

# Investigation into Improper Decision by the Government Office Allocation Committee to engage Central Lands Limited to build a 32 storey Government Office Complex at Waigani Central in the National Capital District

## SUMMARY

This is a summary of the Final Report of an Own Initiative investigation conducted by the Ombudsman Commission into the improper and unlawful issuance of Entry Permits, granting of citizenship and issuance of passports to Mr Soegiarto Tjandra (Joko Tjandra) alias Joe Chan by the Papua New Guinea Immigration and Citizenship Services Authority (PNG ICSA).

Mr Joko Tjandra, alias Joe Chan is from Sanggau, West Kalimantan Barat, Indonesia. He was born on 27 August 1951 to parents Mr Tjandra Kusuma (father) and Mrs Ho Yauw Hiang (mother). He is married to Mrs Anna Boentaran and they have three daughters, namely Ms Joanne Soegiarto Tjandranegara, Ms Jocelyne Soegiarto Tjandra and Ms Jovita Soegiarto Tjandra.

Mr Joko Tjandra has seven siblings, namely Mr Eka Tjandranegara; Sir Soekandar Tjandra; KBE; Ms Eleana Tjandranegara; Ms Hilda Tjandra; Ms Jeannette (Lily) Benner; Mr Gunawar Tjandra and Ms Tan Tjandra. Sir Soekandra Tjandra, KBE and Ms Eleana Tjandranegara are naturalized citizens of Papua New Guinea

According to the information from the PNG ICSA, Mr Joko Tjandra stated in his application for Citizenship by Naturalization that he first arrived in Papua New Guinea in 2000. However, there are no records of him entering PNG between 2000 and February 2009.

On 27 February 2009, he arrived in Port Moresby and was granted APEC Business Travel Permit at Jacksons Airport Port Moresby, PNG. On 17 April 2009 he was granted a Business Short Term Multiple Entry Permit upon arrival at Jacksons Airport. On 11 June 2009 he was granted an APEC Business Travel Permit. On 21 October 2010 he was granted Working/Employment Resident Permit by the PNG Embassy in Jakarta, Indonesia, valid for three years.

On 25 August 2011, he was granted Permanent Resident Permit by Hon Ano Pala, the then Minister for Foreign Affairs and Immigration using his powers under Section 20 of the *Migration Act*. On 27 April 2012, he was granted another Permanent Resident Permit by the PNG ICSA.

In October 2011 Mr Joko Tjandra lodged an application for Citizenship by Naturalization. The CAC deliberated on his application on 23 April 2012. On 29 April 2012, Mr. Joko Tjandra was

granted PNG Citizenship by Naturalization by the then Minister for Foreign Affairs and Immigration, Hon Ano Pala, MP.

The then Minister Ano Pala MP approved Mr Joko Tjandra's application and granted Citizenship by Naturalization knowing that Mr Joko Tjandra did not meet Constitutional requirements. The Minister also disregarded the advice by the National Security Agencies, NIO and RPNGC NCRO and Interpol that the applicant Mr Joko Tjandra had adverse records against his name that is, Mr Joko Tjandra's name was on the Interpol Red Notice Alert and he was wanted as a fugitive by his country Indonesia. According to Interpol he was believed to be in possession of an Azerbaijan Passport number: P806888 which was reported stolen on 24.06.2005 by NCB Baku (Interpol).

Mr Joko Tjandra was convicted by the Indonesian Supreme Court on 11 June 2009 for the offence of corruption under Indonesian laws and was sentenced to two (2) years imprisonment hence was wanted by the Indonesian Police.

On 4 May 2012, Mr Joko Tjandra was issued his first PNG Passport No: B328500. On 7 May 2012, he applied for another passport and was issued PNG Passport No: B330971 under a new name as Joe Chan. He had also changed his date of birth to 27 September 1963. On 20 January 2014 Joe Chan was issued another PNG Passport No: C11670.

The Ombudsman Commission's investigations established that the administrative systems, processes and procedures and the relevant laws governing the granting of Entry Permits, granting of Citizenship by Naturalization and issuing of Passports were not followed by the relevant governmental bodies, when they granted Entry Permits, granted PNG Citizenship and issued PNG Passports to Mr Joko Tjandra alias Joe Chan.

## **Principal Findings**

The Ombudsman Commission made the following findings of wrong conduct:

1. In the opinion of the Ombudsman Commission, the conduct of the then Acting CMO Mr Joseph Nobetau and then Director Visa – Ms Delilah Madao So'osane in issuing two APEC Business Travel Card Permits No: 12202052812 and No: 12201041074 in 2009 to Mr Joko Soegiarto Tjandra was wrong.
2. In the opinion of the Ombudsman Commission, the conducts of the then Acting CMO Mr Joseph Nobetau and then Director Visa Ms Delilah Madao So'osane of the PNG ICSA in by-passing the requirements when processing Mr Joko Soegiarto Tjandra's application for Permanent Resident Permits was wrong.
3. In the opinion of the Ombudsman Commission, the conduct of the then Minister for Foreign Affairs, Hon Ano Pala MP in giving directives and instructions to the Officers of the PNG ICSA to issue Permanent Resident Permit No:99902087368 to Mr Joko Soegiarto Tjandra was wrong.
4. In the opinion of the Ombudsman Commission, the conduct of the then Minister for Foreign Affairs, Hon Ano Pala, MP in exercising his powers under Section 20 of the *Migration Act*

(Chapter 16) to exempt Mr Joko Soegiarto Tjandra from the PR Permit requirements was wrong.

5. In the opinion of the Ombudsman Commission, the conduct of the CMO, Mr Mataio Rabura in supporting the granting of Citizenship by Naturalization to Mr Joko Soegiarto Tjandra was wrong.
6. In the opinion of the Ombudsman Commission, the conduct of the CMO, Mr Mataio Rabura in using the letter of reference from Commodore (Retd) Peter Ilau, Ambassador to Indonesia as his basis to support the granting of Citizenship by Naturalization to Mr Joko Soegiarto Tjandra was wrong.
7. In the opinion of the Ombudsman Commission, the conduct of the then CAC Chairman Hon Matthew Poia MP in failing to reconvene another meeting to deliberate on the reference letter from Commodore (Retd) Peter Ilau Ambassador to Indonesia before writing to the Minister for Foreign Affairs was wrong.
8. In the opinion of the Ombudsman Commission, the conduct of the then Minister for Foreign Affairs & Immigration, Hon Ano Pala, MP in approving the granting of Citizenship by Naturalization to Joko Soegiarto Tjandra based on the letter from the then Chairman of CAC, Hon Matthew Poia, MP was wrong.
9. In the opinion of the Ombudsman Commission, the conduct of the then Minister for Foreign Affairs & Immigration, Hon Ano Pala, MP in granting Citizenship by Naturalization to Mr Joko Soegiarto Tjandra knowing that the applicant did not meet Constitutional requirements was wrong.
10. In the opinion of the Ombudsman Commission, the conduct of the CMO Mr Mataio Rabura in tendering a copy of Certificate for Citizenship by Naturalization dated 12 February 2012 for Mr. Joko Soegiarto Tjandra to the Ministerial Committee of Review during the review into the cancellation of Mr Joko Soegiarto Tjandra's Passport was wrong.
11. In the opinion of the Ombudsman Commission, the conduct of the then CAC Chairman, Hon Matthew Poia in recommending for the granting of Citizenship to Mr Joko Tjandra based on his investment and development enthusiasm was wrong.
12. In the opinion of the Ombudsman Commission, the conduct of the NEC Secretary Mr Ilagi Veali in distorting the NEC Decision No: 31/2013 contrary to the deliberations of the NEC regarding Policy Submission No: 33/2013 was wrong
13. In the opinion of the Ombudsman Commission, the conduct of the NEC Secretary Mr Ilagi Veali and the NEC Secretariat in failing to properly minute NEC proceedings was wrong.
14. In the opinion of the Ombudsman Commission, the conduct of the CMO Mr Mataio Rabura and then Director Passport & Citizenship Ms Delilah Madao So'osane in issuing Mr Joko Tjandra with a PNG Passport No: B328500 without any evidence of Citizenship was wrong.
15. In the opinion of the Ombudsman Commission, the conduct of CMO Mr Mataio Rabura in authorizing the issuing of PNG Passport No: B330971 to Mr Joko Tjandra alias Joe Chan was wrong.
16. In the opinion of the Ombudsman Commission, the conduct of CMO Mr Mataio Rabura and the Director Passport & Citizenship Ms Delilah Madao So'osane in accepting Mr Joko Tjandra's change of name and date of birth on the Statutory Declaration and Deed Poll was wrong.
17. In the opinion of the Ombudsman Commission, the conduct of the CMO Mr. Mataio Rabura, then Director Passport & Citizenship Ms Delilah Madao So'osane and the Officers of the

Passport Section in failing to retain and discard Joe Chan's Passport No: B 330971 after it was recorded as "cancelled" on the TARDIS system was wrong.

18. In the opinion of the Ombudsman Commission, the conduct of the CMO Mr Rabura Mataio, the Officers of PNG ICSA Compliance and Border Section and the PNG Customs in allowing Mr Joe Chan to travel in and out of the country using two Passports interchangeably was wrong.

## **Recommendations**

The Ombudsman Commission after considering the responses and comments received from the recipients of the Provisional Report makes the following recommendations:

1. The Ombudsman Commission recommends that the Chief Migration Officer ensures that the relevant laws, regulations and guidelines regulating the processing of application for Entry Permits are strictly complied with.
2. The Ombudsman Commission recommends that the Minister for Foreign Affairs & Immigration ensures strict compliance of the relevant laws, regulations and administrative procedures involved in granting Long Term Residence (Permanent Residence) Permit.
3. The Ombudsman Commission recommends that the Minister for Foreign Affairs & Immigration amend Section 20 of the *Migration Act* as it is deemed to be defective and is subject to potential abuse.
4. The Ombudsman Commission recommends that the Chief Migration Officer ensures strict compliance of the relevant laws, regulations and administrative processes and guidelines in making recommendations for Citizenship.
5. The Ombudsman Commission recommends that the Minister for Foreign Affairs & Immigration ensures that the relevant Laws, Regulations and guidelines regulating the granting of Citizenship be strictly complied with.
6. The Ombudsman Commission recommends that Hon. Ano Pala, MP be referred to the Ombudsman Commission Leadership Division for misconduct in Office.
7. The Ombudsman Commission recommends that the Minister responsible for Citizenship commence actions under Section 70 (2) of the *Constitution* to cancel Joko Tjandra's citizenship.
8. The Ombudsman Commission recommends that the Secretary for NEC ensures proper information storage of accounts and records of all NEC proceedings whether compiled, recorded or stored in a disc, tape or other devices capable of storing information.

9. The Ombudsman Commission recommends that the Chief Migration Officer ensures that the laws, regulations and guidelines regulating the issuing and renewal of PNG Passports are strictly observed.
10. The Ombudsman Commission recommends that the Chief Migration Officer be referred to the Police Fraud Squad for fraudulently assisting in facilitating the issuing of PNG Passports to Joko Tjandra under his new name of Joe Chan.
11. The Ombudsman Commission recommends that the Minister responsible for Passport commence actions under Section 12 (1) (2) of the *Passport Act* to cancel Joe Chan's Passport No. B330971 and Passport No. C116701.
12. The Ombudsman Commission recommends that the Chief Migration Officer develop effective communication and engagement mechanism between the PNG ICSA and PNG Customs to promote concerted and transparent efforts towards dealing with Persons of Interest (POI) and combating transnational crimes and the Chief Migration Officer device or embrace new Border Management System (BMS) that is effective and can integrate with other existing systems to promote efficiency in enforcements against transnational crimes.

## **Conclusion**

This report has found that the relevant laws and regulations regulating the issuance of Entry Permits including Long Term (Permanent Residence) Permit; granting of Citizenship by Naturalization and issuing of PNG Passports to Mr Joko Tjandra alias Mr Joe Chan were not complied with by the relevant authorities including the PNG ICSA; the CAC and the then Minister for Foreign Affairs. These include:

- The improper issuing of two APEC Business Travel Cards Permits to Mr Joko Tjandra in February and June 2009;
- The improper and unlawful approval and issuing of Permanent Resident Permit to Mr Joko Tjandra;
- The misapplication of power by the then Minister for Foreign Affairs Hon Ano Pala in exercising his discretionary powers under Section 20 of the *Migration Act* to exempt Mr Joko Tjandra from the PR requirements;
- The improper and unlawful conduct by the then Minister for Foreign Affairs in granting of Citizenship by Naturalization to Mr Joko Tjandra;
- The improper and unlawful issuing of PNG Passports No:B328500 to Mr Joko Tjandra by the CMO Mr Mataio Rabura and the Immigration Officers;
- The improper and unlawful issuing of PNG Passport No: B330971 and PNG Passport No: C116701 to Mr Joe Chan contrary to the Passports Act and Passports Regulations by CMO Mr Mataio Rabura and the Immigration Officers.

The PNG ICOSA failed to live up to the obligations entrusted to it by the State. It failed to ensure that the relevant laws including the Constitution, the Migrations Act and Migration Regulations; the Citizenship Act and Citizenship Regulations and the Passports Act and Passports Regulations were strictly complied with when dealing with Mr Joko Tjandra's applications for Entry Permits, Citizenship and Passports.

The PNG ICOSA and the relevant governmental bodies must diligently implement the recommendations of this Report to promote good governance, transparency and accountability as intended by the State.