



REPUBLIC OF VANUATU

COMMISSIONS OF INQUIRY ACT [CAP 85]

APPOINTMENT OF COMMISSION OF INQUIRY

ORDER NO. 11 of 2007

In exercise of the powers conferred on me by subsection 1(1) of the Commissions of Inquiry Act [CAP 85], I, the Honourable Isabelle Donald SIKAWONUTA, Minister responsible for Justice, make the following Order:

1 Definition

In this Order unless the contrary appears:

“Commission” means the Commission of Inquiry established under this Order.

2 Appointment of Commissioner

Heather Lini- Leo is appointed as Commissioner to the Commission.

3 Appointment of Assessors

The following persons are appointed as Assessors to the Commission:

- (a) Eric Pakoa; and
- (b) Henry Vira.

4 Appointment of Secretary

Toco Mara is appointed as Secretary to the Commission.

5 Remuneration of Commissioner, Assessors and Secretary

- (1) The Commissioner shall receive a remuneration of VT 300,000.
- (2) The Assessors shall each receive a remuneration of VT150, 000.
- (3) The Secretary shall receive a remuneration of VT 75,000.

- (4) The remunerations referred to in this clause shall be payable to the Commissioner, the Assessors and the Secretary after completion of the report referred to in paragraph 6(b) of this Order.

6 Use of Government vehicle

The Commissioner and the Assessors shall be entitled to the use of one Government vehicle for the purposes of the Inquiry.

7 Terms of Reference

- (1) The terms of reference of the Commission are as set out in the Schedule of this Order.
- (2) The terms of reference for the Commission may be amended or varied by the Minister after consultation with the Commissioners.

8 Location of Inquiry

The Inquiry is to be made in Port Vila and at such other place or places as the Commission determines.

9 Public or Private Inquiry

The Inquiry is to be held in public except in circumstances as directed by the Commission.

10 Reports

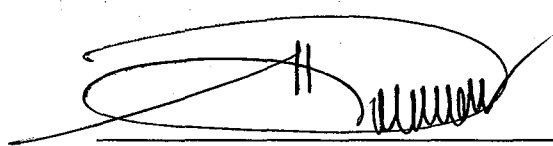
The Commissioners must prepare the following reports:

- (a) a report of the proceedings and of the results of this Inquiry to the Minister of Justice not later than 2 months from the date of their appointment as Commissioners;
- (b) a report summarizing their findings and their recommendations available to the public not later 14 days after the submission of this report to the Minister of Justice.

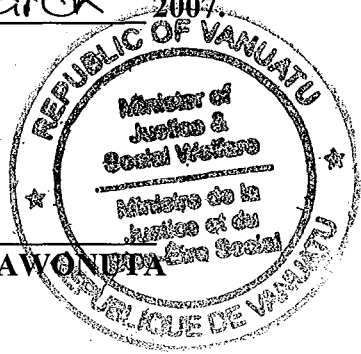
11 Commencement

This Order commences on the date on which it is made.

Made this 3rd day of March 2007.



Honourable Isabelle Donald SIKAWONETA
Minister of Justice



SCHEDULE

TERMS OF REFERENCE

- 1 To inquire into the actions of the Vanuatu Police Force (“the Police Force”) before 3rd of March 2007 when informed of the tensions between certain Ambrym and Tanna communities (“the disputing parties”) and if there was any plans from the police at that time to address the problem.
- 2 To inquire into the number of police personnel deployed at a meeting held on 3rd March 2007 at Black Sands area between the disputing parties and if there was any contingency plans at that time to prevent the outbreak of violence.
- 3 To inquire into the actions of the police and fire brigade when requested to attend to the outbreak of violence between the disputing parties on 3rd of March 2007.
- 4 To inquire into the period of time taken for the police including the Vanuatu Mobile Force (“the Force”) to enforce the Order signed by the Minister of Internal Affairs for the use of firearms during or after the incident of 3rd of March 2007.
- 5 To inquire into the actions of the members of the Police Force who were responsible for the operations undertaken by the Police Force before and after the outbreak of the violence on 3rd of March 2007 between the disputing parties and the powers provided by law on such person to authorize such operations.
- 6 To inquire into the simultaneous absences of the Police Commissioner and the Commander of Force and reasons for their absences before the incident of 3rd March 2007.
- 7 To inquire into any other matters that the Commissioner thinks appropriate in relation to the incident of 3rd March 2007.