



# Yumi Save Stopem Korapsen!

A weekly column on Good Governance, Accountability, Transparency and Responsibility with a view to eliminating Corruption

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La corruption rend un pays pauvre! Agissons contre la corruption!

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## Why is the Vanuatu Government even considering Mr. Ghosh's application?

RATHER THAN BEING someone that the Vanuatu Government should be dealing with or negotiating with, Mr. Anandaram Nath Ghosh is precisely the type of persons that Vanuatu should be going out of its way to distance itself from.

Any connection with someone such as Ghosh's criminal background can only diminish Vanuatu's reputation.

30 years after independence surely Vanuatu has matured enough not to feel the need to have any connection with known disreputable individuals that can only harm our country domestically and internationally.

It is encouraging to see the Prime Minister taking the view not to renew Ghosh's passport.

**Unanswered Questions:** Domestic pressure from Mr. Anandaram Nath Ghosh's legal representatives in India as well as the heeded warnings by his close associate in Vanuatu, former Prime Minister Bank Sopo again the Transparency Vanuatu and the Daily Post, the questions still remain unanswered of how Mr. Ghosh came about to obtain his Vanuatu passport and whether he has a valid ordinary Ni-Vanuatu passport.

In the Times of India on 27.08.07 and 28.08.07 (available to everyone on the web) Mr. Ghosh is called a "scam artist".

They write:

"Between 1992-1996, Ghosh swindled one of the biggest banks in Kolkata for millions (Allahabad Bank, Andhra Bank, Punjab National Bank, United Bank of India, Bank of Baroda) using forged, fraud, and forged at the banks. He then fled to Dubai and later to Vanuatu Islands in the South Pacific. In Vanuatu, he joined hands with then prime minister Bank Sopo and almost got that country's reserve bank to issue him bonds worth \$300 million.

Wanted by CBI in several cases of cheating, Ghosh was arrested by Interpol, Wiesbaden, in Germany on December 15, 2002, on the basis of a red corner notice issued at CBI's behest the same year. Ghosh's extradition was cleared in June 2003. He approached a court in Germany but his plea was turned down. After this, he swallowed a 10-cm long knife and declined to undergo surgery which delayed his extradition."

What I like about corruption is that you get what you pay for!



dition," said CBI joint director US Dutt.

There are cheating cases against Ghosh in Dubai, as well. He had fled there after India became too hot for him. But before that, he had also landed in Vanuatu Islands on forged T-shirts papers, and in a matter of time, he was involved in a daring \$300 million fraud in carbons with the then prime minister Bank Sopo.

After his escape to Dubai from India, Ghosh went to Thailand before reaching Vanuatu near Australia. A consummate trickster, he won the confidence of Sopo by donating a huge amount for disaster management. He claimed to be a Thai businessman. But later, he was able to make Sopo a part of his plans and hatch a criminal conspiracy with the Vanuatu leader to obtain letters of bank credit to the tune of \$300 million.

The credits were allegedly facilitated by Sopo brazenly forging the signature of his own finance minister. But once all this came to light, there was a furor and a no-confidence motion against the prime minister which saw the exit of the Sopo government. His game discovered, his cover blown and his partner stripped of political power, Ghosh fled the islands in 2001.

Dutt said, in Kolkata, Ghosh duped Allahabad Bank, Andhra Bank, Punjab National Bank, United Bank of India and Bank of Baroda in connivance with bank officials in 1994-95. Seven charge sheets were filed against him and other accused in four cases. Ghosh's modus operandi comprised availing overdraft facilities by pledging forged collateral securities and getting loans sanctioned out of foreign remittances received by the banks on the basis of forged documents.

"Bankers' cheques were

issued by falsely showing debit from fictitious non-resident external or non-resident non-repayable accounts. In other cases, outward clearing cheques were credited into the account but when the cheques were dishonoured for lack of sufficient funds, the debit was not posted in the respective accounts. Inward clearing cheques were honoured without sufficient balance in accounts," said Dutt.

Ghosh was declared a proclaimed offender by a court at Alipore in Kolkata on February 5, 2002. In some cases, Ghosh managed to get bankers' cheques issued in the name of fictitious persons with help from senior bank officials.

A senior CBI officer said that Indian government sent a request for Ghosh's extradition to Germany on March 2, 2003. This was soon accepted but Ghosh's knife act prevented his extradition.

Ghosh was born in Kolkata in 1961 and according to CBI, he was one of the biggest beneficiaries of the scams which rocked the nationalized banks in Kolkata between 1992 and 1996. An arrest warrant was earlier issued against him in Dubai too.

Ghosh was produced in a Delhi court which granted transit remand for taking him to Kolkata. The knife is still lodged in Ghosh's stomach. CBI officials said that a surgery would be possible only if he agrees to it.

The authorities and many leaders as well as the public are aware that Mr. Ghosh had not lived 10 years in Vanuatu before he applied for his passport, so how could he get an ordinary passport?

Naturalization "A national of a foreign state or a stateless person may apply to be naturalized as a citizen of Vanuatu if he has lived continuously in Vanuatu for at least 10 years immediately before the date of the applica-

tion". "Parliament may prescribe further conditions of the eligibility to apply for naturalization and shall provide for the machinery to review and decide on applications for naturalization".

So when the lawyer of Mr. Ghosh overseas threatens to sue the Vanuatu Government, but if they sue, the Government can counterclaim that the passport was issued wrongfully and illegally.

So let them sue and let the Government lawyers defend the case.

Apparently, it would be wrong to assume that this is an isolated case as the Immigration Department, the Citizenship Commission, politicians and even some honorary consuls have been accused of receiving money and gifts in exchange for diplomatic passports.

Yet nothing has been done to thoroughly investigate these questionable decisions.

How was Mr. Ghosh selected to be an honorary consul of Vanuatu in Thailand?

Numerous Ombudsman's reports in the nineties pointed out in the past the misuse of the distribution of honorary passports by Ministers for favours, and it was hoped that strict guidelines would have been established and adhered to, but this does not appear to be the case.

Perhaps the Immigration Department and the Ministry of Foreign Affairs could come out clear to explain to the public why this has happened. It goes back to the concerns that were raised over and over again if laws that have been passed in parliament were only meant to be for the ordinary citizens while leaders and civil servants can do whatever they like?

It would also be interesting to have Mr. Sopo explain why he supports such a person taking into account

the former Ombudsman's reports involving Mr. Sopo in fraudulent bank guarantees Ombudsman reports in 1996 and the similar problem which led him to be convicted to 3 years imprisonment for two counts of forgery on bank guarantees of 5 and 18 million US. He was later pardoned by the President. The Judge wrote in Public Prosecutor v Sopo Maumautua (2002) vuc 46; Criminal Case no 010 of 2002.

"Further, in 1996 there had been two Ombudsman's Reports concerning the defendant's involvement (Sopo's) with guarantees and he must have been aware of their importance and the need to follow the law and established procedures in respect of them. The prosecution says despite that he wilfully disregarded the PFEMA, in particular sections 59 and 60, and signed the two guarantees."

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## Transparency Vanuatu

### Why is the Vanuatu Government even considering Mr. Ghosh's application?

Even though it may be true that Mr. Ghosh has never been tried in a court of law in Vanuatu, but his alleged involvement in the financial scam which eventually led o Mr. Sopo being jailed for us part as Prime Minister at hat time should be enough o raise doubt in the public mind as well as authorities if his disreputable integrity so far. He was even smart enough to evade arrest when he left the country prior to he scandals surfacing.

When someone applies for a residency permit not even a passport, the Immigration Department asked the person to provide a Police Clearance stating that he is no convict overseas, to this is also an important element to assist the Immigration to welcome new residents or new citizens.

The stance taken by Prime Minister Natrapei not to renew Mr. Ghosh's Vanuatu passport should be respected and offers hope that the citizenship Commission will do the right decision despite the pressure being put on them by other leaders.

## TIV Correction:

In one of our last week's article, we have referred to "Second EIA on Backscans Fish Plant about to be completed". It is not a second EIA as stated in the article since there has been no EIA done prior to the project. This is the first and full EIA to be undertaken by the two local consultants whose their findings will be made known to the public on 10th of February 2010. There was only a Preliminary Environment Assessment (PEA) and an Environmental Management and Monitoring Plan (EMMP).

It was reported in the media that the Vanuatu government was funding this EIA. However, it has been revealed that the funds for the full EIA were alleged to have come from the Chinese government.