

# SOLOMON ISLANDS: WOMEN CONFRONTING VIOLENCE

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# Solomon Islands

## Women confronting violence

*“Kidnapping, murder, rape and torture have gone unchecked. Police are unable or unwilling to investigate many of these crimes. There are too many examples of criminals evading arrest, charges or detention, protected by corrupt politicians, officials, police or prison guards.”<sup>1</sup>*

### 1. Introduction

Gender-based violence against women and girls was an entrenched feature in a five-year armed conflict in Solomon Islands (Southwest Pacific) between 1998 and 2003. Those responsible - whether police personnel, members of armed groups or private individuals - were rarely brought to justice. Witnesses and victims seldom filed complaints, often because there was no opportunity to do so, or because they feared the men's revenge and their influence among armed groups and police. A persistent and widespread climate of lawlessness and impunity eventually resulted in the Pacific islands region discussing the need for international intervention.

On 24 July 2003, the first elements of a military-backed regional intervention force arrived in the country. It was invited by the Solomon Islands Government and Parliament to help restore law and order, operating under a regional, not a United Nations (UN) mandate.<sup>2</sup> The largely Australian-funded and controlled Regional Assistance Mission to Solomon Islands (RAMSI) has brought a level of security and freedom of movement not enjoyed by Solomon Islanders since 1998, particularly on the main islands of Guadalcanal and Malaita. As of late July 2004, joint RAMSI and local police teams have claimed to have arrested more than 3,500 people and confiscated at least 3,730 illegally-held firearms. Senior police and militant leaders are facing trial for serious human rights violations, including murder, rape and other forms of torture. The justice system is boosting its capacity but struggling to cope with the dramatic increase in its caseload.

However, to Amnesty International's knowledge, in very few of the cases of violence against women detailed in this report, has a criminal prosecution materialized for the abuses described. There are many reasons for this. Male relatives actively discouraged many women from reporting rape to police, or from cooperating with prosecutors to ensure perpetrators face trial. Both men and women are often unaware that domestic criminal law makes rape the most serious offence next to murder, attracting a maximum sentence of life imprisonment. In practice, in the few cases where prosecution has been successful, public perceptions of the lack of seriousness of the crime may have been reinforced by the lightness of the sentence. Prison sentences for rape are reportedly rarely longer than two to five years. Victims' families have also often preferred more traditional conflict-resolution mechanisms to the legal

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<sup>1</sup> Australian Prime Minister John Howard in a speech to parliament on the intervention in Solomon Islands, 12 August 2003. House of Representatives Official Hansard No 11, 2003, 18198, p. 28.

<sup>2</sup> See section 3.1.

procedures of police investigation, prosecution and trial in court. Such mechanisms, once a valuable complement to the formal criminal justice system, have been seriously corrupted during the conflict by the use and threat of armed violence, and by excessive financial “compensation” demands.

During the armed conflict, violence against men such as torture and the killing of prisoners was often publicly discussed, despite a general reluctance to report details on a victim’s fate and identity. However, violence against women was marginalized, if not ignored. Their suffering, as internally displaced people, as victims of violence or as those most affected by a lack of access to health care and cash income, seemed to matter little.

Violence against women in the Solomon Islands has also been exacerbated by widespread and entrenched discrimination against women, deeply-rooted in both traditional customs and the legacy of a preference towards men by the British administration and mostly Australian settlers prior to independence in 1978. Today, the Solomon Islands have no women ministers, members of Parliament or cabinet, and only one woman heads a government department in a permanent position. The consequences of discrimination have been aggravated by poverty and lack of economic opportunities in a subsistence economy which hinders the education of girls, by internal displacement resulting from the conflict, and a failing health system.

From 1999, more and more women began to speak out against the impact of the conflict on their lives.

Women’s organizations like the National Council of Women made courageous calls to end the violence, pointing out how it affected all families. In May 2000, women gathered for a seminal round table discussion in the capital, Honiara (on Guadalcanal island), and issued a Women’s Com-



Women for Peace, including religious sisters, urging militants near Honiara to end hostilities, June 2000. Copyright Fr Ambrose Peireira

munique on Peace. Subsequently, women in Honiara formed a network called “Women for Peace” (Women fo Pis) whose members were quickly silenced by threats of violence from male relatives, often themselves involved in fighting between armed militant and para-military groups. However, like other women’s groups in the country,

Women for Peace continued its campaign, and today are among civil society representatives demanding more involvement of women in peace initiatives and the rebuilding of the country. A March 2004 report of a visiting Australian Parliament delegation lends support to their calls, finding that Australian-funded support for peace initiatives and for reconstruction did not demonstrate the critical role Australia's aid organization had pledged to give women in such activities.<sup>3</sup> This finding supports Amnesty International's view that women in the Solomon Islands have been suffering a double invisibility – first as victims of the conflict, now as potential contributors towards restoring peace and human rights.

Against this background, Amnesty International in April-May 2004 visited Solomon Islands to listen to the experience and concerns of women. In the course of its research, Amnesty International liaised with and received information from women's organizations, government and donor officials, churches, national and international non-governmental organizations.

During its three-week visit, Amnesty International had group discussions with more than 1,500 villagers from 34 communities in rural Guadalcanal and Malaita islands and conducted direct interviews with many people who were generous with their time and assistance. They were often men and women who survived torture, rape and other violence, or who witnessed human rights abuses. More than 60 of the interviews were held in remote locations accessible only by boat. The women and girls who agreed to speak to Amnesty International often overcame a deep-seated fear of reprisals and found little comfort in the fact that many perpetrators of violence against them were already awaiting trial for other crimes, even if they were in custody. Fears of a perpetrator's reprisals against a witness after his release from prison were common. The trauma which continues to affect them is clearly very real. Amnesty International would like to thank these women and girls for their courage in speaking out. Where their testimony features in this report, their names have been changed and details withheld in order to protect their identities. The organization would also like to thank the men who contributed to the information gathered, and who shared their views on what could be done to improve the human rights situation of their communities, and of their daughters, sisters and wives.

Amnesty International is concerned that women in the Solomon Islands, despite the end of armed conflict, remain at risk of violence including domestic violence. As recently as 19 August 2004, an armed group of around 50 men from the Goldridge area of central Guadalcanal harassed and reportedly tried to rape women in raids on villages along the Metapona River, destroying and looting some 30 homes, and allegedly torturing villagers. According to police, the raids were carried out in retaliation against supporters of the arrested former Guadalcanal militant leader and police Special Constable, "Satan" Stanley Kaoni,

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<sup>3</sup> *Report of the Parliamentary Delegation to the Solomon Islands*, 17-18 December 2003, Joint Standing Committee on Foreign Affairs, Defence and Trade, Canberra, The Parliament of the Commonwealth of Australia, March 2004, p. 14, s. 1.59.

whose Central Neutral Force had in recent years terrorized villagers in the area.<sup>4</sup> Another militant raid on a village was reported to Amnesty International to have occurred in North Malaita in April 2004.

Efforts to restore law and order have yet to show that women's grounds to fear reprisals if reporting such violence to police are being taken seriously. Amnesty International welcomes donor-funded assistance towards rehabilitating the country, in particular support to the police, prison, health and education services, which will benefit women and the community's enjoyment of human rights in general. However, Amnesty International is concerned that many measures pay little more than lip-service to the specific human rights protection needs of women and girls, favouring men's economic opportunities.

This report recommends a number of general and some specific measures to boost efforts which will increase women's protection from violence, assist their confidence in and cooperation with the justice system and boost their equality. The report seeks to give a voice to women and girls whose experience during the conflict has hardly been reported although women clearly suffered at least as much and sometimes more than men from the consequences of what is locally often called "the tension". In addition, the report makes recommendations aimed at using the RAMSI intervention as a unique opportunity to boost the promotion of, and knowledge about human rights generally, and to make human rights protection more widely accessible to women and girls.

## **2. What prompted the international intervention?**

The 1998-2003 armed conflict in Solomon Islands showed clear ethnic differences between the initial groups of opponents, but was mainly caused by long-standing resentment among Guadalcanal people about the rapid centralization of economic development around the nation's capital (including oil palm and other plantations, and a gold mine).<sup>5</sup> This development attracted the migration of settlers from Malaita and other islands and resulted in the build-up of tensions over time which successive governments failed to address. Between April and October 1998, indigenous armed groups of Guadalcanal men began to arm themselves in order to chase almost all settlers from other islands out of rural Guadalcanal. This localized violence escalated into armed conflict in 1999 when the then government refused to compensate the settlers.

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<sup>4</sup> The Central Neutral Force appears to have been part of the main Guadalcanal group of armed militants, the Isatabu Freedom Movement (IFM) in earlier years of the conflict. See Appendix 1, section "The main parties to the conflict".

<sup>5</sup> The 2002 *UN Common Country Assessment (CCA)* also lists as underlying causes "a linkage between poverty, resources and [poor] governance" (p. xii). See Appendix 1, section "Background and conflict history".

The October 2000 Townsville Peace Agreement (TPA) created initial euphoria that the accord had put an “end to war”, as hostilities ended in northern Guadalcanal and an International Peace Monitoring Team (IPMT) was deployed.<sup>6</sup> At that stage, the main conflict parties were Guadalcanal militants known as the Isatabu Freedom Movement (IFM), and the Malaita Eagle Force (MEF) which operated with illegal support from paramilitary police units. A third major group, the Guadalcanal Liberation Front (GLF) refused to participate in any peace initiatives and after the TPA continued armed violence in southern Guadalcanal against anyone perceived as opposing their control over the area. Elsewhere, the TPA was quickly followed by rapidly escalating lawlessness on Guadalcanal, Malaita and other islands, with frequent outbreaks of violence, widespread extortion and corruption, and a police service paralyzed by its lack of neutrality during the conflict. The actions of gunmen – militants, police and opportunistic criminals – and the absence of any effective state response over time rendered Solomon Islands a reputation as a “failing state”.<sup>7</sup> Formerly allied militant groups on both Malaita and Guadalcanal began to fragment, becoming rivals in their attempts to extort money and support from government officials, businesses and even their own home villages. Politicians hired groups of private gunmen “for security”, cooperating with them in criminal activities or at least tolerating them. Some politicians were forced to sign cheques to militants.

In September 2001, a review of the TPA ahead of its first anniversary was suspended when Selwyn Saki, IFM Supreme Commander for eastern Guadalcanal, was found dead in a car park at a United States War Memorial on the outskirts of Honiara. Police said he had been kidnapped from a village, and was found shot several times, his throat cut and his body tortured and mutilated. The murder prompted public expressions of shock and dismay by both Guadalcanal and Malaitan leaders. Days later, a police officer released without authorization one of the prominent MEF members and police Special Constables arrested on suspicion of involvement in Selwyn Saki’s death. None of the suspects were reported to face trial for his killing until RAMSI arrested five of them in late 2003. At least one is now in custody awaiting trial.

In June 2002, the IPMT was withdrawn after the governments of Solomon Islands, Australia and New Zealand agreed it had done all it could to assist the peace process. Threats against IPMT posts by militants in north Malaita and east Guadalcanal had forced an early end to IPMT operations in these areas. By December 2002, the situation had deteriorated further, and a number of violent incidents occurred days before the arrival of an Australian parliamentary delegation led by Foreign Minister Alexander Downer. In combination with developments like those described above, these incidents may have contributed to the Australian Government’s initial consideration in late 2002 of the need for a substantial international effort to restore law and order in Solomon Islands.

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<sup>6</sup> See Appendix 1, section “Failed initiatives to end the conflict”.

<sup>7</sup> See for example: “The Pacific First Failed State?” Economist 13 February 2003; Australian Strategic Policy Institute, “Our Failing Neighbour - Australia and the future of Solomon Islands”, 10 June 2003; Tarcisius Tara Kabutaulaka, “Failed State’ and the War on Terror: Intervention in Solomon Islands”, Analysis from the East-West Centre (University of Hawai’i), No. 72, March 2004;

In early December 2002, groups of police officers and Special Constables (reportedly around 50 men linked to the MEF) went to the Police Ministry offices and smashed up furniture and equipment. They told a radio journalist that they acted in protest at the government's delay in paying salaries and allowances. In a related incident, police in the Malaitan provincial capital Auki told the national radio station that officers had been in a group of men who raided a food shop in Auki over claims of delayed payments. A few weeks later, a group of police watched an officer destroy the windows of the Malaitan Provincial Government office after the group demanded payment for security work done during provincial elections held a week earlier.<sup>8</sup> At the time, the prison and magistrates court on Malaita had remained closed for years while corrupt police used police guns and Australian-donated police vehicles for unauthorized "business" activities, such as "taxi services". Women found themselves without recourse to protection by police as men engaging in violence against women and girls enjoyed almost absolute impunity. Two days before the Australian delegation arrived on 17 December 2002, suspected militants fired shots across the roof of the Prime Minister Kemakeza's residence, an incident seen as part of the escalating extortion of money from the government. Finance Minister Laurie Chan subsequently resigned, reportedly because the government had given in to demands by Special Constables for unauthorized payments.

In January 2003, newly appointed Police Commissioner William Morell, recruited from England, pledged to make human rights one of his top priorities. He took over a police service compromised by influential criminals in leading positions who resisted his appointment. Morell quickly took steps to prevent the police from being further implicated in torture and violence against civilians on the Weathercoast, where police had joined forces with IFM militants in an operation against the GLF and its leader Harold Keke. By March 2003, some 800 Special Constables had been demobilized under a UN Development Programme (UNDP)-assisted programme; another 300 were stood down by October 2003. At the start of the UNDP programme in February 2003, police Special Constables (mostly former MEF members) staged violent and noisy protests in Honiara, demanding that the government pay allegedly outstanding allowances to them before they would cooperate with the demobilization process. The constables vandalized parts of the Rove Police Club and delayed the first demobilization workshop. In turn, the Police Minister promised on national radio to consider their demands.

Six days later, the assassination on Malaita of Sir Fred Soaki, retired Police Commissioner and highly-respected member of the National Peace Council (NPC), highlighted both the extent of lawlessness and the degree of impunity enjoyed by police.<sup>9</sup> Fred Soaki was shot dead in a hotel restaurant opposite the police station of the Malaitan capital Auki. At the time of the shooting he was preparing to lead a UNDP workshop on disarmament and demobilization of police Special Constables in Malaita. Fred Soaki was an

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<sup>8</sup> Malaita and Guadalcanal are two of the country's provinces, administered through provincial governments. See Appendix 1 "Background and conflict history".

<sup>9</sup> The NPC is a national body of 11 community leaders who facilitate and monitor the peace process and engage in conflict prevention and resolution.



outspoken critic of police abusing their powers. A Malaitan police sergeant was arrested and charged with his murder, however, in April 2004 the suspect escaped from police custody in Honiara in unclear circumstances. He returned to Malaita, went to Auki police station unchallenged and, shooting indiscriminately with an automatic rifle, killed two civilian bystanders. As of 1 October 2004, he has not been rearrested and is believed to be hiding, heavily armed, in the mountains of his North Malaitan home area.

Meanwhile, armed violence and serious human rights abuses intensified on Guadalcanal's Weathercoast where joint police and militant operations had forced the GLF to shift its stronghold from the central part of the coast to the western Duidui area (Southwest Guadalcanal). In August 2002, Harold Keke admitted in a radio interview that his GLF had shot dead retired Catholic priest and then government Minister for Women, Culture and Peace, Augustine Geve, aged 52, who was on a peace mission to the Weathercoast. The murder of a priest from a language group related to Keke's sent shockwaves through Guadalcanal village communities. In addition, the women lost the highest representative of their interests at the national government level, whose lifetime work had kept him in close contact with local community women's concerns. Augustine Geve's death fuelled support by villagers previously terrorized by the GLF towards the joint militant and police forces fighting the group. However, as testimonies from village women show (see 4.2.2 and 4.3), many soon suffered as much from abuses by the joint police-militant forces (Police Joint Friendly Force or Joint Operation) as they had under Harold Keke's GLF.

In January 2003, a delegation of Weathercoast civilian leaders went to Honiara and publicly reported incidents of torture, rape, forced displacement and the burning of up to 175 homes in five villages by both supporters and opponents of a police operation against Harold Keke.<sup>10</sup> It was the first such delegation to make the journey from this most remote frontline of the conflict to the national capital. It was also the first time that a senior woman delegate from the Weathercoast, Betty Luvusia, participated in such a delegation to speak publicly on violence against women, having been given a mandate to do so from the women of her home area.<sup>11</sup> After delegates who were quoted and photographed for the Solomon Star newspaper were threatened and ill-treated, the paper stopped reporting on the issue. When the delegation leader and Provincial Assembly member for Duidui ward, Alas Tibamate, returned from Honiara, he was tortured and led away naked in front of his family and villagers by supporters of Keke who allegedly later killed him. In April 2004, a visiting Amnesty International delegation was shown his grave site and the burnt-down remains of his home.

Between January and April 2003, the GLF killed at least 19 people, the majority civilian men. The GLF terrorized women and forced them to witness torture and killings of men. Within a few weeks, many hundreds of newly displaced villagers, about half of them children, fled into the mountains, while 1,600 sought refuge in a camp outside Honiara. An

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<sup>10</sup> See Amnesty International, "Guns and greed in Solomon Islands", *The Wire* (AI Index: NWS 21/002/2003), 1 March 2003.

<sup>11</sup> A Guadalcanal representative of the Solomon Islands Christian Association Federation of Women, and a member of the Executive of the Guadalcanal Council of Women.

August 2003 assessment concluded that 7,700 people were affected by serious and widespread human rights abuses in the area at that time.<sup>12</sup>

In April 2003, Brother Nathaniel Sado died from injuries suffered over several days of torture inflicted by the GLF. He was a peace delegate sent by the (Anglican Church) Melanesian Brotherhood, a religious order highly respected in Solomon Islands for its peace initiatives and assistance for victims.<sup>13</sup> Fellow Melanesian Brothers, including experienced and respected human rights defenders, were sent to investigate his death. The GLF took seven of them hostage and killed six of them – Robin Lindsay, Francis Tofi, Alfred Hilly, Patteson Gatu, Ini Partabatu and Tony Sirihi. The bodies of three of them, found in September 2003, showed signs of beatings and torture. The other three are believed to have been shot on arrival; they were found buried in a single grave. In June 2003, the GLF captured another group of two Brothers and five novices, kept them as hostages, beat some of them and hung them up on ropes, and forced them to watch torture and killings. Four of them were released after four weeks, the others two weeks later, when RAMSI's arrival in the area was imminent.

### **3. RAMSI ends hostilities**

In April 2003, Solomon Islands Prime Minister Alan Kemakeza formally requested Australia's assistance. He had repeatedly been forced to stay away from his office for days to avoid extortion and violence by disgruntled police, Special Constables and militants. Debate in the Pacific region about the need for an armed intervention intensified. In June 2003, the Australian Foreign Minister Alexander Downer launched an influential report by the Australian Strategic Policy Institute (ASPI), *Our Failing Neighbour: Australia and the Future of Solomon Island*, which effectively provided the blueprint for ending hostilities and rehabilitating Solomon Islands through international armed and civilian intervention. The ASPI report, reflecting Australia's experience in Bougainville and East Timor, argued that Australia's own economic and regional security interests, as well as humanitarian concerns, required a dramatic foreign policy change on the Pacific to prevent countries like Solomon Islands from becoming a "failed state". Under the influence of public debate about the threats of international 'terrorism' after the events of 11 September 2001, the Australian Government's approach to international assistance had been changing. An analysis by the Australian Parliamentary Library found that the "rationale underpinning Australia's aid

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<sup>12</sup> Pacific Islands Forum Secretariat, *Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands (Forum Social Impact Assessment)*, Suva, March 2004, p. 4, referring to a RAMSI cabinet paper of August 2003.

<sup>13</sup> On 20 February 2004, Fiji Prime Minister Laisenia Qarase presented the Melanesian Brotherhood with the fourth Pacific Human Rights Award 2004 (in the regional category), "for its sacrifice above the call of duty to protect the vulnerable and build peace and security in Solomon Islands during the civil conflict and post-conflict reconstruction". The award is organized by the Regional Rights Resource Team.

programme is shifting from the previous focus on poverty alleviation to encompass broader issues such as regional security and greater emphasis on good governance.”<sup>14</sup>

The report concluded that Australian and other international assistance had been ineffective in halting decline in Solomon Islands which had become unable to help itself: “The point has now been reached in Solomon Islands where simply providing more aid to the government there is unlikely to fix the problems and could well end up exacerbating existing problems”.<sup>15</sup> Similar arguments had been put forward over several years by Solomon Islanders and other Pacific islands observers, but with the exception of East Timor in 1999, Australia and New Zealand had maintained a policy of offering assistance to crisis-affected neighbouring countries, without direct involvement in the restoration of law and order. The ASPI report proposed a sustained effort over up to ten years at “solving the immediate short-term problems of violence and corruption”, and in a second phase, “building Solomon Islands’ capacity for effective government [...] and helping to address underlying social and economic problems”.<sup>16</sup> In an address to the Australian Parliament in August 2003, Australian Prime Minister Howard summarized his government’s rationale for the intervention:

*“The international community understandably looks to Australia to play a leading role in the South Pacific. Our leadership of the regional assistance mission to the Solomon Islands reflects both a national interest and an international expectation. A failed state would not only devastate the lives of the peoples of the Solomon Islands but could also pose a significant security risk for the whole region. Failed states can all too easily become safe havens for transnational criminals and even terrorists. Poor governance and endemic corruption provide the conditions that bring forth and support criminal activities. If Australia wants security, we need to do all that we can to ensure that our region, our neighbourhood, is stable and that governance is strong and the rule of law is just. That is why we have joined with the other nations of our region to lend a helping hand. Failure to act would have sent the wrong signal to those who are endeavouring to maintain stability in other parts of the Pacific.”*<sup>17</sup>

### 3.1 Invoking the Pacific’s regional crisis mechanism

In June 2002, the regional inter-governmental organization, the Pacific Islands Forum, first used its new crisis response mechanism under the Biketawa Declaration mandate to send an

<sup>14</sup> Dr Ravi Tomar, “The changing focus of Australia’s Aid Program: Budget 2004–05”, Parliamentary Library, Department of Parliamentary Services Research Note No. 59, 31 May 2004.

<sup>15</sup> Executive summary, p. 3.

<sup>16</sup> Executive summary, p. 4.

<sup>17</sup> *House of Representatives Official Hansard* No. 11, 2003, 12 August 2003.

Eminent Persons Group to Solomon Islands.<sup>18</sup> The group presented its report to the Forum summit meeting in Fiji in August 2002 which discussed the findings behind closed doors. In the following months, the escalating violence in Solomon Islands found an increasing echo in Australian media, particularly after the beheading of Australian missionary Lance Gersbach on Malaita in May 2003. In June 2003, foreign ministers of Pacific Islands Forum member states endorsed a formal proposal by Australia and New Zealand based on the ASPI report, and supported by the Solomon Islands Parliament, to deploy a civilian-led force of police and military officers, as well as civilian advisers, to “restore law and order, strengthen government institutions, reduce corruption and re-invigorate the economy.” The Forum informed the UN Security Council of its intentions. On 27 August 2003, the UN Security Council President welcomed the collective action of Pacific islands nations to assist in the crisis.

The Australian-led Forum initiative engaged the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea (PNG), Samoa, Tonga and Vanuatu in sending personnel to be part of RAMSI. RAMSI’s Operation “Helpem Fren” (Helping a Friend) is the first regional intervention in the Pacific and regarded by the Australian Prime Minister as a possible blueprint for future operations in the region outside a UN mandate.<sup>19</sup>

### **3.2 RAMSI’s mandate and achievements**

From 24 July 2003, more than 2,200 military and police, and 80 civilian personnel, supported by warships, aircraft and large-scale military logistics support, were deployed on the Solomon Islands. The role of the military was to provide security, transport and medical support to the normally unarmed police officers involved. The police contingent – called the Participating Police Force (PPF) - were to assist with maintaining law and order throughout the country, and pass on skills to Solomon Islands police. The initial priority of the PPF was to secure key installations in Honiara, to disarm the main remaining militant groups around rebel leaders Harold Keke and Jimmy ‘Rasta’ Lusibaea and arrest those believed responsible for crimes – either conflict-related or ordinary crimes. The Solomon Islands Parliament passed special legislation to allow for the legal operation of foreign troops and police, and RAMSI officers

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<sup>18</sup> The Biketawa Declaration of 28 October 2000 provides for the Pacific Islands Forum Secretary General to assist in the resolution of a crisis in a member state, including through the creation of a Ministerial Action Group, a fact finding or similar mission, or the convening an eminent persons group.

<sup>19</sup> Although RAMSI is a multilateral effort, it has been widely discussed in Australia in the context of a bilateral Australian initiative to assist PNG. In August 2004, an Australian Federal Police working group and an additional 19 officers were scheduled to arrive in PNG to prepare for the deployment in PNG of some 230 Australian police and civilian advisers to help prevent PNG’s law and order situation from escalating.

were given an extensive mandate to end hostilities, arrest and detain suspected perpetrators of any crimes under Solomon Islands criminal law, if necessary with the use of lethal force.<sup>20</sup>

Military and police strategists took the potential for armed resistance from opposing police or militants very seriously, and RAMSI officers had robust rules of engagement, reflecting the experience of the UN Security Council's multinational intervention force in East Timor. Working with the Royal Solomon Islands Police, RAMSI police in July 2004 claimed to have arrested more than 3,500 people, among them more than 50 militants, 70 former police officers and some former Special Constables. As of mid-2004, the majority of the surviving militant signatories to the TPA were in custody awaiting trial. Over 400 police officers (about one third of the active police service) were dismissed, stood down or retired. Another 71 officers, including former deputy police commissioners, were arrested, mostly for serious human rights violations, some after investigations by the police Professional Standards team. They face 375 charges of murder, assault, robbery, intimidation, official corruption and other crimes including sexual assault.

On 13 August 2003, Harold Keke gave himself up to RAMSI civilian coordinator Nick Warner and then Deputy Commissioner of Police, Ben McDevitt. In a hand-over ceremony at Mbiti on the Weathercoast, some 40 of Keke's GLF fighters laid down their weapons and returned to their communities. The disarming of the GLF removed a long-standing justification by senior MEF commanders to retain their arms. On 16 October 2003, Jimmy 'Rasta' Lusibaea and his men surrendered their guns and stockpiles of ammunition to RAMSI in a public ceremony on Malaita. He was later arrested and, like Harold Keke, is currently facing trial for various crimes including murder.

Most MEF leaders who signed the 2000 Townsville Peace Accord and who had since effectively controlled the government have surrendered or were arrested. In various locations around Guadalcanal and Malaita island, thousands of Solomon Islanders watched as weapons were destroyed in public disarmament events. Some demolished firearms were dumped in the sea while the parts of others were placed into the concrete foundations of a new memorial to all Solomon Islands police officers who died on duty.

RAMSI also started a capacity-building programme for police, prosecution, court and prison services which have been struggling to cope with a rapidly increasing caseload. When Amnesty International met with Mr Justice Albert Palmer, the Solomon Islands Chief Justice, in May 2004, he estimated some 30 "high-profile" cases against suspected perpetrators of human rights abuses remained pending in the High Court. The Chief Justice was hoping for support from the country's donors to double the number of permanent judges to at least the four positions provided by the Constitution, once building work on a new court room in Honiara was completed. Since the opening of this additional court room in July 2004, the High Court can process two criminal cases at the same time.

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<sup>20</sup> See for example, "Agreement between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga concerning the operations and status of the police and armed forces and other personnel deployed to Solomon Islands to assist in the restoration of law and order and security (Townsville, 24 July 2003)," published by the Australian Department of Foreign Affairs and Trade.

In all provinces, a programme has begun to refurbish or reopen police posts, prisons or police lock-ups, and facilities for magistrates' courts. Villagers' requests for new community police posts have far exceeded current foreign aid plans and capacities. Australian-led assistance also substantially increased the capacity of the Public Solicitor's office, whose responsibilities include providing legal advice to poorer sections of the community, including those facing criminal charges for their actions during the conflict.<sup>21</sup>

The Solomon Islands' main prison at Rove, Honaira, has been substantially renovated, after earlier public criticism by former Ombudsman Peter Kenilorea. However, conditions at the prison, which is controlled by the Solomon Islands prison service working with RAMSI advisers, continue to give rise to concern. Following a prison riot at Rove Prison on 10 August 2004, prisoners held on remand made complaints about their treatment in a petition to Prime Minister Kemakeza, and to the High Court. The following day, the High Court reportedly ruled that the decision to segregate prisoners classified as High Security Risk and to confine them either by themselves or with others in conditions similar to a punishment regime was unlawful and unreasonable. The court also made orders to improve the prison diet. Strict security measures were imposed with RAMSI's assistance following the riot. Defence lawyers and relatives claimed that for the following 14 days, they were not allowed to visit prisoners. Facilities for visitors were among those reported to have been severely damaged during the riot. In response to the riot, RAMSI requested the assistance of an Australian expert to investigate prison security.

## **4. Women's experiences in the conflict**

Monitoring the five-year conflict in Solomon Islands leads Amnesty International to the conclusion that the role of women, both as victims and agents of peace, has yet to be fully assessed and appreciated. Under the Women, Peace and Security programme of the UN Development Fund for Women (UNIFEM), the Solomon Islands was the first Melanesian country to conduct a national stakeholders consultation on women in conflict situations (in November 2002), with wide representation by government agencies and civil society organizations. However, the prevailing lawlessness undermined the meeting's potential to influence government policy. Amnesty International has noted a welcome trend in international reports on the general situation in the country which show increasing attention to the contribution of women to peace initiatives, and to the impact of the conflict on their lives. However, hardly any study conducted on the conflict sought to assess this impact or provide gender-aggregated data.<sup>22</sup>

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<sup>21</sup> Some arrested militants were ineligible for public legal assistance (due to their wealth) and used their financial resources, gained during the conflict, to hire private lawyers for their defence, most prominently Jimmy 'Rasta' Lusibaea and his wife who also faces murder charges.

<sup>22</sup> To a limited extent, the *Forum Social Impact Assessment* (see footnote 12) may be seen as an exception, as its terms of reference explicitly request "sex aggregated data" (Section 4).

No statistics or credible estimates are available showing the number of women injured, ill-treated, killed or sexually assaulted in conflict-related violence during any given period.<sup>23</sup> To Amnesty International's knowledge, no data has been, or is being collected which shows the number of reported incidents or criminal charges laid for violence against women. Senior police estimate that the number of violent incidents against women both during and after the conflict has been "hugely under-reported". However, police also believe that the number of women who have reported in 2004 that they were raped earlier (during the conflict) is higher than the number of women who reported being raped during 2004 so far. Amnesty International's own interviews with 60 Guadalcanal women and girls show that 18 of them reported being raped by a total of 40 militants and police officers. The others suffered other forms of torture, ill-treatment or displacement mostly attributed to militant activities (see below 4.2 and 4.3).

In a March 2004 study, 85 per cent of Solomon Islanders interviewed reported that their families were directly affected by the conflict. Three quarters of women "suffered direct personal trauma," including rape, death of family members, threats of violence and intimidation and being held up at gunpoint.<sup>24</sup> Other consequences were domestic violence and family breakdowns, with women reporting increased tension in their homes. They observed a link between the conflict and an increase in domestic disputes, including the use of violence: "Even if you are not actively involved in fighting, the tension between husband and wives in the home was increased due to the changing situation, the frustration and tensions resulted in disagreements over trivial matters."<sup>25</sup>

In Honiara, the Family Support Centre (FSC), a key first point of contact for women victims of violence since 1995, indicated a substantial increase in the number of women seeking assistance from the Centre during the conflict.<sup>26</sup> The centre's number of registered clients increased nearly 10-fold from 71 in 1997 to 676 in 2002.<sup>27</sup> Although not all the reasons for this increase are clear, a study found "ample anecdotal evidence of an increase of violence against women."<sup>28</sup> This included reports by women trauma counsellors that Guadalcanal women suffered a higher incidence of violence from within their families, perpetrated "mainly by young boys who were under threat to prove allegiance to the militia." Amnesty International's interviews with trauma counsellors confirmed the finding that violence against women, including domestic violence, had increased during the conflict; it had been exacerbated by the inaction and inability of the police to address reported cases, and by

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<sup>23</sup> The terms of reference for the Forum Social Impact Assessment highlight the need to consider that "[w]omen are frequently subjected to increasing levels of violence in conditions of conflict." (s. 4).

<sup>24</sup> Forum Social Impact Assessment, p. 35.

<sup>25</sup> Forum Social Impact Assessment p. 35.

<sup>26</sup> The FSC is a member of the Pacific Women's Network Against Violence Against Women, linking women's organizations in 13 Pacific countries. According to Oxfam Community Aid Abroad, FCS workshops have been instrumental in changing police attitudes towards domestic violence.

<sup>27</sup> These figures do not reflect cases reported to police. Comparable data for 2003-2004 were not available to Amnesty International.

<sup>28</sup> Forum Social Impact Assessment p. 36.

women's restricted freedom of movement and opportunity to seek assistance, such as medical care or protection.

To date, it remains unclear how many women died or suffered life-long medical problems as a result of the breakdown in public health care in conflict areas. For example, there are reports showing an increase in maternal mortality, and two-thirds "of neonatal mortality was reportedly due to trauma."<sup>29</sup> Often, rural women were prevented from seeking medical assistance, including in child birth complications, because it was not safe to travel to one of the clinics which remained open, or because militants like Harold Keke assumed the power of discretion over who could travel outside their home area. At Kolina on the Weathercoast, for example, a sick mother was prevented in 2002 from leaving her village to meet an appointment for treatment pre-arranged by radio and only available at a hospital in Honiara. She is said to still suffer from the subsequent complications.

## 4.1 Entrenched inequality

Among the most frequent explanations women put forward to Amnesty International for the violence and discrimination they suffer at the hands of men is the tradition of a "bride price" given to the parents of a bride at her wedding by the parents of the groom. While customs on "bride price" vary according to provinces and language groups, women interviewed by Amnesty International agreed that the practice encourages an attitude in husbands to treat wives like property: "As a wife, she is expected to be subordinate to and obey her husband... She is at the mercy of her husband, who paid brideprice for her..."<sup>30</sup> Some Malaitan men confirmed this perception and added that a young husband was under pressure from the male community and his relatives to show his ability to "control" his often teenage wife, including through violence.

These concerns have been expressed against a background of a long tradition of women's inequality. There appears to be no legislation which openly discriminates against women on the basis of their sex.<sup>31</sup> However, successive Solomon Islands governments have done little to address the promises they made when endorsing the Beijing Platform for Action at the Fourth World Conference for Women in 1995.<sup>32</sup> An assessment agreed in 2002 between the government and the UN concludes that women "are currently under-represented at nearly

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<sup>29</sup> Forum Social Impact Assessment p. 26.

<sup>30</sup> Alice Aruhe'eta Pollard, *Givers of Wisdom, Labourers Without Gain: Essays on Women in Solomon Islands*, Suva, Institute of Pacific Studies, University of the South Pacific, 2000, p. 5, cf. pp. 59-61.

<sup>31</sup> Criminal law does, however, prohibit sexual activities, even in private, between persons of the same sex, although Amnesty International is not aware of this provision having been used in relation to consenting adults.

<sup>32</sup> The Beijing Platform for Action is available on the internet at <http://www.un.org/womenwatch/daw/beijing/platform/>.



all levels of decision-making institutions [including] traditional institutions".<sup>33</sup> As a State Party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Solomon Islands Government is obliged to take all appropriate measures to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of the sexes or on stereotyped roles for men and women" (Article 5(a)).<sup>34</sup> In other words, the government has an obligation under international law to change a culture in which men are used to making decisions without considering or consulting women, and in which women continue to take second place to men in almost every aspect of public and private life.

The Solomon Islands Government has demonstrated a lack of interest in the concerns of women. For example, between 1988 and 1998, cabinet repeatedly rejected a proposed National Women's Policy, prepared by the government's Women and Development Division after consultations with women's organizations.<sup>35</sup> Few national statistics are available which illustrate the extent of the inequalities which the policy is to address. Women were given the right to vote and stand for parliament in 1974 during the British administration's preparation for independence, but only one woman has ever been elected into Parliament. Hilda Kari from Guadalcanal was elected a Member of Parliament in 1993 and served as Minister of Forests, Conservation and the Environment until losing her seat in elections held during the conflict in December 2001.<sup>36</sup> Her ministerial position reflected the high level of responsibility for the land which women in the mostly matrilineal language groups of Solomon Islands have held traditionally.<sup>37</sup>

Currently, Solomon Islands is one of six Pacific island countries without a woman member of parliament.<sup>38</sup> In the 2001 elections, in which campaigning was overshadowed by reports of voter intimidation in both Guadalcanal and Malaita, senior women's rights activist Afu Billy stood as candidate for East Malaita but lost by two votes. She was one of 14 women candidates, none of whom were elected after many of the women were "subjected to male threats and intimidation alongside many of their male election candidates".<sup>39</sup> The East Malaita area has suffered particularly severely from a chronic lack of development, including girls' and women's access to education and job opportunities.

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<sup>33</sup> UNDP CCA, p. 90.

<sup>34</sup> Solomon Islands became a State Party to CEDAW and its Optional Protocol when it ratified the treaties on 6 May 2002.

<sup>35</sup> Cabinet accepted the policy in 1998, but the conflict hampered its implementation.

<sup>36</sup> In the initial conflict years, Hilda Kari and her family were a target for militant violence, threats and intimidation. After leaving parliament, she eventually became a member of the National Peace Council.

<sup>37</sup> However, although women in most provinces inherit land and other traditional rights from their mothers, "it is customary that the eldest living son be the spokesperson and leader for the 'line' or 'clan', not the women through whom inheritance is determined." UNDP CCA March 2002, p. 90.

<sup>38</sup> Inter-Parliamentary Union, *Women in National Parliaments*, Geneva, 30 June 2004, website: <http://www.ipu.org/wmn-e/classif.htm>.

<sup>39</sup> Forum Social Impact Assessment, citing UN CCA, p. 38.

In both Malaita and Guadalcanal, reduced education opportunities for girls, and a lack of awareness about women's rights, relevant domestic law and human rights standards were common concerns among women interviewed by Amnesty International. Many women considered this lack of information - among both women and men - a major obstacle to seeking justice and improving protection for women against violence. The action which Solomon Islands women (and many male community leaders) most frequently wished Amnesty International to support was the conduct of "awareness workshops" on human rights, the law and legal procedures, to be held in rural centres. The Peokatchuri community in Guadalcanal asked a visiting Amnesty International delegate to explain the UN Convention on the Rights of the Child (CRC) to local school children.<sup>40</sup>

In another group of villages dominated by families of former GLF militants, none of the 106 school-age children present during Amnesty International's visit were attending school. Most had missed out on schooling for years as a result of the conflict and the closure of most schools in rural Guadalcanal. Some parents told Amnesty International that schools which had reopened after RAMSI's arrival refused to enrol children whose fathers supported the GLF. Others said they made hard choices to send only sons to school, due to shortages of cash income for school fees, because boys were more likely to require education for a job. As a state party to the CEDAW, the CRC and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Solomon Islands Government must ensure that access to education is available to all persons without discrimination.

Contrary to Article 28 (1) of the CRC, education is neither free nor compulsory for children of primary school age in Solomon Islands. Subsistence farmers named school fees as the main recurrent reason for their need to generate a cash income. Across Solomon Islands, only 70 per cent of children at primary school age attend primary school, the majority of them boys. In Guadalcanal and Malaita provinces, girls now make up an average of 45 per cent of primary school children.

Not surprisingly, more than two thirds of women are believed to be illiterate.<sup>41</sup> Across Solomon Islands, education opportunities for girls have improved over the 1980s, but remain very limited. "This is partly because of a cultural norm that a woman's place is at home."<sup>42</sup> Other reasons put forward by formal assessments include the lack of boarding facilities for girls at secondary schools which are often too distant for most girls to travel to, even if such travel was relatively free of the risk of violence. Women leaders and teachers told Amnesty International that girls' reduced participation at all levels of education is often due to the costs of education to parents, and in many cases because older girls are kept at home to help mothers look after younger siblings.

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<sup>40</sup> Solomon Islands became a state party to the CRC on 10 April 1995.

<sup>41</sup> The government's 1998 National Women's Policy estimates the literacy rate to be 30 per cent. See Alice Aruhe'eta Pollard, *Givers of Wisdom*, p. 3.

<sup>42</sup> United Nations Development Programme, p. 87.

## 4.2 Women's experience of internal displacement

Census data research reveals that internal displacements affected large proportions of women who lived in Honiara and rural Guadalcanal at the onset of hostilities. By June 1999, more than 35,300 Solomon Islanders of various island origins had fled their places of residence on Guadalcanal because of the conflict.<sup>43</sup> This represents more than a third of all people then living in Guadalcanal Province and Honiara, or nearly nine per cent of the country's total population. In the four electoral wards east of Honiara, between 58 and 67 per cent of the local population were displaced.

### 4.2.1 Displaced Malaitan women

At the height of internal displacements in mid-1999, around 24,000 of the 35,300 people who abandoned their homes were Malaitan settlers on Guadalcanal. They mostly fled to Honiara which became their temporary refuge. Some found shelter with relatives, others in Red Cross camps and buildings normally used for police training. The majority later migrated to Malaita from where they had originally emigrated. On Malaita, newly-arrived displaced families found refuge with relatives or sought permission to build new homes and gardens. Their arrival placed immense pressure on Malaita's food supplies, health services and schools, increasing the population in the most affected areas within a few months by about a quarter (or more than 10 per cent across all of Malaita).

Some ethnic Malaitan communities in the Marau Sound area of Guadalcanal initially had no opportunity to flee to Malaita or Honiara while GLF militants controlled the area. Josefine (not her real name) told Amnesty International in her refuge on Marapa Island, off-shore eastern Guadalcanal, about what happened during a GLF raid in July 1999:

*"It was after seven at night, already dark, when Harold Keke came with the tractor [for years the only vehicle in the area] and walked to our shop. Harold pointed a pump-action gun at my husband and two others pointed their guns at me. They shouted "You're Malaitan, you got to leave!" They demanded money, but then also took all the food. I couldn't move. They destroyed everything they didn't take, like plates, cups, saucepans. When they were finished, they locked me, my husband and two others in [the shop]. Harold called his men to bring petrol and pour it over the shop. I was so terrified, the shop had no window and we could smell the kerosene. A boy alerted a teacher from a neighbouring village. He persuaded Harold not to*

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<sup>43</sup> "Profile Summary" of Global IDP Database, *Profile of Internal Displacement: Solomon Islands-Compilation of information available in the database of the Norwegian Refugee Council (as of 18 March 2004)*. See also Global IDP Database, "Extent and direction of displacement prior to June 2000", published by [www.idpproject.org](http://www.idpproject.org) and accessed in July 2004.

*burn us alive. When the GLF left, we fled to a place near our home village, but Harold left a message by radio that he was going to kill us all. So we went to Marapa Island where we've built this shelter."*

After June 1999, many of the men who had evacuated their families to Malaita soon left the island again to join Malaitan militant groups in Honiara, or to file compensation claims for lost homes and property with the Ministry of Home Affairs. The men's departure divided families and left displaced Malaitan women to struggle on their own, without the protection of male relatives, in an island barely able to cope with the sudden population increase in the absence of jobs and land for subsistence farming and housing.

Militant groups remaining on Malaita extorted money or other support from neighbouring villages, which were punished if they failed to meet expectations of corrupt leaders. For example, in December 2002, the villages of Mana'abu and Gou'ulu in North Malaita were targeted by suspected MEF militants because Timo Isu, a failed election candidate was angered by the lack of votes he received from these villages. Many of the village men were away that day, so the militants' revenge focused on the women and their kitchens:

*"I was in the kitchen [hut] preparing food for dinner. They [militants] entered the kitchen and kicked me hard in my back, and I fell. As I lay on the ground, they pointed their gun at my head, then smashed up everything in my kitchen. My daughter saw this, she cried and trembled with fear; she thought I was dead. They went to destroy the next house." (50 year-old mother of seven)*

*"At midday, the militants entered my kitchen, saying 'Hey! what are you doing here? Get out or else we'll kill you with the knife!' They dragged me outside, then pushed me to another guy who grabbed me with his hand, but I struggled and ran away. They followed me as I hid in another house. They shouted 'where's the girl', but then started destroying our*



Victim of abuse giving testimony to an Amnesty International interviewer, North Malaita 2004. © AI

*kitchens, the whole village.” (Hilda – not her real name; 13 years old at the time)*

Destroying a woman’s kitchen and cooking utensils is depriving her of her economic support base – both to feed her family and to prepare goods for the market to trade for cash, to pay school fees or buy salt or fuel for kerosene lamps. With many Malaitan men absent for extended periods in Auki or Honiara, dependent women, particularly mothers, were in a desperate situation. Many had already been traumatized by the destruction of their original homes in Guadalcanal by the GLF in 1999.

In addition, the situation of displaced families in North Malaita has created social problems felt particularly by women and girls until today. Malaitan village girls complained of sexual harrasment by newly-arrived youths from Honiara who were not used to fitting into traditional village societies. In North Malaita, people have complained about an increase in crime, after an initially quiet period following RAMSI’s arrival at Malu’u, about the introduction of a new urban (“townie”) lifestyle, and the use of marijuana and home-made alcohol (kwaso, or home-brew) as a result of the conflict.<sup>44</sup>

*“I went for a walk with two other girls. We met three men, former militants. They called us to drink with them, and the two girls wanted to go, but I refused. The girls said ‘We must go or else they will do something to us.’ I walked away, but saw the girls coming behind me. We talked and planned a different route back to the house. Suddenly we realized they were after us. They shouted at us and threatened to burn my father’s house and kill us. We were so scared! One of the girls said ‘Let’s get into their truck...’ They forced us to get into the stolen Hilux [vehicle] and threatened to rape us. They told us they’d do all sorts of bad things to us. When we arrived at [another village] they said ‘Get out!’ I started to cry and refused, but he forced me. I tried to explain I’m a distant relative. I was so filled with fear I didn’t know what to do [except submit to rape]. I didn’t report this to police, because I’m so young and so full of fear, or else they come back to us next.” (Jenny – not her real name; then 16 years old)*

Some Malaitan women told Amnesty International they were deprived of their limited livelihood when an increasing number of absentee husbands failed to support their families and “took an O-2” (girlfriend). If challenged, husbands would beat, threaten or evict wives and sometimes children from their homes in order to move in with their new partners. These wives had been forced to live with relatives, unless they were lucky to find income opportunities to support themselves. There is no women’s refuge institution on Malaita.

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<sup>44</sup> Forum Social Impact Assessment p. 34. These complaints were also brought to the attention of the Amnesty International delegation which visited Malu’u in April-May 2004.

### 4.2.2 Displaced Guadalcanal women

According to RAMSI Special Coordinator Nick Warner, 14,000 displaced indigenous Guadalcanal people had returned to their villages on the Weathercoast by July 2004 where they were living together with those they had been in conflict with.<sup>45</sup> The total number is likely to be much higher. Guadalcanalese also fled from other areas, and many fled for shorter periods (often months) to hide in the hills behind their villages, or in shelters in their vegetable gardens – away from Red Cross or other officials conducting assessments.<sup>46</sup> Amnesty International’s monitoring of the conflict shows that several thousand Guadalcanal displaced people, most of them women, children and elderly people, fled their homes more than once. A small number of displaced village communities were able to salvage some building materials from deserted or destroyed homes, and resettle in places away from the fighting.

For example, the families of Ngalito village on the Weathercoast were first displaced when a joint police-IFM operation against the GLF raided their



village in October 2002. Such raids were often conducted in order to limit the capacity of the GLF to use villages as a support base or hiding place, or, according to some villagers, because members of the police-IFM operation sought to punish them for allegedly supporting the GLF.

During the night following the raid, Ngalito villagers evacuated the elderly and children further inland to the Uranghai valley, returned to Ngalito under cover of darkness and carried all moveable materials and equipment to Uranghai. Landowners then allowed them to resettle in the Uranghai valley where they hoped to start a new life:

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<sup>45</sup> PACNEWS, “Celebrate RAMSI but no complacency”, 23 July 2004.

<sup>46</sup> For example, in 1999, Amnesty International delegates found hundreds of internally displaced people sheltering along mountain rivers and on off-shore islands in the Marau area of East Guadalcanal. See Amnesty International, *Solomon Islands: The forgotten Conflict* (AI Index Index 43/05/00), August 2000, p.22-25.

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*“We built new homes there, cleared bushland and made new gardens. It was not safe to live in Ngalito any more so we stay at Uraghai. One day before the first harvest, at three in the morning on 27 May 2003, the GLF came and torched our homes, chased everyone out. This time we lost everything. We all ran away into the bush with whatever we had on our bodies. In my family, no-one was injured, but four young men of another family were killed. We fled to Honiara – most families trekked for two to three days across the mountains, some were evacuated by boat. We stayed in Honiara for seven months, mostly in camps and some with relatives. We filed compensation claims with the government. They gave us part-payment vouchers which turned out to be worthless at the bank. In December 2003, we went back home.”<sup>47</sup>*

When Amnesty International visited Ngalito village in April 2004, all families were still sheltering in improvised huts made from scrap materials and covered by the torn tent sheets they had salvaged from their former Red Cross camp near Honiara. Food was scarce because emergency supplies distributed at the time of return had been stretched while rehabilitated gardens were not yet ready for harvest.

*“We walked for four nights and four days across the mountains to Titinge [near Honiara, site of a Red Cross displaced persons’ camp]. Many had nothing to eat for two days. A two-week-old baby girl and two men died in the mountains from lack of medical care. One man had asthma, the other was disabled. [...] After we returned from Titinge, it took us several weeks to carry all the luggage and supplies from Marasa Bay to our village and repair the destroyed water supply before we could rebuild our homes.”<sup>48</sup>*

Amnesty International’s research in resettled villages along the Guadalcanal Weathercoast also revealed that not all families who fled during the conflict had returned nearly a year after the arrival of RAMSI in the area ended hostilities. For example, of the 40 families living in Chimba near the Tina River, only 29 returned. At nearby Veratabau, only 15 families had returned, and only 28 families each at Poisughu and Mataruka.<sup>49</sup> While the reasons for this are not entirely clear, Amnesty International noted that different families in these villages had at various times during the conflict found themselves on different sides of the joint police-militant operation against the GLF. People interviewed by the organization expressed concern about living in a village which had been divided by the conflict.

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<sup>47</sup> Interview with Rose (not her real name) at Babanakira and Ngalito, 23 and 26 April 2004.

<sup>48</sup> Interviews with villagers gathered at Chimba, including from neighbouring villages, 24 April 2004. Problems with health care featured frequently among indirect consequences of the conflict. As a result of disruptions to the Malaria Prevention Programme brought on by the crisis, malaria has increased and is now reported to be the third highest cause of death among pregnant women (Forum Social Impact Assessment, p. 27).

<sup>49</sup> Amnesty International has no confirmed data of pre-conflict village populations, however some of these villages seemed to have been home to larger numbers of families than had resettled there in December 2003 and January 2004, when the authorities provided two ships to return displaced persons.

Weathercoast villagers also expressed concern that their attempts in Honiara to seek government resettlement assistance or compensation for lost property were being frustrated by the lack of political representatives at the provincial and national parliamentary level. Both their Member of Parliament, Father Augustine Geve, and their representative in the Guadalcanal Provincial Assembly, Alas Tibamate, had been killed during the last year of conflict.<sup>50</sup>

### 4.3 Women as targets of violence

Throughout the conflict, there has been a great culturally-rooted reluctance among Solomon Islanders to acknowledge direct, physical violence against individuals, particularly women. Fears of reprisals from perpetrators and their families, shame, trauma and cultural taboos continue to prevent women from freely discussing incidents of physical violence, particularly sexual assault. For example, despite reports to Amnesty International by rural health workers about an increase in sexual violence during 2001-2003 by Malaitan armed groups against Malaitan women in North Malaita, very few victims were willing to tell their story. Likewise, during Amnesty International's research into the displacement of Malaitan women in 1999, most women were unwilling to relate their experience of atrocities at the hands of Guadalcanal militants. None admitted being raped. However, for many Malaitan men, the rape of a relative on Guadalcanal by GLF or IFM groups in 1999 was a motivation to join the MEF, though not an issue to discuss outside the family. In Guadalcanal, many men caught up in the fighting were willing to discuss the torture of other men, but not the rape of their daughters and wives in villages used as militant camps. Many women were also reluctant to talk about any sexual violence, while acknowledging other forms of violence which occurred in the context of such sexual assault.

The following testimonies show how women traumatized by their experience of sexual slavery sometimes described it using words normally suggestive of a voluntary relationship with the perpetrator:

*"I suffered a lot of stress because of pressures from my husband. Because I was selected or appointed by Harold Keke to be his wife, at gun point. While we have sexual affairs, my husband would [be made to] stay and watch."*(Sera – not her real name; around 30)

*"In September 2002, when Harold Keke [GLF] was here in the community, Mr B. forced me to have sex with him. I couldn't resist because of the fear of guns. He used me as his wife during their reign on the Weathercoast."*  
(Grace – not her real name; then 17 years old)

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<sup>50</sup> By-elections to fill the seats were not held until November 2003, but Amnesty International understands that newly-elected representatives had not visited the villages concerned by April 2004.



From the onset of the conflict, the civilian population has not simply been caught in the crossfire, but purposefully targeted. During 1999, the GLF used the effect of publicity and rumours about their brutal attacks on Malaitan settler communities – including rape of Malaitan women - in order to cause a wave of terror and panic which above all affected women and children.<sup>51</sup> A 50-year-old Malaitan grandmother, who in 1999 lived in a Malaitan settlement in the Guadalcanal plains, remembers:

*“It was midday, a Sunday in June and raining heavily. Keke’s men [the GLF] arrived at our house. They carried guns and pointed them at me, swearing at me. I was filled with fear! I saw a truck passing and started running towards the truck, and I got on and headed straight to Honiara. I left almost all my belongings behind... it was a very painful memory. [After fleeing to North Malaita, her new home village was raided by Malaitan militants in an election dispute in 2002.] Now I am still trying to recover from the stress and trauma I’ve been going through.”*

A large number of mostly Malaitan women and girls were raped in these attacks, apparently in part because this was seen as a particularly hard-hitting humiliation of the enemy. Malaitan men were well known to respond with particular outrage to any sexual assault against their sisters, daughters or wives. Some of the Malaitan police officers sent to fight Harold Keke’s GLF in 2002 are said to have raped Guadalcanal girls and women. On the Weathercoast, a then 13-year-old girl and two women in their 30s told Amnesty International they were raped first by GLF men, then by pursuing police. As a result, one of them now has a two-year-old child. In this way, women’s bodies became targets, even if there may not have been an explicit instruction or encouragement by commanders to rape the women in a community they were attacking.

While many women were assaulted because of their membership of a particular community, others were singled out, for example for allegedly harbouring relatives who were militants. The following events on the Weathercoast were witnessed by several women:

*“In December 2002, the Police Joint Friendly Force went to my village and*



16 year old girl with scar from beating by members of a police operation against the GLF, Weathercoast 2004. © AI.

<sup>51</sup> See Amnesty International, *Solomon Islands: The Forgotten Conflict*, p. 16-20.

*used abusive words... they called on me to come to them to the clear place so that they will beat me up [publicly]. I was beaten with a cane and with strong small trees, with my little three-months' old boy in my arms. My sister took the baby from me. They beat me until I was unconscious. Then they left me and went to their base. All this was done by [three named men]. Next morning they came back and marched me to their base at Ogio. They beat me a second time... they used heated wire and cane, hitting me on my head until I passed out again. Afterwards, I had severe headaches and infected eyes, also cuts on my arms. Three women ... took me home because I could not walk on my own. I was treated at home with medicine, then went to the clinic.”* (Francisca – not her real name; a mother from Vasaudavola)

*“During the Joint Police Operation I was one of the victims of torture. I was tied up, face down to the ground, with my children [watching me]. I was later released and forced at gun point to watch my son drink his own urine. I was so terrified!”*(Eileen – not her real name; 35 years old).

In one of the most serious acts of violence targeting women and children, a group of more than 20 women and children were shot at by militants in the Guadalcanal plains on 3 September 2002. They were accompanied by two men while travelling on a truck to the rural Grove (Gorou) Clinic where the children were to have health checks. The gunmen stopped the truck near a rice field and fired at the passengers. A three-year-old girl from Purakachele, two other children (Starson, two, and Donly, 13), and a 50-year-old woman died in the ambush. Another nine children, mostly from Veravalou, were injured.<sup>52</sup> Survivors fled as the militants threw the bodies out of the truck and drove away with it. In the same area a week earlier, two girls, aged eight and 16, were shot by suspected militants, and the older girl died, reportedly from a lack of emergency medical care to a leg injury. The area was at the time the scene of violent power struggles between supporters and opponents of militant leader Stanley 'Satan' Kaoni – now in police custody



Marasa Beach, Guadalcanal. Here the GLF allegedly raped two girls in June 2003 after forcing around 400 villagers and hostages to watch two young men being tortured to death. © AI.

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<sup>52</sup> There were conflicting claims by police that another adult died of his injuries.

facing trial. Despite the presence of RAMSI forces, violence between these groups flared up again in August 2004 (see p. 3).

Further south in rural Guadalcanal at the time, GLF militants under the command of Harold Keke used exemplary punishment of men in order to terrorize the women of communities deemed to be under his rule, and in order to make everyone comply with any orders given to civilians:

*“One Monday before the police operation [against Harold Keke’s GLF], Harold went up to our church and ordered the women who were at the service to come to the beach to witness a killing.[...] Here on the beach, the women were ordered to watch Harold and his men torture Rey and his brother to death. Some women ran away as they came to the beach. The two men were not tied up, but standing upright....*

*Harold himself beat them with sticks, then his men took turns in beating them. When I saw that, I ran away. After the beating, the GLF took their victims to the house of an old man just behind the beach. They were still alive. The old man ... looked after them for about two weeks. Harold gave permission for [us] to take them to Viso clinic...where Rey died after a few days on 26 May 2001. His brother survived.*

*When we returned with the body to the old man’s hut at Peo, Harold threatened Rey’s wife with a gun not to cry or mourn her husband. We buried him under that Mango tree [on the east end of the village]. There already were two more graves there of men who died after torture.” (Three senior women giving joint testimony to Amnesty International at Peokatchuri)*

International human rights and humanitarian law provide comprehensive guarantees of the rights of women and girls to be protected from sexual violence and abuse.<sup>53</sup> Rape and sexual violence are grave violations of international law. When committed by combatants during armed conflicts they are recognised as war crimes and crimes against humanity. All parties to a conflict are bound by the provisions of international humanitarian law enshrined in common Article 3 to the four Geneva Conventions, which prohibits among other acts, violence to life and person and outrages upon personal dignity. Furthermore, under international law, rape committed by, or at the instigation of, or with the consent or acquiescence of an official, is regarded as torture.

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<sup>53</sup> Amnesty International, *Making rights a reality: The duty of states to address violence against women* (AI Index: ACT 77/049/2004), 3 June 2004. Available also at <http://web.amnesty.org/library/Index/ENGACT770492004?open&of=ENG-373>

### 4.3.1 Rape during the conflict

*“I was 14 years old then. One of the policemen, Mr. N. [member of Police Joint Operation speaking a Malaitan language] came one night at around 10 pm, pointed a gun at me and ordered me to follow him to see the other men. They were already waiting for me. They forced me to go and get leaves for betelnut [a popular local drug], then questioned me and told me they would send for the commander to see me. The Commander was Mr [...], he pointed his gun at me and raped me. I suffered pain and bleeding and had no [access to] medical care.”* (Carol – not her real name; now 16)

During the conflict in 2002, an academic health survey interviewed 300 Solomon Islanders (men and women) about sexually transmitted diseases and related issues.<sup>54</sup> The survey found that the majority of them knew of someone who had been raped. Just under half had witnessed a gang rape, and more than half (including females) said they “had participated in long line rape [gang rape]”.<sup>55</sup> Given the security situation and local sensitivities on the issue, the survey’s detailed data were not published.

In one village visited by Amnesty International in April 2004, the men were initially reluctant to talk about sexual violence against women during the conflict, but eventually disclosed that seven of their daughters had been repeatedly raped by members of a militant group who had made the village one of their bases for several months. Three of the girls raped were thirteen, the others fourteen years’ old at the time. One of the fathers asked the militants to stop the abuse, but in response was shot at six times and narrowly escaped being killed. “Some of these militants are still free [have not been arrested by RAMSI], maybe because people [are more likely to] report murder and torture than rape.”<sup>56</sup>

Data collected by Amnesty International in Guadalcanal reveals that women and girls suffered a high rate of sexual violence, often repeatedly, at the hands of opposing armed groups and police officers. The women were interviewed in 11 village locations between Marasa Bay and Inakona along the Weathercoast, and where some of them had resettled on the north coast. The women interviewed came from a total of 26 individual village communities. In one village where GLF supporting communities had gathered, most women expressed their suffering at the hands of the Joint Police-IFM Operation in a collective letter.

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<sup>54</sup> Research towards a PhD thesis on *Global movements and local desires: youth sexuality and urban life in Auki, Malaita*, by Holly Buchanan-Aruwafu, Key Centre for Women’s Health in Society, The University of Melbourne.

<sup>55</sup> “Summit told of ‘long line’ rape weapon”, Sydney Morning Herald, 4 September 2002.

<sup>56</sup> Information from the men of the village, Duidui area, Weathercoast.

Of 55 women and teenage girls who lived on the western Weathercoast during the conflict and gave individual testimony, 19 had the courage to admit being raped by forces occupying or raiding their village. The oldest rape victim is now 60 years old, the youngest was 11 years old at the time. Thirteen were teenagers. Twelve said they were raped by the GLF, seven by members of the IFM-Police Joint Operation (including police officers whose ranks and names were identified). Of the five women and girls who were gang raped, one had a complicated pregnancy after being raped by 10 identified members of an IFM-Police operation.

Figures cannot express the horror these girls and women went through, often over periods of several months, and with male relatives usually unable to offer protection against repeated rape. Dalesi (not her real name) was fifteen in 2002 when members of the IFM-Police Operation arrived by police patrol boat and spent months in her home village fighting the GLF. Villagers could not always say who were police officers, Special Constables or rival militants armed and supplied by police, in part because police often wore no uniform or had replaced it with camouflage clothing. The village men were forced or coerced to assist with the police operation on scouting trips, or to build defensive “bunkers”, while the women were required to work in their vegetable gardens to help feed members of the IFM-police operation. Dalesi agreed to talk to Amnesty International in April 2004:

*“N.N. [a senior Police STAR division (Special Task and Rescue) officer and former MEF commander]<sup>57</sup> sent a man to fetch me from my family home. At first, I refused. They came back another time when there were lots of people with police guns in the village. Again I did not go, ran away and tried to hide in the village. The third time, N.N. himself came to our house and gave me a hundred dollars. He asked me outside to someone else’s house, away from where my parents were. I tried to refuse. I said I don’t want that money. When he had me inside that house, he grabbed my wrist and had his way. When he was finished, he grabbed my wrist again and made me stay, but he fell asleep. I was very unhappy. Then I sneaked away to my mother and told her. When N.N. and his men eventually left our village, they sent some money to my brother to calm things down. Today, I try to forget all that because I am still at school and want to concentrate on school work.”*

During the conflict on Guadalcanal, a new concept of “compensation” payments for services and as an alternative to violent “payback” or formal justice procedures had developed out of traditional methods of conflict resolution and reconciliation. Such “compensation” involved exaggerated demands of money from people unable to defend themselves against the threat of violence. Under this concept, Dalesi and her family did not report the rape to RAMSI police officers even after RAMSI arrested the perpetrator. They were unsure whether her

<sup>57</sup> The STAR division was a new Malaitan-dominated division, now disbanded. In November 2002, the Australian Government funded an eight-week intensive training for 30 former Police Field Force officers recruited into the division.

abuse was still a crime after money had been passed between the perpetrator and the victim's family in a way intended to prevent them from pursuing legal charges. Her case highlights the lack of understanding of domestic criminal law which would consider her experience as rape, regardless of amounts of money provided. In Dalesi's village and neighbouring villages along the Weathercoast, women and young girls were frequently and repeatedly raped on both sides of the conflict. The information gathered from villages where GLF or the IFM-Police operation was based suggests that some women were held as sex slaves (see. p. 22).

#### 4.4 Violence after conflict

*"Already this year nearly 200 rapes [were reported to police] and we're only six months through the year, that's an appalling record."*<sup>58</sup>

Being raped during the conflict – by police or members of armed groups – often led to stigmatization or other social consequences for the victims, particularly unmarried girls. Women leaders told Amnesty International that some cultural traditions could require a married victim to pay "compensation" (goods and/or money) to the family of her husband because of the shame brought on the family.<sup>59</sup> The consequences for young, unmarried girls may be even more severe, given traditions of "bride price", social values and attitudes regarding a potential bride. This report does not explore these issues in detail but cannot ignore the serious concerns, expressed to Amnesty International by parents of raped girls, that their daughter's future was "ruined". Some women also expressed the fear that a girl or woman, once known to have been raped, may be left or abused by her husband, or be more likely to become a target of rape again.

As the Police Commissioner's comment quoted above shows, violence does not necessarily reduce once a conflict has abated. The World Health Organization notes that "in many countries that have suffered violent conflict, the rates of interpersonal violence remain high even after the cessation of hostilities – among other reasons because of the way violence has become more socially acceptable and the availability of weapons."<sup>60</sup> Women in Solomon Islands have suffered from the same experience; firearms previously used in hostilities or to defend communities were sold or lent to criminals and former militants. As a result, women

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<sup>58</sup> Commissioner of Police, William Morrell, "Call for tougher sentences for rapists - Solomon Islands", Radio Australia 23 June 2004.

<sup>59</sup> "Men tend to enjoy more privileges than women and when women and children are abused [...] they tend to be blamed." Betty Luvusia, "Gender Based Violence in the Solomon Islands – Breaking the Silence", contribution to the Amnesty International Australia conference *Human Rights: A Pacific Agenda – Partnerships and Perspectives*, Brisbane, 4-5 September 2004. On Malaita, a female victim of physical violence by someone outside the family may not be herself subject to such demands, but will not benefit from any compensation her relatives may demand from the offender.

<sup>60</sup> World Health Organization, *World Report on Violence and Health*, Geneva 2002, p. 118. See also Amnesty International, *It's in our hands: Stop violence against women* (AI Index: ACT 77/001/2004), p. 52-56.

found themselves being threatened with arms by members of their own or neighbouring communities to give up money or other valuables.

Joy's (not her real name) testimony below is representative of many North Malaitan women who saw returning militants and unemployed youth create an atmosphere of fear in the absence of police control:

*"I went to the market in Malu'u; there were armed militants there demanding money of us women. If we refused to give the money, they fired guns and rampaged the market stalls. We were so scared and fled our market. We can't talk about it, if we do they'll point the gun at us. [...] Those of us who live at [location withheld], we found it difficult to sleep, we were so traumatized by the sound of gun fired day and night. One day they came and took my pig from the fence. I couldn't do anything about it, we were so helpless."* (Joy, not her real name)

Both men and women in village communities visited by Amnesty International in the Malu'u area of North Malaita reported significant initial improvements in law and order following RAMSI's deployment in the area. However, they were concerned about re-emerging low level crime and harassment during 2004 and continued to fear violence from drunken unemployed youth, rival villagers or former militants. Their comments reflect what researchers for a Pacific Island Forum study found in November-December 2003: "the People [sic] in Malu'u have described the current situation as 'peace with fear'. They fear retaliation from former militants when RAMSI leaves."<sup>61</sup>

## 5. Addressing impunity

*"Upholding the Rule of Law is of paramount importance to peace, security and freedom. For criminals to run free and exert power through force and intimidation is to deny ordinary people the freedom to live their lives peacefully and is therefore a denial of democracy."*<sup>62</sup>

Impunity is the result of a practice or inaction by state authorities which allows perpetrators of human rights violations to remain free from punishment. It is often at the root of further abuses, as it sends a dangerous message that those responsible for human rights violations will not be held accountable. There are many reasons why people responsible for conflict-related torture, rape or other crimes in Solomon Islands have rarely faced the law, at least until the arrival of RAMSI.

<sup>61</sup> Forum Social Impact Assessment, p. 10.

<sup>62</sup> Solomon Islands Human Development Report 2002, p. 26.

To bring perpetrators to justice, victims and witnesses must feel safe to report crimes to police. Police officers need the equipment, training and skills to investigate – including transport and communications. Prosecutors require evidence and an investigation file on which a court can find that there is a case to answer. Magistrates and courts need to be able to operate free from intimidation. They must be able to rely on functioning police, prison and probation services to act on any orders the court may make. During much of the conflict, these conditions were rarely met, even though many police and judicial services officials tried hard to keep the justice system operational. This report points to some of the many weaknesses of the justice system, in particular in the police and judiciary (see 5.1).

In addition to capacity building for the police and judiciary, the prosecution, prison and probation services will be essential targets for assistance if impunity is to be addressed. At the time of Amnesty International's 2004 visit to Solomon Islands, only the main Rove Prison and a prison farm at Tetera (east Guadalcanal) had undergone substantial post-conflict refurbishment. In addition, it will be important for peace and recovery in Solomon Islands to ensure that the courts can not only rely on safe and humane prison services, but also on the government to make resources available for rehabilitation and probation services.

In this post-conflict period, the Solomon Islands criminal justice system – police, prosecution and courts – is expected to address human rights violations in the conflict and to improve its capacity at the same time. Amnesty International believes that a recovering justice system gains credibility and community cooperation by being seen to vigorously address impunity, which will be central to the success and sustainability of the new start being made in Solomon Islands since July 2003.

## **5.1 Structural weaknesses**

There appear to be many cases still outstanding where charges have not yet been filed, where police have yet to complete investigation files, or where legal procedures have not reached the trial stage. In addition, transport and communication difficulties challenge both police investigations and the willingness of victims or witnesses to cooperate with the criminal justice system. Courts and police posts are often far away from victims' villages, where the revival of customary violent reprisals and "compensation" payments to address grievances has further marginalized approaches to the formal justice system. To reach a court in Honiara, for example, Weathercoast villagers have to travel on foot to a Pacific Ocean beach from where small boats occasionally make the six to 12-hour journey to Honiara which depends on favourable weather conditions. Villagers from North Malaita, once they reach Malu'u, face a rough, six-hour motor vehicle ride to the airstrip at Auki and a short flight to Honiara (however, this airstrip has often been closed). The travel costs involved put such trips beyond the reach of many villagers whose livelihoods were destroyed during the conflict.



### 5.1.1 Police

*"I fully support the White Ribbon Campaign in its fundamental aims of highlighting the impact of violence against women and abuse of children. The Royal Solomon Islands Police is committed to prosecuting offenders and supporting women and children at risk."*<sup>63</sup>

The Royal Solomon Islands Police (RSIP) has been severely compromised and incapacitated during the conflict. An Australian police adviser to the RSIP Criminal Investigation Division during 2002 found that "any legitimate advice or assistance provided was nullified by corrupt elements within the RSIP or the very strong criminal elements outside and/or associated with the RSIP."<sup>64</sup> Crucial evidence on serious criminal charges required to meet court standards of proof has been lost.

For years, Solomon Islanders

particularly on Guadalcanal and Malaita have had little faith in local police, and the service is now working hard to regain public confidence. Police capacity to act was not only severely influenced and often controlled by militants, but also by a lack of the most basic



Malu'u Police Station staff housing, North Malaita, April 2004. © AI

equipment, including stationary and fuel for vehicles or boats. As a result of government neglect and corruption, police stations and posts, as well as police housing, radios, cars and outboard engines had not been maintained for many years. Many buildings are dilapidated and no longer provide safe and humane accommodation for prisoners or work places for officers.

While RAMSI has rebuilt or refurbished police stations and posts in most provinces, many officers' quarters remain in a deplorable state. They are unfit for use as accommodation, and unsafe particularly for female officers, some of whom were reportedly sexually assaulted in their homes by their colleagues during the conflict.

<sup>63</sup> Assistant Commissioner of Police John Lansley, launching the Police Sexual Harassment Policy, November 2003.

<sup>64</sup> Don Whinfield, in a presentation at the Australian National University on 25 August 2003.

It is clear that the Solomon Islands Government must provide the police service with the resources to operate, and to renew its facilities, transport and communications in order to fulfil its constitutional mandate. There is also uncertainty about the future leadership of the police by Commissioner William Morrell.<sup>65</sup> The police cannot continue to rely heavily on the logistic support provided by RAMSI. Newly recruited and retrained officers need to gather experience to do their job with their own equipment, particularly given high public expectations that maintenance of law and order remain the first priority to ensure the country's recovery from conflict. Currently, the Government's police budget for 2004 lacks provisions for many essentials. There are concerns that once RAMSI withdraws its police element, RAMSI vehicles may no longer be available for the Solomon Islands police to use. As of September 2004, the long-term duration of RAMSI police deployments remained open and depended on the Solomon Islands Parliament and Government and Pacific Islands Forum governments.

Amnesty International believes that the Solomon Islands Government should substantially increase its support towards the rebuilding of the police, where necessary with donor assistance, and should urgently address areas of past neglect. Recurrent police budgets must ensure they meet essential requirements. Expectations have also yet to be fulfilled that donors will provide new uniforms to ensure every police officer is easily identified. Currently, no funds are available to train officers – men and women – in appropriate initial responses to sexual assaults or domestic violence. As a result, crucial evidence may be lost which increases the likelihood that perpetrators cannot be brought to justice.

Indigenous Solomon Islands police officers, both men and women, are the front line of the justice systems' response to such crimes. They require training not only in how to operate professionally in their most visible public duties, but also in how they ensure that women feel safe to report violence and cooperate with investigations and prosecution. Police stations lack suitable facilities which can make female witnesses and victims feel safer while identifying suspects or giving evidence. A rape victim who has built up the courage to report her ordeal is likely to feel intimidated and traumatized if she is required to face the perpetrator inside a police station. Police and clinics lack facilities for forensic investigations that may be essential for the collection of evidence in rape cases. In addition, specialist training will be needed to increase police effectiveness in addressing and prosecuting domestic violence and sexual assault against women.

This could be achieved through the establishment of skilled sexual assault investigation teams in major urban areas, with complementary steps to be taken by health authorities. For example, police officers should be trained and empowered to refer a rape victim to a hospital where a suitable examination suite and medical personnel trained in sexual assault assessment should be available. This would allow the victim to be examined and given treatment while possible evidence could be secured and preserved for the prosecution of the perpetrator. Such cooperation between police and hospitals should be based

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<sup>65</sup> The Commissioner's two-year contract, expiring in March 2005, has so far been funded largely by the European Commission, with assistance by the British Government. However, as of August 2004, the European Commission had not yet committed itself to extending the contract.

on a written agreement which clarifies procedures, responsibilities and the rights of victims. Solomon Islands could benefit in this field from the experience of the Fiji and Vanuatu police which have established specialized family protection or sexual assault units.<sup>66</sup>

Another issue concerns the small number of women police officers. During the conflict, the RSIP's few policewomen appeared to be posted in subservient positions to senior male officers, irrespective of their rank, qualifications and experience. This situation has been changing since 2003. An extensive programme of recruitment has begun which places particular emphasis on increasing the proportion of women police officers. Amnesty International has observed evidence of credible police efforts towards achieving gender equality. Already, despite the lack of resources provided by the government, the police have substantially increased the proportion of women entering the service as recruits. Of 30 candidates selected to enter the Police Training School in mid-2004 as recruits, 16 were women.

A tentative step towards raising awareness among male officers on gender-based violence was taken in November 2003 when the police launched a Sexual Harassment Policy for its officers, developed on the basis of submissions by female officers by RSIP Welfare Unit officer Eddie Soaki. He had earlier attended a Men's Advocacy Training Program on gender-based violence, organised by the Vanuatu Women's Centre. In September 2004, the Commissioner of Police dismissed an officer for domestic violence. In a public statement, the Commissioner warned all police officers that there was "no excuse for the use of violence by a man against his wife or girlfriend", and that police perpetrators of such violence faced immediate dismissal even if they engaged in a formal reconciliation process with the victim.<sup>67</sup>

### **5.1.2 Judiciary**

The Solomon Islands judiciary is made up of Local Courts, Magistrates Courts, the High Court and the Court of Appeal. Many Local Courts ceased functioning during the crisis and had not resumed by mid-2004, and most provincial Magistrates Courts as well as the Court of Appeal did not sit for years. Members of the judiciary, including justices of the High Court, faced threats against themselves or their families by militants or disgruntled petitioners. The then Chief Justice Sir John Muria had his official vehicles stolen in June 2000 by men claiming to be members of the MEF, and the wife of Mr Justice Awich was threatened by apparent MEF members to hand over her husband's car. A Magistrate from Guadalcanal was badly beaten by thugs during the height of fighting in 2000, and a Magistrate from Central Province suffered a frightening ordeal over several hours of being "taken in for questioning"

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<sup>66</sup> Since March 2004, Vanuatu's Police Criminal Investigation Department has a Family Protection Unit to address "sexual abuse, domestic problems, child abuse, underage sexual offences, incest, divorce, wife beating and physical assault", with plans to recruit a psychologist and family counsellor to the team. In Fiji, the Police Sexual Offences and Child Abuse Unit was established in 1995.

<sup>67</sup> "Domestic violence results in dismissal of police officer", SIBC news, 28 September 2004.

by members of the MEF. Despite such intimidation, the judiciary retained its independence and even met in November 2000 to assert it by issuing the “Yandina Statement of Principles of Independence of the Judiciary in Solomon Islands”.

While much publicity has been generated on the renewal of the police service, comparatively little attention has been paid to the crucial role of the courts, prosecution, prison and probation services in addressing impunity, clearing a backlog of criminal and civil cases, and ensuring that perpetrators of human rights abuses are brought to justice and rehabilitated.

Solomon Islands’ Local Courts are led by customary law leaders, usually village chiefs without formal legal training. They often resolve disputes over land. For a village-based victim of violence, they may be the most easily accessible representative of the criminal justice system. However, Local Courts have limited powers in criminal law and cannot impose sentences of imprisonment of more than six months or fines higher than 200 dollars.<sup>68</sup> The Bar Association of Solomon Islands has suggested that Local Courts be reactivated following the end of the conflict, in order to help address customary law cases and reduce the number of minor cases coming before Magistrates Courts.<sup>69</sup>

Magistrates Courts suffered particularly badly during the conflict, and for years there were only two permanently resident magistrates outside Honiara whose courts were starved of funds even for basics such as stationary.<sup>70</sup> The magistrates court at Auki (Malaita), in the most populous province, closed down in 2000. Between the MEF takeover of Honiara in June 2000 and August 2003 (after RAMSI’s arrival), magistrates received no funding to visit provinces to administer justice several times a year. Provincial police, including in Malaita, saw little point in arresting suspects because they did not expect the touring magistrates to resume travel. Many civil law cases, including those involving the welfare of women and children, were left unattended, leaving women, including those left alone by their husbands, without access to justice. Where Magistrates Courts did function during the conflict, they could not rely on the police to enforce orders, while the prison system completely collapsed after militants released all prisoners at Rove Prison in July 2000.

For serious crimes involving violence against a person, a witness or victim would need to contact police, which given the poor transport infrastructure could be a major factor in a decision whether to report a crime at all. Even where police have been investigating a crime and filed charges against a suspect, a prosecution file on the evidence, and the appearance of a police or public prosecutor in court is required. A number of potentially serious cases have been dismissed because no-one representing the Director of Public Prosecution (DPP) has appeared in court. For example, after the arrival of RAMSI in October 2003, the Acting Chief Magistrate dismissed a murder charge against a man who was accused of having caused the

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<sup>68</sup> Jennifer Corrin Care, Tess Newton and Don Paterson, *Introduction to South Pacific Law*, London 1999, p. 311.

<sup>69</sup> Forum Social Impact Assessment, p. 10.

<sup>70</sup> Not all provinces had permanent magistrates, and some magistrates would travel to such provinces once or several times a year to hold magistrates courts.

death of his wife by beating her on the head. The charge was dismissed because of the repeated failure of the DPP office to send a representative to court.

As of August 2004, the Solomon Islands justice system faced processing a total of more than 3,500 arrests made since RAMSI's arrival. Many of the 216 prisoners held in mid-August 2004 at the main Rove Prison in Honiara have been awaiting trial, some for as many as 12 months. They include many former militants and police. Other senior militants facing serious charges, like former MEF Deputy Chief Negotiator Leslie Kwaiga, have been released on bail from remand imprisonment after complaining about the lack of progress in their court cases. This was despite police investigations linking him to the abduction and murder of Selwyn Saki (see section 2). Their release could undermine the enormous efforts made by the police, prosecution and judiciary at renewing public confidence in the formal justice system and encouraging witnesses to help bring perpetrators to justice.

The judiciary continues to face a considerable backlog of cases, despite donors responding quickly since 2003 to provide additional personnel, including prosecutors and defence lawyers. At the time of Amnesty International's visit in April-May 2004, one court room was being refurbished, and work was being done (or expected) at the offices of the Public Solicitor and the Director of Public Prosecutions, to allow their staff to operate more effectively and increase capacity. However, much work clearly remained to be done to bring office infrastructure up to the standards required. At the Solomon Islands High Court a new, Australian-funded court room was opened in July 2004 which the Chief Justice hopes will allow two criminal trials to be held simultaneously. This would ease the pressure on the High Court schedule, which includes cases referred to it from the Magistrates courts. However, there are indications that the Magistrates courts may need assistance to increase their capacity. Recent reports suggest that there have been delays in Magistrates courts, for example due to the need for magistrates to sit in provincial centres with no permanent court.

In addition, the judiciary needs resources to provide training for officers, magistrates and justices handling cases of violence against women and children. They also require resources to address the specific needs of female and under-age victims and witnesses of violent crimes during court procedures. These include their need to be protected as much as possible from the potential trauma of facing a perpetrator inside a police station or court house, from threats of violence or actual reprisals by a perpetrator or his relatives, and to understand the process of justice and the role they are required to play in it.

## **5.2 Responses to violence against women**

It is not surprising that women consulted after July and August 2003 (RAMSI's arrival) have named violence against women as "their major concern and welcomed the emphasis placed on addressing this seriously."<sup>71</sup> A review of the Royal Solomon Islands Police in 2003 has

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<sup>71</sup> Forum Social Impact Assessment, p. viii.

made violence against women, particularly domestic violence, and a more gender-balanced police service key priority areas for action. The police service also aims to set up a specialized unit to address violence against women, as well as child abuse. Interviews with observers and victims indicate that more police officers are now sensitive to violence against a woman and less likely to dismiss or ignore her complaints. The following account from a 31-year-old victim of gang rape seeking to report to police in 2002 seems to have been not uncommon prior to RAMSI's arrival:

*"I take the [detail withheld] for evidence and went straight to the police. The police man, from [a Malaitan language group] ... he said he cannot take my statement because there's no female police officer available at the time. So they said sorry we can't do anything but come back tomorrow. I was so angry, full of pain and frustrated, I walked out."*

Among the driving forces of several new initiatives on violence against women are officers active within the police, as the service goes through the process of renewing and rehabilitating itself. For example, there has been consultation between police welfare officers and the Family Support Centre (FSC). Another driving force is the role women's groups have and can still play in lobbying for change, including the National Council of Women which has been represented on the Royal Solomon Islands Police Review Team since early 2004. In this context, Amnesty International urges the Solomon Islands Government and assisting donors to take into account UN Security Council resolution 1325 (2000) on women, peace and security which includes a wide range of measures to promote and protect women and girls' human rights. Its first substantial article

*"Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict."*

Under international law, states have a responsibility to not only respect rights by refraining from violating human rights themselves through their state agent and apparatus, but also to exercise due diligence to protect rights from being abused by others. States therefore will violate international law if they fail to take appropriate action or measures to prevent, punish, investigate and provide redress for any harm caused by non-state persons or entities.

Amnesty International acknowledges that, in recognition of the seriousness of the issue, the Solomon Islands Government announced plans in 2003 for the establishment of three counselling centres for torture and trauma victims, including victims of rape.<sup>72</sup> Today, more than a year after the initial deployment of RAMSI personnel, these plans have yet to be implemented. The Solomon Islands have no institution other than the FSC in Honiara and individual, usually church-based, counsellors qualified to undertake such work professionally. The New Zealand-supported FSC currently lacks funding to expand its services which have seen a substantial increase in demand. Church-based services in Honiara are already cooperating closely, avoiding duplication or competition, either among themselves or with the

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<sup>72</sup> Under the National Economic Recovery, Reform and Development Plan (NERRDP 2003-2006).

FSC. However, such limited assistance as they provide is difficult or impossible to access for victims in rural areas most affected by the armed conflict, or on other islands.

In 2003, the government announced its intention to formulate a National Policy on Violence against Women during 2004, to draft new legislation on such violence, and to submit, by mid-2004, the country's initial report under CEDAW to the UN Committee on the Elimination of Discrimination against Women which has been overdue since 5 June 2003. Women's organizations have been lobbying the authorities to implement these plans. No steps appear to have been taken towards fulfilling such promises. According to government officials, it seems unlikely that work on these plans could even begin during 2004, as the current government budget does not include relevant allocation of resources.

### **5.3 Criminal prosecution**

As the criminal justice system is undergoing a major process of recovery and capacity building, there are no national data available on the number of people facing charges for violence against women. Media statements made by RAMSI on arrests of former police officers and militants have only occasionally included references to rape among other serious charges. The Solomon Islands High Court also issues occasional media statements on the outcome of cases of public interest. In other cases, the media themselves have been reporting on developments in court, including on the case of a cabinet minister facing trial for crimes linked to violence against women.

In February 2004, Daniel Fa'afunua, former Member of Parliament for North Malaita, was imprisoned for attacking a RAMSI policewoman during his arrest, but not for an attack on his former wife which prompted his arrest. At the time of arrest, he was the Minister of Communications, Aviation and Meteorology in the Kemakeza Government and one of two former MEF militants who were members of cabinet.<sup>73</sup> In the Honiara Magistrates Court in November 2003, the prosecution alleged that he had been seen dragging his former wife along the ground outside his Honiara home in the early hours of 19 November 2003. Her injuries required treatment in hospital. Police were alerted, and Daniel Fa'afunua was arrested and initially charged with assault causing bodily harm, public order offences, malicious damage, giving false identity to police, resisting police arrest and assaulting a police officer. During his arrest and transfer to a police station, Daniel Fa'afunua reportedly punched a RAMSI policewoman in the chest, and later kicked her in the face. During the trial, the charge relating to the violence against his former wife was dropped and the minister pleaded guilty to other charges. His former wife had withdrawn her willingness to give evidence in court under unclear circumstances. He was then sentenced to 20 months' imprisonment for charges

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<sup>73</sup> Alex Bartlett, currently the Minister of Culture and Tourism, was Secretary General of the MEF-Paramilitary Police Joint Operation which exercised the June 2000 coup.

relating to his resistance to arrest.<sup>74</sup> The Fa'afunua case is one of few cases reported in national media involving violence against women which has led to a conviction and sentencing. However, its outcome risks sending the signal that a perpetrator may get away with seriously assaulting a woman unless she feels comfortable about giving evidence against him.

## 5.4 A Truth and Reconciliation Process

*"We must, as of necessity, in our search for substantive peace seek truth and justice. There can be no forgiveness without truth, and in turn there can be no reconciliation without forgiveness. Nor can there be justice without truth. These are essentials to healing and reconciliation." (Solomon Islands Archbishop Sir Ellison Pogo)<sup>75</sup>*

At the height of armed hostilities, some 150 community leaders and chiefs, representatives of provincial governments, business, youth, women's and civil society organizations and the Solomon Islands Christian Association (SICA) organized a National Peace Conference, held on 25-27 August 2000 on board the New Zealand frigate HMNZS Te Kaha off the coast of Guadalcanal.<sup>76</sup> The conference discussed a framework for a peace process and agreed 52 resolutions of which two are headed "Truth and Reconciliation":

*"There are at least two sides to every conflict. Our own conflict is no exception. Just as there are genuine grievances on all sides, so too there have been appalling acts on all sides. In order to achieve the reconciliation that will allow us to live together in harmony once more, the truth of what has taken place between us must be exposed. There can be no justice without truth. [...] A Truth & Reconciliation Commission must be established as an integral part of the Peace Process. The granting of amnesty [to militants] must be conditional on satisfactory testimony before the truth and reconciliation Commission. Special legislation should be prepared for this purpose and introduced in the next sitting of parliament."*

The idea of a truth and reconciliation process to be established by the government made further progress through a Public Forum on Peace in Honiara in May 2001, and civil society meetings around the first and second anniversaries of the Townsville Peace Agreement. Since 2002, a SICA Working Committee has been preparing elaborate proposals, after consultations with, among others, national civil society organizations, the Solomon

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<sup>74</sup> This was in addition to three years and four-months for unrelated crimes, including an incident in January 2002 when he sent gunmen to demand five thousand dollars [then US\$ 800] from the publisher of the Solomon Star newspaper, John Lamani. The newspaper had earlier published an article about an unnamed government minister publicly assaulting a taxi driver at the Honiara market.

<sup>75</sup> Foreword to a proposal for a Truth & Reconciliation Commission, published by the Solomon Islands Christian Association in or after October 2002.

<sup>76</sup> SICA links the country's five main religious groups.



Islands Bar Association, Hanif Vally of the South African Truth and Reconciliation Commission, the Commission for Reception, Truth and Reconciliation in East Timor, and the UN Office of the High Commissioner for Human Rights. These proposals, built “around three major pillars [of] truth, justice and amnesty process, and reconciliation”, describe national unity as the main goal of a truth and reconciliation process. They pointed to the following resources and advantages that the Solomon Islands has:

- a. An impartial and independent judiciary
- b. Strength of custom, especially reconciliation traditions
- c. Strength of Christian faith, and an existent inter-faith community
- d. Relative to civil conflicts elsewhere in the world, the short time period of active armed conflict
- e. Relative to civil conflicts elsewhere in the world, the limited number of incidents and the small number of perpetrators<sup>77</sup>

A truth and reconciliation process is envisaged as reinforcing the rule of law, with any serious crimes being uncovered to be referred to the judiciary, and with concurrent processes of restorative justice and truth telling, including in a public report. Strong investigative powers would be invested in a Truth and Reconciliation Commission with a broad mandate to investigate “not only gross human rights abuses”, but also “the root causes and the political context and issues at the time of the rise of the conflict.” So far the Solomon Islands Government has rejected all proposals for a Truth and Reconciliation Commission to guide the process, without publicly giving reasons for its decision. During the conflict, one of the main public advocates for such a commission, human rights activist Mathew Wale (a Malaitan), was repeatedly attacked and threatened by militants linked to the MEF.<sup>78</sup>

Amnesty International’s position on a possible truth and reconciliation process upholds the important principle that the state has a duty to bring to justice all those responsible for human rights abuses. The organization believes that a Solomon Islands Truth and Reconciliation Commission along the lines of existing proposals (which may require further clarification regarding its interaction with the criminal justice system) would be a meaningful supplement to criminal prosecutions. Such a commission should meet at least the following criteria:

- (a) be established in law after public consultation;
- (b) have a clear but flexible mandate which does not supplant the formal judicial system and is framed in terms of international human rights standards;
- (c) be officially endorsed by the State and have its results officially proclaimed, published and disseminated;

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<sup>77</sup> SICA Proposal for a Truth & Reconciliation Commission, undated, published around October 2002.

<sup>78</sup> See for example Amnesty International, *Solomon Islands: Fear for safety - Matthew Wale and Julian Treadaway* (AI Index: ASA 43/08/00).

- (d) meet adequate standards of fair process for those implicated or named;
- (e) provide adequate protection for victims, witnesses and their families;
- (f) be open and transparent (subject to the protection of victims and witnesses);
- (g) be independent of the government and other political forces and have the necessary expertise, resources, investigative powers and time for its work;
- (h) have the power to make recommendations and award reparation.

## 6. Conclusion

At least in areas most affected by hostilities between armed groups in Solomon Islands, violence against women has been a widespread phenomenon. Compared to abuses against men, it seems to have rarely been publicly acknowledged and condemned by political leaders. At the national level, domestic violence requires urgent and serious recognition and action. Such violence is increasingly being acknowledged in the Pacific islands as one among the most serious and widespread human rights problems facing the region today.<sup>79</sup> A lack of statistical information on Solomon Islands to guide government-donor dialogue on the issue should not prevent relevant measures being made part of their post-conflict priorities. The Solomon Islands Government, as well as its donors, still need to demonstrate that steps to address violence against women are more than promises or incidental to the priority to re-establish law and order. A symbolic start was made in November 2003, when Solomon Islands for the first time marked the global White Ribbon campaign on men against violence against women, involving radio programmes, the police and the government's Women and Development Division.<sup>80</sup>

A few donor-funded projects implemented in recent years, including training and workshops for women, have at least included violence against women (predominantly domestic violence) as among their targets for action. However, such workshops have rarely involved men as vital contributors to any effective action on violence against women. By contrast, men, including senior police officers and government officials, have been systematically included and targetted in training courses conducted in Fiji, Papua New Guinea and Vanuatu to help address violence against women. Good intentions of government and donors have yet to be transformed into a coherent strategy to address such violence in Solomon Islands.

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<sup>79</sup> See for example, Recommendation 7 in *The Eminent Persons Group Review of the Pacific Islands Forum*, April 2004; Resolutions 30 and 33 of the *Concluding Statement and Recommendations of the Pacific Islands Human Rights Consultation*, Fiji Human Rights Commission, Suva, Fiji, 1-3 June 2004.

<sup>80</sup> The White Ribbon campaign involves men wearing white ribbons in many countries around the world, as a personal pledge never to commit, condone or remain silent about violence against women.

In June 2004, Chris Gallus, the Australian Parliamentary Secretary to the Minister for Foreign Affairs, announced an important new funding package to address violence against women in the Pacific, naming Fiji, Vanuatu, Tonga and PNG as beneficiaries, but not the Solomon Islands.<sup>81</sup> The Australian package involves A\$3.4 million (US\$ 2.41 million) over five years for a Pacific domestic violence programme, and additional support towards the Fiji Women's Crisis Centre (FWCC), a regionally well-known non-governmental organization with links to sister organizations in the region, including the Family Support Centre in Honiara. Amnesty International hopes that this report contributes to efforts by Solomon Islands women's organizations to make the case for assistance which will directly address violence against women in their country. The FWCC's expertise in this field could be valuable in Solomon Islands if it can be shared under a donor-supported regional cooperation project. For example, the centre has since 1995 been running a 30-day regional training programme, attended by people including public officials, specializing in violence against women.

Clearly, an effective strategy to address violence against women in Solomon Islands will require a long-term effort to change attitudes among both men and women. Improved information levels on rights and duties, state obligations and legal processes were among the principal objectives commonly named by Solomon Islands men and women in meetings with Amnesty International. The organization believes that the best strategy will be guided by consultation with Solomon Islanders themselves, particularly those with experience in the social welfare sector, human rights, the legal system, education and the media. Addressing the issue of justice and reconciliation for past violence against women will require measures beyond the capacity and responsibility of the justice system, such as a truth and reconciliation process.

Amnesty International believes the Solomon Islands people, their government, donors and friends in the Pacific Islands Forum have taken a major step towards leaving armed conflict and violence behind. So far, women victims of violence have clearly been too far outside the focus of attention. There has been no gender-integrated approach in the Solomon Islands Government's budget priorities, nor in assistance linked to RAMSI. This does not diminish the important advocacy work done by women holding senior positions in the Solomon Islands public service, by individual RAMSI personnel or aid officials. Amnesty International also acknowledges existing assistance provided or being prepared towards the protection and promotion of women's human rights by donors, particularly UNIFEM and the New Zealand and Australian governments. Under Australia's Community, Peace and Restoration Fund, projects for youth and women are an explicit priority, but the fund's resources are spread among a large variety of competing sectors including health, education, community facilities, training, roads, and agriculture. New Zealand's assistance includes support for ongoing church-based work to help and protect victims of rape and domestic violence, and for primary education improvements likely to benefit girls.

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<sup>81</sup> "Australian Help for Women's Centre in Fiji", Australian Department of Foreign Affairs media release, 3 June 2004.

However, such measures will - on their own - remain inefficient if the fight against gender-based violence is not made a key objective in its own right. It must be coordinated and explicitly integrated in budget and project plans, and promoted by both government and donors. The Solomon Islands would not be the only Pacific islands country to adopt such an approach. In Fiji, domestic violence and sexual offences have been made two of the four top priorities for police in 2004 after Fiji Prime Minister Laisenia Qarase launched a programme on Advocacy Training for Men on Violence Against Women in March 2003.

In Solomon Islands, the conditions so far created by RAMSI are favourable to laying the groundwork for strengthening relevant institutions – like chiefs, community leaders, police, prosecution, judiciary and health authorities – as well as civil society organizations and churches. Their combined efforts are required to improve information levels on the rights of women and change attitudes on violence and other discrimination. Donor assistance will be crucial to start this process, but cannot be effective without action by the Solomon Islands Government on its obligations under constitutional and international human rights law.<sup>82</sup> Amnesty International believes that the Kemakeza Government can and should do more in this field, which would also send a positive signal to the international community that the administration is serious about addressing the problem.

Finally, fighting violence against women will require the support of Solomon Islands men who will benefit from information on how they can help protect their daughters, sisters and wives from violence, or at least assist them if their rights have been violated. Women in Pacific island countries have generated a momentum which is increasingly placing violence against women and children on the political agenda. Amnesty International believes that Solomon Islanders, given government determination and international assistance, can join their campaign.

## 7. Recommendations

*“For any peace process to start and to go well, men need to start recognising women and how women address things” (Afu Billy)<sup>83</sup>*

Amnesty International believes that the guiding principle underpinning all initiatives to address violence against women in Solomon Islands must be the active involvement of women in the process from the earliest stages of consultation and planning.

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<sup>82</sup> See Chapter II “Protection of Fundamental Rights and Freedoms of the Individual” in the Constitution of Solomon Islands.

<sup>83</sup> “Women’s voice ignored in intervention debate”, Radio Australia, Pacific Beat, 21 July 2003. Cited in Oxfam Community Aid Abroad, *Australian Intervention in the Solomons: Beyond Operation Helpem Fren - An Agenda for Development in the Solomon Islands*, August 2003, p. 17.

## **7.1 Recommendations to the Solomon Islands Government**

- The Solomon Islands Government (SIG) should publicly condemn violence in all its forms against women and girls and ensure that traditional, historical, religious or cultural attitudes are not invoked as a justification.
- The SIG should finalize and implement planned legislation on the protection of women and children fully in line with international standards. The legislation should include provisions for a periodic review to ensure its effectiveness in eliminating violence against women and girls. To enable evaluation of the implementation of such a law, institutions such as the police, the courts and the Women and Development Division should be resourced and required to gather systematic statistics on the incidence of violence against women and children which should be periodically made public.
- The SIG should seek international assistance to develop its promised National Policy on Violence against Women together with a strategy that addresses violence against women as a rights and development priority for the nation. Ministries responsible for women, justice and the police should have designated resources for developing and implementing measures to protect the rights of women. Responsibility for gender issues should be undertaken at a senior political level.
- The SIG should set aside resources to prepare in consultation with civil society, submit, publish and widely distribute the Solomon Islands' overdue initial report under CEDAW.
- An official competent to attend UN human rights treaty body sessions should be identified, and training opportunities sought for such an official with organizations like the Asia-Pacific Forum on National Human Rights Institutions. He or she should be required to report back on any UN proceedings attended to the government and to government-funded institutions like the National Council of Women and the Family Support Centre.
- Solomon Islands should become a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT) in order to complement its accession to other international human rights treaties.
- Equal and safe access for women and girls to the justice system is a human right and requires knowledge about the system and its procedures. Capacity building in the justice system should ensure that the needs and rights of victims and witnesses to understand judicial processes (and to feel safe to participate in them) are fully incorporated.
- The SIG budget for the police should include funds to address the continuing shortcomings in police logistics, equipment and housing. It should provide for specialized training on issues of serious concern such as violence against women and child abuse.
- Police and prosecutors' forensic expertise must be developed on violence against women and children, including rape. The Ministry of Police must ensure that the necessary procedures for investigation, gathering and securing of evidence, and the capacity for prosecution are established.

- The SIG should consider creating a Police Sexual Assault Unit similar to those in Fiji or Vanuatu. Those responsible for gathering evidence in cases of rape should be trained in appropriate and gender sensitive methodologies. With international assistance, women in police and health services should be encouraged and assisted to undergo training as forensic examiners to ensure that women are available to examine victims in cases of violence against women.
- Linkages should be established between hospitals and the police to facilitate the investigation of sexual assault or serious injuries caused by violence against women.
- Courts should be encouraged to identify specialized prosecutors, magistrates and justices to handle cases of sexual abuse and rape. International assistance should be sought for their training in the issues surrounding gender-based violence, including on relevant provisions of the CEDAW and the CRC. Specific practical training should be given on issues such as gender sensitive interviewing of women and the principle of non-discrimination in judicial proceedings.
- Women should be encouraged to graduate in law and to consider training to become professionals in the justice system, for example as police officers, prosecutors, magistrates or judges. The SIG should seek donor support to assist Solomon Islands women to pursue legal qualifications for such training programmes.
- The SIG should consult with donors and UN bodies, the National Peace Council, the National Council of Women, the Family Support Centre in Honiara and SICA about possible mechanisms for the rehabilitation of women and girls who have been subjected to violence.
- The SIG should support and facilitate initiatives which seek to raise awareness among men, women and girls of their human rights, particularly among rural community leaders.
- The National Peace Council, SICA, international donors and the UN Office of the High Commissioner for Human Rights should be consulted on existing proposals for a Truth and Reconciliation process, as a contribution to ongoing processes of justice and reconciliation at family, community and national levels.

## **7.2 Recommendations to the Royal Solomon Islands Police**

- Existing and planned work to address violence against women should ensure that in every police station and post it is clear who women can go to with a particular concern, and who has designated responsibility for assisting women reporting violence. There must also be accountability to ensure that women are not ignored or discouraged from reporting violence. Such women should never be asked to return on another day.
- Guidelines incorporating clear and binding procedures should be established to guide police response when women report violence to police. Police officers and commanders should be made aware of their responsibilities. Officers should be provided with accessible materials on appropriate and non-discriminatory conduct towards women.

- Police training should make clear what constitutes appropriate treatment of women, and what is discriminatory and abusive behaviour which must be avoided. Training should instil awareness about violence against women and the role men can play to protect women from violence wherever it occurs. It should be prioritized for new recruits, but also offered as soon as possible to officers previously not trained in policing responses to such violence. Targets for the recruitment of women into the police service should be maintained.
- Strategic reviews of the police service should include terms of reference to develop options for police to help improve security for women victims and witnesses who reported gender-based violence to police.
- Local police stations and posts should be encouraged to establish and maintain good communication links with community-based and civil society organizations (including trauma counsellors) in the interests of protecting victims of violence and increasing women's trust in the criminal justice system.

### **7.3 Recommendations to civil society and the media**

- Women with knowledge of women's rights and with skills in community outreach should consider training as police officers themselves, or promote other women's applications to train as police officers and lawyers.
- Solomon Islands chiefs and male community leaders should encourage men to realize and use their influence in protecting women from violence and assist female victims seeking redress, without resorting to renewed violence.
- Radio programmes targeting the public and community leaders should be broadcast on the importance of not stigmatizing women victims of violence and allowing them to seek help. Newspapers should consult with women's organizations about the contribution of print media towards changing attitudes on such violence.
- Non-governmental and church organizations should use their networks to help produce and disseminate information on women's rights in locally accessible languages and formats.

### **7.4 Recommendations to the international community**

- In order to ensure that development initiatives do not risk reinforcing gender-based discrimination, women must be given equal and effective participation, from the consultation stage, in the planning and implementation of programmes and projects.
- Resources should be set aside for dedicated programmes to protect women from violence at both the governmental and the non-governmental level; such programmes should be coordinated and complementary, and their objectives should not merely be added to the aims of broader gender equality initiatives.

- The SIG should be encouraged and assisted to pursue its existing plans to combat violence against women, specifically the development of a National Policy on Violence against Women, and the proposed drafting of legislation for the protection of women and children against violence and other abuses. Such assistance should be made conditional on the setting up of transparent mechanisms to monitor the implementation of the policy and legislation.
- The Solomon Islands health authorities should be offered assistance to set up specialized examination suites in key hospitals for victims of violence against women and girls, with training for medical personnel to assist police with forensic investigations of such crimes.
- Human rights bodies in the region, such as the Fiji Human Rights Commission, the FWCC, and the Regional Rights Resource Team, should be offered funding to provide mentoring and training towards capacity building of the Solomon Islands Family Support Centre, church groups and other civil society organizations which work on protecting women and children's rights.
- Active consideration should be given to the deployment of international policing experts with experience in post-conflict environments who are able to support the work of the police and prosecution in investigating alleged incidents of conflict-related rape and sexual assault.
- Donors should consult church groups and the Family Support Centre on the provision of access to shelter for women and children at risk of violence, including those who reported such violence to police. Amnesty International is not aware of any facility to shelter women outside the wider Honiara area, nor of any personnel trained in running such a shelter.
- Technical assistance should be offered to the SIG to implement its pledge to complete and submit the overdue report under CEDAW which should include its publication and wide distribution, including on the internet.
- Active consideration should be given to extending the mandate and resources of the National Peace Council beyond 2004 in its work in key areas particularly affected by the armed conflict such as Central Guadalcanal, the Weathercoast and North Malaita.



## Appendices

### Appendix 1

## Background and conflict history

The former British Protectorate of Solomon Islands, a tropical Southwest Pacific island group northeast of Australia, has a population fast approaching 500,000 and ranks amongst the poorest and least developed nations in UN statistics.<sup>84</sup> Predominantly Melanesian, 84 per cent of Solomon Islanders are subsistence or cash cropping farmers and fishers, and live in small



Solomon Islands village, 1999. © AI

villages within culturally different island communities.<sup>85</sup> These communities speak 70 distinct languages (sharing *Solomons Pijin* as a lingua franca). The most populous

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<sup>84</sup> According to the World Health Organization Regional Office for the Western Pacific, the country is classified by the UN as a Least Developed Nation. Its Human Development Index ranking is 124. The estimated population in 2003 was 450,000, up from 409,000 at the 1999 census.

<sup>85</sup> About five per cent of the population are immigrants from Polynesia, Micronesia, East Asia, Australia, Europe and New Zealand.

communities live on Malaita island (population 123,000 in November 1999), while the main island, Guadalcanal, shares a rural indigenous population (60,000 in November 1999) with the residents of the ethnically diverse national capital, Honiara (population 49,000 in November 1999).

Dissatisfied with the colonial legacy of a government structure not seen as 'home-grown', Solomon Islanders have in recent years been debating proposals for a new form of government and constitution (including a revised Bill of Rights which among other things, proposes restrictions on freedom of movement intended to prevent ethnic tension).

During the Second World War, around 5,000 mostly Malaitans migrated to Guadalcanal to work in the United States army Labour Corps or as soldiers. After the war, many found work in the British-led development of Honiara from its origins as a large former United States military base. Since then, Malaitans have dominated Solomon Islands in terms of their share of the population (30 per cent), seats in Parliament, government ministries, jobs in police, public service and the cash economy. Honiara is located on north Guadalcanal but nine of 10 residents are from other islands, a majority from Malaita.<sup>86</sup> It enjoys special political status as the national capital, separate from (rural) Guadalcanal Province whose territory encircles it. Like all other provinces, Guadalcanal has its own provincial government and an elected assembly with limited powers, representing the rural population's interests at the national level. Since independence, the country's parliamentary democracy has been severely weakened by traditional loyalties of politicians to their home communities, and by unresolved social and legal differences, particularly about customary and other forms of land use and ownership. The Solomon Islands are a constitutional monarchy with the British Queen Elizabeth II as head of state, represented in the country since July 2004 by Governor General Nathaniel Waena.

Factors which contributed to the 1998-2003 conflict's escalation include historic and cultural differences between and among the islands' ethnically diverse populations, and with their former British administration. Prior to the country's independence, Guadalcanal island made a quick transition from a major battle field during the Second World War to a post-war British hub of economic development around Honiara. Although women in Guadalcanal's mostly matrilineal society are the traditional land owners, they were often ignored in negotiations between local community leaders and settlers, government officials or businessmen seeking land ownership and land use for business and public service buildings. Guadalcanal militants claimed that Malaitan settlements established on an agreed lease often mushroomed with successive generations squatting around an original lease.

Thousands of settlers from Malaita – a mostly patrilineal society – assisted with the British-Australian development of Honiara, using their advantage of having more experience than Guadalcanalese in paid employment and in working for English-speaking foreigners (like the American military or plantation owners in Australia under the indenture system). Between the late 1940s and 1970s, emerging cultural friction had been sidelined by common concerns over the country's British administration. However, after independence in 1978,

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<sup>86</sup> UN CCA 2002, p. x.

poor governance contributed to ethnic friction, with perceptions among Malaitans of having contributed most to the nation, while views expressed in rural Guadalcanal saw Malaitans as taking more than their fair share of economic benefits.<sup>87</sup>

## Human rights demands among conflict roots

From the 1980s, Guadalcanal leaders have repeatedly listed unresolved criminal justice, economic, social and cultural rights issues as the root cause of the recent conflict. Key “demands of Guadalcanal” were recognized in the failed Honiara Peace Accord of June 1999 as follows:

*(i) Demand for a return of alienated lands belonging to the people of Guadalcanal in the process of developing Honiara as the National Capital and those alleged to have been acquired illegally by migrating Malaitans who form the largest group of workers employed by the government and private sectors in Honiara.*

*(ii) Demand for Compensation for the murders of Guadalcanal people by individual Malaitans and a desire to put an end to this.*

*(iii) The demand that a state government be established in Guadalcanal and other provinces in order to achieve in Guadalcanal: control over sale and use of land; control over distribution of wealth derived from Guadalcanal province and control over migration of people from other provinces to Guadalcanal.*

After World War II, people on Malaita and Guadalcanal revived or started political and cultural movements challenging the British administration's control and cultural influence. These movements helped create expectations that grassroots movements could challenge any centralized government to grant greater economic and political benefits to people in the provinces. Such expectations became a political justification for the recent conflict on Guadalcanal and featured prominently in various peace agreements.<sup>88</sup>

Political responses to the violence on Guadalcanal by the – Malaitan dominated - Solomon Islands Government failed to stop the conflict, fuelling resentment among Malaitans, of whom thousands lost their homes and income. They believed that the national government

<sup>87</sup> See also Amnesty International, *Solomon Islands: A Forgotten Conflict* (AI Index ASA 43/05/00), August 2000, p.1-4.

<sup>88</sup> The Moro Movement on Guadalcanal's Weathercoast has since the 1950s rejected cultural and political norms introduced by colonial settlers. In the recent conflict, the largest proportion of child soldiers in the 1998-2003 conflict came from villages influenced by Moro Movement values. On Malaita, the 1940s' Ma'asina Rule movement advocated political autonomy, economic self-reliance and maintenance of cultural traditions. In the 1998-2003 conflict, Andrew Nori, the son of one of Ma'asina Rule's most prominent chiefs arrested by the British, became the spokesman and chief negotiator of the Malaitan para-military forces (see section “The main parties to the conflict”). After the conflict, Malaitan leaders founded the Ma'asina Forum as a political pressure group for Malaitan interests. In September 2004, the Forum was reportedly preparing a legal challenge against RAMSI.

owed them compensation payments and were outraged when in early 1999, a magistrate released Harold Keke and three other Guadalcanal militants (arrested in December 1998 for murder and other charges) on bail.

During 1998, Malaitan leaders petitioned then Prime Minister Bartholomew Ulufa'alu, himself a Malaitan, to let village chiefs use traditional conflict resolution mechanisms to defuse growing tension between Malaitans living on Guadalcanal and indigenous Guadalcanalese.<sup>89</sup> At the time, groups of men claiming to represent the interests of Guadalcanal's indigenous people, started to terrorize and chase settlers from other islands out of rural Guadalcanal.<sup>90</sup> Scores of people were injured or killed, and more than 20,000 sought refuge in Honiara.<sup>91</sup> The militants burnt down homes, killed livestock and intimidated Malaitan and other settlers with traditional weapons and automatic police rifles stolen in a raid on a police post.

### **Bougainville War influences**

Thousands of refugees from the 1988-1998 Bougainville war against the Papua New Guinea Government spent years in Solomon Islands, facilitating links between militants in both countries.<sup>92</sup> Many found refuge in Guadalcanal where some liaised with local men to recover caches of military hardware left after World War II. In 1999, visiting Amnesty International delegates saw such weapons, ammunition and other equipment in the hands of Guadalcanal child soldiers and adult militants.

After the PNG military during the Bougainville war conducted cross-border raids into Solomon Islands against Bougainville militants, the government in Honiara purchased firearms for its Police Field Force, deployed along the border. Non-Malaitan Police Field Force officers told Amnesty International in 1999 that the types of guns bought were suitable for military-style border patrols but not designed for police operations inside the country. In the 1998-2003 Solomon Islands conflict, most of these "high-powered" rifles eventually ended up in the hands of Malaitan paramilitary police and militant groups.

The Guadalcanal militants led by rebel leader Harold Keke, grandson of a Papua New Guinean, initially called themselves Guadalcanal Revolutionary Army (GRA) – a name apparently inspired by the Bougainville Revolutionary Army (BRA) which 10 years earlier

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<sup>89</sup> Bartholomew Ulufa'alu is from the coastal Langa Langa group of people who have had a history of ethnic differences with the hill tribes of North Malaita, home to the majority of Malaitans taking part in the 1998-2003 conflict.

<sup>90</sup> See for example, Tarcisius Tara Kabutaulaka, *A weak State and the Solomon Islands Peace Process*, Pacific Islands Development Series, No. 14, April 2002, p. 5. Joint publication by the Pacific Islands Development Program, East West Centre, and the Centre for Pacific Islands Studies, University of Hawai'i at Manoa.

<sup>91</sup> See Amnesty International, *Solomon Islands: A Forgotten Conflict*.

<sup>92</sup> See Amnesty International, *Papua New Guinea: Bougainville-The forgotten Human Rights Tragedy* (AI Index 34/001/1997); Conciliation Resources, *Weaving Consensus: The Papua New Guinea-Bougainville peace process*, *Accord* issue 12, 2002.

started the Bougainville War. To Guadalcanal militants, the Bougainville conflict “demonstrated that a central government, even with a well-equipped standing army, could be challenged by a relatively small number of armed men.”<sup>93</sup> As tension grew in Guadalcanal during 1998, the peace process in Bougainville under a UN mandate moved steadily towards the passing of legislation in 2002 by the PNG Parliament which allowed for autonomy in Bougainville and a referendum on independence from PNG 10 to 15 years later. The PNG army began to withdraw from Bougainville island, and international peace monitors were deployed from Australia and New Zealand.<sup>94</sup>

Since 1998, the UN Security Council has kept Bougainville on its agenda, addressing reports from its envoy and maintaining an office in Bougainville.<sup>95</sup> By contrast, the conflict emerging at the same time in neighbouring Solomon Islands attracted comparatively little international attention, and the RAMSI intervention did not result from a UN mandate.<sup>96</sup> While various UN agencies implemented projects in Solomon Islands, a UN Development Programme sub-office was not opened until September 2002. A temporary UN Office of the Human Rights Advisor in Solomon Islands, established by the UN Office of the High Commissioner for Human Rights in December 2001, closed in May 2004.<sup>97</sup> Despite its small size and budget, many Solomon Islanders, including chiefs, women’s groups, magistrates and police officers benefitted from its human rights promotion work.

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<sup>93</sup> Judith Bennett, “Roots of conflict in Solomon Islands – Though much is taken, much abides: Legacies of tradition and colonialism”, Discussion paper 5 (2002), State, Society and Governance in Melanesia project of the Australian National University, Research School of Pacific and Asian Studies, p. 8.

<sup>94</sup> Some of them have recently used that Melanesian conflict resolution experience while working for the current international intervention which ended the conflict in Solomon Islands.

<sup>95</sup> At the invitation of the parties to the Lincoln Agreement on Peace, Security and Development in Bougainville in January 1998, the UN Security Council established a UN Political Office in Bougainville (UNPOB) in August 1998. On 23 December 2003, the UN Security Council decided to establish the UN Observer Mission in Bougainville (UNOMB) as a follow-up mission to UNPOB which supplies quarterly briefings to the UN on the development of the peace process in Bougainville.

<sup>96</sup> The Australian-led international intervention in Solomon Islands from July 2003 was conducted under the Biketawa Declaration of the leading regional inter-governmental organization, the Pacific Islands Forum. Agreed on 28 October 2000 following coups and widespread violence in Fiji and Solomon Islands, the declaration gives the Forum a mandate to assist and intervene in a member state affected by crisis. It reaffirms some fundamental human rights and stresses respect for indigenous rights and cultures.

<sup>97</sup> The Human Rights Office addressed some of the post-conflict needs of the Solomon Islands. These included building the human rights capacity of the civil society, including chiefs and law graduates, and assessing the situation of internally displaced people.

## **The main parties to the conflict**

The main armed groups in the conflict's initial years were loosely organized militants from Guadalcanal – the GRA, later renamed Guadalcanal Liberation Front (GLF), and Isatabu Freedom Fighters (IFF), later renamed Isatabu Freedom Movement (IFM) - and police units (mainly the paramilitary Police Field Force and Rapid Response Unit, later regrouped as the Special Task and Rescue or STAR division, and groups of Special Constables). These police units supported, and eventually became indistinguishable from, their allies, diverse Malaitan militant groups known from 2000 by the name under which they joined forces: Malaita Eagle Force (MEF). The STAR division was particularly notorious for its brutality and alleged human rights violations. It was described by a senior RAMSI officer and former adviser to the Solomon Islands police as “largely undisciplined and heavily influenced by Malaitan ex-militants” whose members “routinely access[ed] weapons for illegitimate purposes”.<sup>98</sup> The division was disbanded soon after RAMSI's arrival.

The IFM is a collective name for armed political groups also known as "Guadalcanal militants". They first emerged between March and October 1998 and were made up of approximately 500 to 2,000 indigenous Guadalcanalese villagers, including at times more than 100 child soldiers. Without a single leader, several commanders representing eastern and western Guadalcanal groups cooperated in armed operations which in 1998 and 1999 focussed on driving out mostly Malaitan settlers from rural Guadalcanal. They controlled rural Guadalcanal around Honiara outskirts, often extorting support from villagers. After the Townsville Peace Accord of October 2000, many IFM groups disintegrated, except for the GLF under Harold Keke who refused to sign peace agreements. When GLF fighters gave up their weapons in August 2003 after Keke surrendered, their gun butts bore the inscription “GLF Fighting for Justice, Humanity and Human Rights”. Harold Keke's reign of terror over southern Guadalcanal eventually caused local villagers and some former IFM allies to turn against him, joining police operations. Elsewhere, militants used their guns to extort money from villagers, and from politicians and business people in Honiara. Today, most senior IFM and GLF leaders who survived the conflict have been arrested and are awaiting trial.

The MEF emerged publicly in a January 2000 raid on the Malaita police armoury. It was made up initially of an estimated 150-300 Malaitans of various tribal groups, recruited mainly from settler families on Guadalcanal displaced by GLF/IFM forces, and from former and serving police officers disgruntled by the government's refusal to compensate displaced Malaitans. The officers supplied weapons, equipment and helped with training in camps around Honiara and on Malaita. A base camp in Honiara's industrial suburb Ranadi became notorious as a 'torture camp' and Guadalcanal headquarters of MEF Field Commander Jimmy 'Rasta' Lusibaea, currently on trial for murder and other crimes. Supporting police officers

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<sup>98</sup> “Regional Assistance Mission to Solomon Islands (RAMSI)”, Presentation by Federal Agent Don Whinfield, Australian Federal Police to the Australian National University, 25 August 2003.

are also believed to have facilitated MEF raids on police armouries and the unauthorized release of prisoners. The MEF had no single leader, but its Supreme Command included lawyers Andrew Nori and Leslie Kwaiga (MEF spokesmen and chief negotiators) and politician Alex Bartlett (MEF Secretary General, then a Cabinet Minister until his arrest in September 2004). Other politicians and prominent local businessmen have also been linked to the MEF leadership. Members were grouped in units (such as a “Tiger Unit”) according to their tribal links to central and northern Malaita which also determined command loyalties.

Following the TPA signing in October 2000, the Sogavare Government recruited more than 1,600 militants into the police service as Special Constables to provide them with an income. They were not required to disarm nor were they held accountable for their role in numerous cases of torture, rape, kidnapping and killings. They received little or no training, supervision or even uniforms, further blurring any distinction between police, criminals and armed militant groups.<sup>99</sup> Under UN assistance towards demobilization, these Special Constables became a top priority for disarmament in 2003.

## **Escalation**

On 5 June 2000, a self-declared “Joint Paramilitary Police-MEF Operation” effectively staged a coup d’etat, taking control of Honiara after raiding its police armoury.<sup>100</sup> Two days later, they used the machine gun of a police patrol boat donated by Australia to fire indiscriminately at Guadalcanal settlements along the north coast. Civilians including women and children fled or sheltered behind the walls of a catholic school near Tenaru from the “rain of bullets”. Despite diplomatic protests by Australia, the boat was repeatedly used against unarmed civilians. Its commander was Malaitan police officer Patrick Benjamin Una whom Prime Minister Kemakeza later appointed Minister of Police, National Security and Justice; he is currently Minister of Health and Medical Services.

On 8 June 2000, the MEF declared “all-out war” against Guadalcanal militant forces in what they called “Operation Eagle Storm.” Fighting escalated on the outskirts of Honiara, and an estimated 25 people, including at least seven civilians, were killed within the first few weeks. Dozens of villages along the Guadalcanal north coast were destroyed and thousands of indigenous Guadalcanal civilians sought refuge in the hills from MEF attacks.

The large-scale exodus of settlers from rural Guadalcanal from 1998, and the closure over the following years of the main companies providing cash employment (including oil

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<sup>99</sup> At the onset of the conflict in 1998, the number of Special Constables was reported to be 350, while after the Townsville Peace Accord of October 2000 it reached 2,056.

<sup>100</sup> This report refers to the operation as the MEF, because there was never a formal or legitimate police component involved, and most operational decisions seemed to be taken by the MEF Supreme Command. The Royal Solomon Islands Police leadership, to the extent that it did not itself support the MEF, was forced to accept that former and serving police officers were blurring any distinction between legitimate police officers and illegal armed groups.

palm plantations, and an Australian-owned gold mine in the central mountains) devastated the economy, exacerbating precarious living conditions particularly for the internally displaced. For most displaced families on Malaita, there were at least initially no opportunities to generate an income. One effect of the declining economy and government services was that citizens outside of Malaita and Guadalcanal became more and more affected by the conflict, with police, justice, education and health services being denied even the most basic funding and supplies. Doctors and nurses left the country, and gunmen stole or destroyed clinic equipment and drugs.

It has never been possible to establish with reasonable accuracy the number of people killed, let alone tortured, raped or kidnapped. Solomon Islands governments have not made public the few reports compiled by independent commissions on those killed and kidnapped in the conflict. Estimates on civilians killed range from 150 to several hundred. Credible sources believe that several hundred people died not from injuries sustained in hostilities, but from health-related consequences of the conflict, including malnutrition, malaria and normally non-fatal but untreated illness.

For example, the infant mortality rate (proportion of children who die before reaching one year of age), while improved over the 1980s, has been reported in 2004 as the highest in the Pacific islands region.<sup>101</sup> Displaced people were unable to reach clinics, fearing attacks or abductions; government funding for drugs was diverted and hospitals eventually relied on international donations. Some clinics were abandoned, and even the national hospital in Honiara repeatedly raised international concern about its lack of doctors, medicines and equipment. In rural Malaita, MEF militants repeatedly visited clinics to rape nursing staff working there late at night. At the Malu'u clinic, militants terrorized staff by ripping infusion gear out of patients' arms. At another clinic, a 20 year-old nurse told Amnesty International that around midnight one day in late 2000, a group of militants stopped their truck at the clinic and three men took turns raping her at gun point as she cried for help.

Violence also affected international relief efforts. In October 2000, the International Committee of the Red Cross (ICRC) temporarily suspended its relief operations in Solomon Islands after one of its staff was seriously injured in an attack in southeastern Guadalcanal. Amnesty International's research suggests that women, in particular displaced pregnant and nursing mothers, suffered particularly badly from their lack of access to medical help or a healthy diet. Women's organizations such as the National Council of Women and Women For Peace sought to address this problem at least around Honiara by gathering between the road blocks of warring parties to persuade them to lay down arms, and to allow women on either side to trade essential supplies or travel through frontlines to access medical assistance.

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<sup>101</sup> The rate was 66 babies out of 1,000 born alive in the latest, undated statistics given in Dr Gerald Haberkorn, *Current Pacific population dynamics and recent trends*, South Pacific Commission Demography/Population programme, July 2004. The paper considers the situation as showing "worrying developments that ought to raise concern amongst both civil society, as well as relevant government agencies and the international community" (p. 3).



## **Failed initiatives to end the conflict**

Between June 1999 and 7 February 2001, at least nine peace and cease fire agreements were signed between the Solomon Islands Government, the provincial governments of Guadalcanal and Malaita, leaders of the IFM (except for Harold Keke) and (from 2000) the MEF. The most significant of these were the Honiara Peace Accord of 28 June 1999 (assisted by Commonwealth Special Envoys Sitiveni Rabuka and Ade Adefuye), and the Townsville Peace Agreement of 15 October 2000 (facilitated by Australia and New Zealand). After former Governor General Sir John Ini Lapli formally outlawed militant groups, the MEF refused to attend peace talks initiated by the Commonwealth Secretariat, until the ban was suspended in May 2000.

Unlike some similar developments in Bougainville, negotiations and signing ceremonies did not treat junior militant commanders, community, church and women representatives as key stake-holders. None of the agreements were complied with, and police officers and militants alike continued to commit serious human rights abuses.<sup>102</sup> Public statements calling for peace by groups like Women for Peace or the National Council of Women seemed to be ignored. With a view to help implement initial peace agreements, Australia and New Zealand supported a request by the Solomon Islands Government for a Multinational Peace Monitoring Group under Commonwealth auspices – deployed in Guadalcanal since October 1999. However, like the UN, Australia and New Zealand rejected appeals by Prime Minister Ulufa'alu in 1999 and 2000 to send armed security forces or police in order to enforce the peace agreements, disarm militant groups and prevent an MEF takeover.

On 30 June 2000, following weeks of intensive fighting, the MEF threatened members of parliament supporting Ulufa'alu to prevent them from attending a vote in parliament. In their absence, parliament elected Manasseh Sogavare as new Prime Minister. He formed a government which pledged to address Malaitan concerns and to renew the peace process. Following preliminary peace talks on board a New Zealand warship anchored off the coast, Australia hosted peace negotiations at an air force base in Townsville, Queensland, in October 2000. Despite strong public protests, representatives of civil society such as women's groups, and from provinces other than Guadalcanal and Malaita were excluded from negotiations by militant negotiators.<sup>103</sup> The TPA effectively ended organized military-style fighting around Honiara but did not bring peace. A national Peace Monitoring Council was established under the TPA, but it lacked powers to enforce TPA provisions.

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<sup>102</sup> See Volker Boge, "Lessons learned' from a comparison between the cases of Bougainville and Solomon Islands", Presentation to the "Searching for Peace" Workshop, Manila, June 4-6, 2002.

<sup>103</sup> European Commission Conflict Prevention and Crisis Management Unit, *Conflict Prevention and Peace Consolidation in the South Pacific*, June 2002, p. 23.

Most TPA provisions, such as weapons surrender, were never implemented, leaving thousands of guns and explosives to be traded among militants, police and paramilitaries acting in their private capacity, and opportunistic criminals. The resulting accelerated breakdown of law and order put women and girls at an increased risk of violence by returned fighters who were neither required to disarm nor account for human rights abuses. A limited number of weapons were collected under gun amnesties, but many militants and police refused to give up guns although being called upon by the government to do so. The MEF-supported governments of prime ministers Manasseh Sogavare (2000-2001) and Alan Kemakeza (2001- ) received international assistance towards the implementation of weapons collection programmes under widely published gun amnesties, but undermined the process by allowing influential militants to escape arrest when they kept their guns. On the one hand, the government welcomed the assistance from Australia and New Zealand towards the creation of an indigenous Peace Monitoring Council and the deployment of an unarmed International Peace Monitoring Group (IPMT) to oversee gun collections and the safe storage of firearms. On the other hand, Prime Minister Kemakeza admitted in August 2003, in a statement to local media, that he had agreed that MEF militants could keep their weapons in defiance of his government's gun amnesty in May 2002, while attempts were planned to persuade Harold Keke's GLF to surrender its firearms: "I agreed with them that while negotiations were going on with Harold Keke they should hold onto their weapons."<sup>104</sup>

No formal negotiations took place, and from September 2002, police officers joined IFM forces in a major operation against the GLF. This escalation of fighting quickly prompted calls for an end to fighting by local community leaders and the National Council of Women. The council argued that the operation severely affected women and children.

In October 2002, the government established the National Peace Council (NPC) as a successor agency to the Peace Monitoring Council. Financially supported by Australia, the NPC is a national body of 11 community leaders who facilitate the peace process through 87 local monitors, including many women. It played a key role in campaigns during 2003 to reduce the number of illegally-held weapons in circulation in village communities, and has assisted RAMSI with mediation, public awareness campaigns and community-based conflict prevention interventions. However, the NPC's future beyond the expiry of its funding in 2004 remains uncertain.

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<sup>104</sup> "PM admits letting militants keep weapons", Sydney Morning Herald, 5 August 2003. See also "Militants say PM told them to retain guns", Solomon Islands Broadcasting Corporation 1 October 2002; "Solomon Islands PM admits he bust amnesty", New Zealand Herald, 6 August 2003.

## Appendix 2

### Violence against women as gender-based discrimination

The principle of non-discrimination and equality before the law is a basic provision of every human rights treaty. Many treaties explicitly underline in addition to this that women's rights should be upheld to the same extent as men's. However, these treaties do not refer directly to violence against women.

*“For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” (CEDAW Article 1)*

The Committee on the Elimination of All Forms of Violence against Women recognized that violence against women acts as a form of discrimination. Similarly, other recent developments in international law – such as the Rome Statute for the International Criminal Court, and UN Security Council resolution 1325 on Women, Peace and Security – can be read together with these provisions as they address the same acts of violence against women in various different legal and factual contexts. In its General Recommendation 19 on violence against women the Committee stated that:

*“Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of Article 1 of the Convention.*

*These rights and freedoms include:*

- a) the right to life;*
- b) the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;*
- c) the right to equal protection according to humanitarian norms in the time of international or internal armed conflict;*
- d) the right to liberty and security of the person;*
- e) the right to equal protection under the law;*
- f) the right to equality in the family;*
- g) the right to the highest attainable standard of physical and mental health;*
- h) the right to just and favourable conditions of work.”*

The definition of discrimination includes gender-based violence. Violence against women is a form of gender-based violence. It is violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental

or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the CEDAW, regardless of whether those provisions expressly mention violence.

### **Gender-based violence**

The UN Declaration on the Elimination of Violence against Women states in Article 1:

*“the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”*

It states in Article 2:

*“Violence against women shall be understood to encompass, but not be limited to, the following:*

*(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

*(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

*(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”*

### Appendix 3

#### **Selected provisions of UN Security Council resolution 1325 (2000) on women, peace and security, passed on 31 October 2000.**

*The Security Council, [...]*

**Reaffirming** the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution, [...]

1. **Urges** Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict; [...]

6. **Requests** the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for [...] police personnel in preparation for deployment [...];

8. **Calls** on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary; [...]