject: Decision of Judicial Service Commission on your resignation**

Reference is made to the above captioned matter.

The Judicial Service Commission at its meeting on the 12th December 1997 resolve unanimously to accept your resignation as the Public Prosecutor of the Republic of Vanuatu.

The Commission would like to thank you for your services rendered to the Government of the Republic of Vanuatu and wish you all the best in your future career.

Yours Faithfully



Clifford Bice  
Acting Secretary  
Judicial Service Commission.

RECEIVED  
DATE: 24/12/97

# Funds to primary secondary level

The EU has previously funded the electrification of rural primary schools. The 20 million vatu project, saw the installments of solar panels at 46 primary schools.

The running and the maintenance of the school will be provided for, within the Education budget.

This will mean that the current Education budget of 1,417,85,758 billion Vatu for the year commencing 1st Janu-

ary to 31st December 1997, will be increased further next year.

Education is the largest consumer of the 6 billion Vatu pie of the government annual budget.

Whether the government can sustain and maintain the current schools and the additional 18, its yet to be seen.

However most of the schools are runned down, due to shortage of funds from the government.

# Keepers head to mainville



group departing Bauerfield Airport

# Had "not guilty" as an all-out battle

later when it is required." - after adjourning the session for around half an hour.

Defense Attorney indicated that she will object to many of the evidence that will be put forward by the prosecution. She had mentioned in court that some of the prosecution evidence are "hear say" evidence.

A submission by Barlow to allow the students to go on

this could jeopardise the case - if the defendants decide not to return to the country.

A previous example of this was Jean Philippe of Erakor, who was permitted by court to go home - running away to Noumea, and the case is now almost forgotten.

They were previously released on bail of VT20,000 (around \$246 Fijian), and confined to their rooms and the

# Arrest warrant lurks behind prosecutors resignation

The Ministry of Justice confirmed rumours yesterday, saying they had requested the resignation of the Public Prosecutor John William Timakata, over an alleged arrest warrant issued by New Zealand Authorities.

Fr. Lini said he had received confirmation from the Attorney Generals Office that New Zealand Authorities have issued a warrant of arrest for the Prosecutor.

"We want a Prosecutor that upholds the law, not breaking the law," the minister said.

He said the Judicial Service Commission will look into the recruitment of a possible replacement for the Public Prosecutor - if the resignation letter is received.

Yesterday, New Zealand High Commissioner Caroline MacDonald, denied any knowledge of a Warrant of Arrest for Mr. Timakata from her diplomatic headquarters.

"I'm sorry, I don't know anything about it."

Attorney General Ham Bulu, refused to comment saying: "professionally, I would rather speak to him first before making any comments."

Meanwhile the Public Prosecutor is still in office and has not yet resigned. The Ministry confirmed yesterday that no resignation letter was received to date.

Fr. Lini said he had discussed the issue with Mr Timakata last Monday, stating his concern and asking for his resignation.

Allegations of inexperience and under-staffing by the Ombudsman for his resignation, as reported by Trading Post was thrown-out by Justice Minister Fr. Lini.

Sources say the Ministry is looking at transferring Timakata down to the Police Headquarters as a Legal Officer there - after his resignation. Weekly understands that the Public Prosecutor will either take up office with the Police before continuing further studies, or vice versa.

# Ombudsman brands Jung a criminal

Ombudsman Patterson has recommended Prime Minister Vohor, Foreign Affairs Minister Vital Soksook other government officials to resign - over allegedly issuing Vanuatu citizenship to Korean businessman Richard Jung illegally.

He was granted citizenship on April 29 1997 by the then Principal Immigration Officer and Kepoue Manwo - neither of whom are in the citizenship committee.

Richard Jung Executive Manager of Las Vegas Resort was appointed by the Council of Ministers as agent for an Immigration scheme - where Asian investors would purchase longterm residencies, citizenships and passports for Vanuatu

expatriate needs to reside in Vanuatu for 10 years before they can be granted citizenship.

The report condemns Minister Soksook and PM Vohor's later appointment of Mr Jung to be Vanuatu's Trade Commissioner to Korea.

According to the Ombudsman's report, Richard Jung is a fugitive, evading prison from a conviction in South Korea. The report alleged that Mr. Jung escaped prison in Korea on the 24th of September 1992.

He is wanted on charges of counterfeiting valuable securities by the South Korean Police - carrying a penalty of up to 10 years in jail. The report continues to say that

**COPY**

ANNEX "G"

(#)

**WARRANT TO ARREST DEFENDANT WHO DOES NOT  
ATTEND PERSONALLY**

(Sections 65, 66 Summary Proceedings Act 1957)

CRN / 4019020464  
XRF / P0025725939  
DOB / 24/09/70

TO: Every Constable

/ Jon-William TIMAKATA  
\_\_\_\_\_  
(Full Name)

OF: / Waikato University Student Village HAMILTON  
\_\_\_\_\_  
(Address and Occupation)

(hereinafter called the defendant), is charged with injuring with  
intent

The defendant is liable on conviction to a sentence of imprisonment and was not personally present at the hearing this day and I think fit to issue a warrant to arrest the defendant and bring the defendant before a Court.

I DIRECT YOU to arrest the defendant and bring the defendant before a District Court (or this Court) as soon as possible.

Dated at Hamilton this 10th day of March 1995

*A J Twaddle*  
\_\_\_\_\_  
A J Twaddle  
District Court Judge

**COPY**



To Manu Aotū o Aotearoa

New Zealand Customs Service

Passenger List

ANNEX 'H'

Surname	Given names	Date of birth	Sex	Cit	Passport Number	Permit details		Status / Lane
						Type	Expiry	
EXETER	MARY, CATHERINE	10/01/52	F	NZ	L445980			00/00/00 Process / TS
FINLAY	SUSAN	23/03/56	F	AU	K2549457			00/00/00 Process / 15
FISHER	ELAINE, LESLEY	20/09/51	F	NZ	L465823			00/00/00 Process / 17
FISHER	GRAHAM, STANLEY	21/11/51	M	NZ	N066793			00/00/00 Process / 17
FISHER	OWEN, CAMPBELL	29/08/88	M	NZ	N066790			00/00/00 Process / 17
FISHER	REBECCA, MAY	18/03/83	F	NZ	N066792			00/00/00 Process / 17
FISHER	ROYDON, GRAHAM	28/10/85	M	NZ	N066791			00/00/00 Process / 17
GARRETT	CARL, WARREN	25/09/90	M	NZ	N080904			00/00/00 Process / 19
GARRETT	JOANNE, HELEN	04/10/87	F	NZ	L282971			00/00/00 Process / 19
GARRETT	MONIQUE, FAY	16/02/93	F	NZ	N080905			00/00/00 Process / 19
GARRETT	WARREN, DAVID	24/04/65	M	NZ	L282970			00/00/00 Process / 19
GIBBONS	PETER, DELVES	08/02/35	M	NZ	X056186			00/00/00 Process / 19
GOLDER	HEATHER, FIONA	21/04/67	F	NZ	N027736			00/00/00 Process / 12
HASSE	JULIA, C	25/12/69	F	DE	2471694876	Student	31/03/98	Process / 15
HAWKEN	GLENN, STEVEN	21/11/72	M	NZ	L549661			00/00/00 Process / 17
HEYWARD	KATHIRYN, ANN	11/03/65	F	NZ	E459521			00/00/00 Process / 15
HISKENS	ANDREW, NOEL	11/02/66	M	NZ	E823178			00/00/00 Process / 19
INNES	PHILIPPA, CATHERINE	18/08/53	F	NZ	N083395			00/00/00 Process / 17
JANE	JOHANNA, MARIA, CORNE	08/10/53	F	NZ	N083550			00/00/00 Process / 19
JANE	WILLIAM, ARTHUR	26/03/52	M	NZ	N067201			00/00/00 Process / 19
JASCHKOWITZ	MAREN, L	30/04/78	F	DE	5170107867	Visitor	18/01/98	Process / 15
JENNINGS	DAVID, ERNEST	20/11/65	M	NZ	L276440			00/00/00 Process / 15
JOHNSTONE	COLIN, GRANT	15/03/52	M	NZ	E969239			00/00/00 Process / 19
KIMURA	TSUKIE	06/09/89	F	JP	MN3807511	Work	19/05/98	Process / 12
KIMURA	JOHN, LESLIE	30/05/81	M	NZ	N100881			00/00/00 Process / 17
KRISHNAN	PURUSHOTAMAN	09/02/33	M	NZ	L941157			00/00/00 Process / 17
KRISHNAN	VENKAT RATNAMMA	08/09/38	F	NZ	L941050			00/00/00 Process / 17
LEMBERG	MICHAEL, JOHN	16/08/61	M	NZ	X047378			00/00/00 Process / 19
LEMBERG	NICOLA, J	04/03/94	F	NZ	N038484			00/00/00 Process / 19
LEMBERG	VIVIENNE, HARRIET	16/10/57	F	NZ	N098689			00/00/00 Process / 19
LLOYD	BEVERLEY, EILEEN	22/12/53	F	NZ	L822103			00/00/00 Process / 19
MACFARLANE	RODERICK, RUSSELL	05/10/65	M	NZ	E894238			00/00/00 Process / 17
MARK	SIMON, LAWRENCE	08/04/57	M	NZ	Y000838			00/00/00 Process / 17
MARSHALL	RONALD, IAN	02/09/48	M	NZ	E296532			00/00/00 Process / 17
MATARIKI	DON	24/09/70	M	VU	A005723	Visitor	01/11/97	Process / 12
MAYSON	BEVERLEY, ETHEL	05/02/45	F	NZ	X169156			00/00/00 Process / 15
MAYSON	JONATHAN, IRVING	26/05/46	M	NZ	E804106			00/00/00 Process / 15
MCCUSKER	BRENDAN	15/08/68	M	AU	K0436257			00/00/00 Process / 17
MCKEAGUE	JEANETTE	05/10/50	F	NZ	H051859			00/00/00 Process / 19
MCKENNEY	ASHLEIGH, LILLIAN	20/08/94	F	NZ	L478617			00/00/00 Process / 19
MCKENNEY	DEBORAH, ANNE	14/08/65	F	NZ	X042194			00/00/00 Process / 19
MCKENNEY	KIRSTYN, ANNE	24/03/91	F	NZ	L967706			00/00/00 Process / 19
MERZ	ANGELA, D	02/02/64	F	DE	6058333741	Visitor	18/01/98	Process / 12
MOODY	JOANNE, LOUISE	05/01/88	F	GB	000575043	Work	23/03/99	Process / 17

Delete

Delete

NZ Police

## CAPTION SUMMARY

POLICE v TIMAKATA/Jon-William  
Student Village, Waikato University,  
HAMILTON

DOB : 24/09/70  
AGE : 24 years  
OCC : Student

CHARGE Injures with intent to injure (01 )  
Crimes Act 1961, Section 189(2)  
5 Years

WITNESS 3 x Civillian  
2x Police

EXHIBITS 1 x T/Shirt

HEARING Hamilton District Court  
25/10/94

SUMMARY OF FACTS

At about 1.30am on the 22nd of October the defendant TIMAKATA was in the grounds of the Waikato University, HAMILTON.

At this time he was with a group of friends outside the college halls. He approached the complainant [REDACTED] and demanded his jacket that she was wearing.

He then grabbed at the jacket, and attempted to pull the jacket off her, while she still had it on.

He kept pulling at the jacket until she fell to the ground. He eventually got the jacket off and walked off.

The complainant then ran after TIMAKATA and confronted him. He then struck her and she fell to the ground. Whilst on the ground he kicked her several times on the head and upper body region. He kept kicking her until passing persons intervened.

As a result she was knocked unconscious for a short time, suffered cuts to the mouth requiring 5 stitches, and swelling and bruising to her head and left upper arm.

The defendant could offer no explanation for his actions and would make no comment as to what had taken place.

The defendant is a single man, who is a student residing locally.

He HAS NOT previously appeared before the court.

# VICTIM IMPACT STATEMENT

Name: \_\_\_\_\_

[The victim must be informed that:

The information in this statement will be put before the Judge after the accused is found guilty and before sentencing, as one of the matters which will help in deciding on a suitable sentence for the offender. The information given will need to be true and correct. A copy of this statement will be available to other people such as defence counsel, the probation officer and the accused.]

Statement to take narrative form and to cover following:

**Victim Details** if appropriate

- e.g.: age, occupation, gender, living arrangements/ marital status, relationship to offender (if any), ethnic origin

**Physical Injuries**

- include type and extent of injuries, long/short term effects, whether treatment/ absence from work/ hospitalisation reqd, medical/dental reports.

**Property damage or loss**

- provide full description of property damaged/stolen

**Financial Costs**

- include costs of treatment, replacement/repair costs, loss of wages/income, incidental costs.

**Emotional/Psychological Effects**

- include changes in behaviour/ lifestyle/personal reaction, include details of treatment/ counselling as appropriate. Attach psychological/other relevant reports.

**Any other effects of the offence**

- on the victim/victim's lifestyle

Prepared by: \_\_\_\_\_

Description: \_\_\_\_\_

Date: \_\_\_\_\_

Sources of information: \_\_\_\_\_

(Continue on next page if necessary)

I am aged 20 years and a Student studying at Waikato University. I am a single woman of Fijian extraction.

I received a cut to the inside and outside of my upper lip which required eight stitches. I also have swelling and grazes to my temples. Behind my right ear and the top of my skull is very tender. My left upper arm is also very tender and is bruised.

I sustained no damage or loss.

I have incurred no financial costs at this stage.

I won't be going back to University except to do my exams. I feel too ashamed and embarrassed with my injuries.

ANNEX " D "

Purport No A005723

DATE ISSUE: 02/10/97  
DATE EXPIRE: 01/10/2002

APPLICATION FOR A VANUATU PASSPORT

(SCHEDULE 1 TO THE PASSPORT REGULATION NO.11/80)

PARTICULARS OF APPLICANT.

NAME (Surname) MATARIKI  
CHRISTIAN NAME JOHN TION (JOHN) WILLIAM  
DATE OF BIRTH 24 SEPT 1970  
PLACE OF BIRTH IRIRIKI PMH  
OCCUPATION/PROFESSION PUBLIC PROSECUTOR  
PRESENT ADDRESS c/- PUBLIC PROSECUTOR'S DEPT PMB B35

Father and Mother's names and address (If different from above)  
FREDERICK ELAGMOANA MATIU  
KEASA ENABURA MATARIKI

MARITAL STATUS

SINGLE/MARRIED/DIVORCED

DESCRIPTION OF APPLICATION

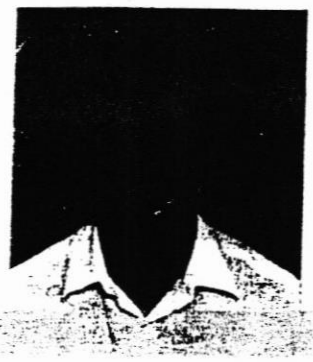
HEIGHT: 1.75.M COLOUR OF EYES BROWN COLOUR OF HAIR BLACK

ANY MARKS OF SCARE

SEX: FEMALE / MALE

Persons under the age of 16 years whose names are to be included:

NAME NAME  
OTHER NAME OTHER NAME  
DATE OF BIRTH DATE OF BIRTH  
SEX SEX





ANNEX "C"

REPORT OF THE LOSS/THEFT OF A VANUATU PASSPORT

1. NAME OF PASSPORT HOLDER (as recorded on the passport)

JOHN WILLIAM TIMIKATA

2. PLACE AND DATE OF BIRTH

IRIKI ISLAND (PMH) 24 SEPT 1940

3. NAMES OF CHILDREN INCLUDED IN PASSPORT.

4. PRESENT ADDRESS (including Postal Address if any).

4. PUBLIC PROSECUTIONS DEPT PMB 035 VLA

5. DETAILS OF LOST/STOLEN PASSPORT.

No.....Date of issue.

6. CIRCUMSTANCES OF LOSS/THEFT.


MOVING HOUSES THREE TIMES. MISPLACED

7. ACTION TAKEN TO RECOVER THE PASSPORT.

SINCE JANUARY 1996 HAVE NOT BEEN ABLE TO LOCATE PASSPORT

8. DECLARATION

I hereby declare that to the best of my knowledge the above particulars are correct and that in the event of the lost/stolen passport referred to above being found, I will return it to the nearest Police Station or Immigration Office.

Signed..........Sex Male/Female

9. Witnessed

Signature of Police Officer received this report.



VANUATU POLICE FORCE / POLICE DE VANUATU  
PROCESS VERBAL / STATEMENT OF WITNESS

Station/Poste: Port Vila  
 Date: 25 SEPTEMBER 1997 Place: POLICE STATION Time: 1:30 PM  
 Name/Nom: JOHN WILLIAM Surname/Prenom: TINKASA  
 Situation matrimoniale: Celibataire  Single   
 Marié/concubinage  Married/defacto   
 Séparer/divorcer  Separated/divorced   
 Veuf/veuve  Widowed   
 Nationality: NI-VANUATU Ethnic origin/origine ethnique: \_\_\_\_\_  
 Statut résidentiel: ni-Vanuatu  expatrié  touriste  Visiteur pour affaires   
 Resident status: ni-Vanuatu  Expatriate  Tourist  Visitor on business   
 Age: 27 Sex: M  F  Statement in: BAKLANA  
 Declaration en: \_\_\_\_\_  
 Occupation/profession: PUBLIC PROSECUTOR  
 Name island/village: \_\_\_\_\_ Ile et village d'origine \_\_\_\_\_  
 Business Address: \_\_\_\_\_ Adresse d'emploi \_\_\_\_\_  
 Residential Address: \_\_\_\_\_ Adresse de domicile \_\_\_\_\_  
 Interpreter/Interprete: \_\_\_\_\_

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 wilfully give information which I know to be false or I do not believe to be the truth.

Je déclare que ma déposition est l'expression a la vérité au mieux de ma connaissance et de ma conviction. Je la fais en sachant que me m'enpose a des poursuites au cas ou je donnerais intentionnellement des indication fausses ou que je ne crois pas c'etre vrais.

Mi talemaot se tok blong mi ia i tru. Mi save bambae mi go long Kot sapos mi tok be mi save se mi kiaman, o sapos mi talemaot oi ting we mi no ting oli tru.

Signature: [Handwritten Signature]

MI WEI NAM BONG MI I STAP ANTA MI UANTEM RIPOTEM  
 LONG POLIS SEI MI BIN CUSUM PASAPORTI BLONG MI  
 LONG MAMIS JAN 1996. SINCE TASM IA MI NO SAVE  
 WAKTEM PASAPORTI BONG MI IA MI NO SAVE EXACTLY  
 WE PLES MI CUSUM FROM DURING LONG WAKT IA (1996) MI  
 BIN CHANTEM RESIDENCE BONG THREE (3) TIMES

[Large Handwritten Signature]

[Handwritten Signature]

ANNEX "B"

16/17

28 May, 1996

Mr. John William Timakata  
C/- Public Prosecutor's Office  
PORT VILA

Dear sir

RE : POST OF PUBLIC PROSECUTOR

I am delighted to be able to inform you formally, that the Judicial Service Commission has finally approved your appointment as the first Ni-Vanuatu Public Prosecutor.

The instrument of your appointment should have been signed by now by His Excellency, the President of the Republic of Vanuatu, in accordance with the provision of the constitution.

May I take this opportunity on behalf of the members of the Judicial Service Commission, and the staffs of the Ministry of Justice to congratulate you, on becoming the first Ni - Vanuatu Public Prosecutor. It is not an easy task, but the Commission has every confidence in you to carry out that important responsibilities which are entrusted to you, and I am sure you will make every efforts, possible to maintain that trust and confidence by improving your work further.

Once more congratulation.

Yours sincerely

J. Daiesu  
First Secre





REPUBLIC OF VANUATU

CONSTITUTION OF THE REPUBLIC OF VANUATU

APPOINTMENT

IN EXERCISE of the powers conferred by Article 55 of the Constitution of the Republic of Vanuatu I, **JEAN MARIE LEYE LENELCAU MANATAWAI**, President of the Republic of Vanuatu, on the advice of the Judicial Service Commission, appoint

**CHIEF JOHN WILLIAM TIMAKATA**

To be Public Prosecutor of the Republic of Vanuatu.

MADE at the

, Port Vila, this 20 day of *MAY*, 1996

BY HIS EXCELLENCY

A handwritten signature in cursive script, appearing to read "Jean Marie Leye Lenelcau Manatawai".

JEAN MARIE LEYE LENELCAU MANATAWAI  
PRESIDENT OF THE REPUBLIC OF VANUATU

