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£PAPUA NEW GUINEA

@ "Under the barrel of a gun" - Bougainville 1991-1993

Soldiers of the Papua New Guinea Defence Force (PNGDF) above the Bougainville Copper Mine at Panguna. Armed conflict between government forces and a secessionist group, the Bougainville Revolutionary Army (BRA), erupted in 1988 and continued until March 1990, when the PNGDF was forced to withdraw from the island. The armed conflict erupted after many months of protest by landowners and other Bougainvilleans against central government appropriation of revenues from the mine. The landowners had also sought financial compensation for the land occupied by the mine and for the environmental damage it had caused. © Island Business

PNGDF soldiers serving on Bougainville after government troops landed on the island for the second time in April 1991. Armed conflict between the PNGDF and the BRA has continued since then and by September 1993 government forces had still not regained control of parts of central Bougainville. PNGDF members on Bougainville have been responsible for widespread human rights violations, including extrajudicial execution, torture and rape. Few of the reported violations has been investigated by the government and there is little evidence that soldiers suspected of committing such abuses have been suspended from duty or brought to justice. © Islands Business Pacific

Bougainvillean women at a food market. The PNG Government imposed an economic and communications blockade on Bougainville in early 1990. Some sources have estimated that as many as 3,000 people may have died from malnutrition and preventable diseases between early 1990 and the beginning of 1991, when the government said it would lift the blockade. Since then, however, delivery and distribution of essential goods and services have been sporadic, reaching selected parts of the island only. The blockade has continued to cause severe hardship, with many suffering from the lack of medicines, including anti-malarial drugs and vaccines for preventable diseases. © Community Aid Abroad

Ken Savia, former Health Minister in the Bougainville Interim Government, which unilaterally declared Bougainville's independence in May 1990. Ken Savia "disappeared" after PNGDF troops stormed the hospital in Arawa, capital of Bougainville, on 13 February 1992. Available evidence indicates that Ken Savia was subsequently tortured and killed. The fate and whereabouts of ten others abducted at the same time, including a nine-year-old girl and a three-month baby, remain unknown and there are fears that they too may have "disappeared" or been killed. By September 1993 the government of PNG had still to conduct an official investigation of these reported violations, and it had failed to reply to a parliamentary question about the alleged torture and killing of Ken Savia.

Peter Kamaraia and Jacinta Popo after they were killed by PNGDF soldiers on 12 September 1992. The killing took place after soldiers had stormed onto Shortland Island - part of the Solomon Islands - ostensibly to capture two "hardcore" BRA rebels. Available evidence indicates that neither Peter Kamaraia nor Jacinta Popo had been involved with the BRA or had any connection with the armed conflict on Bougainville. The PNG Government promised a full investigation of the killings, but by September 1993 results of the investigation had not been made public. © AI Francis Beiaruru was seized by PNGDF soldiers after they had killed his wife, Jacinta Popo, on 12 September 1992, and detained for one week. He was taken to a military base on a nearby island and questioned by soldiers about a two-way radio found at his house. Francis denied that the radio was used to communicate with the BRA, insisting that it was for trading purposes and for communicating with other parts of the Solomon Islands. © Solomon Star Limited

Cecilia Nagu was aboard a boat carrying civilians, which was fired upon by PNGDF

troops from an Australian-supplied Iroquois helicopter on 15 December 1992. Cecilia reported that the shooting lasted for about 15 minutes and that the soldiers continued to fire their guns after the boat had managed to reach the shore and those on board ran for safety. The Government defended the actions of the troops, saying that those aboard the boat were armed, allegations which remain untested and unproven. Dozens of other unarmed Bougainvilleans have been fired at by PNGDF soldiers, while travelling in coastal waters around Bougainville. Some of the shootings have resulted in deaths, but many appear to be designed simply to terrify and intimidate the civilian population. © AI

Moresi Tua, a journalist, was eyewitness to the murder of six people by PNGDF soldiers on 26 January 1993. The seven were travelling in a motorized canoe which was intercepted by a PNGDF vessel. The PNGDF chased the canoe and opened fire, shooting one of the passengers dead. The others jumped into the sea in fear, and were ordered by the soldiers to group together. The soldiers closed in upon them and shot them one by one. Moresi Tua was shot, wounded and left for dead, but he managed to swim ashore and seek assistance. By the end of September 1993 Amnesty International was not aware of any official investigation of these killings and none of the suspected perpetrators were known to have been brought to justice. © Island Business Pacific

BRA members at a roadblock. After PNGDF forces withdrew from Bougainville in March 1990 the BRA was left in *de facto* control of Bougainville. During this period BRA members were reported to have committed serious human rights abuses, including arbitrary executions, torture and rape. Human rights abuses by BRA members have continued since then. Chief among the victims are people suspected of being "spies" for the PNG Government, or of having betrayed the secessionist movement. © Islands Business

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#### ENDNOTES

1. See *Papua New Guinea: Human Rights Violations on Bougainville, 1989-1990*, November 1990 (ASA 34/05/90).

2. The BCL mine is 53 per cent owned by Conzinc RioTinto Australia (CRA) and 19 per cent owned by the Government of PNG. Bougainville Copper Ltd paid K600m (£377m) in taxes and dividends to the central government between 1974 and 1989 and its sales of K600m accounted for 40 per cent of PNG's export revenue in the year before the onset of the armed conflict.

3. Under a section entitled *Obligations and Responsibilities*, the Honiara Declaration specified that the BRA and the BLF would be disarmed, "including the surrender [and destruction] of arms under the supervision of the Multinational Supervisory Team". The words in parentheses appeared in the published version of the Declaration. Members of the BIG have stated that the destruction of arms was not part of the original agreement and this claim has never been disputed by the PNG Government.

4. *Sydney Morning Herald*, 29 April 1991.

5. *Agence France Presse*, 17 April 1991.

6. *Post-Courier*, 19 April 1991. Government opinion over the landing was not unanimous. Provincial Affairs Minister, Father John Momis, declared that the "incursion was totally illegal...totally irresponsible" and against the principles of the Honiara Declaration. (*Post Courier*, 17 April 1991).

7. The six Interim Authorities are: South Bougainville; Northwest Bougainville; North Coast Bougainville; Central Bougainville; Buka; Nissan and the Atolls.

8. *Radio Australia*, 6 February 1992

9. *Reuter*, 19 March 1992.

10. *The Age*, 1 October 1992.

11. *Australian Associated Press*, 26 October 1992.

12. *Agence France Press*, 15 February 1993.

13. *Sydney Morning Herald*, 10 June 1993.

14. *Radio New Zealand International*, 10 March 1993

15. *Radio Australia*, 4 March 1993.

16. *Pacific Report*, 3 May 1993.

17. Michael Ogio, a Bougainvillean, was detained more than once by the BRA during the eighteen months he was on the island after after government forces had withdrawn in 1990. In August 1992 he was appointed Minister of State responsible for Bougainville by the newly-elected Government of PNG.

18. *Times of Papua New Guinea*, 3 January 1991.

19. Statement to the World Conference on Human Rights, Vienna 14 to 25 June 1993 by Philemon Embel, Attorney-General and Minister for Justice.

20. *The Australian*, 20 April 1992.

21. For example the Ambassador of Papua New Guinea to Belgium and the European Communities stated in a letter dated 10 February 1992 and addressed to the Chairman of the United Nations Commission on Human Rights that: "Special arrangements by the Government to have essential civil services restored on Bougainville and medical supplies delivered could not be effected due to the fact that there was a continued lack of specific and genuine guarantees from the rebel leaders for the safety of the government personnel and NGO volunteers assigned to deliver these services". (UN Document E/CN.4/1992/76, 20 February 1992).

22. *Radio Australia*, 10 December 1991.

23. *Sydney Morning Herald*, 13 January 1993

24. In August 1993 the total population of the care centres was estimated to be just under 30,500 people (*Times of Papua New Guinea*, 19 August 1993).

25. For further details of Australian Government involvement in the Bougainville conflict see Section 7.1 below.

26. *Times of Papua New Guinea*, 18 February 1993

27. *Radio Australia*, 22 February 1993.

28. See Urgent Action bulletins dated 25 March 1993 (ASA 34/01/93) and 11 May 1993 (ASA 34/02/93).

29. *Foreign Correspondent*, Australian Broadcasting Corporation, July 1993.

30. *Pacific Report*, 17 September 1992.

31. Moresi Tua is a former journalist with the Bougainville weekly newspaper, *The Arawa Bulletin*, who had in the past been subjected to human rights abuse. In May 1989 he was assaulted, beaten and detained by members of a PNG Riot Squad. Amnesty

International documented this incident in its report *Papua New Guinea: Human Rights Violations on Bougainville, 1989-1990*, November 1990 (ASA 34/05/90).

32 *Agence France Presse*, 10 May 1991.

33 The guaranteed rights and freedoms are set out in the Preamble and are further specified in the "Basic Rights" division of the Constitution. While the Constitution allows for the qualification or derogation of certain rights and freedoms it does so in terms intended to limit the powers of the state over individual citizens.

34 Section 8 of the Act stipulates that "the Controller or any person authorized by him to assist him in carrying out his duties or exercising his powers under the Act... is not liable for anything done or omitted to be done in good faith under the purposes of the Act..."

35 For further information about legal and constitutional remedies, and how they failed to be effective between 1989 and 1990, see the Amnesty International report *Papua New Guinea: Human Rights Violations on Bougainville 1989-1990*, November 1990 (ASA 34/05/90).

36 *Pacific Report*, 22 March 1993.

37 Clearly, a full appraisal of any court-martial system must be based upon careful analysis of how it works in practice. However, Amnesty International's long experience of monitoring judicial structures for the prosecution of suspected human rights offenders indicates that military tribunals may fail to function as fully independent bodies. Moreover, soldiers tried under a court-martial system are frequently tried with disciplinary offences, such as the refusal to obey orders, rather than with criminal offences commensurate with the gravity of the alleged offence. In this respect court-martial systems may actually contribute to a climate of impunity, whereby security force members can commit abuses in the knowledge that they will not be brought to justice.

38 *Agence France Presse*, 15 August 1991.

39 UN Commission on Human Rights, Forty-eighth session (E/CN.4/1992/76, 20 February 1992).

40 See *Papua New Guinea: Human Rights Violations on Bougainville, 1989-1990*, November 1990 (ASA 34/05/90), page 20.

41 The ill-treatment and extrajudicial execution of Pastor Benito and five of his parishioners was documented by Amnesty International in its November 1990 report, *Papua New Guinea: Human Rights Violations on Bougainville, 1989-1990* (ASA 34/05/90). The helicopters used to dump the bodies were supplied by the Australian Government and the latter's responsibilities with respect to human rights on Bougainville are further discussed in Section 7 of this report.

42 *Australian Associated Press*, 27 June 1991.

43 *Times of Papua New Guinea*, 15 July 1993.

44 In September 1993 Amnesty International provided the Government of PNG with a brief document entitled *Proposed Standards for National Human Rights Commissions*, January 1993 (IOR 40/01/93).

45 *Agence France Presse* 15 April 1993.

46 *Australian Associated Press*, 14 October 1992.

47 *Post-Courier*, 25 March 1993.

48 Statement by Philemon Embel, Attorney-General and Minister for Justice to the World Conference on Human Rights, Vienna 14 to 25 June 1993.

49 PNG Government Statement to the World Conference on Human Rights, Vienna, 14 to 25 June 1993. The statement acknowledged that the torture or ill-treatment of detainees did occur on occasion, despite constitutional provisions forbidding such treatment. It declared that acts of torture did not reflect government policy noting rather, that at times members of the security forces "get carried away and step beyond the bounds of permitted use of force in their treatment of persons".

50 Letter from PNG's Ambassador to Belgium and the European Community to the Chairman

of the UN Commission on Human Rights, 10 February 1992. (E/CN.4/1992/76)

51Amnesty International press statement: *Papua New Guinea: Government urged to reconsider security act*, 22 June 1993 (ASA 34/WU 01/93).

52*The Australian*, 27 June 1991.

53*Inside Bougainville: Behind Papua New Guinea's IronCurtain*, Rosemarie Gillespie, July 1992.

54*The Age*, 23 June 1992.

55*The Canberra Times*, 23 June 1992.

56*The Age*, 28 August 1992.

57*Post-Courier*, 10 February 1993.

58*Post-Courier*, 25 June 1993.

**KEYWORDS:** EXTRAJUDICIAL EXECUTION1 / TORTURE/ILL-TREATMENT1 / DISAPPEARANCES / SEXUAL ASSAULT / HARASSMENT / IMPUNITY / DISABLEMENT / HOSTAGE TAKING / HOUSE/TOWN ARREST / TRANSPORTATION / HOUSE DESTRUCTION / FORCED LABOUR / PREGNANCY / WOMEN / CHILDREN / JUVENILES / INFANTS / AGED / NGEs AS VICTIMS / COMMUNITY LEADERS / POLITICIANS / RELIGIOUS GROUPS - PROTESTANT / RELIGIOUS OFFICIALS - CATHOLIC / TRADERS / SHOP-KEEPERS / SCHOOLCHILDREN / JOURNALISTS / MILITARY1 / NON-GOVERNMENTAL ENTITIES1 / ARMED CONFLICT / LAND PROBLEMS / EMERGENCY LEGISLATION / MSP / SECOND GOVERNMENTS / AUSTRALIA / SOLOMON ISLANDS / ICRC / NON-GOVERNMENTAL ORGANIZATIONS / UN / AI AND GOVERNMENTS / PRISONERS' TESTIMONIES / LEGISLATION /

## 1. INTRODUCTION

At the end of 1990 Amnesty International published a report documenting extrajudicial killings, torture and other human rights violations which occurred on Bougainville between 1989 and 1990 during armed conflict between Papua New Guinea (PNG) government forces and a secessionist group, the Bougainville Revolutionary Army (BRA)<sup>1</sup>. Government troops were withdrawn from Bougainville in March 1990 but Amnesty International expressed concern that if troops returned to Bougainville further violations were likely to be inflicted upon the civilian population.

PNG security forces did return, landing on Buka Island at the northern tip of Bougainville in September 1990, and on Bougainville itself in April 1991. Since then there have been persistent reports of extrajudicial killing, torture, rape, beatings and harassment of suspected BRA members or sympathizers. At least 60 people, and possibly many more, have been extrajudicially killed by government soldiers since 1991, some of them after having been beaten or cut with knives. Other victims have been tied to the backs of trucks and dragged along the road before being shot and killed. In a practice documented by Amnesty International in its 1990 report, some of the bodies are reported to have been dropped from helicopters into the sea. Dozens of people are reported to have been subjected to beatings and torture, which has included being slashed with knives, having fingers or toes cut off, or being burned with lighted cigarettes. There have been persistent reports of rape and other forms of sexual abuse. Dozens of people, including the elderly and young children have reported being fired at with high-powered weapons from the air or from patrol boats. Some of the shootings have resulted in deaths, but these tactics also appear to have been designed to terrify civilians and to force them to submit to central government and military authority.

BRA members are also known to have committed serious human rights abuses. Abuses have included summary executions of those accused of "betraying" the independence movement; the killing, harassment and torture of civilians living in government-controlled camps known as care centres; and the rape of women accused of being in contact with government troops. Amnesty International condemns these abuses unreservedly. It calls upon the BRA to cease arbitrary killing and torture, and to abide by the principles of international humanitarian law.

The authorities have said that allegations of human rights violations by the security

forces have been investigated, and the perpetrators brought to justice, but reports of investigations have not been made public and there has been little evidence of judicial or disciplinary proceedings against soldiers accused of committing human rights violations. In addition, government and military restrictions on access to the island have meant that the security forces have been virtually free from public scrutiny and that proper human rights monitoring has been impossible to undertake. In granting virtual autonomy to the security forces on Bougainville, and in failing to provide a proper framework of accountability and control, the government has created the conditions for members of the security forces to commit violations with impunity. Although there have been intermittent changes in the level of human rights abuses in different parts of Bougainville, the record shows a clear correlation between the intensification of military activity in a particular area and the incidence of violations.

Information about the human rights violations documented in this report has been drawn from a wide range of sources, including victims and their relatives, church and aid workers, human rights activists, and both supporters and opponents of the secessionist movement in Bougainville. Many of the reported violations have been thoroughly documented, and the allegations substantiated by eyewitness testimony, documentary or forensic evidence. Others have proved difficult to verify given the restrictions imposed on human rights monitoring in Bougainville. All the allegations of extrajudicial killing, torture, rape and other violations detailed in this report warrant immediate investigation by an impartial authority. The results of all such investigations should be made public. In order to further protect the basic human rights of Bougainvilleans it is imperative for human rights and humanitarian organizations to be permitted to visit Bougainville to investigate the human rights situation there. Finally, Amnesty International urges the government in the strongest possible terms to ensure that those suspected of murder, torture or other violations are immediately withdrawn from service and brought promptly to justice before a civilian court.

Member States of the United Nations (UN) have begun to recognize the gravity of the human rights situation in Bougainville, and have passed two resolutions since 1992 expressing concern about reports of human rights violations and urging the Government of PNG to permit fact-finding delegations to visit the island. To date these resolutions have not been acted upon. Even more disturbing, rather than alleviating the human rights problems on Bougainville, the actions of some governments may have exacerbated them. Despite evidence of Australian-supplied helicopters being used as gunships to fire upon civilians, the Government of Australia continues to provide military aid to Papua New Guinea and it remains unclear whether the helicopters have been withdrawn from service on Bougainville. In addition, individuals who have fled the conflict to the nearby Solomon Islands are reported to have been returned to Bougainville by the Government of the Solomon Islands. Amnesty International is concerned that some of the Bougainvilleans in the Solomon Islands may have fled to escape persecution by the security forces or the BRA and may therefore wish to seek asylum. In view of continuing violations on Bougainville, Amnesty International considers that no one should be forcibly returned to Bougainville.

This report documents evidence of human rights violations and examines the structures, policies and practices which have permitted such violations to occur. Amnesty International takes no position on the political status of Bougainville and the report is published not to achieve any political objective. The report concludes by offering a set of recommendations to the Government of Papua New Guinea, to the leadership of the BRA and to Member States of the United Nations. Amnesty International believes that, if implemented, these recommendations would contribute to more effective protection of basic human rights in Bougainville.

## 2. BACKGROUND: THE POLITICAL CONTEXT

Papua New Guinea is situated to the north of Australia and to the east of Indonesia. Bougainville, the principal island of North Solomons Province, lies some 600 miles from the country's capital city, Port Moresby, but less than 15 miles from the westernmost islands of the neighbouring state of Solomon Islands. Bougainville is approximately 120 miles long and has a population of about 160,000 people, who speak more than 21 languages.

### 2.1 Roots of Conflict

Armed conflict between the Papua New Guinea Defence Force (PNGDF) and the BRA erupted in 1988, when the BRA began a campaign seeking the secession of Bougainville, as well as financial compensation for land occupied by the massive Bougainville Copper Limited (BCL) mine, and for environmental damage caused by it<sup>2</sup>. In May 1987 a parliamentarian, Father John Momis, had proposed the transfer of an increased percentage of BCL tax revenues to flow into the province. The idea was received enthusiastically by dissatisfied landowners on Bougainville who then took the initiative and made a series of additional proposals, alleging that the existing landowners' association – the Panguna Landowners Organization (PLA) – had mismanaged the distribution of benefits and failed to represent the interests of the majority of residents who were not land title-holders. A more militant group emerged to challenge the PLA leadership and its members eventually formed the core of the BRA. For at least a year the efforts of this group to improve the terms of compensation – and later to close down the mine altogether – were essentially peaceful. Such efforts included demonstrations, sit-ins and roadblocks in order to press for their demands to be met by the central government.

In late 1988 a study on the environmental impact of the mine was released and was dubbed a “whitewash” by the militant group of activists and shortly after this the BRA came to public notice. Following the dispersion of a landowner roadblock by police, explosives were stolen and subsequently used by BRA militants to destroy power pylons and other BCL installations in late November and December 1988, resulting in the temporary cessation of mining operations. There was an escalation of violence in March 1989, with BRA attacks on government offices as well as non-Bougainvillean plantation labourers and squatters on the island.

At the end of March 1989, the PNG National Executive Council (the cabinet) approved the deployment of 100 Riot Squad police and three companies of regular PNGDF troops on Bougainville. Thus reinforced, the security forces launched a military operation, code-named “Tampara”, to flush out BRA militants from the hilly jungle around the minesite at Panguna in central Bougainville. Attacks on BCL installations and personnel continued during subsequent months, leading to the mine's closure on 15 May 1989. In the same month the government granted extra powers to security forces on the island, including the power to arrest suspected militants without warrant. The government declared a 15-day truce at the end of May, but hope of a negotiated settlement faded when the BRA announced that a condition for negotiation was the prior withdrawal of all government forces – at that time some 500 troops – from Bougainville. Shortly after the collapse of the government peace initiative, the cabinet announced a State of Emergency, to take effect from 26 June 1989. Under its provisions the security forces were authorized to issue Emergency Orders limiting certain basic rights and freedoms guaranteed in the Constitution, including freedom of association, freedom of movement and freedom from arbitrary search and seizure. Parliament endorsed the State of Emergency on 14 July and subsequently agreed to its extension at two-monthly intervals until March 1990.

Intensive military operations were carried out between July and August 1989 and the government postponed further peace initiatives after Provincial Minister **John Bika** was killed by suspected BRA militants. Three days after his death a reward for the capture of BRA leader Francis Ona and seven other BRA leaders was announced.

The then Prime Minister, Rabbie Namaliu, who had frequently spoken of the need for compromise and negotiation, called for the “neutralization” of rebel forces saying: *“We've exhausted all avenues to try to bring the militants to the table to try to resolve this thing peacefully...We've authorized the security forces to use every means at their disposal to go in there and neutralize them so that we can restore peace and order in the community”*.

In practice government peace initiatives were undermined by the authorities' reluctance to consider withdrawing its troops from Bougainville. The failure of such initiatives served to strengthen those within the PNG Government who advocated an all-out military solution. In January 1990 “Operation Footloose” was launched. After several weeks of intensive fighting, the military campaign had failed to defeat the BRA and, concerned about increasing criticism at home and abroad for its handling of the crisis, the government accepted a proposal for a ceasefire and the withdrawal of all government forces pending a negotiated political settlement. The truce, signed by BRA commander Samuel Kauona, and the Deputy Controller of the State of Emergency, Colonel Leo Nuia, came into effect on 2 March 1990. By 12 March all government security forces had withdrawn from Bougainville leaving the BRA in *de facto* control of the island. Shortly after troops had withdrawn postal and most shipping and air links to Bougainville were stopped.

On 17 May 1990 a newly-formed Bougainville Interim Government (BIG) unilaterally declared independence. The cabinet included prominent members of the former provincial government and church leaders. The national government rejected the declaration of independence and immediately cut all telecommunications links to the island. On 18 May 1990 the government formally announced a complete economic and communications blockade of the island, although this had already been in effect for some weeks.

## 2.2 The peace agreements

Negotiations between the government and the BIG took place in August 1990, when the two sides agreed to meet aboard a New Zealand naval vessel, the Endeavour. Under the “Endeavour Accord”, signed on 5 August, the PNG Government agreed to lift its blockade and to restore essential services to the island as soon as possible and without resort to force. It was also agreed that the sensitive issue of Bougainville's future political status would be discussed at a second round of negotiations, scheduled for 24 September. The first shipment of relief goods arrived on Buka Island, at the northernmost tip of Bougainville, on 1 September 1990. The BRA alleged that the presence of government troops accompanying the shipment was a breach of the “Endeavour Accord” and resisted efforts to land and distribute some of the supplies. Tension between the government and the BRA increased, and in September 1990 the government landed PNGDF and police Riot Squad troops on Buka Island. The government claimed that it had done so at the request of community leaders on Buka, who had rejected BRA rule and formed their own defence force, the Buka Liberation Front (BLF). The re-establishment of central government control on Buka occurred at a heavy cost of lives of BRA members and suspected sympathizers and there were numerous reports of extrajudicial execution and torture of villagers by government security forces and BLF members (see Section 4 below).

In January 1991 PNG Government representatives and delegates from the BIG met in the Solomon Islands capital, Honiara. The “Honiara Declaration on Peace, Reconciliation and Rehabilitation on Bougainville”, was signed on 23 January, after two days of talks. Under the declaration it was agreed that the BRA would surrender their arms to a Multinational Supervisory Team (MST) – a peacekeeping observer force – to be established at the initiative of the PNG Government and assembled within one month of the signing of the declaration. The declaration stipulated that both sides would refrain from use of arms. An amnesty for BRA and BLF members was also specified under the terms of the declaration. The economic and communications



blockade was to be lifted and a Task Force established to facilitate the restoration of goods and services to the island. However, discussions on the future political status of Bougainville were deferred indefinitely.

During the following months, the "Honiara Declaration" was only partially implemented, with both sides accused of violating its terms virtually from the day it was signed. The PNG authorities failed to pursue plans for a Multinational Supervisory Team and were slow to make funds available for the official Task Force charged with restoring services to the island. Most important, in an apparently clear breach of the declaration, PNG Foreign Minister, Sir Michael Somare, said that the BRA must hand over its weapons *before* the MST could be deployed<sup>3</sup>. Nor did the PNG authorities act upon their commitment to grant an amnesty to BRA members. Arrests of suspected BRA members continued throughout 1991, with several being convicted and sentenced to terms of imprisonment. In April 1991 PNG's Defence Minister reportedly said that plans for the MST were likely to prove unnecessary, and that a "hearts and minds" campaign to regain the support of the population on Bougainville would render such plans "irrelevant"<sup>4</sup>.

On the side of the Bougainville secessionists it quickly became apparent that there were divisions between the leadership of the BIG and the commanders of the BRA. A ship which arrived at Kieta with food, fuel and medical supplies on 19 February 1991 was prevented by BRA soldiers from unloading some of its cargo, despite assurances from BIG representatives that it would be free to do so. At a meeting with journalists after the ship, the *MV Sankamap*, had arrived, Sam Kauona said that the BRA would not surrender its arms, defining such a move as "suicide".

### 3. THE SECOND MILITARY INCURSION

Throughout the second phase of the armed conflict, which began after PNGDF troops landed on Bougainville for the second time in April 1991, the PNG Government has claimed it is committed to the peaceful resolution of the conflict on Bougainville and to the full restoration of services to the island. Its actions suggest otherwise. Available evidence points to the pursuit of a military rather than political solution to the conflict, although this has not been fully or openly acknowledged by the central government authorities. Large numbers of troops are deployed upon the island and the PNGDF has continued to launch major offensives on BRA-controlled territory. In recent months official statements have also clearly implied that government strategy is primarily aimed at achieving full control of the island by military means.

Peace negotiations have made some progress during the last two and a half years, but both the government and the BRA have in practice demonstrated a lack of political will. On the side of the government, peace initiatives have been repeatedly subordinated to military objectives and tactics. While government rehabilitation programs have been implemented on parts of Bougainville, many civilians continue to suffer from a lack of essential goods and medicines. The evidence suggests that the deliberate withholding of goods and services may serve to complement military strategy, to force the civilian population to withdraw support for the secessionist movement and accede to central government authority.

#### 3.1 Military operations and peace negotiations

On 14 April 1991 PNGDF troops made what the government initially claimed was an unauthorized landing on Bougainville. The security forces were subsequently able to re-establish some measure of government control as far south as Wakunai on the east coast. The prime minister said on 17 April that "it was clear the landing had been made without the approval of the National Security Council or relevant ministers"<sup>5</sup>. He also stated that then Bougainville military commander, Colonel Nuia, had been summoned to the prime minister's office to explain his actions.

The following day, however, the government admitted that the authorities, including the National Security Council, had discussed the landing with the security forces,

but claimed that the PNGDF had gone to Bougainville at the request of village chiefs in the north, who had requested the presence of troops to protect the local population from BRA attacks and to restore services. On 18 April Colonel Nuia was reprimanded by the National Security Council for “acting without prior and proper approval”. The Prime Minister claimed nevertheless, that it was “beyond doubt” that local people wanted the troops to stay, and 300 troops were subsequently stationed at Bonus and Soroken in the far north of Bougainville<sup>6</sup>. During the following months, conflict between government troops and the BRA continued and in July planned peace negotiations were indefinitely postponed after the government again refused to concede to BIG demands for the withdrawal of PNG troops from northern Bougainville, Buka and neighbouring islands.

Towards the end of 1991 the PNG Government began to negotiate with non-BRA regional leaders and chiefs within the various sub-regions of Bougainville, and to establish programs for the restoration of goods and services. These initiatives received support from some sectors of the civilian population, which had suffered great hardship under the blockade as well as harassment, intimidation and acts of violence by members of the BRA (see Section 5 below). In October, after discussion with local leaders, Provincial Affairs Minister, Father John Momis, announced the creation of a South Bougainville Interim Authority (SBIA), to coordinate a program for the restoration of goods and services to the southern part of the island.

A budget of more than K10 million (£5.7m) was proposed for rehabilitation in fiscal year 1992, but the agreement was never officially endorsed by the full cabinet and the money was never released. In December 1991 the cabinet approved a plan to create five more Interim Authorities on Bougainville to help coordinate the rehabilitation effort<sup>7</sup>. The plan specified that villagers in each of the six regions would elect members to serve on the Authorities, which would be responsible for allocating funds to restoration projects and for the maintenance of law and order.

Hostilities resumed on 2 February 1992, when the government sent patrol boats and emergency craft to “rescue” about 600 villagers caught up in fighting between the BRA and pro-government groups at a coastal village north of Arawa. The government initially denied BRA allegations that PNGDF troops were involved in the fighting or that PNG patrol boats had fired mortars at the villages of Rorovana and Vito. On 6 February, however, military officials admitted that patrol boats did exchange fire with the BRA<sup>8</sup>. PNG military action was the subject of further protest in the second week of March, when PNGDF troops stormed onto Shortland Island, in the Solomon Islands, twice in one week. The Prime Minister said on 19 March that neither the government nor the Defence Force headquarters had approved the incursions. He said that if the alleged incursions had taken place, this would be an “unacceptable situation which the government cannot possibly tolerate or endorse”<sup>9</sup>. However, a further raid took place on 12 September 1992 and resulted in the killing of two people and the wounding of a 3-year-old girl (see Section 4.4 below).

In May 1992 PNGDF troops landed on southwestern Bougainville at Siwai and Torokina, where they intervened in a civil conflict between opposing factions of the population. The government claimed that the landing was made at the invitation of local chiefs, but in fact supported one faction against the other. In December 1992 a group of Chiefs from Siwai issued a statement which described government claims as “rubbish” and said that they had been totally opposed to the troops' landing on southern Bougainville.

By mid-1992 the government had regained control of parts of northern and southern Bougainville and the rebel stronghold at the centre was under pressure from PNG forces. Nevertheless, up to half the total population of 160,000 was concentrated in the rebel-held area of central Bougainville. Clashes between government troops and BRA members continued to occur between May and July 1992, during the run-up to and after June national general elections. Unofficial sources said that during

this period the security forces deployed on Bougainville were virtually free from central government control and committed serious human rights violations (see Section 4 below). In October, Paul Tohian, the newly appointed Minister of Defence, provided the first clear indication of government policy with respect to Bougainville, and appeared to reaffirm a military rather than political approach, when he stated that: "as long as I am Minister of Defence I will not allow the security forces to be withdrawn"<sup>10</sup>. The statement apparently marked the beginning of a PNG military offensive to recapture the rebel stronghold of central Bougainville.

On 22 October a large contingent of heavily armed government troops moved into the central part of the island backed by PNGDF vessels, which immediately began shelling sections of the provincial capital with mortars. The government imposed a news blackout on Bougainville but sources in the town reported that the capital was in confusion after a day of constant fire, and that many people had fled their homes. During the offensive government soldiers were also reported to have burned houses and destroyed livestock belonging to suspected BRA supporters. On 26 October the Prime Minister stated that while he had not received prior warning of the offensive, the government had authorized the military to make crucial tactical decisions to resolve the crisis<sup>11</sup>.

On 13 February 1993 government security forces entered Arawa and shortly thereafter the Prime Minister, Pias Wingti, called for the unconditional surrender of Bougainville rebels<sup>12</sup>. Martin Miriori, Bougainville Interim Government spokesman in the Solomon Islands claimed that PNGDF forces had fired indiscriminately at civilian targets during the course of military operations and that heavy bombardment with mortars had taken place along the coast<sup>13</sup>. In early March 1993, the number of troops stationed on Bougainville had reached nearly one thousand<sup>14</sup>. Defence Minister Paul Tohian said he could not comment on full-scale war, but that a plan was in hand<sup>15</sup>. By June the government claimed that troops had secured Kieta port, leaving only the Panguna mine site, Nagovis and Kongara districts in rebel hands. The claim was disputed by BRA supporters and by September 1993 it remained unclear to what extent the PNGDF controlled central Bougainville.

Negotiations for a resolution of the Bougainville crisis resumed when, in April 1993, about 200 people attended the first Bougainville Leaders' Forum on Buka Island. The meeting was chaired by Michael Ogio and attended by leaders from the six administrative districts by then to varying degrees under the control of the PNG Government. However, the BRA was not represented at the Forum. The Leaders' Forum set up a 13-member North Solomons Peace Negotiating and Monitoring Committee (NSPNMC), which would attempt to establish a dialogue with the chiefs and leaders of central Bougainville. The meeting agreed that the idea of secession was "an impediment to any peace initiative" but noted that from the outset Bougainvilleans had been denied the right to benefit from their natural resources of copper, gold, cocoa and copra<sup>16</sup>.

In the wake of the Leaders' Forum a proposal emerged for a Pan-Bougainville Peace Meeting in Arawa, which would involve the BIG in the peace process. A preliminary meeting of the Pan-Bougainville Peace Conference Planning Group was held on 30 July in Honiara. The meeting, attended by BIG representatives, issued a joint declaration expressing commitment to a peaceful solution to the Bougainville crisis. The declaration called upon the PNG Government to recognize the NSPNMC as responsible for coordination of the peace process and called upon all Bougainvilleans currently under force of arms to cease aggressive actions against each other in the interest of establishing peace on the island.

### 3.2 The blockade

Reports of the hardship caused by the economic blockade had begun to emerge during the first half of 1991. In early May, former parliamentarian, Michael Ogio, told parliament that an estimated 1,500 people had died as a result of the conflict and

that a further 3,000 people had died of malnutrition and preventable diseases such as malaria since imposition of the embargo<sup>17</sup>. Since the beginning of 1991 the PNGDF has exercised control over the distribution of supplies. On 2 January 1991, some three weeks prior to the signing of the Honiara Declaration, the Prime Minister had declared that overseas medical and other assistance to Bougainville would have to pass through government channels. He went on to say that the government would not accept any "outside interference" in resolving the problem of Bougainville and that the BRA could end the blockade by resuming negotiations with the government<sup>18</sup>. Since the government agreed to lift the blockade on Bougainville – under the terms of the "Honiara Declaration" of January 1991 – it has taken some measures to restore goods and services to the island and in June 1993 the government claimed that services had been restored to 90 per cent of the island<sup>19</sup>. In practice, however, deliveries have been sporadic and have reached selected parts of the island only. The blockade has continued to cause severe hardship among the civilian population, which has suffered in particular from the lack of essential medicines, including anti-malarial drugs and vaccines for preventable diseases.

On 9 January 1991 the government ordered commercial air services to resume flights to Buka Island and announced that a government task force had been established to coordinate and oversee the restoration of all government and commercial services to Buka. In May, government supplies were landed at Buin in the extreme south of the island, and at Torokina on the west coast. During the same month the government announced that it had lifted its ban on shipments of fuel to mainland Bougainville, although it said that fuel to the BRA-controlled Arawa and Kieta areas would be supplied to certified users only.

In response to a number of pleas for non-governmental organizations to be allowed onto Bougainville, the Prime Minister said on 16 October 1991 that such organizations would be granted conditional access to the island. However, ships carrying supplies would be required to fly the PNG national flag and visits would be coordinated by the Buka-based government Task Force and the country's Health Department. The Prime Minister reiterated that ships would not be permitted to land at Kieta, or to distribute supplies within BRA-controlled areas of central Bougainville. On 7 November, the government said that the Red Cross would be given free access to Bougainville to deliver emergency supplies. On 19 April 1992 former Prime Minister Namaliu said the Red Cross would be allowed limited access to central Bougainville to provide urgent medical assistance<sup>20</sup>. A representative of the Australian Red Cross visited Wakunai in August 1993, as a precursor to a proposed visit by an International Committee of the Red Cross (ICRC) delegate. Plans for the opening of a Red Cross office in Wakunai had been approved by the Minister of Bougainville and in early September were awaiting approval by the Minister of Defence. In December 1992 the government signed a Memorandum of Understanding with the humanitarian organization *Médecins sans Frontières* (MSF) in which it pledged to permit MSF staff to enter government-controlled and non-controlled areas and to implement health programs.

From September 1991 representatives from international aid organizations, including the Red Cross, repeatedly stated that they were being prevented by military officials from landing on Bougainville in order to distribute essential medical supplies. On 18 April 1992 the Red Cross made an urgent appeal to the government to allow medical supplies to be delivered to the island. They identified 91 people who needed to be evacuated to hospital in Rabaul. The security forces on Bougainville have frequently claimed that delivery was "too dangerous" to be undertaken, thus obliging aid organizations to cancel the shipments<sup>21</sup>. In December, the Prime Minister went further and admitted that the government was deliberately blocking the delivery of medical supplies. He blamed the decision partly on the actions of the BRA, claiming that the ban resulted from the BRA's attempts to ensure that only its supporters received the supplies<sup>22</sup>.

On 18 June 1992 the PNGDF moved to stop a shipment of Red Cross medical aid to central Bougainville, cut off from regular supplies for more than two years. Red Cross officials initially vowed to push ahead with a shipment of medical supplies to Arawa and Kieta, but were eventually forced to abort the mission in the face of military intransigence. On at least one occasion, in December 1992, the Red Cross was reportedly refused access to care centres on Bougainville after PNGDF officials alleged that the representative, a Bougainvillean, was a "security risk". In June 1993 an official from the International Committee of the Red Cross (ICRC) was prevented from visiting Bougainville to obtain first-hand information about care centres and medical supplies in hospitals.

BRA forces have also refused to permit aid agencies to deliver supplies, in part because of disagreements with the PNGDF about supply routes and methods of delivery. For example, there have been persistent allegations that the PNGDF has flown Red Cross flags from its vessels in order to enter Bougainville waters and shell the coastline. In February 1992 BRA members impounded the *MV Cosmaris*, a ship carrying medical supplies to Bougainville, and issued a series of demands including a "genuine and effective lifting of the economic blockade"<sup>23</sup>. BRA members subsequently burned the ship, leading the government to intensify its blockade.

#### 4. EXTRAJUDICIAL EXECUTION AND OTHER HUMAN RIGHTS VIOLATIONS

Since the end of 1990, when PNGDF troops landed on Buka Island, alleged human rights violations there and on Bougainville have included extrajudicial killing, torture, rape, beatings and harassment. Chief among the victims have been suspected BRA members or sympathizers. At least 60 people, and possibly many more, have been extrajudicially killed by government soldiers since 1991, some of them after having been beaten or cut with knives. Other victims have been tied to the backs of trucks and dragged along the road, before being shot and killed. Some of the bodies are reported to have been dropped from helicopters into the sea; others are said to have been covered with rubber tyres and burned. Dozens of people are reported to have been subjected to beatings and torture, which has included being slashed with knives, having fingers or toes cut off, or being burned with lighted cigarettes. There have been persistent reports of rape and other forms of sexual abuse. Dozens of people, including the elderly and young children have reported being fired at with high-powered weapons from the air or from patrol boats. These tactics have apparently been designed to terrify civilians and to force them to submit to central government and military authority; but in several cases the PNGDF appear to have deliberately shot and killed unarmed civilians.

Many of the alleged violations are well documented and supported by eyewitness testimony, autopsy reports or documentary evidence. Other reports have been difficult to verify given the current restrictions on access to Bougainville. Nevertheless, reports of human rights violations from a range of sources bear striking similarities across different regions of Bougainville. Moreover, the methods of killing and torture, and the circumstances under which they are carried out, are virtually identical to those documented by Amnesty International during the first phase of the conflict. In Amnesty International's view there is evidence of a pattern of serious human rights violations and it is incumbent upon the government to investigate all reports of human rights abuses and to prevent future violations by bringing the perpetrators to justice.

The following sections briefly describe the different settings and contexts within which human rights violations have been perpetrated by government security forces on Bougainville since the end of 1990, and provide information about individual victims of extrajudicial execution and other violations.

##### 4.1 The pattern of violations

The incidence of human rights violations has coincided with periods of intensified

activity by government troops within the different regions of Bougainville and Buka Islands. Thus, on Buka Island the most serious and extensive human rights abuse was reported to have occurred after the military landing of September 1990 and throughout 1991, during which time the military-armed and backed Buka Liberation Front (BLF) was at its most active. Both PNGDF soldiers and BLF members are alleged to have perpetrated serious human rights violations, including extrajudicial execution. Other violations, such as torture and sexual abuse were said to have been common on Buka during this period. Women were frequently reported to have been humiliated and raped by soldiers and young girls forced to cook and work for the PNGDF.

In other regions, including Tinputz and Wakunai in the north, and Buin in the south, numerous human rights violations were reported to have been committed during the run-up to and aftermath of the June 1992 general elections in PNG. Government security forces and armed members of the government-backed South Bougainville Interim Authority (SBIA) alike have been implicated in reports of human rights abuse, including extrajudicial killing. A third wave of serious human rights violations was reported after the security force offensive to recapture Bougainville was launched in October 1992 and this included the torture and detention of suspected BRA supporters as well as the "disappearance" and possible extrajudicial execution of one member of the BIG.

Throughout the conflict, there have been persistent reports of human rights violations being inflicted upon the residents of government-controlled "care centres". Care centres were established by the PNG authorities in 1990 ostensibly to house Bougainvilleans fleeing from the BRA. An estimated 20,000 to 40,000 people have been relocated into such centres during the course of the conflict although in some regions, such as Wakunai in the northeast, numbers have declined in recent months as residents have returned to their villages<sup>24</sup>.

The PNG authorities have repeatedly claimed that the care centres are necessary to protect the population from violence and intimidation by BRA forces, and for the effective implementation of the government rehabilitation program. While there is evidence to suggest that in some areas the care centres have served to protect Bougainvilleans from acts of violence by BRA members, the bulk of available information indicates that those living in the centres have been forcibly located there by government troops, often after their villages have been burned or otherwise destroyed. Villagers living in care centres on Buka Island and in Buin have reported that they are not allowed to work in their food gardens unless escorted by PNGDF members. In some cases residents are permitted to tend their gardens, but only for specified periods of time ranging from two hours to two or three days each week. Others have said they are not allowed to plant new crops.

Residents are said to be under constant surveillance and to be subjected to various forms of intimidation and persecution by government security forces, including death threats and beatings. Residents in Buka care centres have reported many cases of civilians being taken away by PNGDF soldiers and beaten with the butts of guns or kicked with army boots. Residents have also alleged that during late 1990 and 1991 PNGDF soldiers killed people living in the care centres as "payback" or revenge for the deaths of PNG soldiers during combat with BRA forces. Others have reported that rape and other forms of sexual abuse of women in care centres during this period. Similar patterns of abuse have been reported by residents of care centres in southern Bougainville during 1992 and 1993.

Finally, from early 1992 there have been numerous reports of boats travelling in Bougainville waters being shot at from the air or from military patrol boats. Some of these attacks have resulted in the killing of unarmed civilians. A representative of a non-governmental organization involved in the delivery of supplies to Bougainville reported in April 1992 that tension in the Shortland Island

waters - following the unauthorized raid by the PNGDF in March - had caused great restriction of movement. He reported that patrol boat activity had increased on the eastern side of Bougainville adding that: "Undisciplined elements of the PNGDF fired on women and children in canoes, more to scare than to injure, but causing terror among the local populations". In a similar vein, a missionary wrote in April and May 1992 that the risks of attempting to get through the blockade were very great. He wrote that: "Quite a few people had lost their lives this way; some had been kidnapped and others beaten and thrown into the sea..."

Military officials have claimed that such attacks have been necessary in order to prevent fuel and other goods being supplied to the BRA from the Solomon Islands. However, many of those fired upon have been civilians with no evident involvement in the conflict, and the attacks appear to have been designed to intimidate and terrify ordinary Bougainvilleans. In a number of incidents, victims have described being fired upon by guns mounted onto Australian-supplied Iroquois helicopters, despite Australian Government claims that such usage is not permissible<sup>25</sup>.

#### 4.2 Extrajudicial execution and other violations in the context of military operations

**Peter Rohen, Cornelius Senga, John Memes, Michael Kahu, Dominic Kamit, Vincent Tukan, Bun Hakei, David Tsihon, Bom, Tuit, Tombat. Buka Island, 12 March 1991**

Relatives reported that the eleven men named above were killed on 12 March 1991 by PNGDF soldiers in Iagit village on Buka Island after a village peace ceremony. According to the father of one of the victims, PNGDF soldiers had gone to Iagit village before 12 March and held a meeting there. The soldiers told villagers that all those who had not attended the meeting were BRA supporters. This allegation was denied by the father, who reported that none of the local residents had anything to do with the BRA, and that Iagit village had hardly been affected by the conflict. He said that the military accusations caused a great deal of confusion and fear, leading many villagers to flee to the bush and hide. Following this the villagers decided to hold a peace ceremony with PNGDF soldiers. Residents killed two pigs and the army brought a bag of rice and some fish.

During the ceremony, on the afternoon of 12 March, the young men of the village were playing rugby in the village square when an army truck arrived. Soldiers ordered 11 of the young men onto the truck and they were driven away. Witnesses who saw the men shortly after the truck had left Iagit said that they had been beaten so badly they could hardly speak. After this the truck continued towards Tulein, where the men were unloaded. Eyewitnesses reported that tyres and timber were thrown over them and they were burned to death. To Amnesty International's knowledge there had been no official investigation of this incident by September 1993 and the suspected perpetrators remained at large.

**Bade Asitai, aged 15, and his father. On the road from Atomo to Manetai, central Bougainville, April 1992**

According to an eyewitness **Bade Asitai** and his **father** were shot dead and their bodies mutilated by PNGDF soldiers while travelling within a BRA-controlled area. Between 10am and 12am the two and another young boy were being driven by BRA members from their village in Atomo to the Manetai clinic. Between Vito and Rorovana villages the BRA soldiers got out of the truck and went scouting in the bush. While they were away, two truckloads of PNGDF troops and "resistance" fighters arrived and attacked the three civilian passengers. The three apparently tried to flee but were unable to do so because the father of Bade Asitai was ill. Bade Asitai and his father were shot and killed and their bodies mutilated by the soldiers. The third boy was shot in the back but managed to escape to the bush.

After the killings the BRA soldiers returned and fighting reportedly broke out, which lasted for several hours. The BRA commander subsequently returned and collected the bodies of the civilians. The father was returned directly to his village but

the body of Bade Asitai was taken to Arawa, where witnesses affirmed that his eyes had been gouged out and his legs broken and cut in several places. To Amnesty International's knowledge this extrajudicial execution had not been officially investigated by September 1993.

**Jeffrey Pukuto, Jeffrey Retoviri. Wakunai, central Bougainville, April/May 1992**  
Seventh Day Adventists **Jeffrey Pukuto**, aged 18 and **Jeffrey Retoviri**, aged 19, were reportedly tortured and killed by PNGDF soldiers in April or May 1992. According to reports PNGDF soldiers arrested the two men in Pokoia village and took them to an army camp at Asatavi. The men were then taken to a beach at gunpoint, where they were forced to perform sexual acts. The soldiers then bound them at the low tide mark and left them to drown.

**The Aita massacre. Wakunai, central Bougainville, May 1992**

On 18 May 1992, PNGDF troops reportedly entered Okogupa village in Aita and fired indiscriminately, killing an estimated 17 residents, possibly many more. The raid took place after a night of singing and dancing in the village to celebrate Bougainville's unilateral declaration of independence in May 1990. Among those reported killed were village chief **Silas Ausie, his wife and five children**; and a man named **Mr. Kapuitoi and his family**. It was also reported that after the killings troops set fire to houses in the village, razing it to the ground. On 2 June 1992 national newspapers reported that PNG Government authorities had denied allegations that a massacre had occurred, saying there had been no major incidents at that time. Although widely reported in the press, to Amnesty International's knowledge there had been no official investigation of the reported killings by September 1993.

**Killings of BRA suspects. Tinputz, northern Bougainville, mid-1992**

There were reports of several people being extrajudicially killed by PNGDF soldiers in the Tinputz area of northern Bougainville in the first half of 1992. Most of the victims were believed to have been former BRA members who were killed after surrendering to the PNG security forces. Others were active within the BRA, but were arbitrarily executed while not engaged in combat.

**John Tamakoa** and a **young man from Solos**, Buka, were reportedly shot dead by the PNGDF and members of a local "resistance" group in Waropa village, in the area of Tinputz. The exact date of the killing is unknown but the shooting is thought to have taken place in May or June 1992. John Tamakoa was a former member and commander of the local BRA. According to reports he had previously laid down his arms and surrendered to the PNGDF. On the night of the killing the two men were talking with John Tamakoa's parents. At around 10.30pm the two men left and returned to John Tamakoa's house. Approximately one hour later two gunshots were heard. Eyewitnesses later reported that PNGDF troops had gone to the house and shot John Tamakoa in the face when he answered the door. The other man, who had gone outside to get cool, was shot as he lay in the back of a Toyota truck. A meeting was held after the incident in the village and a PNGDF captain is said to have confessed to having carried out the killings, with the assistance of members of a local "resistance" group.

**Benedict Ariapako** and his **brother**, both in their 20s, were reportedly killed after surrendering to the PNGDF. The two apparently went to the PNGDF camp at Tinputz sometime in July 1992. Upon arrival, soldiers ordered the two brothers onto a helicopter, which landed at another army camp in Bonus at the northern tip of Bougainville. The two were taken to the beach and shot dead by soldiers.

In yet another incident in mid-1992 a young BRA member called **Bruno**, from Romsis village, was reportedly tied to an army vehicle and dragged along until he died. Three or four PNGDF soldiers apparently went into Romsis village during the daytime. Seeing that Bruno's arm was bandaged, the soldiers questioned him and accused him of being a BRA member. Bruno said that he had broken his arm at a rugby game at Tarlena high school and had been sent home to recuperate. Eventually there was a physical confrontation in which Bruno fought with the soldiers. The PNGDF members



then returned to the camp at Tinputz and collected more soldiers who returned to the village. Bruno was said to have been held at gunpoint and tied with a rope to their vehicle, which drove off, dragging him behind it. To Amnesty International's knowledge none of these killings had been the subject of an official investigation by September 1993.

**Taitus Kungkei. Buin, southern Bougainville, December 1992**

**Taitus Kungkei**, aged about 18, was reportedly killed while in the custody of PNGDF forces near the Tokaino care centre in Buin in December 1992. According to reports, he was shot and wounded during a skirmish with the PNGDF and then shot dead while soldiers held him down on the ground. He was taken to the Tokaino care centre, where his arms and legs were cut and hacked by soldiers in public view, apparently as a warning to residents of the care centre not to support the BRA. The remains of the corpse were placed outside the care centre and watched by soldiers. Relatives were too afraid to collect the body and take it away for burial. To Amnesty International's knowledge this reported extrajudicial execution had not been officially investigated by the PNG authorities by September 1993.

**Ellen Divai. Arawa, central Bougainville, 28 January 1993**

According to eyewitnesses **Ellen Divai** was killed on 28 January 1993, by a mortar bomb, fired by the PNGDF, which exploded near a truck containing nine civilian passengers. Some of the passengers in the truck had gone to pick up the others from a fishing expedition at Arawa Bay. As they travelled back towards Arawa township at approximately 5.30pm, a mortar was fired from Tunuru military base. Ellen Divai was killed instantly and all eight other passengers were injured by flying shrapnel. One of those travelling in the truck recounted that:

*"Everybody was screaming and running around in a panic. Blood was running from their wounds...The pain was so great I could not stand it. I was losing a lot of blood...The tyres were punctured by the explosions and we had to drive the vehicle with flat tyres to the hospital"*.

*Another passenger described their arrival at the Arawa hospital as follows:*

*"When we arrived at the hospital I stopped the truck and helped the injured people..The last lady left on the truck was Ellen Divai. I saw that her lips were white and I realized she was dead. So I lifted her off the truck and lay her down on a mat on the grass...All of the people on the truck were civilians. None of us were armed"*.

As far as Amnesty International was aware, no official investigation of this incident had been carried out by the PNG authorities by September 1993.

**Ken Savia, Toromura Nava, Gabriel Tameung, Torome Karoai, Nathan Bireo, Diven Hoara, Peter Taving, Nick Tobai, Mrs Siporaa Tovue, her nine-year-old daughter and her son, Gideon Tovuo, aged three months. Arawa, central Bougainville, 13 February 1993**

**Ken Savia**, then Health Minister in the Bougainville Interim Government, "disappeared" after being abducted by government troops who stormed Arawa General Hospital on 13 February 1993. He is widely believed to have been subsequently killed by government soldiers. There were unconfirmed reports that ten others were abducted at the same time, and also killed, but their fate and whereabouts remained unknown in September 1993.

During "Operation Dynamo", PNG security forces claimed to have "rescued" over 100 staff and patients from the Arawa Hospital after rebels set the building alight. BRA spokesmen and other unofficial sources denied that they had burned the hospital and alleged that PNG soldiers had seized staff and patients, beaten them and taken them away from the hospital and into custody. A few days after the raid, the Prime Minister's press secretary acknowledged that Ken Savia was among those arrested and said that he was being held at the former Arawa Town Council complex, known as the White House<sup>26</sup>.

An eyewitness to the raid on Arawa Hospital said that on 13 February he saw about

100 PNGDF soldiers enter the hospital and hit patients with their rifles. The soldiers left the hospital with about 30 patients and staff and ordered them to lie on the ground, where they were kicked and forced to eat concrete. The witness said that Ken Savia was among those lying on the ground. All the detainees were subsequently loaded onto trucks and driven away.

On 14 February the same witness hid outside the White House. He said that Ken Savia and six others were made to stand in the sun outside the building all day, during which time they were hit and kicked repeatedly by soldiers. He said that the following day Ken Savia was attached to a truck with a rope and pulled along for about 20 minutes, while the vehicle drove around the town. His body was then left near the "White House". On 22 February the BIG reported that Ken Savia, Gabriel Tameung and Toromura Nava had been shot dead<sup>27</sup>. Subsequent reports indicated that the others named above had also "disappeared" during the raid on the hospital, and were since feared to have been killed by the PNGDF.

The Minister of Defence had provided no written response to a parliamentary question about the torture and killing of Ken Savia by September 1993. Amnesty International twice appealed to the Government of PNG for information about the arrest, detention and possible extrajudicial execution of Ken Savia, Mr Toromura and Gabriel Tameung, first on 25 March and again on 11 May 1993, but had received no substantive reply from the authorities by September 1993<sup>28</sup>. During an interview for a July 1993 Australian television program Michael Ogio said that the government could not provide information about the "disappearance" of Ken Savia because they had not received information about his case from the security forces on the island. Minister Ogio indicated that the military were entitled not to provide such information because they "knew best" about matters of security<sup>29</sup>.

#### **Alex Pasupava. Tinputz, northern Bougainville, August 1993**

Alex Pasupava, a resident of Suagu village, was reportedly killed by PNGDF soldiers and members of a local "resistance" group at the beginning of August 1993. The military men arrived at the village in a military vehicle. Alex Pasupava was sleeping inside his parents house, but was awoken and ordered outside by the soldiers. Once outside he was told to take off his shirt and was shot dead. The soldiers and "resistance" men then left the village immediately. To Amnesty International's knowledge this alleged extrajudicial killing had not been the subject of any official investigation by the end of September 1993.

#### **4.3 Extrajudicial executions and other violations in care centres**

##### **Peter. Buin, southern Bougainville, September 1992**

A man living at the Turiboiru care centre in Buin reported that in September 1992, **Peter**, from Laguai village, was killed by PNGDF soldiers while carrying rice to his village. Peter had apparently left the centre at the allotted time and was walking to his food garden. He was spotted by government soldiers as he passed the military base in Buin town. The soldiers stopped him and put him into the back of a truck. On the way back to the base Peter was reportedly dropped off the back of the truck onto the road, breaking one of his legs. The soldiers picked him up and put him back into the truck, but then dropped him again near the army barracks in Buin. When he fell onto the road the second time his skull split and he died. The soldiers again picked him up and took him along the Kongu road until they reached the crossroads near Laguai village. He was then laid face down on a log and sprayed with bullets. According to the man who reported this incident, Peter was killed as a warning to others of what would happen if residents took anything away from the Turiboiru care centre. After the death soldiers announced that others would meet the same fate if seen carrying packages out of the care centre. By the end of September 1993 there had been no indication of any official investigation of this killing.

##### **Karimo Pinkei. Buin, southern Bougainville, November 1992**

In November 1992 **Karimo Pinkei** reportedly left Tuiboiru care centre to go to his

food garden after receiving permission from PNGDF soldiers to do so. While walking in his village he was seen by PNG and SBIA soldiers who arrested him and took him to Iula village. They ordered him to return to the care centre and, as he walked away, shot him twice with M-16 rifles. Karimo Pinkei was wounded in the back and the hip. The soldiers then cut his arms with knives and left him in the road. He was eventually assisted by local residents, and was later taken to Buka hospital. He is now reported to be permanently disabled. To Amnesty International's knowledge this incident had not been investigated by the PNG authorities by the end of September 1993.

**Raphael Morikei, Iamu Kupui, John John and Bana Kuriai Purai. Buin, southern Bougainville, November/December 1992**

**Raphael Morikei, Iamu Kupui, John John and Bana Kuriai** were reportedly shot dead by members of the PNGDF and the SBIA in late 1992. Their father, Andrew Purai, said that his sons were killed because he had refused to stay at the Tokaino care centre in Buin. Andrew Purai, a chief from Koniguru village in Buin, alleged that around September 1992 PNGDF and SBIA soldiers came to his village and threatened villagers, ordering them to go to Tokaino care centre. When he refused the soldiers accused him of carrying arms for the BRA, providing names of SBIA soldiers to members of the BRA, being a member of the BRA and ill-treating others, and training BRA soldiers. Andrew Purai, aged over 70 years, vigorously denied these allegations which he has described as "not only false [but] ludicrous". When he refused to confess he was taken at gunpoint to Tokaino care centre, where he was kept under constant surveillance and not permitted to receive visitors. After three months soldiers allowed him to return to his village on condition that he would return, with his family, to the care centre. When he did not return, PNGDF soldiers and SBIA reportedly went to Koniguru village and shot dead his four sons.

Despite being reported in the national press, the PNG Government appears to have taken no steps to investigate the alleged killings and by September 1993 had not instigated an official investigation of this incident.

4.4 Extrajudicial execution and other violations during air and patrol boat attacks, commando raids

**Mona Birenung. 26 June 1992**

On 26 June 1992 **Mona Birenung**, a father of four, was reportedly shot dead when a PNGDF soldier in an Australian-supplied Iroquois helicopter opened fire with a machine gun on a banana boat carrying a cargo of diesel fuel, petrol, rice and soap. An eyewitness reported that after being shot, Mona Birenung fell into the water. Others on the boat raced back to the shore, pursued by the helicopter, which continued firing upon them as they ran for cover in the bush. To Amnesty International's knowledge the killing had not been officially investigated by September 1993.

**Richard Kikira, Kevin Tabu and Michael Vinias. 29 August 1992**

**Richard Kikira, Kevin Tabu and Michael Vinias** reportedly "disappeared" after being arrested on 29 August 1992 while travelling from the Solomon Islands to the Tubiana mission station in Bougainville with a boat-load of food and fuel. There were unconfirmed reports that Michael Vinias and Kevin Tabu were subsequently killed and that Richard Kikira was taken to Buka Island and detained there. Military officials denied that the three had been detained by PNGDF soldiers and the fate and whereabouts of the three remained unknown in September 1993. To Amnesty International's knowledge there had been no official investigation of this possible "disappearance" by that date.

**Peter Kamarai, Jacinto Popo, Francis Beiaruru. Shortland Island, Solomon Islands, 12 September 1992**

Two people were killed and a 3-year-old girl was wounded when PNGDF troops crossed into Komaliae village in Shortland Island, the Solomon Islands on 12 September 1992. Those killed were shopkeeper, Peter Kamarai, and his sister, Jacinta Popo, who

was five-months pregnant when she died. **Francis Beiaruru**, husband of Jacinta, was abducted after the killings and detained for several days during which he said he was questioned and accused of selling arms to the BRA, which he denied.

Katoa Teipi, mother of Jacinta and Peter, said that on the night of the killing she was sleeping at the house where she lived with Peter. She was awoken by banging on the door and heard Peter go to reply. As he did so he called out to Katoa to fetch Jacinta, as he believed that those at the door were customers needing goods from the family store. Katoa heard gunshots and subsequently saw Jacinta run out of the next door house. Katoa went outside after hearing the boats leave and she saw Peter's body lying on the ground. She estimated that he had been shot several times, with two shots in the chest and two in his abdomen. She also saw Jacinta, who had been shot in the leg, as well as Jacinta's daughter who had suffered a flesh wound. Jacinta was bleeding heavily and died a few hours later, in part because the family radio had been taken by the soldiers, thus preventing them from calling for help.

According to Francis Beiaruru, at about 3am on 12 September, he and Jacinta were awoken by banging on the door of their home, which was next to the store. After opening the door Francis was confronted by two PNG soldiers wearing balaclava hats, and a civilian, whom he recognized and identified by name. Frightened, Francis tried to shut the door but the soldiers forced their way in. One of them seized a two-way radio and the other put a gun to Francis' head and led him out of the house. As he was taken down to the beach he realized that about a dozen soldiers had arrived by boat and were surrounding the house. Francis was made to lie down in the boat and shortly afterwards he heard gunshots for about three to four minutes.

After the killings Francis was taken to a small PNGDF base on a nearby island, where he was questioned and interrogated about the radio found by soldiers in the family shop. Francis denied that the radio was used to communicate with the BRA, insisting that it was used for trading purposes and for communicating with other parts of the Solomons Islands. He was subsequently taken to Wakunai and to Buka Island. In total he was held for a week, during which time he was sporadically questioned. He was eventually released and returned home.

The Solomon Islands Government called on the PNG authorities to apologize to its people, to pay compensation to the families of the dead and to bring the suspected perpetrators to justice. In response Prime Minister Paias Wingti said that the incursion had been made in pursuit of "two hardcore rebels known for harassment and murder of innocent Papua New Guineans" He said he had ordered the Defence Force Commander to conduct a full investigation of the incident<sup>30</sup>. In October the government officially apologized for the troops' actions and said those responsible would be suspended and would face disciplinary action. The government also promised to pay compensation, although it was not clear to whom. To Amnesty International's knowledge no compensation has yet been paid to the families of the victims, there has been no official investigation of the incident and none of the suspected perpetrators had been brought to justice by September 1993.

#### **Bryan Leak. 15 December 1992**

**Bryan Leak**, a Roman Catholic monk, said that he and 11 others, including women and children, were shot at by PNGDF troops in an Australian-supplied Iroquois helicopter as they attempted to leave Bougainville for the Solomon Islands on 15 December 1992. Brother Leak said that a helicopter began circling above their boat and that it "opened fire with M-16 machine-guns, spraying the sea around the boat...it came closer, perhaps to 300 feet, continuing to fire and also launching grenades". **Cecilia Nagu**, who was also on the boat, said that the shooting lasted for about 15 minutes. The soldiers then apparently continued to fire their guns and launch grenades after the boat had managed to reach the shore and those on board ran for safety.

Following this incident Defence Minister, Paul Tohian, defended the actions of the

security forces, saying the helicopter had gone to investigate another boat at nearby Lалуai Point. He said that fire first came from Brother Leak's boat and that the security forces had returned fire with warning shots. He said the security forces exercised restraint as they could easily have blown up the boat and killed the occupants and that the route they had chosen was the main one used by the BRA to smuggle arms onto the island.

**Boniface, Joseph Naviung, Rodney Soguwana, Alex Solomon, Steven Tampura, Zarcharias and Moresi Tua. 26 January 1993**

On 26 January 1993 PNGDF troops intercepted a motorized canoe and shot dead six people after they had jumped into the sea in fear. The canoe was carrying a cargo of fuel and food from Taro on Choiseul Island in the Solomon Islands. A seventh passenger, Moresi Tua of Koromira, was shot but managed to escape. He swam ashore and subsequently described the killing of the six<sup>31</sup>.

According to Moresi Tua's account two canoes left Taro between 4am and 5am on 26 January 1993. By about 6am, when they spotted a PNGDF outboard motor boat, the canoes were approaching Bougainville. The PNGDF boat, with four soldiers on board, was about a kilometre from the shore. One of the canoes managed to evade the patrol boat, but the other, containing Moresi and his companions, headed north up the coast rather than trying to reach the shore. They were chased by the PNGDF boat for about ten minutes, after which the soldiers disabled one of the canoe's engines, causing it to slow down considerably. After this the PNGDF approached the canoe and opened fire, shooting Zarcharias who fell back into the sea. When the others realized that he was dead, they were terrified and jumped into the sea, hoping to avoid further gunfire. The PNG boat moved to about 15 metres from the men and the soldiers ordered them to group together. Moresi Tua described what happened next as follows:

*"At that time we realized something terrible was going to happen to us, we are human beings, we have feelings...We started pleading with them to arrest us and take us to jail. But all our pleas fell on deaf ears...There was a Bougainvillean among the army and two of my companions were from the same village as him, so they pleaded to him to spare us alive but he never helped. He never listened. After that they started shooting us. They started picking us one by one. They were very close, from six to seven metres. They used a rifle...I was hit here, on my back, my arm and my leg and one hit here on the side of my head. They were just blasting the heads off. The sea turned red all over. Everyone died, they just went up to each one and shot his head".*

Assuming that all seven men had died, the PNG boat left and, after a moment of unconsciousness, Moresi Tua managed to swim for the shore where he was assisted by a fisherman.

According to press reports, Michael Ogio subsequently stated that nine BRA members were killed when two motor boats were intercepted off the coast of Buin in southern Bougainville. He said that the boats were returning from the Solomon Islands and that security forces confiscated two rifles and 12 boxes of shotgun cartridges. To Amnesty International's knowledge these allegations remain untested and unproven.

#### **5. HUMAN RIGHTS ABUSE BY BRA MEMBERS**

Serious human rights abuses by BRA members have continued to be reported throughout the period from 1990 to 1993. They have included the deliberate and arbitrary killing of civilians, torture, rape and other forms of sexual abuse, and hostage-taking. The majority of the victims have been people accused of being "spies" for the PNGDF, or of having betrayed the secessionist movement by negotiating with representatives of the central government. Residents of Bougainville have reported that after the withdrawal of PNG troops in March 1990, armed BRA members created a general atmosphere of fear and apprehension among the population. People suspected of being spies were frequently detained for interrogation, and often held in BRA camps in Kieta and Panguna. In May 1991 Michael Ogio, recently released from detention at the hands

of the BRA, told parliament that:

*"Many people who could not prove beyond doubt to the BRA that they were neutral were placed under house arrest...Today they are still under house arrest, others simply went missing and are still missing"<sup>132</sup>.*

*Allegations of arbitrary killings, torture, beatings and harassment have continued since then, although lack of access to BRA-controlled territory has meant that detailed reports are difficult to obtain and verify. Nevertheless, available evidence suggests that centralized control by the BRA command has not been properly established and that a significant number of BRA units are untrained and poorly disciplined. In some cases the central command of the BRA appears to have sanctioned the arbitrary killing of prisoners. Amnesty International condemns all such acts and calls upon the BRA to respect the principles of international humanitarian law. Anthony Anugu and five other South Bougainville leaders were summarily executed in late April 1992. The six were accused of betraying the BRA because they had signed an agreement with the PNG Government in February. The agreement specified that the government would release K500,000 to set up the South Bougainville Interim Authority (SBIA) and implement a program of rehabilitation. It was negotiated between Anthony Anugu and the authorities in Port Moresby after the government had failed to implement an earlier promise to release K10 million for rehabilitation in South Bougainville. According to reports of events leading up to the executions, BRA members surrounded villages inhabited by SBIA members and captured men, women and children who were unable to escape. The captured villagers were held hostage, and the BRA demanded the surrender of Anthony Anugu and his colleagues, plus K500,000 from the government. One woman, who lived in a nearby village described the hostage-taking as follows: "What they did to [the hostages] was cruel and inhuman...They forced them at gunpoint to walk to their temporary headquarters at Tonu. And they said if Tony and his group didn't surrender they would kill them all. They didn't show mercy to the sick or to pregnant women or to women who had just given birth..."*

Ten south Bougainville leaders subsequently gave themselves up to the BRA and the hostages were released and permitted to return to their villages. Anthony Anugu and the others were held in Siwai for a few weeks, then moved to Panguna, where they were imprisoned in the old police station. One of the detainees, **Nick Peniai**, who later managed to escape, reported that during the first nights of the detention, BRA guards pushed the barrels of their guns through the windows of their cell and fired. He said that the detainees managed to survive by pressing themselves against the walls. He went on to recount that:

*"There were ten of us in total - Tony was first to go and then the other five. The tactic they used was they took us out one by one - say perhaps after a week they took somebody out. After a couple of weeks another...and that was how they were eliminating us".*

*Over the next four months, Anthony Anugu and four other members of the group were taken away and are widely believed to have been summarily executed. In May, Nick Peniai and the remaining four prisoners managed to escape from their place of detention.*

*One of the detainees captured along with Anthony Anugu was **Joe Rangai**, the brother of Nick Peniai. He was also reported to have been summarily killed by BRA members in mid-1992. An eyewitness who was fishing at the Loloho wharf at Panguna, recounted that a truckload of BRA members arrived and unloaded two men, one of whom was already dead. The other was Joe Rangai, recognized by the witness because they had attended the same university. The BRA were then said to have put chains around Joe Rangai and ordered him to stand upon a large tyre affixed to the side of the wharf. He was told to say his prayers and as he did so he was shot dead and his body fell into the water.*

*Another civilian, **Ligoro Sahoto**, aged 18, was abducted at the end of 1991 and feared*

to have been arbitrarily executed by BRA members after being accused of being a government spy. Ligoro Sahoto travelled by boat around Bougainville selling various goods at coastal villages. At the end of 1991 he arrived in Arawa at approximately 2pm, where he was seized and taken by BRA members to the police station. At about 3am the following morning he was reportedly taken from the police station and since then his whereabouts have remained unknown. Friends and relatives believe that the BRA may have suspected him of being a spy for the PNGDF, since he was selling goods bought from the Buka Interim Authority.

Since 1990 there have been persistent reports of the rape and ill-treatment of women suspected of "betraying" the BRA. One woman who left Bougainville in August 1992 reported that women who had contact with the PNGDF, whether casual or intimate, were accused by the BRA of being spies. These women were said to have been rounded up and taken at gunpoint to BRA camps, where they were detained for periods of up to two weeks. During the detention the women were said to have had their hands bound and to have been subjected to various forms of intimidation and abuse, including being burned with cigarettes.

Another woman interviewed in April 1993 (who has asked to remain anonymous) reported that she personally knew of 23 women who had been raped by BRA members. One of these was a 16-year-old **female high school student** originally from Buka but living in Arawa. She was reportedly raped by BRA members in early 1991. The attack occurred while the young girl's parents were out and she was asleep at their house, along with her sister. Two BRA members reportedly arrived and knocked on the door, demanding an answer and threatening to force the door down. The girl opened the door and one of the BRA members put a gun to her head, threatened her, then raped her three times. After the rape the BRA member told the girl that he would kill any other man who was with her.

#### 6. THE GOVERNMENT RESPONSE

Since the eruption of armed conflict on Bougainville in 1989, constitutional, judicial and other institutional safeguards for the protection of human rights in Papua New Guinea have been largely suspended. By September 1993 few members of the security forces had been the subject of disciplinary proceedings and none were known to have been prosecuted for a human rights offence committed after the April 1991 landing of PNGDF troops. Government investigations of alleged violations have been few in number and have proved ineffective. Severe restrictions have also been imposed on access to Bougainville, and proper human rights monitoring by independent organizations has been rendered impossible. Moreover, measures the government has taken to protect fundamental rights and freedoms have been undermined by numerous public statements which have implied that human rights are not considered a priority. Finally, in mid-1993 the government proposed an Internal Security Act which, if it becomes law, will permit the further suspension of constitutional safeguards and is likely to result in human rights violations on Bougainville and elsewhere in Papua New Guinea.

##### 6.1 Failure of legal and constitutional remedies

The Constitution of Papua New Guinea protects a broad range of fundamental individual rights and freedoms, including the right to life, liberty and security of person, freedom from torture or inhuman treatment, arbitrary search and entry and freedom of conscience, association and assembly<sup>33</sup>. The enforcement of these basic rights is principally the responsibility of the Supreme Court and the National Court, and the Constitution gives them broad powers to this effect. There are in addition a number of other institutions which share in the task of enforcing human rights provisions, and without which the courts could not fulfil their responsibility. The most important of these are: the Public Solicitor, the Public Prosecutor and the office of the Magistrate/Coroner.

In principle this legal and institutional armoury provides substantial provision

for the protection of human rights in Papua New Guinea. However, in its 1990 report on Bougainville, Amnesty International noted that in the context of a serious political crisis these mechanisms "failed to provide adequate protection against serious human rights violations and failed to bring promptly to justice those responsible". Fundamental human rights guarantees in the Constitution were not upheld effectively, particularly after the imposition of the "Emergency (Bougainville) (General Powers) Act 1989". The Act provided extensive powers of arrest, detention and seizure to the security forces. More important, it gave the Controller of the State of Emergency, and those acting under his orders, virtual immunity from prosecution for any otherwise unlawful act<sup>34</sup>.

While the Supreme Court and the National Court have considerable authority to enforce the Basic Rights provisions in the Constitution, this did not occur during the first phase of the Bougainville crisis. Despite overwhelming evidence of serious human rights violations, the courts appeared unable to fulfil their constitutional mandate. In September 1990, almost two years after the first reports of abuses and seven months after government troops had been withdrawn from Bougainville, the courts had still not heard a single case. Victims were, on the whole, unfamiliar with the procedure for bringing a complaint or were fearful of the consequences of doing so. Members of the legal profession on Bougainville lacked experience in human rights cases and, like the victims themselves, appeared fearful of challenging the police and military authorities, particularly during the State of Emergency. Lawyers from other parts of Papua New Guinea showed little inclination to assist. Thus Amnesty International concluded that:

*"for nearly two years this matrix of fear, legal inexperience or indifference and lack of initiative rendered the judiciary inactive on human rights cases in Bougainville, thereby denying victims any protection or redress"*<sup>35</sup>.

Since the return of government forces to Bougainville in April 1991, this situation has improved little, if at all. The second phase of the armed conflict has been marked by a near-total absence of judicial or other proceedings on behalf of the victims of human rights violations. The deployment of troops in long-term counter-insurgency operations on the island has not been underpinned by appropriate legal provisions to ensure that the rights and freedoms of the civilian population are fully and properly guaranteed. In failing to provide proper provisions for human rights protection the government has effectively left the security forces to its own devices. Events on Bougainville have revealed that they are indeed free to use whatever means they deem necessary in suppressing armed opposition to the central government.

The courts virtually ceased to function on Bougainville after late 1989, and have not resumed since government troops returned in early 1991. In April 1991 the press reported that a National Court judge would visit Buka for the first time since the beginning of the crisis, in order to deal with urgent court sittings on the island and to make arrangements for the resumption of National Court circuits to Buka. Mr Justice Ellis, National Court Judge in the Islands Region, said that he would consider as a priority the large numbers of people reportedly in detention and awaiting trial in Buka. He also noted that some 65 applications had been lodged with the National Court alleging breaches of constitutional rights. Since then little information has been made available about court proceedings and it is not known whether the allegations concerning constitutional rights have been the subject of investigation by the courts.

In March 1993 the government appointed a Defence Force Judge and Deputy Defence Force Judge. The posts had been vacant since 1990, when the former Judge had retired from the Bench of the National and Supreme Courts. Announcing the appointments the Deputy Prime Minister said they were overdue in view of recent incidents related to the Bougainville crisis and other complaints about "disciplinary problems" in



the PNGDF<sup>36</sup>. However, the government has published no substantive information about prosecutions of security force members tried or convicted before the Defence Force Judges since the appointments were made.

## 6.2 Government investigation of violations

Since troops landed on Bougainville in April 1991, the authorities have said that members of the security forces found guilty of human rights violations on Bougainville have been disciplined and dismissed from service. The government has also said that various official bodies have been created and authorized to conduct investigations of the human rights situation on the island. The majority of these statements do not appear to have been underpinned by concrete measures. Government expressions of intention to investigate allegations of human rights violations appear to have been primarily designed to allay international and domestic criticism, and it remains unclear whether the proposed investigatory bodies have in fact been established. Information about official investigations – such as the composition of the various bodies, reports on the progress of investigations, or their final conclusions – has not been made publicly available. Likewise, little is known about disciplinary or other proceedings brought against security force members suspected of human rights abuses.

In an apparent attempt to respond to allegations of human rights violations, the government declared in January 1991 – just prior to the 47th Session of the UN Commission on Human Rights – that it would introduce a court-martial system within the PNGDF in order to prosecute soldiers accused of criminal, disciplinary or human rights offences, particularly those arising from the conflict on Bougainville. The military court-martial system was to have been created using guidelines provided by the Malaysian Government after the two governments had signed a Memorandum of Understanding on 17 January 1991. Since then, however, there appears to have been no further discussion of the system and no indication that it has been established<sup>37</sup>. The PNG Government made a further announcement, which coincided with the August 1991 session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Attorney-General said that an inquiry into all deaths resulting from the conflict on Bougainville would be held<sup>38</sup>. He said that the inquiry would include coroner's inquests in order to clarify the circumstances of the deaths. The Attorney-General did not say when the inquiry was likely to be held, or who would be appointed to carry it out, and to date there has been no indication that it has taken place.

In early 1992 the authorities again stated that human rights problems on Bougainville had been addressed by the government. In a letter to the Chairman of the United Nations Commission on Human Rights, Papua New Guinea's ambassador to Belgium and the European Community wrote:

*“On the question of human rights violations, my Government has dealt with those found guilty in no uncertain terms. Members of the security forces who have been found guilty have been severely disciplined and dismissed from the forces...Following previous allegations, the Government set up a Commission of Inquiry, comprising competent individuals representing various interest groups, and the findings were submitted in the Commission's report”<sup>39</sup>.*

Amnesty International was aware of the existence of a Permanent Parliamentary Committee on National Emergency, which had tabled one report on the human rights situation on Bougainville in March 1990. Indeed, the Committee's failure to actively and effectively monitor human rights on Bougainville was documented in Amnesty International's 1990 report<sup>40</sup>. In a meeting with Michael Ogio on 8 June 1993, Amnesty International asked for clarification of whether the ambassador was in fact referring to the Parliamentary Committee in his statement, or to a separate body. It also requested a copy of the report of the Commission of Inquiry and information about disciplinary or judicial proceedings against security force members suspected

of human rights violations. These requests were reiterated in a letter to the Prime Minister in September 1993.

With respect to specific reports of human rights violations, the government has expressed its intention to, or has actually carried out, official investigations in a handful of cases known to Amnesty International. While one high-ranking military official was dismissed from active service in June 1991, judicial proceedings are not known to have been taken against any alleged perpetrator of violations since 1990, thus further contributing to a climate of impunity on Bougainville.

In June 1991 Colonel Leo Nuia, former commander of military forces on Bougainville, admitted on an Australian television program that PNGDF helicopters had been used to dump at sea the bodies of six civilians who had been beaten and extrajudicially killed by PNG troops in February 1990<sup>41</sup>. On 25 June the Prime Minister announced that Colonel Nuia had been sacked from the army and the Minister of Defence said that an inquiry would be held into whether disciplinary action should be taken against him. The then Foreign Minister, Sir Michael Somare, accused Colonel Nuia of being a "blatant liar" for having failed to inform the government about the occurrence of the atrocities. It is not known whether any further investigation was undertaken by the authorities, and to Amnesty International's knowledge no judicial proceedings were brought against any member of the security forces in connection with the killing of the six civilians or the dumping of their bodies in the sea.

Delays in the implementation of proposals for the creation of investigatory bodies have been accompanied by official statements which imply that the government does not consider the investigation of human rights violations as a priority. In June 1991, in the wake of revelations about the killing and dumping of civilians at sea the Prime Minister stated that the government would set up an independent commission to examine human rights abuses on Bougainville. However, the statement indicated that the commission would not be established until "circumstances allow", implying that the investigation of violations would not be undertaken until the conflict on Bougainville had been resolved<sup>42</sup>. Justice Minister Embel appeared to endorse this view in July 1993, when he told journalists that such investigations would not be carried out until the situation had normalized and people felt free to perform their work without fear of being harassed<sup>43</sup>.

On the positive side, the Justice Minister announced at the UN World Conference on Human Rights in June 1993 that the government planned to create a human rights commission "to complement the work of existing agencies in the area of human rights". Amnesty International considers that national human rights commissions can play an important role in uncovering evidence of abusive behaviour by security forces and in bringing the perpetrators to justice. However, for such a commission to be effective, its terms of reference, mandate and composition must meet certain criteria. In particular the investigation of alleged human rights violations should be a priority, and the commission should be accorded full authority to carry out such investigations<sup>44</sup>.

### 6.3 Restrictions on independent human rights monitors

Representatives of human rights and humanitarian organizations, as well as journalists, continue to face serious obstacles in visiting Bougainville, particularly the central part of the island. These difficulties have persisted despite two United Nations resolutions calling upon the government to allow regular and free access to international organizations (see Section 7 below). The BRA is also reported to have at times restricted access to territory under its control, either by issuing explicit directives forbidding visitors to enter or, on one occasion by reportedly declaring that a group of journalists would be "eliminated" if they entered BRA-controlled areas.

Lack of access to the island has inevitably imposed major constraints on the independent monitoring of the human rights situation and has impeded the full

documentation and verification of reported violations. While central government and military authorities have at times given permission for journalists and members of fact-finding delegations to visit Bougainville, access has frequently been denied by the security forces once the visitors have arrived on Bougainville. Military denials of access have once again raised questions about the locus of authority with respect to Bougainville, and the extent to which the civilian government is in control of the security forces on the island.

In April 1993 the government rejected a submission from the Department of Foreign Affairs, in which details of a proposed visit to Bougainville by the European Community and its aid recipients from the Africa, Caribbean and Pacific Group (the ACP-EC Joint Assembly) were outlined (see Section 7 below). In response the Foreign Affairs Minister wrote to the Prime Minister strongly criticizing government policy with respect to Bougainville. The letter made special mention of the refusal of access, stating that the Prime Minister's previous promises to invite the mission were "worthless". The letter went on to raise questions about the government's claim that "there is no blockade" around Bougainville, that "humanitarian aid had always been allowed into the province" and that the media "has also been granted access"<sup>45</sup>. An international church delegation was prevented from going into BRA-controlled areas in Bougainville in October 1992. The delegation, headed by the Chairman of the Pacific Council of Churches, was told by the military in Bougainville that it was not safe for them to travel to Arawa. Military officials told the delegation that the Bougainville Interim Government had also made a statement to this effect. However, a secessionist representative in the Solomon Islands said they wanted the visit to go ahead<sup>46</sup>.

Military officials have repeatedly obstructed journalists attempting to travel in Bougainville. Sean Dorney, a journalist from the Australian Broadcasting Corporation (ABC), and his four-person crew were expelled from Bougainville at gunpoint by PNGDF soldiers on 17 October 1992, after several days' filming. The crew had received permission to visit the island from the central command of the PNGDF and the Prime Ministers's Department. They were filming around the Wakunai township in northern Bougainville when about ten PNGDF soldiers forced their way into a hut where the team was staying. When the team resisted the soldier's attempts to confiscate audio and video tapes, they were placed under armed guard and later flown out of the area. A government spokesman subsequently said that the authorities were committed to allowing journalists onto Bougainville, and that the crew had been removed because of a "misunderstanding" over the length of the crew's visit to the island.

In May and June 1993 Sean Dorney's team returned to Bougainville, with permission from civilian and military authorities in Port Moresby. They reported that although not permitted to film security force activity, the local army commander had provided a good deal of assistance in May. However, in June the security forces were less cooperative. Upon arrival on Bougainville the team learned that PNGDF commander, Brigadier-General Robert Dademo, had sent instructions from the capital which contradicted the original agreement. The commander initially ordered the team to stay within the boundaries of the military headquarters and instructed PNGDF officers not to talk to them. Once again the crew were not permitted to film security force activity.

There were also reports that the BRA issued death threats against the ABC film crew. The PNGDF informed the crew that the BRA had been instructed to "eliminate" them, if sighted in BRA-controlled territory. The Australian Ministry of Foreign Affairs said it too had received news of the BRA directive. The Bougainville Interim Government spokesman in Honiara told Sean Dorney that he was not aware of any such directive, and claimed that a joke remark made by BRA president when he learned of the ABC team's visit may have been misunderstood by the PNGDF.

During 1993 the government continued to say that it would permit access to

Bougainville, but this had not been demonstrated in practice by the end of September 1993. In March 1993, a government spokesman welcomed the resolution passed by the UN Commission on Human Rights calling for human rights investigators to be granted access to Bougainville. The spokesman said the resolution was consistent with existing government policy. Despite clear evidence to the contrary, he said the authorities had refused no requests for fact-finding missions and that no delegation had ever approached the government for permission to go to Bougainville<sup>47</sup>.

Justice Minister Embel told the 1993 World Conference on Human Rights in June 1993 that:

*"We are now in a position to consider properly coordinated visits to Papua New Guinea to discuss with and show to interested donors our efforts to restore peace, normalcy and rehabilitation in the whole of the province"*<sup>48</sup>.

During a meeting in June 1993, Michael Ogio and accompanying delegates from the PNG Government told Amnesty International that the government welcomed fact-finding missions to Bougainville and believed that human rights questions should be openly discussed. In letter to the government in September 1993 Amnesty International expressed a wish to visit Bougainville to investigate the human rights situation there.

#### 6.4 Government statements about human rights

Since April 1991 the authorities have periodically expressed commitment to the protection of human rights on Bougainville, but these statements have not resulted in the implementation of concrete measures to prevent human rights violations. Indeed, in the case of Bougainville, the few measures taken by the authorities to combat human rights abuse have been greatly undermined, and at times directly contradicted, by the government's attitude to allegations of human rights violations on the island. The authorities' reaction to such allegations have been predominantly characterized by outright denial, or by dismissive remarks about media bias and "sensationalism". The government has also frequently cast aspersions on the motives of those who provided the reports, and has attempted to divert attention from military abuses by reference to atrocities allegedly committed by the BRA.

The government's commitment to upholding fundamental human rights and freedoms was reaffirmed in June 1993 by Philemon Embel, Minister of Justice and Attorney-General in the newly-elected government, in a statement before the World Conference on Human Rights. The Minister also recognized that the real test of governmental commitment to safeguarding human rights lies in the measures adopted to confront violations if and when they do occur, noting that:

*"[Our] government must be judged...by the policies and procedures that have been put in place by the system to combat...human rights abuses, and its implementation of these...especially through our independent and highly efficient judicial system"*<sup>49</sup>.

Regrettably, these general statements of principle have been accompanied by equally sweeping refusals to acknowledge that serious human rights violations have occurred in the past, or may again occur in the future. This aspect of the government's attitude to human rights problems was perhaps most clearly expressed by Minister Embel when he told the World Conference that, for cultural reasons:

*"Political and extrajudicial killings are by all indications alien to the way of doing things in Papua New Guinea, even in the most bizarre twists and turns of its political life. The same applies to the disappearance of persons for politically-related reasons. Disappearance as a fact of political life is a practice which is unknown and unheard of in Papua New Guinea"*.

A similar statement of denial was contained in a letter from the Government of Papua New Guinea to the UN Commission on Human Rights in February 1992, which claimed that allegations of human rights violations by the security forces on Bougainville were "totally outlandish and untrue"<sup>50</sup>.

It is clearly the case that in a context of civil conflict information may be distorted for political motives. Nevertheless, when there is evidence of a pattern of human rights violations governments have a duty to treat reports of violations as a matter for prompt and thorough investigation. When the reports are substantiated by eyewitness testimony, forensic or other evidence there can be no justification for dismissing them because of the imputed political views of those who provided the report. Likewise, the fact that BRA members have committed serious acts of abuse can never justify human rights violations by government forces. Nor does abuse by armed opposition groups absolve the government of its responsibility, under international and domestic law, to ensure that the civilian population is fully protected from violations by the security forces.

#### 6.5 New legislation: the Internal Security Act

A bill introducing an Internal Security Act was passed by the PNG parliament in May 1993. The Act appeared in the Government Gazette on 20 August 1993 but by September 1993 it remained unclear when it would go into effect. Jurists and human rights advocates have expressed concern that if it becomes law, the Act may be used for the suppression of non-violent political dissent, and allow the commission of human rights violations on Bougainville and elsewhere in Papua New Guinea.

The Act grants the Head of State power to ban organizations which are, in his opinion "promoting or encouraging, or [are] likely to or about to promote or encourage terrorism". Likewise, individuals alleged by the government to support banned organizations, or who display such support in a public place, may be subjected to terms of three to seven years' imprisonment. Appeals against the banning of an organization may only be addressed to the Head of State and the National Executive Council (cabinet) – the bodies which issued the ban – and not to an independent judicial authority. Most worrying, the act stipulates that a document signed by the Police Commissioner certifying that an individual is a member of a proscribed organization constitutes *prima facie* evidence of membership of that organization. The Act also gives the police powers to arrest without warrant and to detain suspects without charge for a period of ten days, renewable for a further ten days.

In a press statement dated 22 June, Amnesty International urged the government of Papua New Guinea to review the terms and provisions of the Act as a matter of priority and to ensure that any national security legislation does not violate the rights to freedom of opinion, belief, expression or association<sup>51</sup>. The organization also expressed concern about the sweeping powers of arrest and detention conferred on the security forces by the act. It noted that application of internal security legislation in countries such as South Africa, Malaysia and Northern Ireland had shown that when suspects are detained without charge or trial, further violations – such as torture or ill-treatment – frequently occur.

#### 7. BOUGAINVILLE AND THE INTERNATIONAL COMMUNITY

The prevention of human rights violations and the protection of the most fundamental rights – such as the right to life and the right not to be tortured or "disappeared" – are responsibilities which transcend national boundaries. State abrogation from responsibility to uphold these rights cannot be justified under any circumstances. While individual governments have a duty to safeguard these rights within the territories under their jurisdiction, the international community has an obligation to take the necessary steps, through appropriate United Nations (UN) human rights bodies, to ensure that domestic safeguards are effective. The UN and other international bodies have begun to recognize the gravity of the human rights situation on Bougainville. In two separate resolutions the UN has called upon the Government of Papua New Guinea to resolve the crisis and to permit fact-finding

delegations to investigate human rights on the island. The joint assembly of the European Community and its aid recipients from the Africa, Caribbean and Pacific Group (the EC-ACP joint assembly), has also passed a resolution calling for human rights investigations on Bougainville.

Regrettably, member states of the United Nations and other international bodies had failed to ensure the full implementation of the Bougainville resolutions by the end of September 1993 and no human rights fact-finding delegation had visited the island by that date. Equally disturbing, the actions of some governments - which for reasons of proximity, economic or strategic interest are involved in the Bougainville conflict - may have actually contributed to the commission of human rights violations. The Government of Australia has continued to permit the use of Australian-supplied helicopters in the conflict, despite evidence that they have been used as gunships to fire upon civilians; and Bougainvilleans who may have sought protection in the Solomon Islands have been returned by the Solomon Islands authorities without being given an opportunity to apply for asylum and have a fair examination of their claim.

#### 7.1 The Government of Australia

The actions of the Government of Australia with respect to Bougainville have caused particular concern. Notwithstanding Australian Government regulations concerning the use of military equipment supplied by Australia, there is considerable evidence that Australian-supplied helicopters have been used as gunships and have been directly involved in the infliction of human rights violations upon the civilian population.

The PNGDF used Iroquois helicopters supplied by the Government of Australia during the first phase of the Bougainville crisis. Provision of the helicopters was conditional upon their being used only for logistical support, transportation of troops, medical supplies and surveillance. Initially the Australian authorities specified that the helicopters were not to be converted to gunships, or to carry mounted machine-guns or rockets. Evidence that the security forces had not upheld these conditions first emerged in 1991. An Australian film crew, whose film was broadcast in June, presented eyewitness testimony that the helicopters, fitted with machine-guns and grenade launchers, were routinely used to strafe villages suspected of harbouring BRA sympathizers between 1989 and 1990. The former military commander of Bougainville admitted on camera that the helicopters had been used in this manner and, as noted above, acknowledged that the helicopters had also been used to dump the bodies of six victims of extrajudicial execution into the sea. In response, then Australian Prime Minister, Bob Hawke, told the PNG authorities that this usage of the helicopters was "not permissible" and was in breach of the agreement between the two governments. Australian Foreign Minister, Gareth Evans, subsequently said the government had received assurances from Papua New Guinea that it had withdrawn the helicopters from service in Bougainville, and would undertake prompt investigations of the incidents<sup>52</sup>.

One year later, however, use of the Iroquois helicopters for counter-insurgency purposes appeared to have continued. In June 1992 an Australian journalist reported seeing a heavy machine-gun being fitted to an Iroquois helicopter in Buka and said that the loading of the gun was supervised by Australian civilian pilots. Evidence that the helicopters were not only carrying weapons, but were actually being used to fire upon civilians and to transport people killed by the security forces, was gathered by Rosemarie Gillespie, a human rights activist and supporter of the Bougainville secessionist movement. In June 1992 she travelled by boat to Bougainville and collected numerous testimonies of human rights violations, some of which referred explicitly to the use of Australian helicopters<sup>53</sup>. Some of these testimonies have since been independently corroborated by eyewitnesses; and separate testimonies have been provided by others who have left Bougainville.

Confronted with this evidence, the Australian Prime Minister, Paul Keating, again expressed serious concern, stating that while the helicopters were permitted to carry weapons for self-defence, offensive usage would be in breach of the agreement between the two governments<sup>54</sup>. The Prime Minister said that both the Australian and PNG authorities would investigate the allegations about the use of Iroquois helicopters on Bougainville<sup>55</sup>. At the end of June the PNGDF military commander acknowledged that two of the four Iroquois helicopters were being used in Bougainville but denied that they, or any of the four, had ever been used as gunships. Although the PNG authorities had still to provide the Australian Government with a report of the promised investigations, the Australian authorities announced in August 1992 that they would donate another Iroquois to the PNGDF to replace one that had crashed. Despite serious allegations of previous misuse, Senator Evans told the press that he had accepted written and oral assurances that the helicopters would not be used as gunships from the PNG Defence Minister, Paul Tohian. He added that the PNG Government's failure to respond was a "separate issue" which would not hinder the handing over of the fifth helicopter<sup>56</sup>.

Amnesty International urges the Government of Australia to halt any further provision of helicopters to the PNGDF and to conduct an immediate review of all military aid to the Government of Papua New Guinea. It recommends that such aid be suspended until the PNG authorities have conducted a thorough investigation of allegations that the helicopters have been used to commit human rights violations and have made the results of that investigation available to the Australian Government and to the general public.

#### 7.2 Bougainvilleans in the Solomon Islands

By September 1993 Amnesty International had become increasingly concerned by reports that Bougainvilleans who fled to the Solomon Islands had been returned to Bougainville by the Solomons authorities. An estimated 600 to 1,000 Bougainvilleans have gone to the Solomon Islands since the outbreak of the armed conflict, and since early 1993 they have been formally classed as illegal immigrants. Some fled Bougainville in order to escape the general dangers and hardships imposed by the conflict or to seek medical treatment. However, others are believed to have fled because they feared human rights abuses by the PNGDF or the BRA.

Government officials in Papua New Guinea have claimed that the Bougainvilleans in the Solomon Islands are members of the BRA living or operating illegally on the Solomon Islands and have put pressure upon the Solomon Islands Government to deport them. For example, Bougainville Administrator, Sam Tulo, alleged in February 1993 that the Bougainvilleans in the Solomon Islands were "hard-core" BRA members, who had fled Bougainville to escape arrest, or had gone to the Solomon Islands to act as agents smuggling arms and ammunition onto Bougainville<sup>57</sup>. In March 1993 the Assistant Police Commissioner of the Solomon Islands announced that the police had begun informing Bougainvilleans without documents to leave the Solomon Islands. On 11 March he said that about 50 Bougainvilleans had already left the Solomons although it was not clear whether voluntarily or not. The commissioner could not say whether they had arrived safely or had returned to areas controlled by the PNG security forces or by the BRA. In June Sam Tulo confirmed that a repatriation program for some 500 people was under way. He said the program included Solomon Islanders in south Bougainville and Bougainvilleans in the Solomons. He said the program was being arranged through the Ministry of Foreign Affairs<sup>58</sup>. However, on 16 August Solomon Islands Prime Minister, Francis Billy Hilly, said that Bougainvilleans wishing to remain in the Solomon Islands would be permitted to do so.

In view of evidence of continuing human rights violations by government and government-backed forces on Bougainville, Amnesty International considers that the Solomons Islands Government has an obligation to ensure that Bougainvillean asylum-seekers at risk of serious human rights violations if returned to Bougainville

are identified as such and afforded protection. Such people should under no circumstances be forcibly returned to Bougainville. Moreover, Bougainvilleans in the Solomon Islands who claim a fear of returning to Bougainville should be given effective access to a fair and satisfactory asylum procedure. The Solomon Islands authorities should also consider claims from those who fear human rights abuses by the BRA. Those at risk of such abuses should not be returned to any part of Bougainville because, in the view of Amnesty International, their safety cannot be effectively guaranteed even if they are returned to regions said to be under the control of government security forces.

#### 8. CONCLUSION AND RECOMMENDATIONS

Since April 1991 the Papua New Guinea Defence Force (PNGDF) has been granted considerable freedom of action on Bougainville. Troops on Bougainville have also been permitted to encourage and arm local "resistance" forces, which have remained virtually outside the normal structure of military discipline and control. The government has taken little or no action in the face of military infractions or a general situation of indiscipline among government and government-backed forces on the island. Few alleged human rights violations have been officially investigated and no member of the security forces is known to have been prosecuted for a human rights offence since troops landed on Bougainville in April 1991. Furthermore, government restrictions on access to the island have prevented effective human rights monitoring by independent organizations. In effect the security forces have been shielded from international scrutiny of and accountability for their human rights record and this has contributed to the climate of impunity which has apparently prevailed throughout the armed conflict.

In response to questions about military policy and practice on Bougainville, the government has said that the security forces on the island are authorized to do what they deem necessary where matters of "security" are at stake. In making such claims the government has sought to minimize the political character of the conflict and - more important - it appears to have deliberately abdicated responsibility for the conduct of the armed forces on Bougainville. In so doing the central government has tacitly sanctioned the employment of extra-legal methods and tactics on Bougainville, including the commission of serious human rights violations. Amnesty International believes that if the human rights situation on Bougainville is to improve, the Government of Papua New Guinea must assume full responsibility for the conduct of the security forces on Bougainville. It must ensure that all military activity is carried out within the framework of the law. Most important, soldiers, police and members of government-backed "resistance" forces must be held accountable for their actions. Those suspected of inflicting human rights violations on civilians or captive BRA members must be suspended from duty and promptly brought to justice before a civil court. Furthermore, the immediate lifting of restrictions on access to Bougainville would permit effective human rights monitoring and would provide a clear demonstration of governmental commitment to the protection of fundamental human rights.

This report has also documented human rights abuses committed by BRA members in breach of the principles of international humanitarian law. The central command of the BRA appears to have been responsible for ordering the deliberate and arbitrary execution of civilians. Other abuses by BRA members, including torture and rape, are alleged to have been committed by BRA members apparently operating outside any framework of discipline or control by the BRA leadership. Amnesty International calls upon the BRA to end all arbitrary executions, torture, rape and other abuses, and to prevent those suspected of such abuses from bearing arms.

The following recommendations to the Government of Papua New Guinea, to the leadership of the BRA and to Member States of the United Nations describe concrete measures for improving human rights protection in Bougainville. Amnesty



International urges all parties to implement these recommendations as soon as possible.

**RECOMMENDATIONS TO THE GOVERNMENT OF PAPUA NEW GUINEA**

To RESOLVE and REDRESS past or continuing human rights violations on Bougainville Amnesty International urges the government to:

1. Implement in full the recommendations made by Amnesty International in its 1990 report *Papua New Guinea: Human Rights Violations on Bougainville, 1989-90*, to ensure that human rights guarantees will not be suspended in times of political crisis.
2. Initiate prompt thorough and impartial investigations, which are consistent with international standards, into all reports of human rights violations by government or government-backed forces; and to make public the results of the investigations.
3. Bring promptly to justice before a civilian court all members of government or government-backed forces suspected of responsibility for extrajudicial execution, torture, rape or other forms of sexual abuse, and other human rights violations. Ensure that those suspected are disarmed and suspended from active duty pending the outcome of judicial proceedings.
4. Establish a workable system for the allocation of compensation to the victims of torture, rape or other ill-treatment, or in the case of those killed or "disappeared", to their immediate relatives.

To PREVENT the occurrence of future human rights in Bougainville and elsewhere in Papua New Guinea, Amnesty International urges the government to:

1. Issue clear and unequivocal orders that military activity in Bougainville must be carried out within the framework of national and international law and that human rights violations will not be tolerated under any circumstances.
2. Ensure strict control, including a clear chain of command over all security force members authorized to use force and firearms.
3. Ensure that any member of the security forces or government who is suspected of ordering, inciting, suggesting, encouraging or facilitating extrajudicial execution, torture, rape or other violations is immediately suspended from duty and investigated.
4. Establish an independent and impartial body whose duties are: to initiate prompt and thorough investigations into all reports of human rights violations; to ensure that suspected perpetrators are immediately disarmed and removed from active service pending the outcome of investigations; and ensure that they are promptly brought to justice before a civilian court
5. Review the terms and provisions of the Internal Security Act as a matter of priority, to ensure that any national security legislation does not violate the rights to freedom of opinion, belief, expression or association and is consistent with international human rights standards.

To demonstrate commitment to PROMOTING international human rights standards and to ensure that they are fully and effectively adhered to, Amnesty international urges the government to:

1. Implement the recommendations of the UN Commission on Human Rights in Resolution 1993/76 and the UN Sub-Commission on Prevention of Discrimination and protection of Minorities Resolution 1992/19.
2. Invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture to visit Papua New Guinea and Bougainville in order to conduct a full investigation of the human rights situation there.
3. Permit the regular and unhindered monitoring of human rights in Bougainville by national and international humanitarian and human rights organizations, including Amnesty International.

**RECOMMENDATIONS TO THE LEADERSHIP OF THE BRA**

To PREVENT human rights abuses by BRA members, Amnesty International calls upon the leadership of the BRA to:

1. Publicly state its commitment to the basic principles of international humanitarian law; and to declare an unequivocal opposition to the deliberate or arbitrary killing, torture, rape or other ill-treatment of civilians or captive members of the security forces;
2. Take effective steps to investigate and prevent deliberate or arbitrary killing, torture, rape or other ill-treatment of civilians or captive members of the security forces.
3. Suspend those suspected of arbitrary killings, torture or the rape of people held in custody or otherwise detained by the BRA. Ensure that those suspected are never again permitted to detain or have custody of individuals, or power to use or order the use of weapons.
4. Publicly state its commitment to ensuring the full freedom of movement of individuals and members of monitoring bodies through the territory under, or partially under, its control and invite monitoring bodies to publicize any restriction placed upon their freedom of movement.

#### **RECOMMENDATIONS TO MEMBER STATES OF THE UNITED NATIONS**

In view of the grave concern about human rights in Bougainville, expressed in two United Nations resolutions, and in resolutions approved by other inter-governmental bodies, Amnesty International calls upon Member States of the United Nations to:

1. Urge the Government of Papua New Guinea to implement the recommendations of the UN Commission on Human Rights in Resolution 1993/76 by inviting the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture to visit Papua New Guinea and Bougainville in order to conduct a full investigation of the human rights situation there.
2. Urge the Papua New Guinea Government to implement the recommendations of the UN Commission on Human rights in Resolution 1993/76 by permitting the regular and unhindered monitoring of human rights in Bougainville by national and international humanitarian and human rights organizations, including Amnesty International.
3. Ensure that Bougainvillean asylum-seekers who may risk serious human rights violations are not forcibly returned to Bougainville, and ensure that claims of all such asylum-seekers are fully and impartially assessed.

#### **APPENDIX I**

#### **UNITED NATIONS SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES**

Forty-fourth session

Resolution 1992/19: Detention on Bougainville

*The Sub-Commission on Prevention of Discrimination and Protection of Minorities, Bearing in mind article 13 (2) of the Universal Declaration of Human Rights, Recalling that, in accordance with Articles 55 and 56 of the Charter of the United Nations, Member States pledge to take joint and separate action in cooperation with the Organization for the achievement of universal respect for and observance of human rights and fundamental freedoms,*

*Considering the great importance of the various fact-finding and monitoring mechanisms established under the international human rights instruments and the Charter of the United Nations for the promotion and protection of human rights and fundamental freedoms in all countries,*

*Aware of the continuing allegations of human rights violations in relation to the situation on Bougainville,*

*Noting that the encouraging initial statements by the newly elected Government of Papua New Guinea that human rights violation would be brought to an end have yet to be translated into action,*

1. *Calls upon the Government of Papua New Guinea to restore without delay freedom of movement to the inhabitants of Bougainville in the interest of protecting and promoting human rights and fundamental freedoms;*

2. *Requests* the Special Rapporteur on the study of treaties, agreements and other constructive arrangements between States and indigenous populations to include in his report the case of the agreements entered into between the indigenous people of Bougainville and Papua New Guinea.

27 August 1992 Adopted without a vote

UNITED NATIONS COMMISSION ON HUMAN RIGHTS Forty-ninth session E/CN.4/1993/L.11/Add.8  
Resolution 1993/76: Human rights violations on Bougainville

*The Commission on Human Rights*

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other international instruments in the field of human rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992,

Recalling the need for scrupulous respect for the principle of the non-use of force or threat of the use of force in international relations as contained in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as set forth in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970,

Gravely concerned at the loss of life, damage to property and the negative effects on the economy and culture of Bougainville, owing to the present situation,

1. Urges the Government of Papua New Guinea to permit international fact-finding missions access to Papua New Guinea, particularly including Bougainville, to assist with the resolution of the conflict with due consideration for the Universal Declaration of Human Rights, the Charter of the United Nations and other relevant international treaties to which the Government of Papua New Guinea is a party;

2. Urges the Government of Papua New Guinea to recommence negotiations with all factions of the Bougainville peoples with a view to achieving peace and a mutually satisfactory solution to the armed conflict on Bougainville;

3. Requests the Secretary-General to transmit to the Commission on Human Rights information made available to him on the situation on Bougainville by the Government of Papua New Guinea and other reliable sources for consideration at its fiftieth session.

10 March 1993 Adopted without a vote