REPUBLIC OF VANUATU

OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

ON THE

POLICE BRUTALITY DURING OPERATIONS ON CENTRAL PENTECOST

13 August 2003

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SUMMARY

This report is about actions of Police during an operation on Central Pentecost in 2001.

Serious conflict occurred on Central Pentecost in two or three villages causing instability in the community. The situation culminated in groups of people fighting each other over land, properties and other matters. The main incident, however, was the division over the Central Pentecost Council of Chiefs, Biltakan.

The Police were asked to intervene after the situation got out of hand. Santo Police were dispatched on the mission. According to the Police, their mission was to mediate with parties concerned to resolve the issues causing conflict. As it happened, the Police did not do their job as expected and the investigation carried out by this Office found that the Police used excessive force in the mission, assaulting people, torturing them, using abusive language, threatening with knives and guns and ordering people to undertake difficult exercise as "punishment:"

That Vanuatu government, on behalf of the Vanuatu Police force, performed a custom ceremony on 29 January 2003 to resolve differences between the government and the communities, however this does not conceal the fact that the Police have broken the law. In that regard, the Ombudsman has strongly recommended both to the Police Department and the Public Prosecutor to commence criminal prosecutions against the Police Officers concerned.

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1. JURISDICTION

1.1 The Constitution and the Ombudsman Act allow the Ombudsman to look into the conduct of government agencies. This includes the Vanuatu Police Force, ie both the military and paramilitary forces. The Ombudsman can also look into breaches of laws or administrative practices, including the Penal Code and the Police Act.

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 the Ombudsman Act.

2.2 The scope of this investigation is to establish the facts about allegations of Police brutality during operations on Central Pentecost in 2001 and to determine whether or not the Police Officers' conduct was in breach of the Police Act or the Penal Code Act. 2.3 In this investigation, the Ombudsman has decided to issue a report notwithstanding the fact that Police Officers concerned denied all allegations of brutality and that the Government performed a customary reconciliation ceremony with the complainants on 29 January 2003. See **Annexure A.**

2.4 The main reasons for the Ombudsman's decision to issue a report are:

2.4.1. There is evidence that the Police Officers involved did not tell the truth about their conduct in the operation when contacted by this office. They were also uncooperative - failing to answer letter or respond promptly to summons issued.

2.4.2. Reports provided by the victims of the operation were very serious, and

2.4.3. Senior Inspector Kelson Bule, the Officer in charge of the operation, when interviewed by this Office on 21 May 2002 (See **Annexure B**).

- Refused to examine and comment on information about allegations against the Police Officers gathered by this Office;
- Said that the Chiefs of Central Pentecost who were affected by the actions of Police had not lodged any formal complaint with the Police; and
- Did not produce a report on the operation to his superior as required by section 7(4) of the Police Act CAP 105.

2.5 An outline of the events leading up to the incidents is as follows:

2.5.1. The Police were asked to intervene for mediation after a series of problems arising from several communities in Central Pentecost, notably Leikavatkaimel, Nokowanet and Enkul, got out of hand. The main issue was the Penema System stemming from the Penama REDI project. A Penama Province Officer named Gideon Tabius, believed to be a native of Central Pentecost, was at Enkul Village Central Pentecost explaining the Penama System when he was assaulted by the people. Mr Tabius then issued a report on which the Police acted to undertake their operation.

2.5.2. The people and the chiefs of Central Pentecost had opposed a policy decision from the Penama System intending to divide Central Pentecost into two Chiefly area councils with different names. Concerns were raised by the Tanmonoks (high ranking chiefs of Central Pentecost) and the people that Central Pentecost is too small to accommodate two different councils.

2.5.3 The other problem which was said to have caused conflict in the community involved a person named Pascal Temankon and the people of Nokowanet village concerning the land where Nokowanet village is located. Mr. Pascal Temakon was alleged to have opposed the Biltakan Council of Chiefs (the recognised Council of Chiefs of Central Pentecost) in the matter and defected with other chiefs to form another separate council of chiefs called Willinsalean Council of Chiefs. It is said that the Police and Mr. Gideon Tabius sided with the Willinsalean Council of Chiefs.

2.5.4. In the operation, the Police inflicted violent assaults and humiliating degradation and ordered victims to stop following Chief Vital Bulesanibo (Chief Vital) and Chief Liuslala Tabimal Arthur (Chief Arthur) and instead to follow the Penama System Policy. Chiefs Vital and Arthur are believed to be the two main leaders within the Biltakan Council of Chiefs.

2.6. The Police Officers who are believed to have taken part in the operation include Senior Inspector Kelson Bule, who was the Officer In Charge (Police), Inspector Wilson Garae (Police), Private Andrew Nakalu (VMF), lance Corporal Joshua Tari (VMF), Lance Corporal John Gideon (VMF), Police Constable Harold Mano (Police), Corporal Aprimend Kende (Police), Private Solomon Phillip (VMF), John Iatika (?), Corporal George Richard (Police) and Sergeant John Tari (Police).

2.7. This Office collects information and documents by informal request, summon, letters, interviews and research.

3. RELEVANT LAWS, REGULATIONS AND RULES

3.1 The relevant Constitutional and statutory provisions are reproduced in **Annexure J** at the end of the report.

3.2 The Constitution provides for the fundamental rights and freedoms of the individual.

3.3 The Police Act and subsidiary legislation made under it, provide for the responsibility of Police Officers and offences against discipline.

3.4 The Penal Code makes intentional assault and unintentional harm to the body of another person a criminal offence and prescribes punishments.

4. OUTLINE OF EVENTS

4.1 In September 2001, before the commencement of the Police operation, Sergeant John Tari (Sergeant Tari), a Police Officer stationed at Saratamata on Ambae, and a civilian named Aru, acting on the report of Gideon Tabius, went to Nokowanet village, Central Pentecost, without other Police officers to make an analysis of the situation before the arrival of the full contintigent. They summoned people who were alleged to have caused the problem to Leikavatkaimel village for interrogation. The village Leikavatkaimel happened to be the Police base for the operation.

4.2 On 4 September 2001, Mrs. Nelly Matau was about to board a ship to Luganville, Santo for an Anglican Church meeting when she was stopped and threatened by Sergeant Tari. The Police Officer called her stupid and warned that if she proceeded to board the ship, she would be beaten.

4.3 Chief Memo Joachim Liwusno reported that, because of the Police violence, both he and his family had to run away separately and stayed isolated from 17 September to 23 September 2001. He stayed out in the bush, cold and worried about his family, wife and children. Mr. and Mrs. Luwusno decided to run away

after discovering that their name was included on the list of people held by the Police. They didn't know why their names were included in the list but were suspicious that it might have been compiled by small groups within the Catholic Church at Melsisi village who were jealous that their group was the biggest and drew more people. Both were leaders of their group.

4.4 On 19 September 2001, Mr Pierrot Buleuru arrived at Leikavatkaimel village at the request of Police. He was forced by Sergeant Tari to line up with other people in front of the church house. Sergeant Tari then hit him on his forehead, causing bleeding. Private Solomon Phillip (Private Phillip) then hit and kicked him causing fractures to his face and bleeding. He was then forced to the nakamal, sitting with wet clothes for a half day.

4.5 On 19 September 2001, Mr Tabi Seryll alleged that the Police forced his son (Boulewan) who looked after their shop at Melsisi village to pay a fine of vt.30,000 as business licence. The Police threatened him that if he failed to obey their order, they would lock the shop.

4.6 On 19 September 2001, Christopher Virelala and some other people from Rouak village were taken by the Police to Leikavakaimel village. On their arrival, he was beaten by the Police and insulted saying that he could urinate in front of them if he wanted to.

4.7 On 19 September 2001, following the orders of Police, Mr. Lazaro Bule arrived at Leikavatkaimel village at 6.00am still wet from rain and was told to stand with the group of people in front of the church. Lance Corporal Joshua Tari (Lance Corporal Tari) hit him three times, twice on his right eye and once on his left jaw. He was detained and ordered to stay in the nakamal where he slept with wet clothes and no bedding until the next day.

4.8 On 19 September 2001, Mr. Ezron Bule was also among the people who were ordered to stand in front of the church. He reported that Lance Corporal Tari hit him on his left jaw. He suffered a half broken tooth and another one totally broken from his gum as a result. Private Andrew Naklu (Private Nakalu) then kicked him on the right side of his ribcage. They were left with wet clothes all night. He further alleged that when they wanted to go to the toilet they were escorted by a villager named Robert Bule whom the Police recruited to make sure they did not escape.

4.9 On 19 September 2001 at 6.00am in the evening, Moise Tabi arrived at the Police base (Leikavatkaimel village), his clothes wet from the rain. He was ordered to line up with others at the front of nakamal with three Police Officers standing before them. Lance Corporal Tari hit his left jaw and forehead and slapped the left side of his face. Afterwards, they were made to wait with wet clothes until morning.

4.10 Mr. Joseph Bule alleged that on the night of 19 September 2001, he arrived at Leikavatkaimel village following Police orders and was told to stand with others in front of the nakamal belonging to Tanmonok Mathew with three Police Officers standing before them. Constable Harold Mano (Constable Mano) then hit him in his eye and kicked him on the back side. They were given little food and he remained with his wet clothes until morning, with no proper bedding provided, only a mat to sleep on.

4.11 Mr. Alain Bule alleged that at 4.00pm on 19 September 2001, he arrived at Leikavatkaimel village and joined others at the front of the nakamal. He alleged that Lance Corporal Tari, Private Nakalu and Sergeant Tari hit and kicked him twice before taking his statement. He and others were guarded in the nakamal and left with wet clothes until the next day, 20 September 2001.

4.12 Mr. Simon Buletangsu stated that on 19 September 2001, he was also among the group of suspects at the front of the nakamal. He alleged that Constable Mano hit

him on his right jaw and mouth. He was kept in the nakamal until Friday 21 September 2001.

4.13 Mr. Andre Bulegari alleged that on 19 September 2001, in the afternoon, he was followed by the Police vehicle to the nakamal of Chief Tanmonok Mathew Tabi. While there, the Police swore at him, however, he did not know what the Police Officers were saying. They then took him to front of the church and Sergeant Tari took a bush knife, grasped his moustache and threatened to cut it off.

4.14 Mr. Jean Tabi Liwusmal alleged that on 19 September 2001, he was among a group of people at the church. They had been followed by the Police on their way with the vehicle. When at the church house, Sergeant Tari slapped him on his face. He alleged that the Provincial Secretary of their area (Charlot Tabigerian) had pointed him out to the Police Officer as a person to slap. Sergeant Tari then threatened them with the use of tear gas. He later heard a civilian who is alleged to have led the Police, say that if anyone wanted to go to the toilet, he had to do it in his own pants.

4.15 On the 19th of September 2001 at 6.00pm, Isidore Tabi arrived at Leikavatkaimel village and was instructed to line up with others in front of the church. Lance Corporal Tari slapped him on his right and left side and Constable Mano struck him on the back of his neck. He was kept in the nakamal until next day.

4.16 Ms. Nancy Matau alleged that on 20 September 2001, she was called by the Police to go to Leikavatkaimel village. When at Leikavatkaimel village, she was asked to go into a small room to be interview and have her statement taken by Private Nakalu. She was still talking to the Officer when Sergeant Tari came in and slapped her on the right side of the face. Private Nakalu then told her that they must not follow Chief Vital. They must know that there is only one council and that is the Penama System.

4.17 On 20 September 2001, Mr. George Harry was forced with other high ranking chiefs to run a distance of approximately 2 km. He was hit on the mouth and on the face by Sergeant Tari. Mr. George also reported being given instructions by the Police Officer (Sergeant Tari) to run back to his village of Enkul to call several chiefs to Leikavatkaimel village the next day. He was warned by the same Police Officer that if he failed to do so, they would shoot his hens, cattle and children.

4.18 On the morning of 20 September 2001, Chief Masten Bule alleged that he was insulted and beaten by Sergeant Tari at Leikavatkaimel village. The Police Officer asked if he was one of the people following chief Vital then called him stupid and hit him on his left and right cheeks. When Chief Masten Bule replied telling him not to fight but talk, Sergeant Tari shouted at him not to talk and he ran into the nakamal, took a shovel and hit him around his eyes.

4.19 Cliff Buleuru alleged that on 20 September 2001, the Police force him and some others to go to the road to run. The Police followed with a vehicle and a VMF Officer pulled his shirt and slapped him on his forehead. After a short distance the vehicle stopped and Sergeant Tari came over and slapped him on the left side of his face. Mr. Buleuru alleged that a villager named James Tabisurun ordered Sergeant Tari to slap him.

4.20 After this, Sergeant Tari ordered him to remove his shirt, he then held his neck, squeezed it against the vehicle's cabin and another Police Officer struck his ribs. When they reached the village of Leikavatkaimel, they release him and he went back to his village. He did not know why he was detained.

4.21 Mr. Reynold Tabi alleged that on 20 September 2001 at about 8.00am, he and other chiefs were ordered to run from the nakamal at Nokowanet village to the main road. When they reached the main road, Sergeant Tari asked why he was laughing at him. He then hit him and Lance Corporal John Gideon struck his left

eye causing a black swollen eye and bleeding. Mr Tabi stated that he resented their actions because he had not done anything wrong.

4.22 Chief Vireibo Joachim Tabi alleged that on the 20th of September 2001 when they were inside the nakamal, Police Officers arrived and ordered them to go outside. They read out names of the chiefs who were supposed to come the next day and afterwards said that if anyone failed to arrive, they would shoot him. They were then told to run to the main road where a truck was waiting. When at the main road, a VMF Officer hit Chief Tabi. Later Mr Aru, the civilian from Ambae, slapped him. They were made to run a distance of approximately two kilometres to Leikavatkaimel village. The Police followed with the truck and ordered the people to do callisthenic exercises (throw hands in the air, head, shoulder etc.).

4.23 When they arrived at Leikavatkaimel village, Sergeant Tari pushed his hand into Chief Vireibo Joachim Tabi's trousers pulling out tobacco and some other objects which he claimed to be used for witchcraft. The Police Officer then ordered him to shake hands with his friends and another group (who were supposedly not runners), sitting underneath a mandarin tree. The Police Officer insulted them and threatened to cut their testicles. He (Sergeant Tari) then took them inside the church and put Holy Oil on their hands and made them touch the Walking Stick of the Brotherhood.

4.24 Note: As this Office understands it, the Holy Oil and the Walking Stick are special spiritual tools used in specific cases only with an upright motive and by such people as Anglican Fathers and Brotherhood (a sacred and devoted Anglican church group).

4.25 On 20 September 2001, Mr. Vira Meme Kastong Bulewag was among the group of people inside the nakamal of Nokowanet village who were ordered to run to the main road. When they were running, one member of the force pushed him from behind. He also claimed that Sergeant Tari struck him on his head once and afterwards forced him to do callisthenic exercises.

4.26 Mr. Viresang Ignatus Kavik alleged that on 20 September 2001, when the Police had ordered them to run towards the main road, the civilian Aru forced him to run by grasping his shoulder and ran with him to the main road. He fell when reaching the road. Mr. Aru continued hitting him on his head. The Police then ordered them to remove their footwear and to run approximately 2 kilometres. Chief Viresang Ignatus Kavik reported that among the callisthenic exercises the Police applied, one of them was shouting, "mi Tanmonok mi kambak", in Bislama language. At Leikavatkaimel village, they were ordered to sit down and shake hands with each other and to sit out in the sun. After this, Sergeant Tari sent them to the church to Father Headley Tabi to touch the Walking Stick. Afterwards they were taken to the nakamal and left until the next day.

4.27 Mr. Philip Bule alleged that on 20 September 2001, the Police Officers accused him of training young boys in karate. When an attempt to hit and kick him failed and he run away, Lance corporal Tari swore at him, saying "bastard" and "dipskin" (Bisalam swear word). On 22 September 2001, the next day, the Police Officers met him at Patnapi village and said that they took action against him because he was stopping people from working in their gardens. Mr. Bule, however, stated that they had never stopped anyone from working in his or her garden.

4.28 Chief Viremaso Joseph Tabimal reported the following action that the Police took against him. On 20 September 2001 while they were running, Sergeant Tari told him to shout three times that he will stop destroying the gardens of other people.

4.29 The Sergeant also asked the other people running to shout in Bislama saying "mi Tanmonok mi kambak". He did not shout because he is not a Tanmonok but when he was discovered, Sergeant Tari kicked him on his back side and called him a bastard.

4.30 When at Leikavatkaimel village, Sergeant Tari slapped him. He also alleged that at that time, the Sergeant was taking and insulting while holding a knife. He asked the people if anyone could cut the testicles of a pig and when no one answered, he said that he had cut the testicles of a man from Santo who is still alive today. The Police then put a coconut branch in the sun and told him to sit on it for one hour. Sergeant Tari also forced the Holy Oil to be placed on him and made him touch the Walking Stick. Afterwards when inside the nakamal, the Sergeant further told him not to open his mouth for one hour.

4.31 Chief Liuslala Tabimal Arthur (Chief Arthur) and Chief Vital Bulesanibo (Chief Vital) were the two people the Police had principally accused during the operation. On 20 September 2001, when they were running towards the main road at Nokowanet village, Sergeant Tari asked him if he was the one named Arthur. When he said yes, he struck him three times on the back of his head and on his forehead. The Sergeant then grasped his shirt at his chest and tore it in two. He did not know why Sergeant Tari had slapped him but he believed that it was because he was one of the main leaders of the Biltakan Council of Chiefs.

4.32 In the next incident. Sergeant Tari allegedl told him to stand while others sat. He asked if he was the one talking with senior Police Officers in Vila and Santo. When he answered yes, the Police Officer struck him on his mouth. He then asked for a knife. No one responded. He was insulting him while walking around him saying four or five times that he would cut his testicles. He then hit him on his left eye.

4.33 After this, he was taken into a small room to be interviewed and have his statement taken by Private Nakalu. Private Nakalu asked if he was the one looking for Gideon Tabius to hang him. He also asked him why he was following Chief Vital, then hit him on his head. Chief Arthur answered him saying that they were not looking for Gideon Tabius to hang him but to talk about the Penema System. Also, they were not following Chief Vital, but the way he leads. After saying this, Private Andrew Nakalu hit him on the forehead.

4.34 After this, Sergeant Tari and Chief Tanmonok Mathew Tabimal (a chief representative of Malvatumauri) told them to go inside the church house to make promises, to touch the Walking Stick and put Holy Oil on them so that they would stop practising witchcraft. The Police Officer was standing guard while Father Headly Tabi and Oswal (a man from Maewo) performed the ritual. Chief Arthur claimed that neither the Police nor Father Headly nor Mr. Oswal had any proof of wrongdoing as a basis for performing the ritual. They were then taken back to the nakamal for custody. Chief Arthur alleged that while there, they were given bones with no meat as their meal.

4.35 Chief Arthur alleged also that Tanmonok Mathew Tabi (a member of Malvatumauri) advised the Police to detain six young boys from the area of Kimreut. It is alleged that he took the action after he failed to bring Kumreut area within his ruling boundary.

4.36 On 20 September 2001, Chief Tanmonok Moses Buleuru was among the people at the nakamal of Nokowanet village who were forced to run to the main road. He alleged that when they reached the main road, Lance Corporal Gideon struck him three times and kicked him. After reaching Leikavatkaimal village from the main road of Nokowanet village, they were taken to the nakamal of Chief Mathew Tabi. He reported that when there, Private Nakalu held his moustache and was asking filthy questions. He was then taken into a small room to be interviewed and have his statement taken. Both Lance Corporal Gideon and Private Nakalu forced him to admit that he was the one who had caused the big rain, supposedly through witchcraft. Private Nakalu held his neck and squeezed it. He also took scissors and threatened to cut his moustache.

4.37 They were then taken to the Church house for Father Headley Tabi and the Anglican Brotherhood Oswal to put Holy Oil on them and to touch the Walking Stick.

4.38 Chief Tanmonok Buleuru was upset that the Police used the nakamal to detain people. According to the custom of Pentecost, the nakamal is supposed to be a place of peace.

4.39 On 21 September 2001, Chief Masten Bule was insulted at Leikavatkaimel village. Sergeant Tari ordered him and others to line up and insulted them telling them to stop eating the faeces (shit) of chief Vital. He went on further telling them not to follow chief Moses Tabi because he was already finished.

4.40 On 21 September 2001, Mr. Elvis Tabiguru alleged that he was assaulted and insulted by the Police Officers in the operation. He was summoned by the Police for practising karate, at Leikavatkaimel village. He was called into a small room and was asked if he was one of the sutdents of Phillip Bule trained in karate (point 4.27). He was then slapped twice on the left and right side of his face. Private Andrew Nakalu told him that what he did (karate) was wrong and he had to stop it. He told him to shout three times that he would stop practising karate.

4.41 Mr. Buleuru Justin alleged that on 21 September 2001, he was given a knife by Sergeant Tari and instructed him to cut the testicles of Chief Vital and Arthur. The Police Officer further insulted him saying that he was following Chiefs Vital and Arthur as if to eat their faeces.

4.42 Chief Virakin Tabi alleged that on 21 September 2001, while lining up with other chiefs, Sergeant Tari insulted Chief Vital and Arthur saying that they are like toilet paper for wiping waste. He also said that they are following Chiefs Vital and Arthur like sea lobsters and those who follow these two chiefs would have their testicles cut off and be made to eat them.

4.43 Chief Virakin Barnabas alleged that on 21 September 2001, when he arrived at Leikavatkaimel village, Sergeant Tari insulted him about Chiefs Vital and Arthur stating that neither the Police nor the Prime Minister recognised them because they are like toilet paper which, after use, is flushed down the toilet.

4.44 Mr. Bulesavian Parton alleged that on 21 September 2001, Private Nakalu took him inside a small room and struck him three times on the head. He was then forced to answer questions. Private Nakalu told him that from now on, he must not eat the faeces of Chiefs Vital and Arthur any more that is, stop following the two chiefs.

4.45 Noel Tabivahka alleged that on 21 September 2001, the Wilinsalean Council of Chiefs listed the names of people and submitted the list to the Police. He alleged that the names might have been collected by some family members of Chief Mathew Tabi, the Chief representative of Malvatumauri. He also claimed that on that day, Sergeant Tari struck him on his head.

4.46 On 21 September 2001, Liwusmal Andrew Buletik was among the people called by the Police to Chief Mathew Tabi's nakamal. They were put in two lines with males at the front and the females at the back. Mr Buletik stated that during that

time, Sergeant Tari was explaining the Penama System, however, he was insulting while talking. He said that their brains (the people's) were full of faeces. He doesn't know why the Police held them captive.

4.47 On 25 September 2001, Chief Tanmonok Moses Bulevahka alleged that when the Police operation was almost finished, the Police truck came to Kumreut village and took him. When in the truck Sergeant Tari asked him why he did not come to Leikavatkaimel village with other chiefs. When he said that he was sick, Sergeant Tari swore at him in Bislama saying "ah fak yu, yu no stap kiaman". He further asked why he and some young people were laughing at him some days passed and when Chief Bulevahka said that there were not, Sergeant Tari insulted and swore at him further saying, "ah, fak yu no stap kiaman. Yu olfala blong nating, from wanem yu no save advaesem ol yangfala". He also claimed that Sergeant Tari stopped the vehicle, told him to jump down from the vehicle and invited him to box with him, however he did not do anything. The Police Officer then told him to stop following Chiefs Vital and Arthur, telling him that if he followed these two chiefs, he would go nowhere, he had to join Wilinsalean Council of Chiefs instead. He swore at Chief Arthur saying that he "is a fucking man and cannot do anything".

4.48 When the truck came to his house, Sergeant Tari told him to stop following Chief Vital. He also told him to shout three times in Bislama, "mi kakai sitsit blong chief Vital".

4.49 On 25 September 2001, Senior Inspector Kelson Bule called the people of Nokowanet village together to the church to discuss how they could live together with Pascal Temakon in the village. Senior Inspector Bule said that if they wanted to work on the land, they had to ask Pascal Temakon, however it is said that a Magistrates Court presided over by Magistrate Jeremiah had looked into the matter twice and ruled against Pascal Temakon being the land owner.

4.50 On an unknown date, Sergeant Tari accused a transport driver named Jean Lacroix of transporting Chiefs. He ordered him to pay a fine of vt19,000 as his business licence and 2x25kg bags of rice. Mr Lacroix was too scared of the Police and paid the fine. See **Annexure C**.

4.51 On unknown date, an 18 year old boy named Clifford Bule alleged that he was insulted by Sergeant Tari for practising karate. The Police Officer told him to stop playing karate and rather ordered him to shout loudly four times that he would not follow Chief Vital. The Police Officer then intended to strike him with a small knife.

4.52 On an unknown date, a high ranking chief name Leo Morris alleged that he was sworn at by Sergeant John Tari and forced him to run. When he wanted to talk, the Police Officer stopped him, threatening to make him eat his faeces. When at Leikavatkaimel village, the Police slapped him. The Chief said that when inside the nakamal, he was treated like a fool and the people were laughing at him.

4.53 On an unknown date, Thomas Bule reported that he was forced into the provincial truck by the Police, who later ordered him to climb the hill on foot while the Police followed with their vehicle. He alleged that Private Philip slapped and hit him after claiming that he was laughing at him. He suffered a black swollen eye as a result. Another VMF Officer then slapped him and another, Lance Corporal Tari, kicked him in the ribs.

4.54 Mr. Anderson Tabisap alleged that when they were assembled in front of the church at Leikavatkaimel village, Private Nakalu slapped him on the left and right sides of the face. The same Officer then held his hair, bent his body downward and struck his back. He fell to the ground as a result. He spent one night in the nakamal with his wet clothes.

4.55 David Tabi reported that on an unknown date, Sergeant Tari kicked and hit him on the face, supposedly for cutting the banana plants of Chief Adam.

4.56 Morris Tabe reported the following incident which took place during a rainy day. They had just finished attending the church house and were walking home when the Police ordered them to leave their baskets outside and go to the nakamal. The Police then searched the baskets and later left them to get wet in the rain. He further told them to remain with wet clothes inside the nakamal. Mr. Tabe also reported that during that time, John Tari was threatening them with a small knife.

4.57 On an unknown date, Tanmonok Philip Tabi alleged that Sergeant Tari insulted and mocked him saying that the customary costumes he was wearing made him look stupid. The Police Officer then removed a small piece of wood from his hair saying that the object could be a witchcraft tool that he used to influence people's minds. He then struck him.

4.58 When they were running, they were ordered to remove their footwear. When he was bending down to pick up his footwear, a VMF Officer went to punch his head but missed. Chief Tanmonok Philip Tabi said that he was surprised at Sergeant Tari saying that he will cut the testicles of Chief Arthur because earlier he had said that they would not be using knives or guns in the operation.

4.59 The Police were also alleged to have imposed fines of Vt.2,000 or Vt.3,000 or red mats on people whose names were on their lists and failed to appear before them.

4.60 The Ombudsman believes that there are other unaccounted people who had suffered same treatment at the hands of Police and did not report it.

4.61 This office contacted the Police Officers concerned regarding the allegations and each respectively replied as follows:

4.61.1 This office conducted an interview with Senior Inspector Kelson Bule on 21 May 2002. See **Annexure B**. Apart from the answers mentioned above, he provided the following.

- He refused to comment on any Police actions claiming he had not authorised the use of excessive force.
- Said that when he was at the Police base at Leikavatkaimel village, he did not see any signs of bruises on people resulting from Police ill treatment. When the Police arrest people, they were interviewed, given proper food, well taken care of and sent back home.
- Denied allegations that the Police were partial in their operations.

4.61.2 The office of the Ombudsman had interview with Inspector Wilson Garae on 21 May 2002 and he informed us of the following (see interview note on **Annexure D):**

- He was a State Prosecutor at that time and had volunteered for the operation. As such, he was more of a civilian than a Police Officer.
- He was not involved in the arrest of the people. He assisted mostly in encouraging people to be honest and cooperate with the Police
- He had no knowledge of Police Officers beating people.

4.61.3 Sergeant Tari responded in a letter on 27 June 2002 (see **Annexure E:** letter of 27 June 2002) and informed the Ombudsman of the following:

- He informed that they did not use guns in the operation, however, he did mentioned guns as threats to the people but not in all allegations as reported.
- Confirmed that he threatened people with the use of knives.
- Denied soliciting money from people apart from the vt.19,000 claimed as business licence and the two 25kg bags of rice.
- Denied forcing Father Headly Toa and Brotherhood Oswal to apply the rituals of the Walking Stick and Holy Oil to people.
- Made no mention of assaults or insults of which he was allegedly accused.

- State that the violent actions he may have used were necessary because the people of Central Pentecost were difficult to convince, pointing to the fact that majority of individuals from Central Pentecost posses witchcraft. They take advantage of the power they derive from witchcraft to guarantee their safety through difficult times.

4.61.4 Police Constable Harold Mano informed the office of the Ombudsman in an interview that he did not witness any assaults alleged to have been carried by Police Officers. He stated that he, Officer Aprimend Kende and John Iatika were in charge of investigation.

4.61.5 On 17 June 2002, Corporal George Richard responded during a telephone conversation into the matter. He refused to make any comment and asked us to contact Senior Inspector Kelson Bule to make comments. Senior Inspector Kelson Bule had refused to make any comment when we interviewed him on 21 May 2002.

4.61.6 On 5 August 2002, we interviewed Lance Corporal Joshua Tari and he informed us that (see detail in **Annexure F: Interview note):**

- He was not aware of allegations brought against him;
- Allegations of fighting made against him were exaggerated. He was only involved with slapping people and nothing more than that;
- He had no knowledge of nor had he witnessed any assaults by other Police Officers. The Police were only involved in arresting people, bringing them together and looking after them until they were released;
- Central Pentecost people are obstinate and that some allegations against the Police were carried out by the people themselves. For instance, some people used the name of Police to solicit money.

4.61.7 Private Andrew Nakalu and Lance Corporal John Gideon: This office conducted an interview with these two Officers on 24 June 2002. Both denied assaulting anybody during the operations. See **Annexure G** for interview note made.

4.62 This office did not receive response from other Officers contacted during this enquiry.

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 preparation of this public report to give individuals mentioned in this report another opportunity to respond

5.2 Of all the parties contacted, only the Prime Minister replied. In his response, Honorable Edward Natapei agreed with the recommendations put forward by the Ombudsman and stated that each Officers concerned should be dealt with accordingly. See **Annexure I**. The prime Minister did not, however, stated what action he would take to ensure that the recommendations were followed.

5.3 The following people did not respond even though they were sent with a copy of the working paper: Chief and leaders of Nokowanet village, chief and leaders of Patnapni village, chief and leaders of Leikavatkaimel village, chief and leaders of Melsisi village, chief and leaders of Kimreut village, chief and leaders of Enkul village, Mr. Gideon Tabius, Corporal George Richard, chairman of Biltakan council of chiefs, Corporal Aprimend Kende, Superintendent Willie Samuel, Major Robert Diniro Obed (Police Commissioner), Chief Mathew Tabi, Senior Inspector

Kelson Bule, Private Solomon Phillip (VMF), Lance Corporal Joshua Tari (VMF), Sergeant John Tari (Police), Lance Corporal John Gideon (VMF), Police Constable Harold Mano (Police), Aru (civilian from Ambae recruited by Police to help out in the operation), Private Andrew Nakalu (VMF), Police Officer John Iatika and Inspector Wilson Garae.

6. FINDINGS

6.1 **Finding 1**: The Ombudsman finds that there is strong evidence that the following Police Officers in the operation committed unlawful actions: Sergeant John Tari, Lance Corporal John Gideon, Lance Corporal Joshua Tari, Constable Harold Mano, Private Solomon Phillip and Private Andrew Nakalu.

6.2 **Finding 2**: The Ombudsman finds evidence that the above Police Officers may have breached the following Constitutional rights of the people of Central Pentecost: infringing the fundamental rights and freedom to liberty, security, freedom against inhumane treatment, freedom of conscience, expression, equal treatment under the law and protection of property from unjust deprivation.

It was found that when in the operation, the Police Officers assaulted, stopped people from talking at confrontation when they wanted to talk and acting fiercely instead of peace makers.

6.3 **Finding 3**: The Ombudsman finds evidence that Sergeant John Tari in particular acted improperly as a Police Officer. There is evidence that he carried out most assaults and maltreatment and may have committed breaches of sections 107, 114, 115 and 118 of the Penal Code Act [CAP 135].

Section 107 prohibit any person from intentionally assaulting another person. Section 114 provides that committing unlawful actions ordinarily or while in the course of fulfilling a legal duty, knowingly endangering to the lives, safety or health of the public or individual is an offence. Section 115 provides that it is unlawful to threaten. Section 118 provides that it is an offence to detain or confine any other person without lawful authority.

6.4 **Finding 4**: The Ombudsman finds evidence that the Police Officers breached section 132 of the Penal Code Act CAP 135 by demanding money and goods (red mat) from people with force.

The Police Officers in the operation were found to be forcefully asking people to pay money or give red mats if they failed to obey their orders.

6.5 **Finding 5:** The Ombudsman finds evidence that some Police Officers committed offences against discipline as per section 19(k) of the Police Rules under the Police Act [CAP 105] by assaulting and maltreating people whose names appeared on their list.

Section 19(k) of the Police Rules states that threats, assaults, maltreatment or negligence by Police Officers towards people in their custody constitute an offence. The Police Officers in the operation were threatening the people with being made to eat their own faeces, shooting and knife attacks.

6.6 **Finding 6:** The Ombudsman finds that the Police Officers may have acted unjustly and blatantly unreasonably when they forced people to touch the Walking Stick of the Brotherhood and to be rubbed with Holy Oil.

6.7 **Finding 7:** The Ombudsman finds evidence that the Police Officers in the operating may have been partial in their conduct of operations on Central Pentecost.

It was found that the members of Wilinsalean Council of Chiefs submitted names to the Police of people to detained; the Police were forcing people to defect from Biltakan Council of Chiefs and compelling Chiefs Arthur and Vital and join the Penama System. The Police were also found to have sided with Pascal Temakon over a land dispute at Nokowanet village even though a Magistrates Court had allegedly ruled against him.

6.8 **Finding 8:** The Ombudsman finds evidence that Senior Inspector Kelson Bule, the Officer in charge of the Police operation, breached section 7(4) of the Police Act CAP 105 when he failed to produce a report to the Commissioner of Police about the operation.

Under section 7(4) of the Police Act, Police Officers in charge of operation are to produce a report to the Police Commissioner. We had contact with Senior Inspector Kelson Bule on 28 November 2002 after an interview with him on May 2002 and found that he had not produce a report on the operation. He said that he will submit one copy of the report after completion, however, he never did.

6.9 **Finding 9:** The Ombudsman finds evidence that the civilian Aru also committed assaults on the citizens during the operations.

The Ombudsman finds that in several instances, Mr. Aru was intentionally assaulting, insulting and bullying people.

6.10 **Finding 10:** The Ombudsman finds evidence that Chief Tanmonok Mathew Tabi whom reports say was a member of Malvatumauri and being a leader under section 5(a) of the Leadership Code Act may have breached the principles of the Leadership Code Act when he sided with the Police and allowed his nakamal to be used to detain people.

6.11 **Finding 11:** The Ombudsman finds evidence that the Police Officers in the operation at Central Pentecost lied to this office about their conducts.

During the course of this investigation, the Police Officers denied all allegations of unlawful actions involved. The fact that complaints of severe brutality were reported and that the Vanuatu government performed customary peace ceremony on Central Pentecost on 23 January 2003 is strong evidence that inappropriate actions have been incurred in the operation.

7. RECOMMENDATIONS

Recommendation 1: The Ombudsman recommends that the Police Commissioner investigate this matter for disciplinary measures to be taken against all Police Officers involved.

Recommendation 2: The Ombudsman also recommends that the Police Commissioner and the Public Prosecutor review any issues mentioned in this report that may amount to actions that are contrary to the Penal Code and the Leadership Code Act and institute criminal proceedings against any person mentioned in this report.

Dated the **13th day** of **August 2003.**

Hannington G ALATOA
OMBUDSMAN OF THE REPUBLIC OF VANUATU

8. INDEX OF APPENDICES

A. News paper articles about custom ceremony on Central Pentecost organised by Central Government to solve differences following the strong unlawful actions of Police.

B. Interview note on the interview conducted between Ombudsman Office and Senior Inspector Kelson Bule.

C. Receipt issued by Jean Lacroix for the vt19,000 and two 25kg of rice the Police forced him to give.

D. Interview note on Interview conducted between the Ombudsman Office and Inspector Wilson Garae.

E. Letter of response of Sergeant John Tari.

F. Interview note on interview conducted between Ombudsman Office and Officer Joshua Tari.

G. Interview note on interview conducted between Ombudsman Office and Private Andrew Nakalu and Lance Corporal John Gideon.

H. List of some people the Police may have forcefully asked to pay money and mat as punishment.

I. Letter of response of the prime Minister to the working paper.

J. Relevant laws referred to in this report.

Indo Trading Post ANNEXURE A

Issue No. 887 Feb 1 2003

LOCAL NEWS

Natapei pays expensive pigs, Vt.500,000 for police blunder

A custom peace ceremony in Central Pentecost between the Government and tanmonoks or paramount custom chiefs saw the Prime Minister pay ten highly valuable pigs valued at Vt.200,000 as well as Vt.500,000 cash to them in compensation for mistakes made by the police one year earlier.

On Wednesday 29th January, 2003 the Prime Minister Hon. Sethale T. Natapei Tuta Fanua'ariki performed a custom peace ceremony at Nokowanet Village in Central Pentecost.

The Ceremony follows an operation conducted by the Vanuatu Police in September, 2001during which the Police mistreated the Custom Chiefs some of whom are tanmonoks or paramount chiefs in the area.

Since the Police Operation in 2001 there has been a stand off between the Chiefs which has resulted in them not carrying out their chiefly duties in their communities in central Pentecost.

As part of his opening Speech the Prime Minister said his Futunese Customary Chiefly Title "Tuta Fanua'ariki means a leader who brings peace to the people and therefore he decided to go to Central Pentecost to do just that.

He also apologised to the chiefs who were ill-treated by police in 2001 and appealed for peace and harmony amongst the chiefs and their people.

The Prime Minister made payment of 10 pigs with rounded tasks to the value of VT200,000 and a cash payment of VT500,000 to the Chiefs.

On their part the chiefs' representative Chief Tanmonok Mikael Tabi expressed deep appreciation to the Prime Minister and the Government for recognising the need to establish peace and for performing the custom ceremony with the Chiefs in Central Pentecost.

He appealed to the Government and the Chiefs to continue to work together for the welfare of the people in Central Pentecost.

This custom ceremony was performed before the Prime Minister and his delegation were officially welcomed to the Village where other Speeches were made by chiefs, church leaders, politicians and Penama provincial representatives ending with the Prime Minister's Official speech late in the evening.

It is hoped that the custom ceremony will finally see life return to normal in the area after years of land dispute in that part of Pentecost.

ANNEXURE B

OMBUDSMAN - MEDIATEUR

INTERVIEW NOTE

Case Ref:	1259
Date:	21 May 2002

Date of interview:	21 May 2002
Person interviewed:	Inspector Kelson Bule
Address:	Santo Police Station
Phone:	36222
Interviewer:	Brian Bani
Subject of interview:	Police action on Operation at Central Pentecost

Police Officer Kelson Bule (Inspector) was the Officer in Charge of the Operation on Central Pentecost. The Operation involves the following force Officers. Himself (Kelson Bule), Wilson Garae, Andrew Nakalu, Joshua Tari, John Gideon, Harold Mano, Aprimend Kende, John Tari, Solomon Phillip, John Iatika and George Richard.

The purpose of Police going to Central Pentecost is to investigate problem arising from a conflict in the community. The main problem that cause the conflict is the Penama System. Other problems also causing the conflict is the burning of a house (belonging to Vincent), dispute between Mr. Jean Garn and Mr. Adam and a land dispute between Pascal Temakon and a family.

As stated above, the main problem is the Penama System. Gideon Tabius, the Training Officer of Penama Province reported to the Police that a group of people were intending to assault him at the village of Enkul when he was about to go there to explain the Penama System. He took the plane and travel to Ambae and when at Ambae, he made a report. The Police then acted on the report, launched the operation base on the issue of attempted kidnap and assault. Few months before the operation, Police from Police Headquarters in Vila, including the Commissioners Office were inquiring into Santo Police Office if they were doing anything about the problem on Central Pentecost.

Conflict from Chiefs: There was one main Council of Chiefs for Central Pentecost, ie, Biltakan Council of Chiefs. The Penama System intends to divide Central Pentecost into two area with two separate Council of chiefs and which should be able to hold different names. Kelson Bule stated that the system is not intended to change the structure and the way the former council functions. It is mainly states how the Council of chiefs were to work towards national level. **The chiefs don't agree with the concept of changing names of the Council of Chiefs and it erupted into the problem.** The Police deal with the conflict of Penama System by organising meeting with the people and chiefs to explain the concept of Penama System and how it intends to be implemented.

Allegation of Police Assault: Inspector Kelson Bule stated that he cannot comment on the action of Police (he had actually don't want to see the report of Police Officer's unlawful action) because he had not authorise them to use excessive forces. Besides the Chiefs did not came to complaint to him about any Police action.

He continued further stating that he was at the Police base at Lekavatkaimel and he did not notice any signs of bruises on the body of people resulting from Police's ill treatment. When the Police arrest people, they bring them over to him. He make sure they are interviewed, given proper food, well taken care of and send them out again.

There was allegation of Police siding with one group of the parties in the conflict. It is alleged that the Police were supposed to fly to Lonoror at South Pentecost but somehow their flight was change to Sarah on North Pentecost. They were met by Police Officer John Tari at Sarah Airport. At Lonoror, another party in the conflict were already there waiting for the Police. They were the Biltakan Council of Chiefs. He see this as no problem. The place of airport does not matter. so long as they landed on Pentecost to work. He sees their landing at Sarah as no problem. So long as they landed on Pentecost to work.

He also denied reports that he admit that Police Officer John Tari did not do a good job to find out the full story on his one(1) month on Pentecost prior to the arrival of the full contingent.

He also denied reports that the Police had solicited money and/or mats from people. They had however assisted the chiefs to ask people to any outstanding fines.

Other comments: We should contact Gideon Tabius to find more information. Also, maybe the Police Officers did some unlawful things, but he had not seen them.

Note: *In our later contacts with him (Kelson Bule), we asked him to supply the police report of the operation. He never did. He said of submitting the report on a Tuesday, however he failed. He is now on an overseas mission on Bouganville for six months - 28/11/02.*

ANNEXURE C

OUTSTANDING LICENCE

Road Tax : 9.000 vr

Bisnis Licence : 10.000 vr

19.000 vr

plus 2 x 25 Kg Rice

Original

RECEIPT

Date 03.10.01 24

Received from Jean La Croix TAMI

The sum of 2x25 Kg Rice

Being for Contribute To Operat Comity.

$

Signature

ANNEXURE D

OMBUDSMAN - MEDIATEUR

INTERVIEW NOTE

Case Ref:	1259
Date:	21 May 2002

Date of interview:	21 may 2002
Person interviewed:	Wilson Garae
Address:	Santo Police Station
Phone:	36222
Interviewer:	Brian Bani
Subject of interview:	Police Operation on central Pentecost

Police Officers involving in the operation on Central Pentecost; Kelson Bule, himself (Wilson Garae), Andrew Nakalu, Joshua Tari, John Gideon, Harold Mano, Aprimend Kende, John Tari, Solomon Phillip, John Iatika, George Richard.

Inspector Wilson Garae stated that he was a State Prosecutor under the Prosecution Office in Santo and wasn't attached to any normal Police duty thereafter. When the operation on Central Pentecost was called, he was ask if he could be part of the operation. He went in as a volunteer. His position then would only be more of a civilian than as a Police Officer. He assisted mostly in meeting with people encouraging them to be honest and cooperate with the police and so forth.

About the airport anxiety, they were briefed to land at Lonoror, but as a transport was scheduled to be at Sarah, they decided to go to Sarah airport instead. They were met by Police Officer John Tari at the airport. He was mostly at the base and not going out with Police Officers to the field. As such, he had no knowledge of civilians involved with the Police Officers to beat people. He was not aware also of the illegal actions of the Police. He also could not remember if he and Kelson Bule had met up with a man name Richard or John Garae about the problem.

ANNEXURE E

RECEIVED 05/09/02

MR: IAN BYIES
OMBUDSMAN OFFICE
P.O BOX 378
LUGANVILLE
SANTO

DATE: 27.06.02.

FROM: SERGEANT JOHN TARI
SARAIAMATA POLICE STATION
LONGANA
AMBAE.

HEMIA OL COMMENT. MO OUSTO BLONG MI LONG OPERATION LONG CENTRAL PENTECOST. WE YUFALA I ASKEM LONG MI

1: Promblem long Central Pentecost i stap long time finish. an. mi mo Ars. we Provce i sendem mutulala i go blong save solvem Problem i stap. Long day we mutufala i kaem Central Pentecost mi be go mor lalem long ol, blong save kam mo solvem Problem we i stap. Two (2) times an ino got man or woman i kam long lokavalkaunel villase blong save solvem Problem we i stap. Veve Nelly hem one we ol nekem tumus Problem long we. Problem i no solvem yet an Veve Nelly i wantem go long Santo. No Matter, mi be sendem toktok i go long ol. blong ol no mus go long Santo Veve nelly wetem company blong hem ol skul wantem go long Santo. An mi falem se Veve Nelly, stap long Bwatna-bini. really blong go. so toktok ia stupid. Yes mi be givem long Veve Nelly.

2: Mino save long N° 2 from se. mi stap long Central Pentecost no gat musket

Mi be sakem tok lok ia, blong mekem se tufala i havom
. save stopem problem we i stap.

2/5

4. 1900 vi hemi road tax mo 2x25 kg rice blong keepem
mufala long kaekae time mufala i kam one ples. mo long
time blong peace ceremoni.

5. Mi no save. long hem.

6. Time mi kasem Central Pentecost mi be go two (2) times
Blong look Tanmonok LEO MORRIS. mo tekem long hem mo people
blong hem. blong save kam long Lekavatkaimel. mo mi save
look look mo straishim problem i stap. Number two (2) time
long hem. time mi go. hem nomo i tekem long mi se time
police i ting se. mi wild pig. yu kam from me two (2)
nag. an from se. time i gat fulem people. so. hem talem
blong mekem funny long mi. nomo. mo ol people ia oli
love long mi

7. Mi no save long dusto ia from. se. mi no gat money
time. mi stap long operation long Central Pentecost.

: INO through mi no save long hem.

: Ara hemi kam weten mi blong go long Central Pentecost
from se ino gat enough man power. long Saralamata Polne
station.

: Mi no save long hem.

: ino through. from se ino gat muskat long time ia.

: Raorao i stap long time finish i kam. after. Penama system
tes kam. instead. an late Civiler Bule. nao. hemi foundation
long Penama system ia. An no save se. WHY. nao. master
Bule ino followem tingting blong big brata blong hem.
Yes mi be makem ol samting ia.

: Yes man samting long operation ia. i blong tekem ol
people i kam one ples. long lekavatkaimel mo. askem ol long
some problem. an wha ol wokem ol problem ia. mo samtime
ok lok long ol. blong ol two (2) groups i mus kam one.
long case blong Pascal Temakon. yu go askem hem
long hem. mi no save.

mi no save long hemia -

5: mi no save long hemia

6: Pentecost i stap insaed long Pemana Provice. an
very people long Pemana i mus save long Provice system.
An word ia faces mi no save long hem. an mi no
talem long ol time mi stap triem explainem Pemana
system.

7. ol problem ia i stap long time finish i kam. no stap
grow i kam antap from se ol man ia i gat poisen.
i mekem se ol i no wanting ong ano man. so ol time problem
from ol i save se ol i gat power. Blong stopem problem ia
ol i mus go long church haus mo ruem holy oil long ol
TO. mi no be forcem fa Hadles mo Tasia oswel. hem i blong
herem ol nomo blong save kam one. hemia ~~mitala~~ mitala
i be tok tok one ples ~~ano~~ mo agree se Tasia oswel i ruem
holy oil long long ol

18: mi no save long hem.

19: Tok tok ia shoot mi no save long hem. from long operation
ia ino gat market - some long ol Busto ia i stap long
Digta 17.

20: mi be go two (2) time. blong talem long ol se bae
ol i mus kam long meeting. be ol i no kam. an ol kata long
Provice ol se bae mi stap one (1) week nomo long Central Pentecost
Be from se two (2) main man long very samting hem i
ARTHUR mo vital.
ol Chife ol i no wantem lerem mitufala i kam se mitufala
i mus stap mo. mus solvem ol problems ia. ol i had good long hem
mo ol i westem time. kalkal. money. an i no gat devolopment
no time long Central Pentecost. from se tumus raorao.
mi cross big one long tufala from mi gat famuly i stap long
timbe. an supose mi be save se bae mi stap one (1) manus bae
mi no save go long Pentecost. yes i through mi be mekem ol
sam time ia

HEMIA OL DOCUMENTS MI SAVE GIVEM

2: Yes mi talem and wetem mi olsem. hem, bos Company mi nomo blong so long Pentecost.

3: NO. mi no talem long hem se bae i beatem People. be from se mitufa i go talem long ol blong kam long meeting ol i no wantem kam. an ol i laugh long mitufa. taem mitufala i go luk ol. i mean se ol i no kat respect notins long ol Police.

4. Ol Man id ol i solem rod long mitufala. an olkata id ol boy blong Chief Mathew Tabi. Yu toktok long Chief Mathew Tabi no. hem i save givem yu mo toktok long se ia.

5: yu save toktok long Chief mathrew long Lekavatkaumei bilase mo hapem mo information long ~~[illegible]~~ Ansea id.

6: mi stap first taem blong talem long ol nomo se bae i kat meeting wetem lufala Groups id. be nomo. Nuafala Group i no wantem kam. so long taem id now. operation i tekem ples.

7: Police di supose blong talem long two Groups ka. long kam tukata mu toktok. be from nomo Group blong vital ino wantem kam.

8: Yufala i mus go long lekavalkainel village mu toktok wetem narafala Group bakenken blong se yu i ons mo yu i right.

SGT JOHN TARI

PARAMMATA - POLICE STATION

ANNEXURE F

MEMORANDUM
File No: 1259

To	File	Date 5 August 2002
cc:		
From	Brian Bani	Ref S0694/1259/M71/f
Subject	**Interview with Lance Corporal Joshua Tari (VMF)**	

Not aware of allegations brought against him, namely, fight Thomas Bule, Lazaro Bule, Esron Tabi and Moses Tabi.

Allegations of fighting brought up were too serious. He only involved in slapping people and not more than that.

He is not aware or witness any assaulting actions done by other Police Officers. The Police only involved in arresting people, brought them together, look after them until their release few days later. The people themselves did some of the actions of assaults alleged. Lance Corporal Tari Tari stated that life of the people from Central Pentecost is inconvincible. He stated that some of the actions complaint of assault done by Police was done by the people themselves. For instance, some people use the name of Police to solicit money.

Lance Corporal Tari alleged that after the operation, the people were still involved in beating people and burning houses. After the operation, it is alleged that the people beat an old man in his garden.

ANNEXURE G

OMBUDSMAN - MEDIATEUR

INTERVIEW NOTE

Case Ref:	1259
Date:	24 June 2002

Date of interview:	24 June 2002
Person interviewed:	Private Andrew Nakalu and John Gideon of VMF Santo
Address:	VMF Santo
Phone:	#
Interviewer:	Brian Bani
Subject of interview:	Police Operation on Central Pentecost

Both denied any assault done on people allegedly victimised through their action.

Andrew Nakalu: Denied beating Tanmonok Moses Buleuru or Bulesavian Parton. He asked Tanmonok Buleuru the question alleged in the Ombudsman's report because he (Tanmonok Moses Buleuru) told him that he holds the key of the world. He did not have any knowledge of any assault done by Police in the operation.

John Gideon: Denied beating Tanmonok Buleuru. He also did not have any knowledge of any assault done by Police Officers in the operation.

Annexure H

BILIAN KAONSEL
HET K' NORCTANTI
LOLOVI ERIA
SENTRO PENTIKOS

24 / C- 102.

TO MR, ALLEN WAI TABI
OMBUTSMAN HET OFIS
LUGANVILLE
SANTO.

RE: NEMS BLONG OL PIROL WI LOLE TEKEMAOT NEMS BLONG OLGETA LONG TAEM BLONG ARREST BLONG OL DANMONOK LONG SENTROL PENTIKOS.

NEMS		VILIJ	AMOUNT BLONG FAEN	
SAIMON	TABI	UTNESEDE	2 RED MAT VALIU OF	4,000VT
ANDREW	BULESAVIAN	UTNESEDE	1 " " " "	2,000VT
GEORGE	HARRY	MADAS	1 " " " "	2,000VT
GABRIEL	BULE	ELISLIS	CASH MANI	2,000VT
DAVID	BULE	LOLVANU	CASH MANI	2,000VT
SAMUEL	BULE	VAREVREV	1 RED MAT VALIU OF	2,000VT
OLIVER	TABI	ILAMRE	CASH MANI	28,000 VT
JEAN BOSSCO	BULE	UBIKUH	1 RED MAT VALIU OF	2000 VT

EVRI NEMS IA ANTAP OLI GIVIM MANI OR RED MAT IA, JAS BLONG EKEMAOT NEMS BLONG OLGETA LONG WAN LIST, BUT SAPOS OLI NO EKEM BAMBAI OL POLIS I DETENEM OLGETA.
O NEMS IANAO HET OFIS BLONG BILIAKAN ISAVE LONG HEM.
TING IGAT SAMFALA NEMS ISTAP WETEM YU FINIS.

THANK YU LONG ANDASTANDING BLONG YU

PRESIDENT
BILIAKAN KAONSEL
VIRANOSING ANTONIO TABI

ANNEXURE I

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

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

7th July 2003

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

Dear Ombudsman,

WORKING PAPER ON POLICE BRUTALITY DURING OPERATIONS ON CENTRAL PENTECOST

I acknowledge receipt of your letter ref.4249/1259/L71/enn of 6th June, 2003 and a copy of the above working paper and wish to thank you for same.

I have read through the document and agree with the recommendations made. Each officer found guilty should be dealt with by either the Police Service Commission or the Court.

The custom ceremony already performed by the Government in no way prevents any further investigations resulting in appropriate disciplinary measures.

Yours sincerely,

REPUBLIC OF VANUATU PRIME MINISTER REPUBLIQUE DE VANUATU PREMIER MINISTRE

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

ANNEXURE J

RELEVANT LAWS, REGULATIONS AND RULES

CONSTITUTION OF THE REPUBLIC OF VANUATU

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 belief, political opinions, language or sex but subject to 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 for the privacy of the home and other property and from unjust deprivation of property;
(k) equal treatment under the law 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.

POLICE ACT CAP 105

OFFICER IN CHARGE OF POLICE

7. (1) The command and control of any particular unit of the Force in any place shall be vested in such member as may be appointed by the Commissioner to be in charge thereof. Any member so appointed shall be an officer in charge of police for the purposes of this act.

(4) Every officer in charge of police shall keep such books and records and shall render such returns as the Commissioner may from time to time direct.

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;

(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). discharges 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 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 any 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.

PENAL CODE [CAP 135]

INTENTIONAL ASSAULT

107. No person shall commit intentional assault on the body of another person.

Penalty: (a). if no physical damage is caused, imprisonment for 3 months;

(b). if damage of a temporary nature is caused, imprisonment for 1 year;

(c). if damage of a permanent nature is caused, imprisonment for 5 years;

(d). if the damage caused results in death, although the offender did not intend to cause such death, imprisonment for 10 years.

CRIMINAL NUISANCE

114. No person shall do any unlawful act or omit to fulfil any legal duty; such act or omission being one which he knows may endager the lives, safety or health of the public or of any individual.

Penalty: Imprisonment for 1 year.

THREATS TO KILL

115. No person shall, knowing the contents thereof, directly or indirectly, cause any person to receive any oral or written threats to kill any person.

FALSE IMPRISONMENT

118. No person shall without lawful authority arrest, detain or confine any other person against his will.

Penalty: Imprisonment for 3 years.

DEMANDING MONEY ETC. WITH MENACES

132. No person shall by menaces or threats of violence, injury, accusation or other detriment whatever, whether by the person uttering the menaces or threat or by another person, and whether to the person to whom the menace or threat uttered or to another person obtained or attempt to obtain payment of any money or delivery of any property or other benefit from any person.