

# **FURTHER CHRONICLE RELATING TO BRIBERY CASES, 2016**

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## **INTRODUCTION**

Readers of this Journal will recall that in last year's edition there was published a Chronicle that recorded the political and constitutional crisis in the years 2014 and 2015 arising from the bribery of members of Parliament by a former Prime Minister, and that this Chronicle concluded with some matters of unfinished business, ie charges of conspiracy to pervert the course of justice; charges of complicity to bribery; recovery of the money paid as bribes; recovery of the gratuity payments made to the convicted Members of Parliament; disciplining of lawyers involved; and amendments to the laws relating to an acting President.

This Chronicle is designed to record what happened in 2016 to these items of unfinished business of 2015, and also to record some further matters relating to the bribery cases which occurred in 2016, and which it is desirable to place on record.

## **UNSUCCESSFUL ATTEMPTS TO “SPRING” THE CONVICTED MEMBERS OF PARLIAMENT**

In the first half of 2016, several attempts were made to have the convicted and imprisoned members of Parliament released from prison. The first to be recorded was by a group of members of the Opposition, led by the Leader of Opposition, Ishmael Kalsakau, who paid a courtesy visit on the Head of State in late February, 2016. The Leader of the Opposition made some rather cautious remarks:

We have not come to tell you how you will do your job in this regard. We are here to let you know that we recognize that there is a possibility and a potential that you can play a role in this situation. We understand that on the government side in their 100 days plan they state that under their MOA agreement that pardoning should take place. But that is theirs

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for which they will approach you. But we are here to say that yes, under our custom for us to move forward we reconcile, forget difference, but everything must be in proportion. That is one issue we want to raise in passing by way of this courtesy call to you.<sup>2</sup>

The Government was swift to reject any suggestion that pardoning of the convicted members of Parliament was on their 100 Days Plan, and on the next working day after the Opposition's courtesy visit to the President which had raised this topic, the Prime Minister's Office issued a statement firmly declaring that 'the subject of pardon is 'not development' thus is not part of the governments prioritized targets set out in the 100 Days Plan.'<sup>3</sup>

Although it was not mentioned in the media at the time, it appears that in early February 2016, all 13 jailed members of parliament applied for parole on compassionate grounds, but their applications were declined by the Parole Board on February 12, 2016. Four of the 13 re-applied for parole on medical grounds, ie pinched nerve, heart problem and hypertension, but were declined again by the Parole Board in its second meeting on February, 29.<sup>4</sup>

On March 12,2016, it was reported that those jailed members of Parliament, who had been removed from the Medium Risk Unit near Dumbea Hall to the former Women's Detention Unit near the French School in December 2015, were, if they had no health problems, to be removed from the former Women's Detention Unit to the Low Risk Detention Centre at Stade. But those with 'health implications' were to remain at the former Women's Detention Unit, because 'given previous experiences, the Government could be held liable for unexpected loss of life.'<sup>5</sup>

The next attempt to free the 14 jailed members of Parliament came from former Prime Minister, Barak Sope, after he had visited and spoken 2 of the jailed members of Parliament on Sunday, 3 April 2016. Mr Sope explained that he had to apply 5 times before he was allowed to speak to Moana Carcasses and Serge Vohor. Mr Sope referred to the failure of the Parole Board to allow the release of the imprisoned members of Parliament, and stressed that the Head of State is not

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<sup>2</sup> *Vanuatu Daily Post*, February 26, 2016, p. 1.

<sup>3</sup> *Vanuatu Daily Post*, February 29, 2016, p. 1.

<sup>4</sup> *The Independent*, 27 February 2016, p3; *Vanuatu Daily Post*, March 4, 2016, p.1.

<sup>5</sup> *Vanuatu Daily Post*, March 12, 2016, p.1.

bound by those decisions, and could grant a pardon, as the former Head of State, Father John Bani, had done when Mr Sope had been imprisoned for 3 years, with the result that Mr Sope had served only 3 months of his sentence. The Director of Correctional Services, Mr Johnny Marango, responded that Mr Sope's case was different, and before the current Act was passed by Parliament, and now that the current Act is in place there are no short cuts and current processes must be adhered to.

A further attempt to free the jailed members of Parliament occurred on 11 July 2016, when the Court of Appeal received a document, entitled Notice of Motion, requesting that, 'This Honourable Court would be pleased to suspend and or stay the execution of the custodial sentence of the Applicants pending the determination of the Constitutional Application filed herein.' Upon enquiry, the Court of Appeal was informed that counsel for some of the members of Parliament had filed a constitutional petition in the Supreme Court claiming that the arrest and prosecution of the members of Parliament was in breach of article 27 (2) of the Constitution relating to the privileges of members of Parliament, and counsel was seeking the release of the members of Parliament pending the hearing of this petition. The Court of Appeal in its oral judgment on the same day declined to intervene, and in its reasons delivered on 22 July 2016 held that it had jurisdiction to deal only with appeals from decisions of the Supreme Court, and had no original jurisdiction to deal with a matter arising out of an application, such as that made in the present application which had been made to the Supreme Court, but which had not been dealt with by that Court.<sup>6</sup>

## **UNSUCCESSFUL APPEALS FROM LEADERSHIP CODE CONVICTIONS**

Readers of the Chronicle in last year's edition of the Journal will recall that on 7 December 2015, the Supreme Court held that the 13 members of Parliament who were convicted of bribery, and the one, Willie Jimmy, who had pleaded guilty, were, by reason of their convictions for bribery, guilty of breaches of the Leadership Code, and accordingly were dismissed from office and were disqualified from holding public office for 10 years. This decision was challenged by 2 of the

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<sup>6</sup> *The Independent*, July 30-August 5, p.1; *The Independent*, August 6-12, p.1

former members of Parliament – Willie Jimmy, and Silas Yaten. They claimed that at the time that the penalties were imposed in December 2015 they had ceased to be leaders after their conviction in October 2015.<sup>7</sup> The Court of Appeal did not accept this argument, nor the argument that the appellants had been convicted twice for the same offence, because the Court of Appeal held that the Leadership Code did not create a new offence for the same conduct, but rather just added another punishment for the same offence. Accordingly, the appeal was dismissed, and the 10 years ban upon holding public office imposed by the Supreme Court upon all the 15 members of Parliament who had been convicted of bribery was upheld by the Court of Appeal.<sup>8</sup>

### **CHARGES OF CONSPIRACY TO PERVERT THE COURSE OF JUSTICE**

Readers of the Chronicle in 2015 will also recall that it was recorded that on 22 December 2015 a preliminary enquiry was opened in the Magistrate's Court to determine if there were sufficient grounds for the charges against 11 of the 14 convicted former members of Parliament, ie all the convicted former members of Parliament, except Moana Carcasses, Serge Vohor and Steven Kalsakau, and one lawyer, Wilson Iauma, that they had conspired to pervert the course of justice by arranging to have the convicted members of Parliament pardoned by one of their number, Marcelino Pipite, who was Speaker, and was at the time of his conviction, acting President, because the President was out of the country on an overseas trip. The decision of the Senior Magistrate on 13 January 2016 was that there was sufficient evidence to support the charges being forwarded to the Supreme Court for trial.<sup>9</sup>

For some time, it seemed that the accused wished to be represented by overseas lawyers and on several occasions it was reported that the trial date had been adjourned to enable overseas lawyers to be brought into the case.<sup>10</sup> Although the names of the overseas lawyers were reported in the last of these newspaper reports, in fact that seems to have been the last that was heard of them, and they disappeared from public view. There were also some rather mysterious reports that 'a related investigation is still being carried out' and that 'investigators are trying to add another defendant

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<sup>7</sup> *Vanuatu Daily Post*, April 9, 2016, p.1.

<sup>8</sup> *Vanuatu Daily Post*, April 16, 2016, p.1.

<sup>9</sup> *Vanuatu Daily Post*, January 14, 2016, p.1.

<sup>10</sup> *Vanuatu Daily Post*, February 3, 2016, p.1; *Vanuatu Daily Post*, February 6, 2016, p.1; *Vanuatu Daily Post*, May 11, 2016, p.1.

to the list.<sup>11</sup> Nothing more, however, was heard about that investigation or the prospective additional defendant.

On Friday 18 March 2016, the 11 jailed members of Parliament and one lawyer, Wilson Iauma, appeared before the Supreme Court and entered pleas of not guilty to the charges of conspiracy.<sup>12</sup> Evidence was given by four lawyers as the first witnesses for the prosecution that they were present at a meeting on 10 August 2015 at the office of Tony Nari, one of the jailed members, and that they had helped to prepare letters addressed to Marcelino Pipite, who was the Speaker and acting President, and one of the convicted accused, for each of those eleven members of Parliament present to sign, requesting that the acting President exercise the Presidential power of pardon in their favour. Evidence was also given that the lawyers prepared the instrument which was expressed to grant pardon to all the accused, including the acting President, and left it at the State Office for him to sign, and that the following day this instrument was announced at a press conference by the acting President and published in the Gazette by the State Law Office. On 17 August 2016 the Supreme Court (Chetwynd J) held that all 11 former members of Parliament and the lawyer were guilty, and convicted them of conspiracy to pervert the course of justice.<sup>13</sup> In the course of his judgment, the judge was reported as stating that he personally considered that all lawyers involved in the case, not only the one lawyer who was accused and found guilty of conspiracy, but also the four lawyers who were witnesses for the prosecution, should be disciplined by the appropriate authorities.<sup>14</sup> Almost immediately after the decision was announced, counsel for some of the convicted conspirators announced their clients' intention to appeal.<sup>15</sup>

On Thursday, 29 September 2016, the sentences for the convicted conspirators were announced by the Supreme Court (Chetwynd J). The former Speaker and acting President, Marcelino Pipite, who had issued the purported pardons, received 4 years' imprisonment, Tony Nari, in whose office the meetings had been held, and the documents prepared, was sentenced to imprisonment

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<sup>11</sup> *Vanuatu Daily Post*, February 6, 2016, p.1.

<sup>12</sup> *Vanuatu Daily Post*, March 19, 2016, p.1; *Vanuatu Daily Post*, March 18, p.1

<sup>13</sup> *Vanuatu Daily Post*, August 18 2016, p1.

<sup>14</sup> *Vanuatu Daily Post*, August 18,2016, p3.

<sup>15</sup> *The Independent*, August 20, 2016, p.3.

for 3 years 6 months, Silas Yatan, who initiated the plan of pardoning, when the defendants were having breakfast at Mangoes Restaurant was sentenced to 3 years' imprisonment, reduced to 2 years 6 months because of mitigating factors, and Thomas Laken, who had taken a leading part in that breakfast conversation, was sentenced to 3 years imprisonment. The remaining convicted politicians, ie Paul Telukluk, John Amos, Arnold Prasad, Tony Wright, Sebastian Harry, and Jean-Yves Chabot, were each sentenced to two years three months' imprisonment, and Jonas James to two years' imprisonment.<sup>16</sup>

All these sentences were stated by the Court to be consecutive to the sentences which they were already serving, with the result that Marcelino Pipite's total period of imprisonment was increased to seven years, Tony Nari, to six years and six months, and the remainder, ie Thomas Laken, John Amos, Jonas James, Paul Telukluk, Sebastian Harry, Tony Wright, Jean-Yves Chabod, and Silas Yatan, to five years and three months.<sup>17</sup>

Wilson Iauga, the only lawyer who was charged, received a sentence of two years nine months' imprisonment, which was suspended.<sup>18</sup>

It was made clear by counsel for all convicted persons that the announced appeals against conviction were to go ahead, and it was anticipated that they would be heard at the next sitting of the Court of Appeal in November 2016.<sup>19</sup>

## **BREACH OF PARLIAMENTARY PRIVILEGE CLAIM**

Article 2(2) of the Constitution states 'No member may, during a session of Parliament or of one of its committees, be arrested or prosecuted for any offence, except with the authorization of Parliament.' No mention was made of this provision by the prosecution, by the defence, or by the

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<sup>16</sup> *Vanuatu Daily Post*, September 30, p.1; *The Independent*, October 1-7, 2016, p 1-2.

<sup>17</sup> *Vanuatu Daily Post*, September 30, 2016,p.1; *The Independent*, October 1-7, 2016, p 1-2.

<sup>18</sup> *Vanuatu Daily Post*, September 30, p.1; *The Independent*, October 1-7, 2016, p 1.

<sup>19</sup> *The Independent*, October 1-7, 2016, p 1.

Magistrate's Court, by the Supreme Court, or by the Court of Appeal, when the criminal proceedings were commenced against the 14 members of Parliament and carried through to convictions for the offences of bribery, which were upheld on appeal in the latter months of 2015. According to some of the convicted members of Parliament, one of them, Serge Vohor, had had previous experience of reliance on this provision, and so they had raised the provisions of Article 27(2) with their lawyers, but had been told not to worry about that issue, because the lawyers were confident of winning the bribery cases.<sup>20</sup>

After all 14 members of Parliament were convicted for bribery, and their appeals from conviction were dismissed, in 2015, it was clear that the lawyers' confidence in winning these cases was misplaced, and it was reported that a Constitutional petition was to be filed in the Supreme Court on behalf of the 14 convicted members of Parliament claiming that there had been a breach of Article 27(2) which infringed their constitutional rights, and that an overseas Queen's Counsel had been consulted to take on the case.<sup>21</sup> This petition was filed and argument was heard by Geoghegan J, on 12, 13, 25, 26 October and 2 November 2016, without the benefit of any overseas Queen's Counsel. Judgment was delivered on 11 November 2016 dismissing the petition.

The court undertook a very close scrutiny of the three relevant periods when Parliament was in session: 18 November-2 December 2014, 29 May-4 June 2015, and 8-16 June 2015. A charge against Carcasses was filed on 17 November 2014, and charges were filed against Carcasses and the other members of Parliament on 11 December 2014. On 18 December 2014 each of the defendants was summonsed to appear in the Magistrates' Court on 8 January 2015, when they were remanded on bail to appear for preliminary enquiry on 16 March 2015. This hearing was not held because of the disruption caused by Cyclone Pam on 13 March 2015, and on 28 May 2015 the charges were listed for hearing on 12 June 2015. Soon after notice of this listing, the defendants became aware of the Parliamentary session called for 8-16 June 2015, and their counsel wrote to the Magistrates' Court, copied to the Public Prosecutor, advising that they would not be able to attend the hearing listed for 12 June 2015, and seeking an adjournment. In fact Parliament was adjourned from 11 June to 16 June, and on 12 June 2015, all the defendants did attend the

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<sup>20</sup> *The Independent*, October 15-21, 2016, p.3.

<sup>21</sup> *Vila Times*, 6-12 June 2016, p1.

Magistrates' Court, when a request was made by their counsel in chambers for an adjournment until 23 June 2015 or after the date when Parliament had concluded, and this was granted. On 23 June 2015 the case was adjourned to 14 July 2015, and then to 21 July 2015, and again to 7 August 2015, when the preliminary enquiry was finally held. So the only date when the defendants did attend the Magistrates' Court when Parliament was in session was 12 June 2015, and then the only business transacted was an application by counsel in chambers to adjourn the hearing of the preliminary enquiry to 23 June 2015 or after the Parliamentary session had closed, which was granted. At the time that the 14 Members of Parliament attended the Magistrates' Court on 12 June 2015 their bail had expired, and so they were not required to attend, but they were advised by their lawyers that they should attend, and they did in fact do so.

The Supreme Court held that the purpose of Article 28 (2) of the Constitution was not to provide Members of Parliament with immunity from prosecution for criminal offences during Parliamentary sessions, but the more limited purpose to ensure that Members of Parliament are able to attend sessions of Parliament, and that Parliamentary sessions are not disrupted by the absence of Members who are required to attend Court sittings. Therefore, the word 'prosecuted' in Article 28(2) meant only those aspects of a prosecution which required the attendance of a Member in a Court or some place away from Parliament:

The judge explained, in paragraphs 62-65 of the judgment:

The word "*prosecute*" anticipates a linear process commencing upon the laying of a charge or information and continuing through to a trial and eventual verdict followed by sentencing if required. It will be immediately apparent that such a process involves a number of stages, some of which will require a defendant's attendance at Court and others which will not. At its widest definition '*prosecution*' will also include such matters as disclosure and inspection of documents and briefing of prosecution witnesses, all of which may take place without input from a defendant. In considering the primary purpose of Article 27 (2) which is to ensure that Parliament can go about its business without interruption and that its Members be free to attend all meetings of a Parliamentary session, it will be clear that it could not have been intended that the holding of a Parliamentary session would bring a halt to any aspect associated with the prosecution of a Member of Parliament.

Accordingly, I am of the view that the restriction on prosecution is a restriction on a requirement that a Member of Parliament attend Court or some other aspect of a criminal prosecution while Parliament is in session, without the authorization of Parliament. Accordingly, a Member of Parliament could not be compelled to attend a Court hearing while Parliament is in session. Other aspects of the prosecution may however occur at those times. By way of example, in the case of an alleged fraud, the forensic analysis of accounts may be vital step in the prosecution of the defendant. Equally in cases of sexual offending or illegal possession of supply of drugs it may be vital to undertake DNA or other scientific analysis of the material seized by the police as a result of their investigations. These steps are crucial in the prosecution of the relevant charges however it could not be suggested that the wording of Article 27 (2) could extend to a prevention of these vital and necessary steps.

The Court held that the only occasion when the defendants did appear before a court whilst the Parliament was in session, was 12 June 2015, and this was entirely of their own free will, and so did not amount to them being ‘prosecuted’ as that term was used in Article 27 (2). The judge explained in paras 93-94 of the judgment:

I am satisfied that the appellants were absolutely aware of the privilege conferred upon them by Article 27(2) and the issue was raised squarely with the Public Prosecutor who took immediate steps to ensure that the preliminary hearing would not proceed but that the matter would be dealt with effectively on the basis of a management conference. It was not a hearing which the applicants were required to attend or which they were compelled to attend. They were not subject to bail conditions at that time, and had not been served with summonses to attend Court. In the circumstances they were completely within their rights not to attend Court and the advice that they received from their lawyers was wrong. The fact that they chose to attend Court was ultimately the applicants’ choice based on the legal advice which they received. It was not as a result of any compulsion or requirement for them to attend and, given the conclusion which I have reached as to the construction of Article 27(2), therefore did not amount to a prosecution in breach of Article 27(2).

Accordingly the Court held that there had been no breach of the constitutional rights of the applicants, and on 11 November 2016 dismissed the Constitutional Petition of the convicted Members of Parliament.

## **THE CONDUCT OF LAWYERS IN THE CONSPIRACY TO PERVERT THE COURSE OF JUSTICE CASE**

During the trial of the defendants for conspiracy to pervert the course of justice which took place in August 2016 (see earlier), many of the former members of Parliament tried to lay the blame for their involvement at the doors of their lawyers, claiming that their lawyers had pushed, urged or forced them into taking part in this scheme to obtain pardon. The judge, Chetwynd J did not accept these complaints about the lawyers:

I do not accept that the defendants were coerced in any way by the lawyers to accept pardons. ... They may have grounds for complaint about the vague written advice given by the lawyers but there is nothing to suggest the defendants were forced into a course of action by those lawyers or the advice they gave. Those of the legal profession who were present at the last session of the Court of Appeal will remember the Court's entreaty to counsel to have the strength of conviction to sometimes say no to the clients. This is a classic case where the lawyers should have said "no" instead of saying "perhaps". The advice should have been clearer if, as the lawyers say, they were telling the politicians not to travel the pardon route.

But the judge made it clear that he thought that the conduct of all the lawyers was inappropriate and should be sanctioned:

I believe all the lawyers involved should face some sanction. I thought briefly about contempt proceedings but came to the conclusion disciplinary proceedings would be the preferable method of dealing with the lawyers. That is a matter for the Law Council.

The judge also drew attention to the fact that although four lawyers were involved in the discussions about the pardon, only one of them, Wilson Iauma, was charged, the other four having beaten a quick path to the prosecution office with offers to give evidence for the prosecution:

Only one of the lawyers involved, Mr Wilson Iauma, is charged with a criminal offence. Whilst I personally believe that to be wrong, because I am of the view all of them were

complicit in some way, I cannot just add defendants to a case. Prosecutions only take place after a proper process has been concluded ... Personally, I believe all the lawyers involved should face some sanction.

I thought briefly about contempt proceedings but came to the conclusion disciplinary proceedings would be the preferable method of dealing with the lawyers. That is a matter for the Law Council. Only one of the lawyers involved, Mr Wilson Iauma, is charged with a criminal offence. Whilst I personally believe that to be wrong, because I am of the view all of them were complicit in some way, I cannot just add defendants to a case. Prosecutions only take place after a proper process has been concluded.

When this Further Chronicle was being prepared for publication in January 2017 no word had been heard about any disciplinary action against any of the lawyers involved.

## **GRATUITY PAYMENTS MADE TO THE FORMER MEMBERS OF PARLIAMENT**

When the Supreme Court made its order on 7 December 2015 that the 14 convicted members of Parliament were in breach of the Leadership Code Act and had ceased to hold office, it stated that the gratuity payments which had been paid to the former leaders should be recovered. On 14 January 2016 it was confirmed that the payments had been made to the former leaders, and had still not been recovered:

Former MPs did not refund gratuity payments: Finance. ...Daily Post understands that the 14 MPs received a gratuity of VT 4,452,023 each, just days after the Head of State dissolved Parliament. The source from Finance also confirmed that Finance is currently negotiating with the Banks concerned on this matter.<sup>22</sup>

The newly elected Government of Hon Charlot Salwai, after its electoral success in January 2016, listed the recovery of the gratuity monies as one of its designated targets for its first 100 days:

Legality of gratuity payout to jailed politicians to be investigated ...The Charlot Salwai-led Government will investigate the legality of the Council of Ministers (COM) decision on gratuity payouts to the 14 jailed politicians. It is listed as the 8<sup>th</sup> activity under the

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<sup>22</sup> *Vanuatu Daily Post*, 14 January, 2016, p.1.

Ministry of Finance and Economic Management's (MFEM)...100 Days Plan. The MFEM and Ministry of Justice are tasked to investigate the COM decision with a deadline of May 2016.<sup>23</sup>

When however, the report from the various Ministries tasked with implementing the 100 Days Plan was published on 27 May 2016, no mention was made of the recovery of the gratuity payments made to the former politicians.<sup>24</sup> Nothing more has been heard about the recovery of the gratuity payments.

Early in 2017, just before this Chronicle was to be laid for publication, it was reported in the media that gratuity payments totaling some VT290,059,075 had been paid out to the jailed former parliamentarians:

The 52 members of Parliament (MPs) who served in the 10<sup>th</sup> legislature from 2012 to 2015 have had their gratuity payments cleared. The total payout and benefits of the 14 jailed politicians who served as MPs in this period amounts to VT290,059,075. However, some of the MPs did not receive their full gratuity payments because they did not complete the 4-year term of the 10<sup>th</sup> legislature. Financial Controller in the Parliamentary Secretariat, Willie Watson, confirmed to the Daily Post yesterday afternoon that the jailed politicians have also received their gratuity payout which took into account the time that they served the people of Vanuatu up to the time of their conviction as this is their right as MPs ... Each MP is entitled to VT4 million at the end of the four year parliamentary term and this figure has remained the same over the past years, according to Mr Watson.<sup>25</sup>

This does not seem to be in accordance with the order made by the Supreme Court on 7 December 2015 (see above), but whether there will be further adjustment, clarification or explanation, seems rather unlikely.

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<sup>23</sup> *Vanuatu Daily Post*, March 1, 2016, p.1.

<sup>24</sup> *Vanuatu Daily Post*, May 17, 2016, p.1.

<sup>25</sup> *Vanuatu Daily Post*, January 10, 2017

## **COMPLICITY TO ACTS OF BRIBERY, RECOVERY OF THE MONEY PAID AS BRIBES, AMENDMENT TO THE LAW RELATING TO THE PRESIDENTIAL POWER OF PARDON**

Other aspects of the Bribery Cases, in addition to the disciplining of lawyers, and the recovery of the gratuities paid to the convicted politicians, seem to be sliding away from the public eye.

Not a word has been heard about the charge which was earlier announced against well-known Port Vila resident and financier, Mr Thomas Bayer, it being claimed that the money that had been used for the bribery activities had been made available to Carcasses from the Bank account of Mr Bayer. Throughout 2016 there has been no word about this charge, and Mr Bayer himself, upon making enquiries at the office of the public prosecutor, has been informed that there is no open file on this matter.<sup>26</sup>

Nor has there been any statement in the media about the earlier announced intentions to take action to recover the money that had been paid as bribes, and also to make changes to the law relating to the exercise of the powers of the President, when the President is absent or unwell and so unable to exercise these powers personally.

It seems that the relevant authorities, having been very successful in achieving the main goal and having caught the biggest fish, may be ready now to call it a day, pack up their rods and tackle, and go on to look for other fishing grounds, that are seen as in more urgent need of attention, or perhaps to lay down and rest after their endeavours.

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<sup>26</sup> pers. com., 6 January 2017.