

**REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN**

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

Date: 28th 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).