

**REPUBLIC OF VANUATU  
OFFICE OF THE OMBUDSMAN**

PMB 081  
Port Vila  
Vanuatu

**PUBLIC REPORT  
  
ON THE  
MISAPPROPRIATION  
OF  
THE PRISON PROJECT FUND**

26 September 2003

8545/2003/ 24.

**PUBLIC REPORT  
ON THE  
MISAPPROPRIATION OF  
THE PRISON PROJECT FUND**

**SUMMARY**

In 1998, prisoners at Vila Prison were required to clean particular areas around Port Vila. In December 1997, following the endorsement of then Superintendent of Prisons, Mr Nathaniel Vira, former Officer-in-Charge Prisons, S/Insp John Tarimas and Sergeant Ron Temakon Tamtam set up what was known as the Prison Project Fund. The aim of the project was mainly to provide financial support to inmates who had needs such as medical bills. Prison officers also borrowed money from the fund and did not repay all monies owed.

The Ombudsman finds that the decision to set up the fund may have been contrary to law. Further, prison officers involved in borrowing money may have breached force standing orders. The Ombudsman has recommended for disciplinary actions on officers involved and also for the Office of the Commissioner of Police to run awareness programs for Force members, particularly on their internal rules and regulations.

**PUBLIC REPORT  
ON THE  
MISAPPROPRIATION OF  
THE PRISON PROJECT FUND**

**TABLE OF CONTENTS**

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

## **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 police officers within Vanuatu Prison Services in carrying out their duties and responsibilities with regard to the alleged misuse of prison project funds.

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

- 2.1 The purpose of this report is to present my findings as required by the Constitution, the Ombudsman Act and the Leadership Code Act. The scope of the investigation was to establish the facts about the misappropriation of the Prison Project Fund where it was discovered that funds from the project for the benefit of the prisoners were misappropriated by police officers involved in the project.
- 2.2 This Office collects information and documents by informal request, summons, letters, interviews, research.

## **3. RELEVANT LAWS, REGULATIONS AND RULES**

- 3.1 The statutory provisions relevant to this report are mentioned in **APPENDIX K** of this report.

## **4. OUTLINE OF EVENTS**

- 4.1 In April 1999, the Office of the Ombudsman received a complaint on the alleged misappropriation of funds that the prisoners had raised by cleaning various places in Port Vila in 1998.
- 4.2 Following further inquiries, the Office found that in December 1997, former Officer-in-Charge Prisons, S/Insp John Tarimas and Sergeant Ron Temakon Tamtam had set up what was known as the Prison Project. Sergeant Temakon stated that the project had been approved by former Superintendent of Prisons, Nathaniel Vira. The objective of the project was mainly to provide financial support to inmates (see **Appendix A** for more details).
- 4.3 On 9 September 1998, former Sergeant Maoung Mathias borrowed 10,000 vatu from the project funds. Two months after that, Sergeant Temakon borrowed 13,000 vatu (see **Appendix A**).
- 4.4 In May 1999, the Office of the Ombudsman queried Sergeant Temakon on the details of the project's expenditure to which Sergeant Temakon replied the following month that the money had been spent on prisoners' medical bills. He also stated that he was in the process of refunding some money that he had borrowed from the funds and that he was following up with former Sergeant Mathias to do the same (See **Appendix B**).
- 4.5 In June, Asst. Superintendent of Prisons, Vake Rakau confirmed with the Office of the Ombudsman that Sergeant Temakon had pledged to refund the money he owed (see **Appendix C**).
- 4.6 The Office of the Ombudsman wrote to Police Finance Officer, Ms Iren James in July 1999 to confirm Sergeant Temakon's statement that the Police' budget for medication for the year had already been exhausted (see paragraph 2 of **Appendix B**).
- 4.7 Ms James responded that they have never refused to buy prisoners' medication but if there are financial constraints, alternative means are sought (refer **Appendix D**).

- 4.8 In August, the Office of the Ombudsman contacted the Drug Store and the Central Medical Store at Vila Central Hospital enquiring about the medication that had been prescribed for the prisoners.
- 4.9 In September 1999, an officer of the Ombudsman contacted the Drug Store who confirmed that medication had been bought by the Police with an LPO for a prisoner, Mr Silas Willie (refer to **Appendix E** and **Appendix A**).
- 4.10 The Office of the Ombudsman also contacted the National Bank of Vanuatu to confirm the bank account details set out in **Appendix A**. The bank verified that as at the date of writing (10 September 1999), the balance was at 3,271 vatu (see **Appendix F**).
- 4.11 Following the bank's report, the Office of the Ombudsman then wrote to Asst. Superintendent Rakau in October 1999 stating that following his report to the Office that Sergeant Temakon would be refunding the money he owed, the bank statement from the NBV showed that no refunds had been made. The Office of the Ombudsman then made several recommendations (refer **Appendix G**).
- 4.12 On 10 December 1999, the Office of the Ombudsman wrote to Officer-In-Charge Vila Prison, Senior Inspector Pierre Carlot asking him to respond to the letter that was sent to Asst. Superintendent Rakau. Mr Carlot informed an officer of the Ombudsman in January 2000 that he was not aware of the case but he suggested that Asst. Superintendent Rakau would respond by 2 April 2000.
- 4.13 On 15 February 2000, former Sergeant Mathias visited the Office of the Ombudsman and reported to an investigator of the Office of the Ombudsman that he had refunded the money owing to the project, but he could not prove it so he would see Asst. Superintendent Rakau to make another arrangement to refund the money (see **Appendix H**). He also stated that the account signatory was Sergeant Temakon, but eventually, it was passed on to him and one Jane Thomas.
- 4.14 On 5 May 2000, Asst. Superintendent Rakau wrote to the Office of the Ombudsman that Sergeant Temakon had refunded 2000 vatu but former Sergeant Mathias had not refunded any money. He added that he would be instructing Senior Inspector Carlot of Vila Prison to follow up on the matter (see **Appendix I**).
- 4.15 On 16 May 2000, an officer of the Ombudsman contacted the NBV to find out if any deposit had been made. He found that there was only 1,800 vatu remaining as there is always a monthly deduction of 200 vatu if the amount in the account is below 5,000 vatu.
- 4.16 On 24 May 2000, the Commissioner of Police, Peter Bong wrote to Asst. Superintendent Rakau and copied to the Office of the Ombudsman, that he was to ensure that both officers refund the money owing and then report to his office on the matter (refer **Appendix J**).

## 5. RESPONSES BY THOSE WITH COMPLAINTS 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 special report to give another opportunity to respond. Responses were received from:

- Sgt Ron Temakon
- Hon. Prime Minister Edward Natapei,
- Ms Iren James
- The National Bank of Vanuatu
- Mr Frank Shem

Sgt Temakon's response is attached as **Appendices L1** and **L2**. Sgt Temakon says that he was not aware of the Police rules and regulations on borrowing and

that he was encouraged to borrow from the fund by his superior. He also admits some of their failures in managing the fund, particularly in terms of obtaining receipts. Later, he called to ask if the Ombudsman would release a public report if the money owing was returned.

Ms Iren James' response is attached as **Appendix M**. She confirmed her stand on the issues as stated in the "Outline of Events" in this report.

The NBV said that they had "no further comment to make" (see **Appendix N**).

Like the NBV, Mr Frank Shem also said that he had no comments to make on the working paper (refer to **Appendix O**). The Hon. Prime Minister Natapei expressed his desire for a public report to be issued on the matter before a request would be made to the Commissioner of Police to consider disciplinary measures against those named in the report (see **Appendix P**).

- 5.2 No responses were received from former Commissioner of Police, Mr Peter Bong, S/Insp Pierre Carlot, Mr Ian Owles of the Drug Store, Mr Nathaniel Vira, Ass. Supt. Vake Rakau, Commissioner of Police, Mr Robert O. Diniro, Mr John Tarimas and Mr Maoung Mathias.

## 6. FINDINGS

- 6.1 **Finding 1: Former Superintendent of Prisons, Nathaniel Vira may have breached Section 7 (2) (c) of the Employment Act CAP 160 when he authorised Sergeant Temakon and S/Insp. John Tarimas to set up the Prison Project Fund and compel prisoners to work to raise money for the project.**

Section 7 (2) (c) of the Employment Act allows those convicted by a court to work as long as they are supervised and controlled by a public authority and they are not hired "or placed at the disposal of private individuals, companies or associations;..." Sergeant Temakon and former Sergeant Mathias may have put the prisoners in a position where they were disposed of when they were earning money for the fund so as to provide income for the officers. The Sergeants borrowed money from the project whose prime objective was to raise money for the prisoners who were having financial difficulties, particularly in terms of medical expenses.

- 6.2 **Finding 2: Sergeant Temakon and Former Sergeant Mathias may have breached Section 122 of the Penal Code and Force Standing Order No.E7 in borrowing money from a fund that was entrusted to them and then not returning the amount borrowed.**

Section 122 of the Penal Code states that "...A person commits theft who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof..." Sergeant Temakon and Sergeant Mathias were entrusted with custody over the project's account held at the NBV. The fund was the property of the prisoners and failure to return all monies owing may be defined as theft.

Force Standing Order No.E7 states that it is a disciplinary offence for police officers to incur debts beyond their means. The order also states that borrowing "between members of the Force or outside the Force is strictly forbidden."

- 6.3 **Finding 3: Sergeant Temakon and Former Sergeant Mathias may have committed a disciplinary offence as prescribed in Section 19(z) of the Subsidiary Legislation contained in the Police Act CAP 105.**

The actions of Sergeant Temakon and former Sergeant Mathias are likely to bring discredit to the Police Force and this is deemed a disciplinary offence.

- 6.4 **Finding 4:** Sergeant Temakon may have lied to the Office of the Ombudsman that money raised for the fund was used for prisoners' medication, thus breaching Section 50 of the Ombudsman Act No.27 of 1998.

If during the course of an inquiry a person is found to be guilty of giving false or misleading evidence to the Ombudsman or an officer acting under the delegation of Ombudsman, that person may pay a fine of 100,000 vatu or face imprisonment for 6 months, or both. Sergeant Temakon told the Office of the Ombudsman that the money raised was used to pay for Mr Silas' medication, amounting to 7,500 vatu (refer **Appendix A**). Records from the Drug Store show that the money used to pay for the medication was committed through an LPO prepared by the Police, (LPO No. 306169 for 7,850 vatu as stated in **Appendix E**).

## 7. **RECOMMENDATIONS**

- Recommendation 1:** For disciplinary proceedings against Sergeant Temakon and those in custody of the Prison Project Fund, the Police Commissioner should exercise his special powers as provided under section 67 (1) of the Police Act CAP 105.
- Recommendation 2:** The Police Commissioner should remind police officers of their responsibilities and duties. This will assist officers in carrying out their duties in an upright and proper fashion.

Dated the 26<sup>th</sup> day of September 2003.



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

**8. INDEX OF APPENDICES**

- A** Copy of Financial Report of Prison Project Fund
- B** Copy of Letter from Sergeant Temakon
- C** Copy of Letter from Asst. Superintendent Vake Rakau
- D** Copy of Letter from Ms Iren James
- E** Copy of LPO
- F** Copy of Bank Statement
- G** Copy of Letter from Ombudsman
- H** Copy of Interview Note
- I** Copy of Letter from Asst. Superintendent Vake Rakau
- J** Copy of Letter from Commissioner of Police
- K** Relevant laws, regulations and rules
- L1 & L2** Copies of Sgt Temakon's responses to the Working Paper
- M** Copy of Ms James' reply to the Working Paper
- N** Copy of the NBV's response to the Working Paper
- O** Copy of Mr Shem's response to the Working Paper
- P** Copy of letter from Hon. Prime Minister in response to the Working Paper

I

"A1"

FROM: SERGEANT RON TEMAKON TAMTAM,  
PORT VILA PRISON.

TO: THE ASSISTANT SUPT OF PRISON,  
(THROUGH OC VILA PRISON)

Subject

LAWN-MOWER PROJECT FINANCIAL REPORT

Sir, prior to the Lawn-mower financial report, I wish to state briefly in writing how the project got started.

On December 1997, the former OC Prison, S/Insp Tarimas and I initiated the project. The project proposal was endorsed verbally by the former Asst Supt of Prison, Mr Nathaniel Vira.

**The objective:**

1. To provide essential monthly allowance for the Inmates.
2. To purchase fuel, oil, breakdown of lawn-mower, damage wheels and tubes, stationary and etc; when there is no available funds.
3. Allowance of 10,000 VT to be allocated to inmates at the end of his/her term of Imprisonment.  
This is to help start all over a better living with his family.
4. Micro loans to the Officers with 10% loan repayment.
5. Allowance to the Inmates family when their welfare is not met.  
Example. School fees, medicines and etc...
6. Inmates private medication fee

The project started very well though its revenue collection wasn't really good. The Hiring charge rates per yard/compound for the purpose for mowing the lawn are as follows.

1. Resident Government House: 500 VT per yard
2. Private compound : 500 Vt per yard and may vary  
as per size
3. Government School : Prize to be negotiated with the  
Head Master as to the size of the  
compound.

Finally, 35,500 VT was personally allocated into the fund to

“E.A.”

"A2"

increase the volume of fund in order the purpose of micro loan scheme is met.

# FINANCIAL REPORT.

DATE:	OPENING BALANCE CASH DEPOSIT & WITHDRAWL	BALANCE	PURPOSE
23/12/87	4,000 VT	4,000	
02/01/98	3,000	7,000	
23/01/98	13,600	20,600	
28/01/98	15,000	35,600	
29/01/98	4,500	40,100	
02/02/98	35,500 (PERL FUND)	75,600	Increase the Vlm of fund
11/02/98	4,200	79,800	
04/03/98	13,100	92,900	
15/04/98	17,500 (CSH WTDL)	75,400	- 7,500 - Medecine for Silas.
			- 10,000 - Allowance
21/04/98	16,000	91,800	
29/04/98	1,800	93,600	
03/07/98	5,400	88,200	- Purchased P.Swanson's Medecine.DRG STORE
31/07/98	10,000 (CSH WTDL)	78,207	- Jimmy's end of term of Imp. Allowance
09/09/98	15,000 (CSH WTDL)	63,207	- 10,000 - Loan to SGT MAOUNG
			- 5,000 - Alexi's Allowance
24/09/98	30,000 (CSH WTDL)	33,207	- Wtdl of persnl fund. Due to Compol's disappvl. on project.
13/11/98	30,000 (CSH WTDL)	3,207	- 5,000 - persnl fund.
			- 7,500 - Lawn Mower Repair. (BY Kiwi Enginr)
			- 4,500 - Lawn Mower Repair (AGL SUPPLIES)
			- 13,000 - Loan to SGT RON TEMAKON.

CASH BALANCE: 3,207

VATU TO RECOVER: 13,000 plus 10% interest = 14,300 VT.  
10,000 plus 10% interset = 11,000

TOTAL = 25,300 VT

(TOTAL BALANCE EXPECTED - 28,507 VATU.

Sir, with the above report, the amount of 13,000 VT borrowed on loan condition will be paid back on installment basis with effect from March 1999. The other 10,000 Vt which was borrowed by Former Sgt Maoung will be given back as soon as we approached him.

“25”

"A 3"

**RECOMMENDATION:**

Since, I am clearing up this report, I would like if you could find or investigate the financial records of the Furniture projects during the past 4 to 5 years.

Thank you very much.

A handwritten signature in black ink, appearing to be 'Ron Tantam', written in a cursive style.

**SGT RON TEMAKON TANTAM.**

**19/02/99**

c.c. Insp Tarimas Pakoa.

100

" B 1 "

JPT 1/4

FROM: SGT RON TEMAKON,  
PORT VILA PRISON.

03/06/99

YOUR REF: 3895/8545/L44/rt

MR. Alfred B. MAHO,  
Director of Leadership Code,  
OMBUDSMAN OFFICE.

Dear Sir.

**FUNDS FROM PRISON LABOUR.**

Mi refer long antap.

Thank you long letter dated 25th May 1999.  
Below emi answers long querries.

1. Letem mi informem yu se long last year 1999, Peter Swanson emi gat wan rabis sick long blood blong hem, mi ting se cancer long blood. Ol Medicine we emi blong tekem emi very expensive tumas. Most long ol medecine blong hem mifala i must pem from Ireen James long Police Finance Department emi talem se, fund blong medication long budget we emi lukaoted emi exhausted finis. From hemi complain tumas nao mi gat janis blong pem wan type blong medicine nomo we amount blong hem nao mi statem long report. Long saet blong receipts, mi sorry we mi givim long hem from hemi demandem. Sick we hemi kasem, yu save confirmem wetem doctor blong hem, Mr Finberk.

Long saet blong Silas Willie, hemi gat same problem mo problem emi long saet blong pem medicine. Central Hospital emi no save givim stret medicine mo Ms Ireen James too ino save pem medicine so mi must pem medicine blong hem wetem fund blong prison. (Mi attachem 2 copies long health problem blong hem) Receipt blong medicine blong hem i lus finis mbe spos yu lookim long ples ia, doctor emi prescribem Tagamet long hem we emi very expensive long drug stopa. Mi sorry we mi no save issuem copy blong receipt blong tablet ia. Cpl Vora Daniel we emi wok long Port Vila Prison emi save confirmem storian blong payment blong medicine ia long yu.

2. Former Superintendent blong Prison, Mr Nathaniel Vira nao emi talem ok long project ia.

1894

"B2"

2/4

3. Mi stap refundem amount we mi borrowem finis mo today, 3rd June 1999, mi approachem Mr Maoung Matataes blong hemi refundem vatu we emi borrowem.

4. Ol documents/information ia nomo i save givim.

Bae mi sorry tumas we report ia bae emi no really transparent olsem we yu expectem, mbe mi ting se i gud blong office blong yu i contactem Silas Willie long Epi blong hemi confirmem saet storian blong hem mo too Mr Swanson. Long saet blong who i witnessem ol medicine we mi pem blong tufala ia mi hop se, Cpl Vora Daniel emi save confirmem hemia we mi pem blong Silas Willie mo S/SGT IAN Hava or Maoung Matataes i save confirmem hemia we mi pem blong Mr Swanson.

Ating emia nomo mi gat blong information blong yu.



Mr Ron Temakon.

Central Prison

VILA

THE GOVERNMENT OF THE REPUBLIC OF VANUATU  
GOUVERNEMENT DE LA RÉPUBLIQUE DE VANUATU

Fax no: 22800

HOPITAL CENTRAL

Sac Postal Privé 013  
Port Vila, Vanuatu

Téléphone: 22 100



CENTRAL HOSPITAL

Private Mail Bag 013  
Port Vila, Vanuatu

Phone: 22 100

Our Ref: VCH 29.2/98/LT-rm

Date: 6th February 1998

TO WHOM IT MAY CONCERNRE: SILAS WILLIE - HOSPITAL NO.: 20434

This 33 year old prisoner has a long history of epigastric pain.

Endoscopy performed on 28/1/98 confirmed that he has peptic ulcer disease.

He was prescribed Tagamet tablets to take for 6 weeks, after which he needs to be reviewed again in our clinic on 10th March 1998.

DR SANTUS WARI  
Surgical Registrar - VCHcc Prisonfile in Silas Willie's  
P.F

NG6: 12/05.

"B4"

4/4

FROM: SERGEANT RON TEMAKON TAMTAM,  
VANUATU PRISON SERVICE,  
PORT VILA.

19TH JUNE 1998.

TO WHOM IT MAY CONCERN.

DEAR DOCTOR.

Subject

MEDICAL REPORT NEEDED ON SILAS WILLIE'S HEALTH PROBLEM

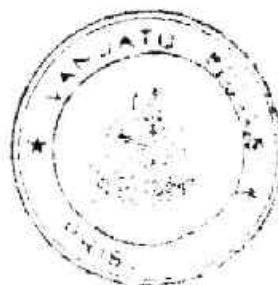
The Prison Prison Service in Port Vila needs a doctor to examine this the above named, an inmate in Port Vila Prison urgently and write a good and detailed report on his health problem.

In a report dated, 6th February 1998, Dr Santus Wari examined him and stated he has a long history of epigastric pain. (Attached herewith the report)

On several occasions he was taken to the Central Hospital for medical treatment and even several witch-doctors treated him with custom medicines but as a matter of fact, he keeps complaining about about the severe pain in his stomach and a deadly body odour as he draws out or exhales. Due to this odour, almost every inmates are raising their concerns as they feared a possible epidemic as they are sharing the cells, compound, kitchen utensils and Prison Materials.

Sir, we also feared this disease to spread. Therefore we need a detail report from you. Your report may help us to work on his release on licence.

Thank you very much.



SERGEANT RON TEMAKON TAMTAM.

487

Fax: (678)  
Tel: (678)  
22222  
Ext: 121 &  
124.



**Vanuatu  
Prison  
Services**  
PMB . 014  
PORT VILA  
Vanuatu.

JPT

**REPUBLIC OF VANUATU**

Your Ref: 3895/8545/L44/rt  
Our Ref: CP/7/1 vr

Date: 3 June 1999.

**Mr. Alfred MAHO**  
Office of the Ombudsman,  
PMB 081,  
PORT VILA.

Dear Sir,

**Re: FUNDS FROM PRISON LABOUR**

I write to confirm that Sgt. Ron T. TAMTAM has pledged to refund VT13,200 including 10% interest by installments of VT1,000 per fortnight until full amount is refunded. Already he has paid VT2,000 and a balance of VT11,200 is yet to be paid.

Thank you for your attention.

Yours sincerely,

Vake RAKAU  
Asst. Superintendent of Prisons,  
FOR SUPERINTENDENT OF PRISONS

cc.

cc: file.

"D"

JPT



**JOINT ADMINISTRATION CENTRE**

**VANSEC HOUSE, PMB. 014, PORT VILA**

Tel: 00 (678) 22075

Fax: 00 (678) 22075

**YOUR REF:**

**OUR REF : 7000**

**DATE: 2<sup>ND</sup> August 1999**

**Mrs Patricia KALPOKAS  
Senior Investigator  
Ombudsman Office  
Port-Vila**

**Re- LABOUR PRISON FUND OF 1998**

Thank you for your letter reference 5336/8545//L44/ij of 12<sup>th</sup> July 1998 regarding the above caption matter.

I would like to inform your office, that the Finance Office at the Police Headquarter has never refuse to buy medicines for a sick Prisoner. But if we have financial constraint I have to convince the Head of Department to find a suitable solution to get these medicines done in right time.



**POLICE FINANCE OFFICE**

Cc: Commissioner of Police  
OC Joint Administration Centre.

DRA035

REPUBLIC OF THE REPUBLIC OF VANUATU  
**PAYMENT ADVICE/AVIS DE PAIEMENT**

PAGE 1

DATE:

28-MAY-1998

ENQUIRIES CONCERNING THIS PAYMENT SHOULD BE MADE TO THE "E"  
PAYMENTS SECTION, DEPARTMENT OF FINANCE,  
P.M.B. 031, PORT VILA (TELEPHONE 24543)  
TOUTE DEMANDE DE RENSEIGNEMENT CONCERNANT  
CE PAIEMENT DOIT ETRE FAITE AU BUREAU DES PAIEMENTS  
SERVICE DES FINANCES. S.P.R. 031 PORT VILA (TELEPHONE 24543)

FAXIN  
9.69.99

DRUG STORE

P.O.BOX 789  
PORT VILAATTENTION: JEAN PIERRE  
FAX 27140

INVOICE FACTURE	LOCAL PURCHASE ORDER ORDRE D'ACHAT LOCAL	DESCRIPTION	AMOUNT VT MONTANT VT
11344	POL 306169	MEDECINE FOR PRISONE	7,850
TOTAL			VT7,850

F1

AWM 1/2



**National Bank of Vanuatu**

P.O. BOX 249 - PORT VILA - VANUATU \* TELEPHONE: (678) 22201 \* FAX: (678) 22781 \* TELEX: (771) 1017

OMBUDSMAN OF  
THE REPUBLIC OF VANUATU  
P.M.B. 081,  
PORT VILA.

10TH SEPT 1999.

ATTN: Patricia KALPOKAS

Dear Sir/Madam

RE: PRISON PROJECT/ A/C No 50.294796.30

We refer to your letter dated 2 September 1999 concerning the above account.  
Please find attached a statement of the account and transactions from 1997 to date with  
the balance of VT 3,271.

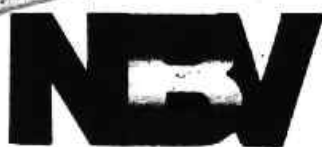
Thank you and if further information needed plis contact undersign.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Alwyn JOB', written over a horizontal line.

Alwyn JOB

OIC Support Services



# National Bank of Vanuatu

P.O. BOX 249 - PORT VILA - VANUATU \* TELEPHONE: (678) 22201 \* FAX: (678) 22761 \* TELEX: (771) 1017

ACCOUNT NAME: PRISON PROJECT  
ACCOUNT NUMBER: 50-294796-30

DATE	DETAILS	DEBIT	CREDIT	BALANCE
23 DEC 1997	CASH DEPOSIT		4,000	4,000
12 JAN 1998	CASH DEPOSIT		3,000	7,000
23 JAN 1998	CASH DEPOSIT		13,600	20,600
28 JAN 1998	CASH DEPOSIT		15,000	35,600
29 JAN 1998	CASH DEPOSIT		4,500	40,100
02 FEB 1998	CASH DEPOSIT		35,500	75,600
11 FEB 1998	CASH DEPOSIT		4,200	79,800
04 MAR 1998	CASH DEPOSIT		13,100	92,900
15 APR 1998	CASH WITHDRAW	17,500		75,400
21 APR 1998	CASH DEPOSIT		16,400	91,800
29 APR 1998	CASH DEPOSIT		1,800	93,600
30 JUN 1998	CREDIT INTEREST		7	93607
03 JUL 1998	CASH WITHDRAW	5,400		88,207
31 JUL 1998	CASH WITHDRAW	10,000		78,207
09 SEPT 1998	CASH WITHDRAW	15,000		63,207
24 SEPT 1998	CASH WITHDRAW	30,000		33,207
13 NOV 1998	CASH WITHDRAW	30,000		3,207
31 DEC 1998	CREDIT INTEREST		32	3,239
30 JUN 1998	CREDIT INTEREST		32	3,271
BALANCE AS AT 10/09/99				VT3,271





**G1**  
**Office of the Ombudsman**  
**Bureau du Médiateur**  
**Ofis blong Ombudsman**



Our Ref: 7980/7980/8545/L44/vr  
(Please quote this reference in all correspondence)

25 October 1999

Mr Vake Rakau  
Asst Superintendent of Prisons  
Prison Services  
PMB 014  
PORT VILA

Dear Sir

**FUNDS FROM PRISON LABOUR.**

Thank you for your letter dated 3 June 1999 regarding the above.

You assured us that Mr Ron Temakon has pledged that he has refunded the money he had borrowed from the Prison funds including 10% interest. Mr Ron Temakon has himself also advised us that he will reimburse his debt fortnightly as from March 1999.

However, you will note that the Bank statement balance as at 10/09/99 (copy enclosed) has not been increased with any deposit into Prison project account since 30 June 1998.

To assist this office in this investigation, we would be grateful if you could make necessary arrangements with Mr Ron Temakon and former police Officer Sgt Maoung Mathias, to reimburse the money they have borrowed from the Prison Labor fund as from November 1999.

We understand that this project was adopted with the view to promote prison services and to cater for prisoners' needs. Yet, please note that the decision to engage prisoners in the lawn mower project is contrary to s.14 of the prison Administration Act and s.7(2)(c) of the Employment Act.

We wish to recommend that:

-Prison Services should establish an internal policy that will be adopted and approved by every party concerned to continue this project in line with social and economic side.

-That every prisoner be made aware with respect of this project. We understand that such man power projects were also undertaken in some Prison headquarters within Vanuatu such as the Furniture project in the Santo Prison.

We hope that our suggestion in this matter will be taken fairly and quickly, without the need for proceeding to a report stage.

Your response by **29 October 1999** would be very much appreciated.



**Warning:** The Constitution and the Ombudsman Act state that the Ombudsman's inquiries are confidential until a public report is made. *The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer. The penalty for breaking this law is 6 months in jail or a fine of Vt 100,000 or both.* Please contact me if you have any questions about this warning.

Thank you in advance for your assistance in this matter. Please quote our reference number above in any correspondence.

Yours sincerely



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

Encl: Copy of the Bank Statement

CC: -Commissioner of Police, Mr Peter Bong  
-Minister of Internal Affairs, Honorable Vincent Boulekone





# National Bank of Vanuatu

P.O. BOX 249 - PORT VILA - VANUATU \* TELEPHONE: (678) 22201 \* FAX: (678) 22761 \* TELEX: (771) 1017

ACCOUNT NAME: PRISON PROJECT  
ACCOUNT NUMBER: 50-294796-30

DATE	DETAILS	DEBIT	CREDIT	BALANCE
23 DEC 1997	CASH DEPOSIT		4,000	4,000
12 JAN 1998	CASH DEPOSIT		3,000	7,000
23 JAN 1998	CASH DEPOSIT		13,600	20,600
28 JAN 1998	CASH DEPOSIT		15,000	35,600
29 JAN 1998	CASH DEPOSIT		4,500	40,100
02 FEB 1998	CASH DEPOSIT		35,500	75,600
11 FEB 1998	CASH DEPOSIT		4,200	79,800
04 MAR 1998	CASH DEPOSIT		13,100	92,900
15 APR 1998	CASH WITHDRAW	17,500		75,400
21 APR 1998	CASH DEPOSIT		16,400	91,800
29 APR 1998	CASH DEPOSIT		1,800	93,600
30 JUN 1998	CREDIT INTEREST		7	93,607
03 JUL 1998	CASH WITHDRAW	5,400		88,207
31 JUL 1998	CASH WITHDRAW	10,000		78,207
09 SEPT 1998	CASH WITHDRAW	15,000		63,207
24 SEPT 1998	CASH WITHDRAW	30,000		33,207
13 NOV 1998	CASH WITHDRAW	30,000		3,207
31 DEC 1998	CREDIT INTEREST		32	3,239
30 JUN 1998	CREDIT INTEREST		32	3,271
BALANCE AS AT 10/09/99				VT3,271



"H"

OMBUDSMAN - MEDIATEUR

**INTERVIEW NOTE**

<b>Case Ref:</b>	0443/8545/IN45
<b>Date:</b>	15/02/000

<b>Date of interview:</b>	9/02/00
<b>Person interviewed:</b>	Mr Maoung Mathias
<b>Address:</b>	Malapoa Area
<b>Phone:</b>	
<b>Interviewer:</b>	Delphine
<b>Subject of interview:</b>	Funds from prison labour in 1998

Mr Maoung came in the office to answer the questions in the letter we sent to him on 7/02/00.

He admitted that he borrowed 10,000 vt from this fund in 1997 not in 1998 as stated in the report we received from Sgt. Ron Temakon. However he has already refunded the money to Sgt. Temakon who was responsible for that fund. Then the bankbook for the project was handed over to Him (Maoung) and Jane Thomas. Mr Maoung said that when they handed the bankbook over to the two of them, Sgt. Temakon did not inform him that he had some outstanding money to refund. He said that when the bankbook was handed to Jane and himself, he borrowed another 1,000 vt to Jane but has already refunded it.

Mr Maoung said that unfortunately he can not confirm his statements because at that time no receipt was issued or no record was kept when money was borrowed from this fund. Therefore he can not prove that he refunded the money.

However he said that he would go and see Mr Vake Rakau and they would make an arrangement for him to refund the money again.



Fax: (678) 22075  
Tel: (678) 26570  
Ext: 120.

I



Vanuatu Prison Services  
PMB . 014  
PORT VILA  
*Republic of Vanuatu.*

JPT

Your Ref: 1498/8545/L44/vr  
Our Ref: VPS: 1110/ vr  
Date: May 5, 2000.

**Mr. Alfred MAHO**

Office of the Ombudsman,  
PMB 081,  
PORT VILA.

Dear Sir,

**Re: FUNDS FROM PRISON LABOUR**

Thank you for your letter dated April 26, 2000.

I need to apologize for my failure in responding to your letters dated October 25, 1999 and February 16, 2000 in good time. Among other things, my main excuse is staff shortage.

In reference to the above matter, I must advise your office that both Sgt. RON T. TAMTAM and former Sgt. MAOUNG have admitted to me owing some money to the above funds and have promised to make payment by monthly installment.

In the case of Sgt. RON, he has paid VT2, 000 and Mr. MAOUNG has not paid anything as yet. I have instructed Director Vila Prison S/Insp. P. CARLOT to follow up this matter with the officers concerned.

Yours sincerely,

Vaka RAKAU

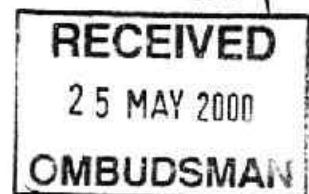
Asst. Superintendent of Prisons,  
FOR SUPERINTENDENT OF PRISONS

cc.

- Commissioner of police,
- Director Vila Prisons,
- Sgt. RON T. TAMTAM
- Former Sgt. MOUNG
- file.



J  
DRAFT



Superintendent Vake RAKAU  
Assistant Superintendent of Prison  
VANSEC House

Our Ref: 01/02/02  
Date: 24<sup>th</sup> May 2000

**FUNDS BORROW FROM PRISON LABOUR**

I have noted the above subject referred your letter dated 5<sup>th</sup> May 2000 addressed to Mr. Alfred MAHO of the Ombudsman's Office.

This is a serious matter, and that with immediate effect, any future request of borrowing such fund will be directed to my office for my authorization.

You are to ensure that Sgt. Ron T. TAMTAM and Sgt. Maoung to settle the funds borrowing to date and advise my office accordingly.

Peter BONG  
Commissioner of Police

Cc: Mr. Alfred MAHO (Office of the Ombudsman)  
File

## RELEVANT LAWS, REGULATIONS AND RULES

### EMPLOYMENT ACT [CAP 160]

#### FORCED OR COMPULSORY LABOUR

7. (2) The expression "forced or compulsory labour" in subsection (1) means all work or service which is extracted from any person under the threat of any penalty and for which that person has not offered himself voluntarily except-
- (c) any work or service exacted from any person as a consequence of a conviction by a court:  
 Provided that such work or service shall be carried out under the supervision and control of a public authority and that no person shall be hired to, or placed at the disposal of, private individuals, companies or associations;

### POLICE ACT [CAP 105]

#### DISCIPLINARY POWERS OF THE COMMISSION

67. (1) A charge of an offence against discipline alleged to have been committed by a senior officer shall be reported by the Commissioner without unnecessary delay to the Commission which shall inquire into the truth of the charge.
- (2) The Commission, if it finds the charge proved, may impose on the defaulter 1 of the following punishments -
- (a) dismissal from the Force;
  - (b) reduction in rank;
  - (c) loss of seniority;
  - (d) a fine not exceeding 15 days; or
  - (e) a reprimand.



- (3) The punishments prescribed by subsection (2) are sufficient in themselves and only 1 such punishment may be awarded for each offence against discipline.

## SUBSIDIARY LEGISLATION

### OFFENCES AGAINST DISCIPLINE

19. Any member of the Force who –
- (a) is disrespectful in word, act or demeanour to a superior officer;
  - (b) wilfully disobeys any lawful order;
  - (c) is guilty of drunkenness;
  - (d) renders himself unfit for duty through intoxication;
  - (e) drinks or solicits intoxicating liquor whilst on duty;
  - (f) enters or is in any place licensed for the sale of intoxicating liquor whilst on duty except in the execution of that duty;
  - (g) without cause fails to appear or appears late for duty;
  - (h) is guilty of cowardice;
  - (i) is found sleeping at his post, or leaves his post without leave or lawful excuse before he is regularly relieved except in pursuit of an offender whom it is his duty to apprehend it;
  - (j) negligently allows the escape of any prisoner who is committed to his charge or whom it is his duty to guard;
  - (k) threatens, assaults, maltreats or neglects any person in his charge or in the custody of the Force;
  - (l) discharge any firearm without just cause or contrary to orders;
  - (m) sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to arms, ammunition, equipment, uniform or other appointments supplied to him or any government property committed to his charge;
  - (n) is slovenly, inattentive, uncivil or quarrelsome;
  - (o) fails to keep his quarters or any other place under his control reasonably clean and tidy;
  - (p) parades for duty dirty or untidy in his person, arms, clothing or equipment;
  - (q) without due authority discloses or conveys any information concerning any investigation or any other matter with which he is concerned in the course of his duties;
  - (r) malingers or feigns or wilfully produces any disease or infirmity;
  - (s) incurs any debt which may embarrass him in his duties;



- (t) breaks out of a police quarter, station or place in which he has been lawfully confined;
- u) makes any report which he knows to be false or inaccurate in some material particular or fails to disclose to his superior officer facts which it is his duty so to disclose;
- (v) is found in unauthorised possession of any police or other public property;
- (w) uses improperly any police or other public property;
- (x) ill-treats, bullies, or insults or inflicts any unauthorised punishment on a subordinate in rank;
- (y) is guilty of any act, conduct, disorder or neglect which is declared by the Act or by rules made thereunder to be an offence against discipline;
- (z) does nay act or makes any omission likely to bring discredit upon the Force or is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline not elsewhere specified in these rules;

shall have committed an offence against discipline.

## **VANUATU POLICE FORCE**

### **FORCE STANDING ORDERS**

No.E.7

### **I N D E B T E D N E S S**

1. It is a disciplinary offence for a Police Officer to incur debts beyond his means. Serious debt will be regarded as likely to impair the efficiency of a Police Officer and bring him and the Force into disrepute.
2. Indebtedness breeds corruption. No Police Officer can be regarded as reliable if he does not pay or is unable to pay his debts. Indebtedness is a bar to promotion and no officer who is seriously in debt can hope for advancement in the Force.
3. Whenever a claim for repayment for a debt incurred by a Police Officer is received, the complainant will be advised to take his own action if he so wishes. While no direct action can be taken by the Police authorities to force repayment of the debt, the officer concerned will be warned that disciplinary action may be taken against him if he fails to settle his debt within fourteen (e.g. a pay period) days.



4. Commanding Officer will report to the Commissioner without delay any Police Officer under their command against whom a Court Order for payment of debt is made, i.e. a judgement debtor in a civil Court. Disciplinary proceedings will invariably be instituted against any such officer but will not commence unless so directed by the Commissioner.
5. Senior Police Officers will not assist in the payment of a debt by any member of the Force. Likewise, the borrowing and lending of money, with or without interest, and any connection with any money lending transactions either between members of the Force of any rank or outside the Force is strictly forbidden.
6. Debts will not be deducted from salary for payment to creditors except whom specifically ordered by the Commissioner or by Order of the Court. Authority will normally only be given in respect of official debts and those of authorised police messes.
7. Except whom specifically authorised by the Commissioner of Police or an officer delegated by him, no member of the Force will be permitted to purchase any food, refreshment or any other item on credit from any Police Club, Police Canteen or Police Store. Payment in the form of a postdated cheque or other written promise to pay will not be accepted. Such cheques etc. will be refused at the time they are offered or returned to the sender with a covering letter.
8. Every Police Officer shall give a truthful and accurate declaration of his indebtedness in writing when called upon to do so by a Senior Officer. Any member of the Force who makes a false declaration of indebtedness shall be liable to dismissal from the Force.
9. All disciplinary proceedings in respect of indebtedness, including false declarations of indebtedness, shall be referred to the Commissioner of Police in accordance with section 58 of the Police Regulation, 1980, as amended.

Issued 15<sup>th</sup> April 1986

## PENAL CODE [CAP 135]

### THEFT DEFINED

122. (1) A person commits theft who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof

## OMBUDSMAN ACT NO.27 OF 1998

### GIVING FALSE EVIDENCE



K S

50. A person is guilty of an offence if the person gives false or misleading evidence in any enquiry being conducted by the Ombudsman or an officer acting under a delegation made under section 14.

Penalty: Vt 100,000 or imprisonment for 6 months or both.



"LI"

OMBUDSMAN - MÉDIATEUR

INTERVIEW NOTE

**Case Ref:** 4311/8545/IN25  
**Date:** 11 June 2003

**Date of interview:** 11 June 2003  
**Person who called in:** Sgt Ron Temakon  
**Address:** c/- Police Headquarters  
**Receiver:** 25  
**Subject of interview:** Alleged Misuse of Prison Project Funds

The above individual came to the Office of the Ombudsman this morning at about 9 am and I met with him to receive his comments on the Working Paper on the above matter.

His comments are as follows:

His boss wanted them to set up the fund.

Somewhere in the law, prisoners are allowed to receive allowances

Iren James' statement is not totally true. There was a prisoner by the name of Peter Swanson that the fund helped by paying for his medication. The prisoner mentioned, Silas from Epi had a breathing problem and after modern medicine didn't cure him, he asked that they help him pay for local herbal medicine.

The funds from the Project were used to help prisoners and their families, particularly in terms of their rehabilitation.

The complainant in this case was assisted through the funds particularly for his baby's nappies.

Regarding the project's record keeping, Sgt Temakon stated that they did not have a good record keeping system and this was one of their failures. Often in a mad rush to provide for prisoners' needs, no receipts were obtained.

In regard to the borrowing of funds by police officers, Sgt Temakon stated that Nathaniel Vira encouraged them to borrow funds.

He also said that he was not aware of the rules and regulations behind borrowing. He also believes that Nathaniel Vira and Tarimas were also not aware of the rules. He added that they did not have time to do their "homework" as they were too busy with other things so this was overlooked.

His comment on Finding No.4 of the report was that he doesn't think that he lied to the Ombudsman because he gave the information based on what he knew at the time. He thinks that the information he gave must have been misinterpreted.

L2  
OMBUDSMAN - MÉDIATEUR

INTERVIEW NOTE

**Case Ref:** 4983/8545/IN25  
**Date:** 12 June 2003

**Date of interview:** 12 June 2003  
**Person who called:** Sgt. Ron Temakon  
**Address:** c/- Police Headquarters  
**Receiver:** 25  
**Subject of interview:** Working Paper on the Alleged Misappropriation of Prison Project Funds

At about 4.25 pm, Sgt. Ron Temakon called to ask that if he and former Sgt. Mathias have paid the amounts owing, will the Office still issue a public report? I told him that it is at the Ombudsman's discretion. He can write a response and ask the Ombudsman to see what the Ombudsman will say.

**"M"**  
**OMBUDSMAN - MÉDIATEUR**

---

**INTERVIEW NOTE**

**Case Ref:** 4442/8545/IN25  
**Date:** 24 June 2003

**Date of interview:** 24 June 2003  
**Person who visited:** Ms Iren James  
**Address:** JAC, Vansec House  
**Receiver:** 25  
**Subject of Interview:** Working Paper on the Alleged Misappropriation of Prison Funds

At 10.45 am, the above person came to this Office. She said that because she had been on suspension, she only received her copy of the report yesterday. She had the following comments to make in response to the report.

- She doesn't know how the fund was started, what its purpose was or its use. She did not know anything about it.
- As the Finance Officer, she tries to ensure that the Prisons are kept running and so if there is no money, they have to look around to find it.
- If the prisoners are sick and need medication, she has always made payments for their medication.

I told her that we have not made a decision yet to publish the report until the Ombudsman returns.



**National Bank**  
"N"  
of Vanuatu

25/8545

SP1/8

Head Office : Rue de Paris, PO Box 249, Port Vila, Vanuatu  
Telephone : (678) 22201 - Facsimile : (678) 22761 - Swift: NBOVVUVU  
Email: nationalbank@vanuatu.com.vu

Mr Hannington Alatoa  
Ombudsman of the Republic of Vanuatu  
Private Mail Bag 081  
PORT VILA

05/06/2003

Dear Sir,

**WORKING PAPER ON ALLEGED MISAPPROPRIATION OF PRISON FUNDS  
WITH YOUR REF: 4115/8545/L25/aj**

I refer to your letter dated 23 May 2003 regarding the above matter, addressed to Alwyn Job as this person is no longer employed by the Bank, as I take this opportunity to advise you that we have no further comment to make.

Thank you.

Yours sincerely,

Felma Tofo  
Acting OIC Support Services.

11

" 0 "

OMBUDSMAN - MEDIEUR

INTERVIEW NOTE

**Case Ref:** 4180/8545/IN25  
**Date:** 27 May 2003

**Date of Interview:** 27 May 2003  
**Person Interviewed:** Frank Shem  
**Address:** Ministry of Health, Port Vila  
**Interviewer:** Investigator 25  
**Subject of Interview:** Alleged Misappropriation of the Prison Project Fund

At about 10 am today, Mr Frank Shem came in to the Office of the Ombudsman to say that he had no comments to make regarding the Working Paper on this matter.

" 0 "

P. PM  
GOVERNMENT OF THE  
REPUBLIC OF VANUATU  
OFFICE OF THE PRIME MINISTER  
P M B 053 Port Vila, Vanuatu  
Tel: (678)22413 Fax: 26301



PMI  
GOUVERNEMENT DE LA  
REPUBLIQUE DU VANUATU  
BUREAU DU PREMIER MINISTRE  
SPP 053 Port Vila, Vanuatu  
Tel: (678) 22413 Fax: 26301

04<sup>th</sup> June 2003

Mr. Hannington ALATOA  
Ombudsman of the Republic of Vanuatu  
Office of the Ombudsman  
Port Vila

Dear Ombudsman,

**WORKING PAPER ON THE ALLEGED MISAPPROPRIATION  
OF PRISON FUNDS**

I acknowledge receipt of your letter ref.4119/8545/L25/enn of 23<sup>rd</sup> May, 2003 concerning the aforementioned matter and the attached working paper on same.

I have read through the working paper and now advise that the Commissioner of Police will later be requested to consider the necessary disciplinary actions to be taken against the officers named in the report. This of course will be done as soon as the report is made public.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nipake'.



Hon. Nipake E. Natapei TUTA FANUA'ARIKI  
Prime Minister