

REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN

PUBLIC REPORT
ON THE
FAILURE OF SANTO POLICE TO ACT
& LACK OF POLICE RESOURCES

26 August 2003

2094/2003/22

**PUBLIC REPORT ON THE
FAILURE OF SANTO POLICE TO ACT
& LACK OF POLICE RESOURCES**

SUMMARY This report describes the inefficient performance of Santo Police Officers leading to delay of one year and two months in investigating a complaint.

In his findings, the Ombudsman concluded that there was unreasonable delay by the Police. However, the Ombudsman also found that the delay was associated with other factors such as Santo Police lacking necessary resources to provide services and having no proper filing system in place to keep track of case files. Lack of resources included shortage of vehicles and office equipment such as computers, printers and photocopy machines. Lack of Police vehicles has forced the Police on several occasions to use private vehicles to investigate alleged crimes. The Ombudsman also found that the Santo Police don't have sufficient funds to maintain or repair equipment's or machines.

As a result of the investigation, the Ombudsman recommends:

- That review to be made on Santo Police to address issues uncovered in this report;
- The police Commissioner formally prohibit Police from using private vehicles to investigate crimes; and
- The Police Commissioner issue a notice to Police Officers to take extra care when using resources to avoid costs of maintenance or repair.

TABLE OF CONTENTS

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

1. JURISDICTION

- 1.1 The Constitution and the Ombudsman Act gives power to the Ombudsman to look into the conduct of government, and related bodies including the Police.

2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The purpose of this report is to present the findings of the Ombudsman as required by the Constitution and Ombudsman Act.
- 2.2 The scope of this investigation is to establish the facts about one instance of the failure of Santo Police to provide effective services to the people of Santo
- 2.3 This report highlights, as well, the systemic lack of resources that regularly hinders Police in Santo in the delivery of service to public.
- 2.4 This Office collects information and documents by informal request, summons, letters, interviews and research.

3. RELEVANT LAWS, REGULATIONS AND RULES

- 3.1 The Constitution of the Republic of Vanuatu: Article 5(12). See details in **Annexure C**.

4. OUTLINE OF EVENTS

- 4.1 The criminal incidents involved a chief allegedly ordering the assault of some people and two families assaulting one person in relation to a land dispute. The victims of these incidents sustained serious injuries. The incident took place at Tasiriki Village, South Santo.
- 4.2 On April 2001, a complaint was officially lodged with the Santo Police and a statement was said to be taken by Police Officer John Iatika.
- 4.3 On 25 June 2002, the victims of the incidents approached the Ombudsman's Office in Santo lodging a complaint against the Police for failing to take action against the people who allegedly assaulted them. In the first instance, the matter was referred to the Police, in a referral advice on 4 September 2002 to Inspector Johnny Donald of the Santo Police internal investigation Unit. See **Annexure A: Referral Advice**.
- 4.4 On 2 October 2002, one of the alleged victims returned to the Ombudsman's Office complaining that, since the referral advice of 4 September 2002, the Police had not done anything. In the meeting, the Ombudsman's Office revealed the content of an interview with Police Officer John Iatika in which he (Officer John Iatika) confirmed that he was aware of the case. Mr Iatika also stated that the next action for the Police was to go down to South Santo to arrest the offenders, however it was not possible due to the unavailability of Police vehicles. The Police, at that time, were operating with two vehicles for trips to outlying areas like Tasiriki and the one they were supposed to use was under repair and was hopeful to be released the following week. The mission however was later postponed. The Ombudsman asked the complainants to come back if the Police still failed to take any action.
- 4.5 When the Police still failed to take any action to arrest the alleged offenders, the Ombudsman issued a letter to Inspector Johnny Donald on 12 December 2002 followed by a reminder letter on 11 February 2003, to commence an inquiry.

- 4.6 No response was received from Inspector Donald until a telephone conversation on 11 March 2003 when he said that he had been transferred to Police General Duties and had not answered the letters.
- 4.7 Later, on 8 April 2003, Inspector Donald gave another explanation, stating that finance and vehicle shortages had been hindering Police service delivery in Santo for a long time. A 4WD Toyota vehicle normally used by Police was no longer working. Often the Police had to ask complainants to find the means to transport the Police Officers at their own expense.
- 4.8 Inspector Donald later sent a letter reiterating the difficulties faced by Police (See **Annexure B**):
- 4.9 Unfortunately, besides the obvious difficulties faced by this Department, we have had major changes (sic) within Northern Command Office which includes the closure of the Internal Investigation office plus Uniform Branch which means that most of those cases you referred to are misplaced, and it may take some times to relocate them, because those documents were not stored in computer.
- 4.10 On 5 May 2003, we spoke with another Police Officer at Santo Police, Ms Jennifer Warsal in relation to the Police's lack of resources. In summary, she stated that:

* **Photocopiers:**

Santo Police normally operates with three photocopier machines, none of which had been running since at least January 2003. No repair work had been done because there was no money to pay for the technicians. Outstanding payment of repair work is also one reason why the machines had not been running.

* **Computers:**

Santo Police have 4 computers which are running effectively at the time of preparing this report (May 2003). They were respectively for the OIC (Officer In Charge), Secretary, Finance Officer and one at CID section. Repair work on the computers was also delayed due to lack of funds.

5. RESPONSES BY THOSE WITH FINDINGS AGAINST THEM

- 5.1 Before starting this enquiry, the Ombudsman notified all people or bodies complained of and gave them the right to reply. Also a working paper was provided prior to this public report to give another opportunity to respond. No responses were received to the working paper.

6. FINDINGS

- 6.1. **Finding 1: The Ombudsman finds evidence that there was delay and inaction in this case file by the Police.**

The complaint was first lodged with the Police on April 2001. Up until the time it appeared before the Ombudsman on 25 June 2002, one year and two months had passed. This happened despite the Police's acknowledgement of having the relevant documents to investigate the matter.

- 6.2. **Finding 2: There is evidence to show that the Santo Police lack necessary resources to provide the services required by citizens and to ensure the protection of fundamental rights under Article 5(1) of the Constitution.**

As mentioned in paragraph 2.3 of this report, one aspect is to point out the inadequate level of resources the Police are experiencing. The Santo Police do

not have enough vehicles and other resources to provide service. There are also insufficient funds to service office machines such as photocopiers and computers.

- 6.3. **Finding 3:** **The Ombudsman finds evidence that the files handling system used by Police in Santo is inadequate and has led to files being misplaced.**

In his letter dated 24 April 2003 (**Annexure B**), Inspector Johnny Donald stated that a substantial number of files normally handled by the Santo police had been misplaced. Inspector Donald also revealed that these files were not stored nor recorded in a computerized filing system.

- 6.4. **Finding 4:** **It is not proper for the Police to ask its clients to find means to transport Police Officers to the site of an offence.**

The Ombudsman strongly disapproves the practice of Police Officers requesting citizens to pay for their ravel to investigate alleged crimes. There is too much potential for corruption in this practice, apart from the fact that it denies Police services to those who cannot afford transport costs.

7. **RECOMMENDATIONS**

- 7.1 **Recommendation 1:** A review be made on Santo Police station to address issues found in this report namely, delay in Police investigation into the file concerned, lack of resources covering Police vehicles, office equipment's and inadequate file handling system.
- 7.2 **Recommendation 2:** The Police Commissioner to formally prohibit Police from using transport provided by complainants to investigate alleged crimes.
- 7.3 **Recommendation 3:** The Police Commissioner is to issue a notice to all Police Officers to take extra care when using Police vehicles in order to prevent damage.

Dated the 26th day of **August 2003.**



Hanngington G ALATOA
OMBUDSMAN OF THE REPUBLIC OF VANUATU

8. INDEX OF APPENDICES

- A** Copy of Referral Advice dated 4 September 2002.
- B** Letter of Inspector Johnny Donald of dated 24 April 2003.
- C** Relevant Laws, Regulations and Rules.

ANNEXURE A

**OFFICE OF THE
OMBUDSMAN**

PMB 081
PORT VILA
VANUATU

Phone: 27200 / 26757

Fax: 27140

Our Ref: S0770/2094/RA71/jd

Date: 4 September 2002

NOTE: The Office of the Ombudsman is unable to enquire into this complaint. The complainant has been referred to you for appropriate action, and has been given this Referral Advice to forward to you if he or she chooses.

REFERRAL ADVICE

COMPLAINANT'S NAME: Chief Serupi

ADDRESS: Tasiriki Village, South Santo.

AGAINST DEPT/AGENCY: Santo Police.

SUBJECT OF COMPLAINT: Failure of Police to investigate.

THE COMPLAINT: The complainant complained that in the years 2000, 2001 and 2002, groups of people from his village of Tasiriki assaulted each other. The complainant alleged that the matter was reported to the Police but no action was taken. The allegations were as follows:-

- In the year 2000, family Vulesia and family Navira assaulted Mr. Ori Maniti about a land dispute;
- In the year 2001, Chief Soro ordered Messrs Asemele Soro, Luo Soro and Vava Moli to assault Mr. Malovu Malum. Mr. Malum suffered a broken hand as a result; and
- In April this year (2002), Chief Soro ordered Messrs Vaku Asera, Vakun Asera and Asekono Asera to assault Ravu Suvamele. As a result of the attack, Mr. Suvamele bled from a broken tooth. It is also alleged that sometime this year, family Vulesia and family Navira assaulted Mr. Woia Samuel.

REFERRED TO (Dept etc): Police Internal Investigation Department.

OFFICER REFERRED TO: Inspector Johnny Donald.

ANNEXURE B

RECEIVED
24-4-03

NORTHERN POLICE HEADQUARTERS
PO BOX 118, LUGANVILLE, SANTO
TELEPHONE. 36222/FAX. 36064

Your ref: SO270/2094/L71/jd

Date: 24 April 2003

To: Office of the Ombudsman
PO Box 378
Luganville
Santo.

Dear Sir,

RE FAILURE TO INVESTIGATE BY POLICE

I acknowledged the Receipt of your memo dated 24th April 2003 and does apologized for not been able to inform you of the outcome of the cases you referred to.

Unfortunately, besides the obvious difficulties faced by this Department, we have had a major changes within Northern Command office which includes the closure of the Internal Investigation office plus Uniform Branch which means that most of those cases you referred to are misplaced, and it may take some times to relocate them, because those documents were not stored in computer.

The right person to conduct regarding those cases is S/Sgt. Victor RON who's the Incharge of the Uniform Investigation Branch here in Santo, as he is the one who handled the manual register for those cases.

With these remarks I hope I have clarify the purpose of the delay on my part.



J.DONALD
GD Santo.

RELEVANT LAWS, REGULATION AND RULES

CONSTITUTION OF THE REPUBLIC OF VANUATU

CHAPTER 2: FUNDAMENTAL RIGHTS AND DUTIES

PART 1: FUNDAMENTAL RIGHTS

Fundamental Rights and Freedom of the Individual

5. (1). The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to the respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health -
- (a). life;
 - (b). liberty;
 - (c). security of the person;
 - (d). protection of the law;
 - (e). freedom from inhuman treatment and forced labour;
 - (f). freedom of conscience and worship;
 - (g). freedom of expression;
 - (h). freedom of assembly and association;
 - (i). freedom of movement;
 - (j). protection of the privacy of the home and other property and from unjust deprivation of property;
 - (k). equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of under privileged groups or inhabitants of less developed areas.