

SOLOMON ISLANDS

A forgotten conflict

INTRODUCTION

Armed conflict in Solomon Islands, which began in October 1998, has resulted in a rapidly deteriorating human rights situation, with civilians suffering abuses by all sides, including abductions, torture, rape and killings, forced displacement, looting and burning down of homes. Amnesty International visited the islands of Guadalcanal and Malaita in September 1999, to investigate reports of violations and abuses of human rights, and to discuss concerns with the then government and armed political groups.¹ In 2000, the conflict worsened, and a coup d'état on 5 June 2000 overthrew the elected government, leading to an escalation in the fighting. Since mid-June 2000, at least 25 people, including seven civilians, have been killed, while an estimated 3,000 people have fled their homes.

In this report, Amnesty International summarizes the background to the current conflict and details some of the human rights violations and abuses which are taking place. The organization also offers recommendations to all parties to the conflict and to the international community which could, if implemented, protect the civilian population from further abuses, and ensure accountability for the past.

BACKGROUND

¹ Armed political groups in Solomon Islands are commonly referred to as 'militants', or by their self-proclaimed names, some of which have changed in the course of the conflict. In order to help distinguish between the two ethnic groups behind these "militants", this reports generally uses the groups' most recent names. In doing so, Amnesty International does not confer any recognition or legitimization of these groups, and takes no position on their political aims or legal status under Solomon Islands law.

The former British Protectorate of Solomon Islands, a tropical Southwest Pacific archipelago northeast of Australia, has a population of 408,000² and ranks amongst the poorest and least developed nations in United Nations statistics. Predominantly Melanesian,³ more than three quarters of Solomon Islanders are subsistence or cash cropping farmers, and reside in small villages within culturally different island communities. These communities are grouped into nine provinces, including the main island of Guadalcanal (location of the national capital, Honiara) and Malaita - the most populous island. More than half the population live in Guadalcanal and neighbouring Malaita islands. Following the Second World War, thousands of Malaitans migrated to Guadalcanal, finding work in the development of Honiara from a former United States military base. Malaitan-dominated Honiara enjoys special political status as the national capital, separate from a Guadalcanal Provincial Government⁴ and an elected provincial assembly with limited powers, who represent the rural population's interests at the national level.

Since independence in July 1978, the country's parliamentary democracy⁵ has been weakened by traditional loyalties of politicians to their home islands and by unresolved social and legal differences, particularly about customary and other forms of land use and ownership.

Collective Isatabu Freedom Movement (IFM) known as "Guadalcanal militants", emerging between March and October 1998 and made up of approximately 500-2,000 indigenous Guadalcanalese villagers, including many child soldiers, mainly from the south coast and areas to the northwest and northeast of Honiara. Apparently without a single leader, several commanders representing eastern and western Guadalcanal groups cooperate in armed operations which in 1998 and 1999 focussed on driving out Malaitan settlers from rural Guadalcanal. In 1999, the IFM was also known as Guadalcanal Liberation Front, Guadalcanal Revolutionary Army (GRA), and Isatabu Freedom Fighters (IFF). Despite recent military setbacks, the IFM controls rural Guadalcanal around Honiara outskirts, exporting support from villagers.

² Solomon Islands Government 1999 Population Census, provisional data, March 2000.

³ About 5 per cent are immigrants from Polynesia, Micronesia, Asia and Europe.

⁴ In this report, references to government are to the national Solomon Islands Government, unless explicitly stated otherwise.

⁵ Solomon Islands is a constitutional monarchy with the British Queen Elizabeth II as head of state, currently represented in the country by Governor General Sir John Ini Lapli.

Two years ago, tension between rival ethnic groups from Malaita and Guadalcanal island, resulting from such differences, escalated into violent conflict, which national and international mediation efforts have so far failed to end. In October 1998, armed political groups, initially known collectively as Guadalcanal ‘militants’ or Guadalcanal Revolutionary Army, but now calling themselves the Isatabu Freedom Movement (IFM), started a campaign of threats and intimidation against Malaitan settlers on Guadalcanal island, killing and injuring scores of civilians and causing an estimated 20,000 people to abandon their homes and seek protection in Honiara or on other islands. As a result, Honiara has become a virtual ethnic Malaitan enclave surrounded by roadblocks cutting off rural areas under the control of the IFM. This effectively limited police control on Guadalcanal to the national capital. In addition, up to 10,000 mostly Guadalcanalese indigenous people have fled into remote areas within rural Guadalcanal. The IFM is said to draw most of its fighters, estimated to number between 300 and 2,000,⁶ from impoverished villages along the rugged Guadalcanal south coast, known as the “weather coast”. They have, at times, included at least 100 child soldiers aged 12-17 and are armed with hunting rifles, some stolen police guns and explosives, traditional weapons and home-made pipe-guns or refashioned World War II rifles.⁷ While there is speculation about the identity of those responsible for setting up and funding the IFM, the then government treated the political leaders of Guadalcanal

⁶ Report on the Joint UN Assessment Mission to Solomon Islands, 29 June-3 July 1999, paragraph 7.

⁷ Children aged 12-17 made up at least a quarter of the IFM fighters manning roadblocks visited by Amnesty International east of Honiara in September 1999.

Province, led by Premier Ezekiel Alebua, as representing IFM interests in peace negotiations. In an analysis of the conflict published in Solomon Islands newspapers, then Solomon Islands Prime Minister Ulufa'alu blamed opposition businessmen and politicians led by his predecessor, the late Solomon Mamaloni, for encouraging the ethnic violence attributed to the IFM.⁸

~~Royal Solomon Islands Police Service~~
The country's most law and order functions except prison services, but including border control, immigration and maritime surveillance. Under the command of a Commissioner of Police, Assistant Commissioners are responsible for operations, crime, national reconnaissance and administration, commanding national and provincial officers as well as local part-time special constables. Most officers involved in armed conflict incidents referred to in this report are believed to be from two paramilitary national police units dominated by Malaitan officers (Police Field Force, Rapid Response Unit). In September 1999, Assistant Commissioner for Operations, Wilfred Akao, told Amnesty International the Police Field Force was under his command.

⁸ Solomon Star, 25 February 2000.

In response to the IFM's violent campaign, Malaitan men living in Honiara and those who fled there from IFM operations in rural Guadalcanal formed vigilante groups in the town's outskirts. From mid-1999, they reportedly received increasing support from men who had evacuated their families to Malaita after many lost their jobs and homes as a result of IFM violence.⁹ The vigilante groups were reportedly trained and armed by serving or former Malaitan police officers. These groups were not operating under any publicly declared leadership, but some of the attacks on suspected IFM members or supporters attributed to them suggested coordination and links with Malaitan members of the police service, for example, where these groups reportedly used police guns and passed police roadblocks around Honiara unhindered.¹⁰

Peace Agreements

In June 1999, in response to a rapidly deteriorating security situation, the then Government of Solomon Islands invited the Commonwealth to send a Special Envoy to help broker a peace deal. Former Fijian Prime Minister Sitiveni Rabuka made repeated visits to Solomon Islands to consult and negotiate with all sides. At the same time, the national government declared a four-month State of Emergency, under which the police were given special powers permitting the use of violence in the course of their duties if acting "in good faith".¹¹

⁹ Solomon Islands Plantations Limited in July 1999 announced a temporary closure of its palm oil operations east of Honiara because of "ethnic tension", with a loss of 1,800 staff of whom 65 per cent were ethnic Malaitans. The company, which claimed to earn 20 per cent of the national income, has since shut down indefinitely.

¹⁰ The then government initially dismissed reports of organized Malaitan armed groups, but in a public speech in October 1999, then Prime Minister Ulufa'alu admitted to having evidence of their existence.

¹¹ The Emergency Powers (Islands of Guadalcanal) Regulations 1999 of 14 June 1999 and amendments of 28 June 1999.

In the first of a series of peace agreements brokered by Commonwealth Special Envoy Rabuka, the then government of Prime Minister Ulufa'alu - for the first time in the conflict - publicly acknowledged in June 1999 that the root causes of the conflict included long-standing compensation demands by indigenous Guadalcanal landowners for the development of the national capital on their island, and for unresolved questions of land ownership and squatting by migrant Malaitans "who form the largest group of workers employed by the government and private sectors in Honiara".¹² The peace agreements committed the government to address the concerns of the rural Guadalcanal population, restrain police operations against the IFM's predecessors,¹³ and also called on all members of armed political groups to disband, hand in their weapons and return to their home villages. In discussions with Amnesty International in September 1999, IFM representatives stated that they were not party to the accords, and thus did not feel bound by them. Their members were largely unaware of the accords' provisions.¹⁴ Consequently, the violence continued despite the presence from October 1999 of a small number of international police peace monitors under Commonwealth auspices. In addition, Malaitan vigilante groups in Honiara became increasingly active in the face of perceived government inaction over their grievances.

In January 2000, former member of parliament Andrew Nori announced himself as the spokesperson of the Malaita Eagle Force (MEF). Using police weapons, uniforms and equipment (partly seized in a 17 January 2000 MEF raid on the police armoury at Auki, capital of Malaita), the MEF declared it was using military force in order to increase political pressure on the government to pay compensation for Malaitan loss of lives and property from earlier IFM attacks. Split along ethnic lines, the Malaitan-dominated police failed to stop skirmishes and revenge killings between the two groups. In February 2000, Governor General Sir John Ini Lapli formally outlawed both organizations. The MEF subsequently refused to attend peace talks until the ban was suspended in May 2000. At the same time,

¹² Honiara Peace Accord of 28 June 1999, clause 2 (i). A subsequent agreement, the Panatina Accord, signed on 12 August 1999, further elaborated the commitments of all parties to the conflict.

¹³ Initially, the Guadalcanal Revolutionary Army, later the Isatabu Freedom Fighters.

¹⁴ IFM members and supporters met by Amnesty International in September 1999 did not learn about details of the 'Honiara Peace Accord' until three months after it had been signed on 28 June 1999, while some of their leaders had not seen the government's formal response to their demands published in Honiara on 20 July 1999.

Andrew Nori predicted that “a major confrontation between the two militant organisations” was a “possibility, in fact a probability”.¹⁵

¹⁵ Australian Broadcasting Corporation (ABC) TV, Foreign Correspondent, 23 May 2000.

On 5 June 2000, the MEF, supported by paramilitary police officers acting without authorization¹⁶, seized control of Honiara, forced then Prime Minister Bartholomew Ulufa'alu to resign, pressured parliament to elect a successor, and used captured police weapons and equipment to step up its military operations against the IFM and Guadalcanal civilians. MEF spokesperson Andrew Nori declared that the takeover was prompted by the government's failure to resolve the conflict, a loss of police control over security in the capital and a desire to replace Prime Minister Ulufa'alu. In the weeks preceding the coup, Malaitan-dominated Honiara police had already allowed MEF members to move about armed and unhindered. Visiting senior Commonwealth and European Union delegates tried without success to negotiate a quick return to constitutional government. On 30 June 2000, Nori publicly threatened "all-out war" if parliament failed to elect a new Prime Minister, and hours later opposition leader Manasseh Sogavare from Choiseul Province was elected to succeed Ulufa'alu, and a new government, known as the Coalition for National Unity, Reconciliation and Peace, was formed. Since then, the MEF has continued what it calls its "Operation Eagle Storm" against IFM-controlled territory in rural Guadalcanal while at the same time attending cease-fire negotiations facilitated by Australia.

¹⁶ The officers defecting to the MEF were allegedly led by the Assistant Commissioner of Police for Operations.

While the violence, political instability and negotiations continue¹⁷, it is the civilian population of Solomon Islands which is suffering. Amnesty International has documented cases of reported extrajudicial executions, indiscriminate shootings, deliberate and arbitrary killing, torture, threats and harassment by all parties to the conflict. Solomon Islands has no army. Most police officers, particularly in the paramilitary Police Field Force, are ethnic Malaitans, and many of them have sided with, or actively participate in, MEF forces - hence the self-proclaimed name "Joint Paramilitary Police-Malaita Eagle Force", announced by MEF spokesperson Andrew Nori on the day of the coup.¹⁸ Law and order has broken down, leaving the population vulnerable to the excesses of paramilitary groups and criminal opportunists. In Honiara and on Malaita island, internally displaced people, ethnic minorities, women and teenage girls are particularly vulnerable to human rights abuses or common crimes, lacking recourse to effective police protection. The civilian population of rural Guadalcanal is at acute risk, having already suffered deliberate and arbitrary killings, torture, rape and abduction, as well as internal displacement, looting and burning of village homes.

THE POLICE AND HUMAN RIGHTS

"I called Auki police station and was asked whether I wanted the MEF or the police to come." Malaitan resident, July 2000.

Amnesty International's main concerns about the conduct of the Solomon Islands Police Service are:

- officers are implicated in a number of cases of human rights violations;
- officers are failing in their duty to investigate allegations of violations and abuses of human rights, thus allowing for impunity;
- officers have sided with armed political groups, thus providing them with protection.

¹⁷ At the time of writing, the signing of a cease-fire has been repeatedly postponed.

¹⁸ As reported by the government-controlled national radio station, Solomon Islands Broadcasting Corporation (SIBC), quoting MEF spokesperson Andrew Nori on the day of the coup. SIBC has since also quoted Nori referring to the Joint Police Field Force-MEF.

A severe ethnic imbalance in the national police service¹⁹ has hampered efforts of some senior officers to operate with impartiality and neutrality. According to the last government, some 75 per cent of the country's 897 police officers are Malaitans.²⁰ Assistant Commissioner for Operations, Wilfred Akao (a Malaitan) estimated that in mid-1999, no more than 30 officers were from Guadalcanal, and these were deployed in other provinces. Since the MEF coup, most civilians on Malaita and Guadalcanal islands have had no protection against human rights abuses, internal displacement or ordinary crime. The police service is effectively no longer functioning on these two main islands, as MEF members have deprived it of almost all weapons, most vehicles and equipment. Officers still attending to their posts are reportedly further limited in their functions due to MEF intimidation.²¹ Officers in Honiara who left on unpaid leave after the coup appear to be reluctant to comply with repeated public calls by the police leadership to resume their duties. While the new government of Prime Minister Sogavare has made rebuilding the police one of its primary objectives, both the government and rebel commanders are apparently unable or unwilling to control splinter groups and police officers seeking revenge for past human rights abuses or taking advantage of the lack of law and order.

The situation is complicated by reports that provincial police officers and special constables based in rural areas of Guadalcanal reportedly either fled from IFM attacks during 1999, sided with the IFM or "made an arrangement" with the IFM in the interests of their own security.²² According to the then Deputy Police Commissioner, such 'arrangements' may explain an incident on 27 September 1999, when Amnesty International delegates saw three uniformed police officers arrive in a marked police pick-up truck escorted by a police motorbike at a major IFM roadblock near Mbalisuna Bridge, east of Honiara. When the police truck stopped at the first of two barriers, the motorcycle returned towards Honiara, while 10 armed IFM members climbed on board the police truck and were driven off by the officers in the direction of an IFM stronghold.

¹⁹ Unless otherwise stated, references to the police service in this report are to nationally-recruited officers under commanding officers based in Honiara, usually at the national police headquarters.

²⁰ *Solomon Islands Strategic Review 1999: In Partnership with the People*, published by the Office of the Prime Minister in April 1999, p. 9, and government information to Amnesty International. By early 2000 police estimated less than 800 officers in their ranks, 200 below a planned strength of 999.

²¹ Information from confidential sources in Honiara and Malaita, including a police officer.

²² Information from senior commanding officers at national police headquarters, and villagers interviewed by Amnesty International.

Many officers of the Solomon Islands Police Service have been made aware of basic international principles that apply to the conduct of law enforcement officers, including in situations of armed conflict. Senior officers confirmed that local and overseas training courses attended by officers of various ranks covered human rights standards, including on the use of force and firearms. At least once during the past 20 months, the International Committee of the Red Cross conducted a seminar for police officers of all ranks on international humanitarian law and human rights law applicable to all parties to internal armed conflicts.

Police responses to the conflict

Initially, the police responded to the emerging conflict with restraint and hesitation, caused in part by internal ethnic divisions but also by a lack of equipment, transport and training. An April 1999 Strategic Review of the Royal Solomon Islands Police Service revealed serious shortcomings in operational effectiveness and in the preparation of court cases.²³ According to the government of Prime Minister Ulufa'alu, a largely untrained Police Rapid Response Unit (RRU), formed in 1997 and consisting of officers drawn from various police units and the paramilitary Police Field Force (PFF) supported by a few officers of an armed Special Prison Task Force, carried the bulk of armed police operations against the Guadalcanal armed political groups and criminal opportunists.²⁴ Since the June 2000 coup, at least 100 PFF and RRU officers are believed to have joined the MEF. The August 1999 Panatina Agreement - detailing police commitments under the Honiara Peace Accord - announced a scaling down of police activities in Guadalcanal and a public relations campaign to promote the message "that the Police activities are not directed against law abiding citizens of Guadalcanal but only against a few criminal elements."²⁵ By

²³ Strategic Review 1999, pp. vi, 10-12.

²⁴ The key role in the conflict of the Police Field Force and Rapid Response Unit is confirmed in the Panatina Agreement, brokered by Commonwealth Envoy Rabuka and signed by political leaders and the then Deputy Police Commissioner on 12 August 1999, which states that "the Police has undertaken that with effect from Sunday 15 August 1999 the activities of the Field Force and the Rapid Response Unit will be scaled down" (Clause 6 (i)). Police gave different names for the special prison task force which was set up to deal with escapes and riots. The prison task force officers are nominally under the command of the Commissioner of Prisons but effectively joined the Police Field Force, particularly after the closure of the rural Tetere Prison.

²⁵ Published in the Solomon Star newspaper, 16 August 1999.

September 1999, the RRU was scheduled to be disbanded following complaints about a serious lack of professionalism and a "heavy-handed approach" in operations against Guadalcanal civilians and suspected 'militants'.²⁶ The MEF coup effectively halted implementation of police reform plans based on the government's Strategic Review.

²⁶ Solomon Islands Broadcasting Corporation and PACNEWS, 11 and 16 February, 23 April 1999, Radio Australia 23 April 1999, and Amnesty International meeting with senior ministers in September 1999.

The apparent failure of the authorities to investigate alleged use of excessive or indiscriminate force by both RRU and PFF officers, and to bring those believed to be responsible to justice,²⁷ appears to have seriously weakened public confidence in police professionalism and willingness to maintain law and order without ethnic bias. In interviews with Amnesty International, victims of the conflict gave mixed accounts of their experience with police officers, particularly from the PFF and Honiara police stations. Officers have been either unable, reluctant or unwilling to respond to calls for protection against Guadalcanal 'militant' attacks. Exceptions were several cases reported to Amnesty International of police taking personal risks to evacuate injured Malaitan men and their families from IFM-controlled areas. At the Marau Sound, southeast Guadalcanal, Amnesty International met with non-Malaitan officers of the Police Field Force working hard to win back trust among villagers who fled earlier police shootings in the area attributed to Malaitan PFF officers. In many rural areas, displaced people told the organization they had fled because they feared armed police operations as much as the activities of Guadalcanalese armed groups.²⁸

In October 1999, a Multinational Police Peace Monitoring Group²⁹ was established under the auspices of Commonwealth Secretariat peace talks. The group was funded with Australian, British and New Zealand contributions and initially made up of 20 unarmed officers from Fiji and Vanuatu. This number was halved in January 2000 although the Solomon Islands Government and the group's Fijian Commander repeatedly expressed disappointment about the group's size because it severely limited its effectiveness.³⁰ However, the officers' contribution to the peace process and the protection of human rights was welcomed by all sides and their mandate widened and repeatedly extended. The 19 May 2000 coup in Fiji prevented the expected arrival of additional Fijian officers supposed to work alongside regular Solomon Islands police officers, including the Police Field Force. Following the 5 June 2000 coup in Honiara, all peace monitors were evacuated on the grounds that

²⁷ Except for one officer convicted of the conflict's first fatal police shooting in December 1998.

²⁸ In the Marau Sound area for example, such fears applied to both displaced Are Are-speaking Malaitans as well as Birau-speaking Guadalcanalese.

²⁹ Following amendments to its mandate in January 2000, the group was renamed Multinational Police Assistance Group, and tasked with working alongside Solomon Islands police officers to re-establish law and order in Guadalcanal.

³⁰ Amnesty International conversations with the government and the Commander of the peace monitors.

they had no mandate to assist Solomon Islands police units which openly sided with an armed political group. Australia and New Zealand have rejected repeated calls by all parties to the conflict for the intervention of Australian or New Zealand security forces, stressing the priority of an effective cease-fire.

POLICE OFFICERS IMPLICATED IN HUMAN RIGHTS VIOLATIONS

Since late 1998, police officers of various units have been accused of human rights violations, while tacit and - since the coup - open support for the MEF may have made some officers complicit in human rights abuses attributed to the MEF. The Commander of the Multinational Police Peace Monitoring Group has repeatedly confirmed eyewitness reports stating they could not distinguish between the MEF and the paramilitary Police Field Force, as both used identical-looking uniforms and equipment even well before the coup. This may create difficulties in attempts to verify allegations of excessive use of force by police after the emergence of armed Malaitian groups. However, many such allegations reported to Amnesty International relate to earlier incidents.

Amnesty International is concerned about a number of reports alleging that police officers fatally shot non-combatants, indiscriminately fired at village huts and ill-treated prisoners or suspected 'militant' youths. For example, on 14 September 1999 Amnesty International interviewed eyewitnesses to the fatal shooting of Robert Rosal junior, a married man in his 20s, who was killed at the Sirighi River mouth near his home village in the Mberande area.

The Killing of Robert Rosal junior³¹

At about 8.45 a.m. on 9 September 1999, Robert Rosal was fishing with a fellow villager in shallow water. About eight paramilitary police officers believed to be from the Police Field Force approached the shore, and called out to him from a police speedboat. According to eyewitnesses police shot at him, sending a "shower of bullets into the water" after he appeared to panic and tried to run back to the shore. A friend helped Robert, who was injured, to the shore, and then fled. Eyewitnesses state that police continued to fire from the speedboat in the direction of the shore and that two police officers went ashore and pulled Robert Rosal from the beach back

³¹ Based on conversations with police and eyewitnesses, and an autopsy report contained in police files at Police National Headquarters at Rove, Honiara.

into the water before leaving on the speedboat. A newspaper later reported “a source from the area” claiming that a “police patrol team” beat him to death with a paddle.³²

Villagers alerted the Commander of Tetere police station who arrived with two local officers at the village on 10 September 1999 to investigate the shooting and to report it to police headquarters. On 14 September 1999, a doctor from Honiara’s hospital supervised an exhumation of the body and conducted a post-mortem examination. Assistant Commissioner of Police for Operations, Wilfred Akao, told Amnesty International on 20 September 1999 he was still awaiting an incident report but did not deny reports that police had shot Robert Rosal junior. Amnesty International’s repeated enquiries with the police, which made available an autopsy report following intervention by then Prime Minister Ulufa’alu, did not reveal any indication that a formal investigation of the fatal shooting has been carried out.

Amnesty International has questioned eyewitnesses and police about reports of indiscriminate shooting by police patrols at coastal villages. Police officers denied any knowledge of these incidents and said they were not aware of any internal investigations conducted into such reports, but there were dozens of people who said they witnessed continuous police gunfire over several minutes during the incidents in question. For example, village women at Takamboro, northwest Guadalcanal, reported a visit to the area in mid-1999 by a Police Field Force patrol including a pick-up truck with a machine gun on the back. One woman said she heard intermittent automatic gunfire from the direction of the main road for about 5-10 minutes and then the sound of bullets “*coming down like rain through the leaves of the coconut trees and into the grass and bushes ... I took my children and ran away to the bush. We stayed all night Next day, we found bullets on our veranda and under the house, and many shells at the main road on the hill overlooking the village.*” Nobody was injured. Although village elders said they complained to Honiara police, no officer came to investigate the incident. A senior officer confirmed to Amnesty International that shells which the villagers claimed they found that day were of the type used by the Police Field Force, but added that some police guns of this calibre had been stolen.

³² Solomon Star, “Reports claim police kill innocent villager”, 16 September 1999, p. 2.

In some cases where police have been accused of excessive use of force, the facts do not appear to sustain some of the allegations made. For example, in the case of the widely-publicized fatal shooting by Police Field Force officers of at least four young Guadalcanalese men at Mt Austen on 31 July 1999, the accounts of villagers from nearby Barande³³ and post-mortem examinations of the bodies, conducted at Honiara hospital, do not support public claims that two of the men shot dead were entirely unarmed or that police officers had beaten to death the other two.³⁴

HUMAN RIGHTS ABUSES BY ARMED POLITICAL GROUPS

Armed political groups like the IFM or MEF are bound, like governments and police services, by basic principles of international humanitarian law. In particular, all parties to an internal conflict are required to observe the principles set out in Article 3, common to all four Geneva Conventions, which establishes minimum humane standards for situations of internal armed conflict. Individual members of government forces and armed political groups may be held criminally responsible for violating international humanitarian law.

Common Article 3 extends protection to "*[p]ersons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause...*"

³³ Interviewed by Amnesty International on 19 September 1999.

³⁴ Radio Australia news of 5 August 1999, quoting IFM statements.

It prohibits

"at any time and in any place whatsoever with respect to the above mentioned persons:

- a) violence to life and person, in particular, murder of all kinds, mutilation, cruel treatment and torture;*
- b) taking of hostages;*
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;*
- d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court.*

This report documents human rights abuse that breaches most of these provisions. These abuses are war crimes, for which those responsible must be brought to justice wherever they are found, regardless of their position or the time which has passed since the crimes were committed. There is no reliable estimate of the total number of civilians killed, injured or missing, and presumed dead following attacks attributed to the armed political groups now known as IFM and MEF.

Deliberate and arbitrary killings

In the afternoon of 10 July 2000, three masked gunmen identified by hospital staff as members of the MEF, entered a surgical ward at the National Referral Hospital in Honiara (also known as Central Hospital) where members of the IFM were recovering from serious gunshot injuries sustained during an MEF offensive. The MEF gunmen reportedly threatened nursing staff, then broke down the locked door to a room and shot dead two 18 and 20 year-old IFM members in their beds at close range with shotguns. Following public condemnations,³⁵ the MEF leadership denied responsibility for the killings and promised to do everything possible to bring those responsible to justice. MEF spokesperson Andrew Nori suggested the killings may be acts of revenge by Malaitan civilians, not MEF members, and that regular MEF fighters did not use shotguns. However, MEF gunmen have been seen routinely carrying shotguns at

³⁵ For example, by Prime Minister Sogavare, the Chief Nursing Officer of Lata Hospital in Temotu Province, and by the Solomon Islands Christian Association which groups the country's major churches.

roadblocks in Honiara, including on the day after the shooting. An MEF source confirmed later the group was well aware of the identity of the perpetrators.³⁶

Honiara-based delegates of the International Committee of the Red Cross (ICRC) publicly condemned the killings and described them as a very serious violation of the humanitarian law of respect for the wounded and hospital premises. It appealed to all parties to the conflict to respect the wounded and sick of all sides, and also to respect medical staff, hospital premises and the work of the Red Cross as a neutral organization, created to help and protect all victims of conflict.

Despite these condemnations, the killings did not remain an isolated incident. In a dawn raid on the following Thursday 13 July 2000, up to 20 gunmen in MEF or paramilitary police uniforms attacked a rural clinic at Visale, northwest Guadalcanal, shooting at patients and staff who were trying to escape when the attackers arrived in speedboats. Injured IFM fighters had recently been treated at the clinic. The shots killed an elderly man from the Maravovo area and a teenage boy of about 16 years of age, a student at Tangarare Provincial Secondary School. Neither was a member of the IFM. The gunmen then deprived patients of access to medical assistance by stealing vital medicine supplies and damaging and removing medical and communications equipment. The hospital killings followed intermittent reports by the medical director and nursing staff at Honiara Central Hospital since 1999 that suspected members of rival armed groups, initially mainly Guadalcanalese men, had been harassing medical staff and patients while seeking out hospitalized rivals.³⁷

Among those known to be killed by people identified as members of the Guadalcanal Revolutionary Army (an IFM precursor), were Placido Ooge, about 35 years old, and Joseph Alabaru, who died on 12 June 1999 in what appears to have been a typical 'militant' raid on a Malaitan settlement.

³⁶ Information from confidential source supplied to Amnesty International on 15 July 2000.

³⁷ For example, on 11 May 2000, the Medical Director of the Honiara Central Hospital appealed on national radio to all armed groups to stop attacking staff and harassing nurses for treating injured rivals.

The Killing of Placido Ooge, 12 June 1999³⁸

Relatives reported seeing a group of armed men identified as “Guadalcanal militants” enter an oil palm plantation workers’ settlement east of Honiara at about 3 pm on 12 June 1999. After firing a warning shot, the gunmen ordered all ethnic Malaitans to leave. Placido Ooge’s father said his son, aged 35, started to flee the village with his wife and children, but was attacked by a ‘militant’. Placido was carrying his three-year old daughter Mary in his arms, and attempted to protect her with his hands from blows from the ‘militant’s’ bush knife (machete). The girl was injured by the blows and suffered a deep laceration to her back and a perforated cheek. Placido was struck across the head, neck and the spine with the machete until he fell to the ground with his daughter, bleeding. His father, who ran to help them, was shot at, beaten unconscious and had his arm broken with a rifle butt by ‘militants’ who tried to keep him away from the bodies. After the attack, villagers were evacuated by police and plantation staff and given medical treatment. Placido died from his injuries in hospital that evening but his daughter survived. Key witnesses told

³⁸ Based on interviews with close relatives and other eyewitnesses, some of whom had evacuated to north Malaita.

Amnesty International they were not questioned by investigating police officers believed to be from the criminal investigations department. Media reports at the time stated that the police confirmed the killing of “two men” but declined to give further details, other than to say that Honiara’s hospital was “flooded” with people suffering knife and gunshot injuries.³⁹ However, senior officers at national police headquarters met by Amnesty International in September 1999 confirmed key elements of Placido’s family’s account of the incident.

The killing of Jack Vaka (or Lavisu), 20

³⁹ Agence France Presse, 14 June 2000.

Villagers returning from a church service on the morning of 2 April 2000 said they saw at least six masked gunmen believed to be MEF members, in green uniforms and bullet proof vests, enter a mining village south of the international airport.⁴⁰ The gunmen shot a seven year-old boy and two men as they tried to flee. Bullets injured the boy in the back and one man in the face, but a shot in the back killed Jack Vaka, also known as Jack Lavisu, aged 20, whose parents are from Malaita and Guadalcanal. Officers from the nearest community police post at Foxwood later visited the scene of the incident, but according to the Commander of the Multinational Police Peace Monitoring Group, no investigation was carried out by the Solomon Islands police criminal investigations department. The peace monitors recovered various cartridges at the scene of the type used by the Police Field Force and the MEF.

Indiscriminate shooting

In the early morning of 7 June 2000, two days after staging the coup, the MEF commandeered a Police patrol boat originally donated by Australia, and initially used the boat's 50 mm gun to shell IFM positions at the Alligator Creek bridge near Honiara's international airport.⁴¹ The boat supported an MEF offensive in which at least six IFM fighters were killed and eight injured. After about 7 a.m., the boat's gun was used to fire indiscriminately at civilian targets at Nazareth Apostolic Centre near Tenaru, a few kilometres southeast from the scene of fighting and about 2.5 kilometres from the shore.⁴² There are credible reports that there were no military

⁴⁰ Reports from eyewitnesses, Fijian police peace monitors and Radio Australia 5 April 2000.

⁴¹ Solomon Islands Broadcasting Corporation news 7 June 2000.

⁴² During the shelling, Amnesty International maintained telephone contact with eyewitnesses and other sources in Honiara. Additional information was provided by subsequent visitors to the village.

targets that morning in the vicinity of Nazareth village where the 75 residents, including women and children, sought protection behind concrete walls. Red Cross workers visiting the area later reported finding no civilian casualties. The Australian High Commission in Honiara was reported by local radio to have strongly condemned the use of the patrol boat in the attack.⁴³

TORTURE AND ILL-TREATMENT

“... one of the militant groups kidnaps someone because they suspect he is a member of the other militant group. Those capturing the suspect beat him very badly even before asking questions. The person is then usually killed, often with cruel torture.” Press Release from the Diocese of Malaita, Church of the Province of Melanesia, 10 July 2000

⁴³ SIBC news 8 June 2000.

Amnesty International strongly and unconditionally condemns any acts of torture or ill-treatment for which there can be no justification under international humanitarian law, even in situations of armed conflict. In the Guadalcanal conflict, torture and ill-treatment, including of captured members of a rival ethnic group, have been attributed to both the MEF and IFM, as well as to individual police officers.⁴⁴ Public debate about the security situation in Honiara since the 5 June 2000 coup indicates a heightened general awareness of the occurrence of torture by both rival groups. It is reflected in a press release on 10 July 2000, in which the (Anglican) Church of Melanesia Bishop of Malaita “*appealed to both the Isatabu Freedom Movement and the Malaita Eagle Force to end the kidnap, torture and murder of members of the other ethnic group for pay back.*” The press release accused both IFM and MEF of an “escalation” of such acts in June and July 2000. Noting a recent case of abduction, torture and killing of two Malaitan security guards attributed to the IFM, it also states that “*the MEF has captured many suspected IFM members in both Honiara and Malaita and beaten, tortured and killed them. According to eye witnesses, the killings are often very cruel. Now the MEF is also beginning to target innocent people, trying to take innocent Guadalcanal people as hostages.*”

Honiara residents told Amnesty International in June and July 2000 it was common knowledge that abducted Malaitans had been taken to an IFM camp widely known as a “panel beating shop” where they were beaten up. On the other hand, MEF camps on Honiara’s outskirts such as Central Camp near Tasahe Ridge, as well as the MEF central Honiara ‘headquarters’ in the former Guadalcanal Provincial Government offices, are reportedly locations of repeated cases of torture of captured Guadalcanalese, or of cruel punishment of Malaitans by a MEF “military police”.

Torture and ill-treatment attributed to the IFM

⁴⁴ The Guadalcanal ‘militant’ leaders’ formal response to the Honiara Peace Accord, published by the government with its own comments on 20 July 1999, includes a demand for disciplinary action against a police officer accused of beating and torturing suspected members of armed political groups.

In late June 2000, Harold and Silas, two Malaitan security guards working for the Australian High Commission, were captured by an IFM patrol outside western Honiara outskirts, in IFM-held territory.⁴⁵ The patrol later handed them over to a group of gunmen who often operate under the IFM banner and are led by a pair of wanted criminal suspects notorious for provocative violence that undermined peace talks, and for terrorizing both ethnic Malaitan and Guadalcanal villagers. Eyewitnesses reported that the two captured Malaitans were later paraded by the gunmen through their villages, already bearing cuts and signs of severe beatings, then killed and buried at Bonege beach, some 10 kilometres northwest of Honiara. Their relatives and the Red Cross were denied access to the bodies.⁴⁶

Such cases demonstrate a recent escalation of reprisal violence in which individuals are being targeted for their ethnicity. Earlier in the conflict, there were many reports of acts of torture and ill-treatment attributed to IFM 'militants', particularly at the height of their campaign to drive Malaitans from rural Guadalcanal in April-July 1999.⁴⁷ For example, IFM members from the Guadalcanal south coast were reported to have injured villagers with bush knives, blows from rifle butts, kicks and punches who were reluctant to provide information or failed to obey IFM 'warnings' to abandon their homes and leave their villages. The victims of such treatment included not only able-bodied younger men but also frail and elderly people, as the following examples show.

*The torture of 'Herbert'*⁴⁸

Herbert (42, not his real name) is a part-Malaitan mechanic, married to a Guadalcanalese woman. Herbert's wife told Amnesty International that he was seriously injured by members of an armed group identified as "Guadalcanal militants" at her family's

⁴⁵ Information from confidential sources in Honiara.

⁴⁶ Information from separate confidential sources.

⁴⁷ Gathered by Amnesty International in interviews with victims, their relatives, and eyewitnesses.

⁴⁸ Based on Amnesty International interviews in September 1999 with his Guadalcanalese wife and Malaitan relatives who had evacuated to Auki.

home village in the Tamea area, northwest Guadalcanal. On the morning of 9 April 1999, she saw a group of about 100 armed 'militants' in the customary dress characteristic of south Guadalcanalese IFM fighters, and with their faces painted with charcoal to mask their identities, march into the village and prevent villagers from leaving. The group's leader reportedly asked Herbert to reveal the whereabouts of his younger brother and accused him of being a "spear" - a term used for suspected spies or police informants. According to eyewitnesses, Herbert questioned this and eight 'militants' then beat him as his two-year old daughter watched, hitting his head and body with a machete. He received numerous cuts including one that reached across the side of his skull to his eyelid. When he attempted to flee another group of 'militants' broke his arm and permanently injured his wrists with a rifle butt, and then hit him on the back of his head with an axe, at which point he fell to the ground and feigned death. 'Militants' then allegedly damaged the family's house and car, stole property and told villagers who were hiding nearby, that they would return for Herbert's brother and that anyone who attempted to help Herbert would be treated as he had been. Herbert was hidden in the bush and initially treated by a medical professional until police evacuated him by helicopter to receive medical treatment in Honiara and Auki hospitals where he remained at the time of Amnesty International's visit there in September 1999.

The beatings of Thomas and Jim⁴⁹

Thomas and Jim (not their real names), two elderly men originally from central Malaita, told Amnesty International they were living in a village near Aruligo, northwest Guadalcanal, when about 35 armed men identified as “Guadalcanal militants” arrived in the late afternoon of 10 June 1999. The villagers were awaiting transport to Honiara – half the village had already been evacuated following earlier ‘militant’ threats, and children and women had been hiding in the bush for days. ‘Militants’, who arrived in a truck, breaking windows and pointing guns at villagers, ordered all non-Guadalcanalese to leave the village. When Thomas said that the village was waiting for transport to Honiara, a ‘militant’ hit him with a bush knife, cutting his shoulder. Thomas recalled that all the village men were ordered to sit down, and that one ‘militant’ kicked him in the face. After he fell and tried to stand up he was again kicked in the face and ordered to stand. According to Jim, who is about 80 years old, the ‘militants’ kicked him in the side when he tried to argue with them about Thomas’s treatment, beat his ribs with a rifle butt, ordered him to stand up and then punched him. ‘Militants’ then escorted the men out of the village and left them at a clam farm known as ICLARM⁵⁰, not

⁴⁹ Based on Amnesty International interviews with the victims in September 1999 in Malaita and confidential sources in Auki, Malaita.

⁵⁰ International Centre for Living Aquatic Research and Management.

far from Aruligo. They were subsequently evacuated by police to Honiara and hospitalized.

Torture and ill-treatment attributed to the MEF

On 21 April 2000, a Guadalcanal man was reportedly abducted by the MEF in a Honiara suburb in front of his 12-year-old daughter and dragged to a waiting car. He later seen at an MEF camp on the outskirts of Honiara. An eyewitness at the camp saw him bleeding and bearing marks of severe beatings, hung up at the wrists and ankles with sharp wires which cut deeply into the flesh. A few days later his dead body was reportedly found at White River, a suburb of Honiara with many MEF residents.⁵¹ Malaitan residents of Honiara also reported in June and July 2000 seeing MEF men taking prisoners on the backs of stolen trucks into the MEF downtown headquarters where they believed the prisoners were beaten. A foreign correspondent's report also mentioned a Guadalcanalese prisoner being openly transported by the MEF in this manner through central Honiara.⁵²

In early July 2000, John Bosco, an 18-year-old student of Nazareth Apostolic Centre near Tenaru, went missing after being evacuated to Honiara where he was well known for his work as a Catholic catechist. He was reportedly abducted by MEF members when staying at a friend's house one night in late June or early July 2000. His family learnt of reports from several Malaitan eyewitnesses that he was beaten and taken to an MEF camp:

“It seems his mother told him to be careful as the [MEF] militants were after him. John replied, ‘Mum if they are after me, what is the use of hiding!’ So on Sunday 25th June the militants came for John. They very brutally bashed him and then it seems took him up a hill and decapitated him.”⁵³

⁵¹ Information from separate confidential sources in Honiara.

⁵³ “Tribute to John Bosco,” by Sr. Margaret Tisch smsm, *The Voice Katolika*, Honiara, July 2000.

The family has since tried to locate his body. On 4 July 2000, Walter Tavai, a Guadalcanal villager from Matanikau village in east Honiara was reportedly visiting his Malaitan wife from the male villagers' hiding place in hills south of Honiara. He was allegedly abducted at his home by MEF gunmen. According to some reports, several Malaitans later claimed seeing him being taken to Central Police Station, Honiara. They reported he was beaten unconscious and died. To Amnesty International's knowledge, his family were still trying to recover his body at the time of writing.⁵⁴ Both John Bosco's and Walter Tavai's deaths are believed to be in revenge for the earlier deaths of the two Malaitan security guards described above.

INTERNALLY DISPLACED PEOPLE

⁵⁴ Information from separate confidential sources.

Since June 2000, threats, abductions, torture and killings of civilians and prisoners, frequent looting and burning down of homes, as well as shootouts between IFM and MEF forces, have caused at least 3,000 people to flee their homes in rural Guadalcanal.⁵⁵ Many had already spent months in remote shelters in the hills of Guadalcanal or on offshore islands after various police and militant raids in 1999. On 18 July 2000, a public warning by Malaita Eagle Force spokesperson Andrew Nori, reported on national radio, advised all civilians resident in large areas up to 20 kilometres from the capital to evacuate ahead of new military operations.⁵⁶ In late July 2000, national radio reported that police confirmed the burning down of 20 homes at Independence Valley in Honiara which followed earlier attacks on homes at Matanikau and Tasahe (Honiara).⁵⁷

Displacements of ethnic Malaitans from rural Guadalcanal

According to recent visitors from Malaita,⁵⁸ local police are currently unable to provide protection for displaced Malaitans on their home island, after the MEF raided the Malaita police armoury in January 2000 and later established a provincial headquarters at the wharf in the Malaitan capital Auki. Information about the present situation in rural areas where most Malaitan families displaced from Guadalcanal have resettled, remains scarce, as there are no telephones. Almost all tele-communications from the Malaitan capital Auki with the outside world have been cut off since 18 May 2000 when IFM fighters destroyed a transmitter at Gold Ridge on Guadalcanal.

⁵⁵ For example, in villages around Kakabona, Tenaru, Mbambasu and the Marau Sound coast.

⁵⁶ Gold Ridge in mountains to the east of Honiara, and Mamara on the northwest coast.

⁵⁷ Solomon Islands Broadcasting Corporation news, and reports by Radio Australia and confidential sources resident in Honiara.

⁵⁸ Interviewed by Amnesty International in June and July 2000.

During 1999, the majority of people displaced in Guadalcanal were originally from other islands, mainly from neighbouring Malaita. Preliminary statistics from a December 1999 census recorded an overall population figure on Malaita (121,000) which tends to support some of the estimates on displaced people compiled by churches, the Red Cross and United Nations between June and August 1999.⁵⁹ United Nations reports noted considerable difficulties in assessing the extent of displacement, but estimated that some 15-20,000 Malaitan people living on Guadalcanal were evacuated during 1999, “or about 20 per cent of the population of Guadalcanal”.⁶⁰

The majority of these were eventually evacuated from Guadalcanal to Malaita island - most of them after temporarily being processed and housed in Red Cross evacuation centres in Honiara. By September 1999, Amnesty International saw a few families in Honiara still living in Red Cross tents. The organization also met with scores of others already evacuated to Malaita who were sleeping in makeshift shelters without access to sanitation or clean drinking water. Many had arrived with little more than what they were wearing when fleeing their homes on Guadalcanal. Often, the men were returning to Honiara in the hope of receiving government compensation or finding work. The often desperate situation of these displaced families, exacerbated by unfulfilled expectations of government or United Nations assistance, is believed to have been a major factor in the initial popular Malaitan support for the MEF. By July 2000, this support was reportedly evaporating, as MEF fighters on visits to Malaita reportedly forced displaced Malaitan families to make “donations” of money or food in support of the MEF.

Displacements of indigenous villagers from their Guadalcanal homes

⁵⁹ Report on the Joint UN Assessment Mission to Solomon Islands, 29 June -3 July 1999, p. 2. Coordinated by the UN Office for the Coordination of Humanitarian Affairs at the request of the then Solomon Islands Prime Minister, the mission did not include human rights investigators or representatives of the Office of the High Commissioner for Human Rights.

⁶⁰ United Nations Press Briefing, 7 July 1999, and Report of the Second UN Humanitarian Mission to Solomon Islands, 1-14 August 1999, 4 (a).

The majority of displaced Guadalcanalese villagers have had no police protection since most locally-based officers and special constables evacuated as a result of IFM raids during 1999. By mid-July 2000, at least 3,000 people were believed to be in hiding away from their villages.⁶¹ So far, sporadic fighting in rural Guadalcanal, poor communications and the fear of MEF reprisals against boat crews (needed to visit remote parts of Guadalcanal), have made it impossible to assess their situation and provide reliable estimates of their overall number. This problem was identified as early as August 1999 in a United Nations report which estimated the number of “indigenous Guadalcanal people who had fled their homes at up to 12,000”.⁶²

Guadalcanalese visiting or living in Honiara have been at risk of beatings, abduction or killings for many months. For example, on the morning of Saturday, 5 May 2000, people arriving at Honiara Central Market found the headless body of Davidson Mare, a Guadalcanal man who reportedly lived with his family within Honiara city boundaries.⁶³ All media reports on his death refer to a note found in his hand linking the murder to peace talks taking place that day at Buala, Isabel Province, and threatening that the Premier of Guadalcanal Province, Ezekiel Alebua, would be the next victim. The murder, linked to the MEF, was publicly condemned by then Prime Minister Ulufa’alu, and apparently triggered the revenge killing of a Malaitan man two days later whose head was reported seen by Fijian peace monitors at an IFM roadblock east of Honiara on 9 May 2000.

⁶¹ In the Marau area alone, home to an estimated 5,000 people, most coastal villagers reportedly fled fighting in June 2000.

⁶² Report on the United Nations Humanitarian Mission to Solomon Islands, 1-14 August 1999, p. 4.

⁶³ SIBC and Radio Australia news, 8 May 2000.

In mid-July 2000, about 500 people had managed to register themselves with the Red Cross in Honiara as awaiting evacuation or temporary resettlement. Many found refuge at Red Cross evacuation centres - a repeat of a similar situation in June 1999 which prompted a United Nations Humanitarian Assessment mission.⁶⁴ Developments since the MEF coup on 5 June 2000 have also involved an escalation of confrontations between members of both Guadalcanalese and Malaitan armed groups and Red Cross volunteers, medical professionals, priests, nuns and lay workers of the main churches who have reported being individually targeted with threats, being questioned at gunpoint, shot at, harassed or prevented from exercising their humanitarian or clerical work with displaced people and villagers.⁶⁵ For example, members of the Multinational Police Peace Monitoring Group reported on 15 May 2000 that shots had been fired at the car of a priest.⁶⁶

A prolonged MEF blockade has intermittently prevented Red Cross officials and volunteers from taking medical and food supplies to rural clinics. This has left a population of 60,000 people in rural Guadalcanal largely cut off from access to essential hospital assistance, medicines and nutritional supplements as well as fuel.⁶⁷ Government health officials reportedly raised concern in late July 2000 that essential medicines are in short supply, that remote clinics face serious shortages following a recent influx of patients injured in fighting and disruptions in supplies, and that vital clinic equipment had broken down.⁶⁸

INVESTIGATING HUMAN RIGHTS VIOLATIONS AND ABUSES

Senior ministers of the Ulufa'alu government met by Amnesty International in Honiara and London in September 1999 and February 2000 agreed that all parties to

⁶⁴ Information from the national Red Cross. The figure includes about 100 Guadalcanalese people resident in at Matanikao village in Honiara, hoping to evacuate to another island following burning down of homes and MEF threats.

⁶⁵ Information from national Red Cross officials, church representatives and confidential sources.

⁶⁶ Commander Savenaca Tuivaga, quoted on Radio New Zealand International, 15 May 2000.

⁶⁷ In June 2000, villagers in northwest Guadalcanal were seen carrying seawater intended for salt production, as not even basic nutritional supplements had been allowed through MEF roadblocks.

⁶⁸ This includes vaccines for routine inoculations of babies and small children. Source: Honiara residents interviewed by Amnesty International, SIBC news and Radio Australia, 28 July 2000.

the conflict, including some elements of the police, should accept responsibility for human rights violations and abuses, and that the authorities had a duty to address such issues. In response to Amnesty International concerns about the situation, ministers told Amnesty International in September 1999 that then Prime Minister Ulufa'alu had requested assistance from Australian, New Zealand and United Kingdom High Commissioners, recognizing that the police service did not have the capacity and competency to investigate properly alleged human rights violations and abuses. Enquiries with diplomatic missions revealed that the then Prime Minister's general request had not been followed up by the Solomon Islands Government with specific proposals for the kind of assistance required, or the specific cases the government wanted to be investigated. Amnesty International understands that assistance may have been available had the government in Honiara elaborated on its request.

Earlier this year, a Committee on Missing Persons tried with limited success to investigate more than 50 cases of people presumed or known to be dead. It was established in January 2000 under an agreement between the then government and Commonwealth peace envoys, and made up of four political and police leaders from Malaita and Guadalcanal chaired by the Catholic Archbishop. The Committee soon realized that its work was regarded as highly sensitive, which made witnesses reluctant to cooperate. The issue was further complicated by the fact that killings and abductions were continuing. The investigations were often unable to establish even basic facts such as the location of the burial site of a body. The Committee's April 2000 report which made recommendations to the government was never made public.

Amnesty International's frequent visits to the police national headquarters at Rove, Honiara, in September 1999 indicated an apparent lack of accountability for officers involved in fatal shootings. Officers are required to file a report to the Commissioner of Police on each shooting incident. Assistant Commissioner of Police for Operations, Wilfred Akao, when asked by Amnesty International in September 1999 about several shooting deaths attributed to officers under his command, was unaware of some recent publicly reported deaths because these had not been reported to him. It is a serious breach of internationally recognized principles - like the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials - if officers fail to report to their superiors, or to investigate reports by others, of alleged unlawful or excessive use of force and firearms by another officer.

To Amnesty International's knowledge, there has been only one serious attempt during the conflict to hold a police officer accountable for a fatal use of force. Public expressions of concern in January 1999 led to one police officer being charged, convicted and sentenced for the fatal shooting on 31 December 1998 of

Ishmael Pada, a Guadalcanalese in his early 20s.⁶⁹ He had been killed at Bungana island where a police patrol tried to capture a group of suspected Guadalcanal ‘militants’. New Zealand and Australian police and forensic experts had assisted an internal investigations by officers of the Solomon Islands Police criminal investigation department into his death.⁷⁰ Subsequent investigation attempts were reportedly hampered by threats against investigating police officers if they went into territory controlled by a rival ethnic group.

The criminal justice system

It appears that the potential of the Solomon Islands criminal justice system to contribute towards moves to investigate and address human rights violations and abuses in the context of the conflict has been largely ignored. Amnesty International is concerned that so far, successive Solomon Islands governments have apparently failed to encourage any judicial or other independent investigation into human rights violations and abuses perpetrated in the context of the conflict. This may have contributed to a sense of impunity among police officers and armed political groups alike. The lawlessness encouraged by the coup has further undermined an already weakened criminal justice system, as demonstrated by the fact that the only prison still in use on Guadalcanal was closed on 18 June 2000.

⁶⁹ The convicted officer is believed to be a member of either the Rapid Response Unit or the Police Field Force. Amnesty International has no reliable information on the sentence which is said to have been a term of imprisonment.

⁷⁰ Information from New Zealand and Australian officials in Honiara.

During the preceding weeks, delegates from the International Committee of the Red Cross visited the prison - Honiara Central Prison at Rove - to ensure food and medical supplies to prisoners, and to register inmates, "because of the threat to their safety from unidentified armed men who gained access to the compound".⁷¹ A Red Cross delegate expressed heightened concerns for prisoners when MEF members seized the keys to the gates and refused the Red Cross entry to the prison from 15 June 2000.⁷² Some prisoners were subsequently reported to have been seen with signs of beatings. On the weekend of 17-18 June 2000, the MEF released all prisoners following the escape of about 20 suspected IFM inmates awaiting trial.⁷³ Two weeks later, Honiara residents reported recognizing prisoners sentenced to life imprisonment carrying police guns alongside MEF fighters.⁷⁴ Assistant Commissioner of Police, Wilfred Akao, explained on national radio that the MEF had released all remaining prisoners following the escape, but the police would not move to immediately recapture them.⁷⁵ Within a week of the coup, MEF members commandeered two official vehicles belonging to Solomon Islands Chief Justice Sir John Muria.⁷⁶

⁷¹ ICRC press release, "Solomon Islands: Red Cross responds to Guadalcanal crisis", 8 June 2000.

⁷² Eyewitness report, confidential sources in Honiara and SIBC news on 18 June 2000 which reported that Assistant Commissioner of Police, Wilfred Akao, had confirmed the takeover of prison gates by the MEF.

⁷³ SIBC news 19 June 2000.

⁷⁴ Eyewitness reports to Amnesty International, late June 2000.

⁷⁵ SIBC evening news, 19 June 2000.

⁷⁶ Confidential sources in Honiara and SIBC news 14 June 2000.

Amnesty International is concerned that the failure of the authorities to ensure the operation of fundamental judicial processes is likely to have long-term implications for the administration of justice and the protection of human rights in the country. This may particularly affect the trust of the population in the fairness, impartiality and independence of the authorities involved. According to the former government, many long-standing problems faced by the criminal justice system include “[s]ignificant problems [for police] with the preparation of cases and their presentation in court. Cases are often dismissed because of inadequate supporting evidence or other faults in the prosecution’s case. Many lapse because of the sheer volume of cases brought before the courts and the lack of a summary procedure to facilitate their hearing.”⁷⁷ These problems were already identified before the escalation of the current conflict.

According to lawyers and court officials, the situation has also resulted in long periods of pre-trial detention. Such problems indicate an apparent lack of ability by the police service to conduct proper investigations that can support the courts in their role to bring to justice those believed responsible for human rights violations and abuses. For example, two IFM members visited by Amnesty International in Honiara Central Prison in late September 1999, who had been arrested near the Alligator Creek police roadblock, were charged with membership of an unlawful society.⁷⁸ In addition, lawyers reported to Amnesty International in September and October 1999 about police practices of presenting in court admissions by criminal suspects which magistrates often ruled as inadmissible on the grounds that they were made under duress.

⁷⁷ Strategic Review 1999 (see footnote 24).

⁷⁸ Police charge sheet supplied to the prison commander and Amnesty International interviews with prisoners and prison officials. Article 68 (a) of the Penal Code provides for up to three year’s imprisonment for membership of an unlawful society.

Under criminal justice and Ombudsman legislation, the government could have requested the police to submit an investigation file on alleged human rights violations or abuses to the Magistrates Court or the Ombudsman Office for review and further investigation.⁷⁹ According to the Chief Magistrate, the courts were reluctant to be drawn into a political struggle and could not rely on the police force to assist in its functions. The Ombudsman advised Amnesty International that by February 2000 he had received no formal complaint into alleged human rights abuses in the context of the ethnic conflict. The Ombudsman has the power to initiate an investigation on his own motion but said that in the absence of complaints, and lacking resources to fulfil even basic statutory functions, this was unlikely to happen.⁸⁰

Prime Minister Sogavare's government has so far not given any public indication about its own position on the need for independent investigations, but has declared justice and peace as "*inalianable [sic] rights of every child, woman and man in Solomon Islands ... [which] cover and subsume all the other fundamental human rights and freedoms of the individual as provided in our National Constitution and in the United Nations Charters*".⁸¹ None of the deaths associated with the conflict have been investigated by any independent and impartial body, no inquest has examined and determined the cause of death - not even of victims whose bodies were recovered by the authorities or the Red Cross. By October 1999, no police officer had faced disciplinary procedures in relation to alleged human rights violations, or suspension from duty to facilitate investigations of such allegations.⁸²

Amnesty International is further concerned that the failure to record and document systematically the identity and overall number of those killed, as well as the known or assumed circumstances of their death, will seriously hamper efforts aimed at peace, reconciliation and a return to normal conditions including protection of human rights. Many bodies of people killed during the conflict were only recovered at the initiative of the Red Cross or the Multinational Police Peace

⁷⁹ Telephone conversations with the Ombudsman and the Chief Magistrate.

⁸⁰ During recent years, the Ombudsman office had received no funding to travel outside Guadalcanal in order to follow up complaints or carry out other constitutional duties.

⁸¹ (Opening) Plan Statement in: *Solomon Islands Government, Peace Plan 2000 - Program of Action: Policy, Objectives, Strategies and Targets 2000-2002*, Honiara, July 2000.

⁸² According to Police Head of Operations, Wilfred Akao.

Monitoring group. Families of victims told Amnesty International they were denied information by police officers, and the only information they received about the death of a relative came from Red Cross officials or international peace monitors.⁸³ As a result, many families have lost hope that the authorities will eventually be able to address questions of justice and reparations for those killed, missing, injured or displaced in the conflict.

Government plans to grant an amnesty to IFM and MEF members

⁸³ This includes Malaitan families interviewed by Amnesty International in September 1999.

Immediately upon taking office on 30 June 2000, Prime Minister Sogavare promised to consider an amnesty for members of armed political groups involved in the conflict, as an incentive to negotiate a cease-fire. Demands for such an amnesty had been discussed in public from mid-1999, but amnesty demands by IFM leaders were initially rejected by then Prime Minister Ulufa'alu on the basis that the Constitution did not provide for an amnesty.⁸⁴ The renewed public debate about the current government's offer of an amnesty for both IFM and MEF members may indicate a tacit acceptance among Solomon Islanders that both groups should, in principle, be held responsible for serious and widespread breaches of national law - many of which would also be violations of international humanitarian law.

In Amnesty International's opinion, a number of questions should be considered in the discussion about the granting of any amnesty, or similar measure of impunity, linked to peace efforts in Solomon Islands. Essentially, the questions to be asked include:

- **Who would be eligible** to be considered for an amnesty? (If only members of armed political groups are to be granted an amnesty, how could the authorities establish such membership and exclude criminal opportunists? Are police officers working with the MEF to be excluded?)
- **Which offences would be covered** by an amnesty? (Would an amnesty be limited to active participation in an armed political group or 'political' offences such as treason, or would it also cover common crimes, war crimes or crimes against humanity and human rights abuses such as torture and deliberate and arbitrary killings?)
- **Which period of time** would be applicable for offences covered by an amnesty? (Would offences be excluded if committed before or after the period covered by an amnesty?)

Amnesty International opposes any blanket or undefined amnesty or similar measure of impunity for anyone responsible for human rights violations or abuses, which would prevent the emergence of truth, reparations for victims and accountability before the law. The organization believes that any amnesty or similar measure of impunity for 'political' offences, such as sedition or treason, or for ordinary crimes, must exclude any criminal offence which would constitute a human rights violation or abuse. In Amnesty International's experience, efforts towards peace and reconciliation will not be successful

⁸⁴ The government later promised to consider an amnesty at peace talks at Buala in Isabel Province on 5 May 2000.

if all those responsible for atrocities such as torture, deliberate and arbitrary killings can rely on the assurance that they will never be held accountable.

CONCLUSION

Amnesty International believes that there is a need in Solomon Islands to confront and address human rights violations and abuses such as those documented in this report, not only in the interest of peace and justice, but also to prevent their recurrence. In Amnesty International's experience, peace and reconciliation will not last if human rights abuses are allowed to go unchecked and if those responsible for even the most serious abuses can expect never to be brought to justice.

There has been an obvious dilemma for the previous and present governments, and for the criminal justice system, in that no neutral security force exists in Solomon Islands to guarantee enforcement of any decisions. Rebuilding the police - given its ethnic imbalance and the active role of many Malaitan officers in MEF operations - is likely to be a long and difficult process. Prime Minister Sogavare has made it one of his principal objectives upon taking office. A police service that operates to international standards of professionalism and impartiality is a precondition for the criminal justice system to play its role in protecting human rights, for the victims of human rights abuses to see justice done, and for the government to address the fundamental principles of truth, justice and redress for these victims. Attempts to use a "Melanesian way" in resolving the crisis should not distract from the need to secure and respect human rights in the interests of all those who already suffered during this conflict and in order to prevent a similar situation from developing again.

RECOMMENDATIONS

For the human rights situation to improve in Solomon Islands, a combined effort is necessary by government, the police service (particularly the paramilitary Police Field Force), the MEF and IFM leadership, as well as civil society, including the media. Amnesty International believes that the gravity and scale of human rights violations and abuses must be acknowledged, as a separate issue from the political and economic grievances involved in the conflict. At a second stage all concerned parties should focus attention on the difficult political and judicial steps necessary to help prevent further human rights abuses.

Amnesty International makes the following recommendations:

To the Solomon Islands government:

Under international law, the state has the main responsibility to ensure the protection of human rights. While the IFM, MEF and opportunistic splinter groups may be responsible for widespread and serious human rights abuses, violations by persons acting under authority of, or with the tacit approval or acquiescence of the government cannot be ignored. To this end, Amnesty International believes the Solomon Islands government should:

- (1) make a public commitment to take effective steps immediately to prevent, investigate and punish human rights violations by police officers and members of armed political groups acting with the consent or acquiescence of public officials.

Such steps should include:

- orders to police officers not to commit such violations,
 - the development of effective police training programs,
 - prompt, independent, impartial and thorough investigations of all complaints and reports of such violations,
 - prosecution of persons suspected of such violations where there is sufficient admissible evidence, in fair trials without the death penalty,
 - reparations to victims of human rights violations.
- (2) make a public commitment to investigate and punish human rights abuses by others. Such actions should include:
 - prompt, independent, impartial and thorough investigations of all complaints and reports of such abuses,
 - prosecution of persons suspected of such abuses where there is sufficient admissible evidence, in fair trials without the death penalty,
 - reparations to victims of human rights abuses.
 - (3) *use its influence and power to ensure that persons who report human rights abuses by the police, IFM, MEF or any other armed political group are protected from retaliation;*

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- (4) ensure that people captured by any armed political group are not being ill-treated and are handed over to regular police or the Red Cross;
 - (5) encourage, facilitate and support the humanitarian and human rights work of civil society organizations, such as the Red Cross and the churches in Guadalcanal and Malaita, including in the promotion of human rights as enshrined in the Solomon Islands Constitution and international standards;
 - (6) in any plans for conflict resolution and rehabilitation in Guadalcanal, place an emphasis on respect for human rights and confronting the legacy of past human rights abuses;
 - (7) consult with concerned civil society organizations, such as the Solomon Islands Christian Association, about establishing a public inquiry or truth commission to record and hear evidence of human rights abuses by all parties since 1998;
 - (8) ensure that any amnesty, pardon or similar measure of impunity for members of the police service or armed political groups, excludes crimes under international law such as war crimes, crimes against humanity and torture. No amnesty or similar measure should apply to such crimes where the truth of what has occurred has not yet been established, victims have not received reparations and the courts have not determined individual guilt or innocence;

- (9) invite the United Nations High Commissioner for Human Rights to send representatives to Solomon Islands for a dialogue on the human rights situation and possible UN assistance in rebuilding the institutions needed for human rights protection in the country;
- (10) invite the Representative of the United Nations Secretary General on internally displaced persons to visit both Malaita and Guadalcanal, in order to investigate and report on the situation, particularly on continuing displacements and on problems of resettling displaced families evacuated to Malaita during 1999.

To the leadership of the IFM and MEF:

As armed political movements, the IFM and MEF are obliged under international law to respect Article 3, common to all four *Geneva Conventions* and Additional Protocol II. To this end, the IFM and MEF leadership should:

- (1) put a stop to beatings, rape, sexual abuse and other forms of torture or ill-treatment by its members or supporters;
- (2) give clear orders to end deliberate and arbitrary killings;
- (3) cease using any cruel or degrading punishment;
- (4) send home any child soldiers;
- (5) make a public commitment that their group will help bring to justice before the judicial authorities established under the Constitution of Solomon Islands, anyone suspected of having committed any deliberate and arbitrary killings or acts of torture or ill-treatment, including rape, sexual abuse and cruel or degrading punishment.

To the international community, in particular to the Pacific Islands Forum, the Commonwealth Ministerial Action Group, the ACP-EU Council of Ministers, Joint Assembly and Committee of Ambassadors, and to donor and partner countries and institutions of Solomon Islands:

Member states of the Pacific Islands Forum, the ACP-EU group, the United Nations and the Commonwealth as well as human rights structures created by those bodies should be aware of the gravity of the human rights abuses involved in the unresolved conflict in Solomon Islands. Even under an agreed cease-fire, the traumatic experience of human rights abuses in the absence of effective state protection remains to be addressed. The multiple difficulties faced by the Solomon Islands government point towards the need for determined international assistance to help rebuild the capacity of existing institutions in the country for the protection of human rights. To this end, the international community should:

- (1) assist the Solomon Islands judicial system to bring to justice those responsible for serious violations of human rights and international humanitarian law, particularly war crimes and crimes against humanity, in fair trials which exclude the death penalty;
- (2) bring to justice those responsible for these crimes when they are found in their territories, or extradite them to a state able and willing to do so in a fair trial without the possibility of the death penalty;
- (3) encourage the Solomon Islands government to enter into dialogue with the Office of the United Nations High Commissioner for Human Rights about possible assistance programs;
- (4) encourage and support efforts by development partners of Solomon Islands aimed at capacity-building and professional standards of the police service and the judicial system;
- (5) support applications from Solomon Islands non-governmental organizations, particularly women's rights organizations, for human rights promotion and monitoring projects.

To the media and civil society in Solomon Islands:

The media, churches and non-governmental organizations can play a critical role in ending abuses and violations of human rights, supporting victims and helping the authorities to bring those responsible to justice. Their work during the conflict so far has already shown an enormous capacity for providing practical help and emergency relief to victims and their families, particularly those who have lost relatives or have

had no news of their whereabouts. Amnesty International makes the following suggestions to the media and civil society:

- (1) monitor and expose the abuses of human rights by all parties to the conflict and defend the freedom of the media in doing so;
- (2) encourage the government to devise and implement policies aimed at protecting human rights and bringing those responsible for abuses to justice;
- (3) campaign for an independent inquiry or truth commission into human rights abuses as part of national measures towards peace and reconciliation.