



REPUBLIC OF VANUATU

COMMISSIONS OF INQUIRY ACT [CAP 85]

Appointment of Commission of Inquiry Order No. **56** of 2008

In exercise of the powers conferred on me by subsection 1(1) of the Commissions of Inquiry Act [CAP 85], I, the Honourable HAM LINI VANUAROROA Minister of Justice and Social Welfare, make the following Order.

1 Definition

In this Order unless the contrary intention appears:

Commission means the Commission of Inquiry established under this Order.

2 Appointment of Commissioner

Professor DON PATTERSON is appointed as the Commissioner to the Commission.

3 Appointment of Assessors to the Commission

The following persons are to be appointed as Assessors of the Commission:

- (a) BEVERLEIGH KANAS;
- (b) PASTOR SHEM TEMAR.

4 Appointment of Secretary to the Commission

MARGARET PAMELA is appointed as the 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 80,000.
- (4) The remunerations referred to in this clause shall be payable to the Commissioner, the Assessors and the Secretary upon the completion of the report referred to in clause 9.

6 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 in consultation with the Commissioner.

7 Location of Inquiry

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

8 Private Inquiry

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

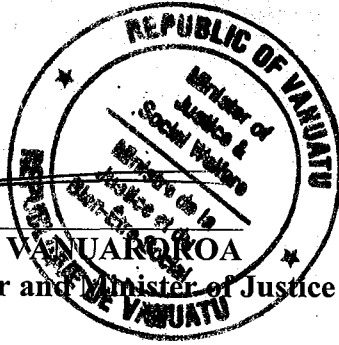

9 Report

- (1) The Commissioner must prepare a report of the proceedings and of the result of this Inquiry to the Minister of Justice and Social Welfare not later than 2 months from the date of his appointment as Commissioner.
- (2) The report must contain recommendations following the findings of the Commission.

10 Commencement

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

Made at Port Vila this 20th day of December, 2008.



Honourable Ham Lini VENUAROROA
Deputy Prime Minister and Minister of Justice and Social Welfare

SCHEDULE

TERMS OF REFERENCE

- 1 To inquire into the allegations of unlawful arrests and unlawful custody of detainees in the Stade Correctional Centre by members of the Vanuatu Police force.
- 2 To inquire into the procedures for admitting detainees into the Stade Correctional Centre.
- 3 To inquire into the physical condition of the Stade Correctional Centre building.
- 4 To inquire into the alleged inhuman treatment and abuse of detainees human rights by correctional officers and temporary correctional officers on the 51 detainees housed in the Stade Correctional Centre as claimed in the Prison Report 2008.
- 5 To inquire into whether the detainees are treated in accordance with the Constitution of the Republic of Vanuatu and the Correctional Services Act No. 10 of 2006.
- 6 To inquire into the alleged misappropriation of prison funds for the periods claimed in the Prison Report 2008.
- 7 To inquire into the irregularities in the parole process as claimed in the Prison Report 2008.
- 8 To inquire into the allegations that Prosecutors originating from Penama Province are causing offenders from Penama to avoid being detained for the duration of their sentences or to cause offenders from Penama from being detained in the Correctional Centres.