

£PAPUA NEW GUINEA @Bougainville: An Agenda for Human Rights

Introduction

Since the civil conflict began on the Papua New Guinea (PNG) island of Bougainville in 1988, Amnesty International has documented serious human rights violations by government security forces and the government-backed so-called Resistance Forces, including extrajudicial executions, "disappearances", torture and rape. The organisation has also documented abuses by the secessionist Bougainville Revolutionary Army (BRA). The incidence of violations reported from Bougainville has declined since the beginning of 1994. However few incidents of alleged violations have been properly investigated and few of those believed to be responsible have been brought to justice.

Amnesty International is concerned that the lack of human rights investigation has resulted in a climate of impunity for members of the security forces responsible for human rights violations on Bougainville. The organisation believes that all reports of human rights violations must be impartially, independently and publicly investigated and that those found responsible must be held to account. Victims of violations should be able to seek redress through the courts. Independent human rights investigators, including Amnesty International, should also be given unrestricted access to Bougainville.

This document describes Amnesty International's human rights concerns on Bougainville during 1994. It concludes with recommendations to the PNG Government and the leadership of the BRA which if implemented could ensure that the protection and promotion of human rights is a central element of the current attempts to negotiate a resolution to the Bougainville conflict.

Bougainville 1994

During 1994, there were continued reports of suspected extrajudicial executions and ill-treatment of real or alleged BRA supporters by the Papua New Guinea Defence Force (PNGDF) on Bougainville. However, these reports were difficult to verify because of the blockade of the island imposed by the PNG authorities in 1991.

In August 1994, four suspected BRA supporters were reportedly killed by the PNGDF in central Bougainville. The four, along with 10 others, escorted a woman needing medical treatment to the Arawa care centre, a government-run camp for civilians. According to independent sources, two of the four were taken from the camp around midnight on 23 August and killed by the PNGDF. The other two were taken the following day to Loloho

where they were shot by the PNGDF. The remaining 10 were reportedly taken to Loloho army base where they were subjected to mock executions and later released.

A man broadcasts on Radio Free Bougainville.

The government-backed Resistance Forces were also reportedly responsible for killings of real and suspected BRA members on Bougainville. Thomas Patoe, the brother of a BRA commander, was reportedly killed by the Resistance Forces. Himself a member of the Resistance Forces, Patoe disappeared for several hours after being given a gun and hand grenades, possibly prompting speculation that he was liaising with the BRA. On return he was taken to a Catholic mission compound and reportedly beaten, cut with knives and then shot by the Resistance Forces.

There continued to be reports of members of the PNGDF firing on civilians. A journalist, visiting the island in November, reported that he witnessed a boatload of Bougainvilleans travelling to the Solomon Islands for medical treatment, being chased and fired on by the PNGDF. In February a group of five boys living in a BRA controlled area, were reportedly shot at by members of the PNGDF on a patrol boat while they were fishing at a beach near Koromira.

By the end of the year, the government was not known to have investigated these and other reported human rights violations. There was no information about whether the government had investigated the reported extrajudicial execution of six men by the PNGDF in January 1993, when their boat was intercepted in waters off Bougainville.¹ The "disappearance" of Ken Savia, seized by government troops in Arawa in February 1993, also remained unresolved.

Members of the Bougainville Revolutionary Army (BRA) soldiers above the Panguna mine, Bougainville.

¹ See Amnesty International *Papua New Guinea: "Under the Barrel of a Gun": Bougainville 1991 to 1993*, November 1993, ASA 34/05/93.

In 1994, there were continued reports of killings by the BRA of individuals, including Resistance Force members. In March, the BRA were reported to have killed 13 people, including a mother and her child, one soldier and 10 Resistance Force members, who were all travelling to Buin, South Bougainville. In April, Augustine Damana, a former BRA soldier claimed that he was detained by the BRA along with a friend, after they had attempted to travel to a government care centre to get medical assistance for a sick boy. Augustine stated that he and his friend were interrogated about suspected links with the government security forces, after which his friend was removed and allegedly killed. Augustine claimed that a BRA soldier then helped him to escape.

Human rights investigation and peace negotiations

In March 1994, the United Nations (UN) Commission on Human Rights (CHR) adopted a resolution which stated that the PNG Government "has not provided information to the Commission about actions it has taken during the past year" to address human rights violations by security forces on Bougainville or to prosecute the perpetrators.² The resolution called on the PNG Government to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture to visit Bougainville to conduct independent investigations. To Amnesty International's knowledge, the government has as yet not issued the invitations.

² Commission on Human Rights, Fiftieth session, Agenda Item 12, Human rights violations in the Papua New Guinea island of Bougainville, E/CH.4/1994/L.93/Rev.1, 8 March 1994.

PNG Government authorities have frequently expressed support, in principle, for human rights investigations, and some have proposed the formation of special institutions – including a National Human Rights Commission – to carry out that task.³ Yet, to date, the authorities have taken little concrete action to investigate violations and to hold those responsible to account.

In March 1994, the then Prime Minister, Paias Wingti, announced plans to establish a Human Rights Commission and a Police Complaints Unit to deal with allegations of violations by government agents. Mr Wingti said that alleged violations, such as those contained in Amnesty International's 1993 report, would be referred to the complaints unit. He also indicated that the Attorney-General's Department had assigned an officer to spend up to three days every month on Bougainville working with the security forces to ensure that they did not commit human rights violations. However, to Amnesty International's knowledge, the government failed to put any of these plans into effect. Furthermore, the government did not produce any evidence of investigations into individual cases of human rights violations.

In August 1994, Sir Julius Chan became the Prime Minister of PNG, after a parliamentary election. The Chan government immediately initiated a process of peace negotiations with the BRA to end the six year conflict on the island of Bougainville. A peace conference in Arawa in October was boycotted by key leaders of the BRA. However in November the government signed an agreement with 15 BRA commanders to continue the peace process. The agreement, the Mirigini Charter, has committed the government to restoring services on the island, and setting up a transitional provincial government for Bougainville during 1995. However, a resolution to the conflict has not yet been reached between key leaders of the secessionist movement and the government. The BRA still control some areas of central Bougainville and fighting continues.

In October, the government announced that it would lift the blockade of Bougainville. Access to areas of the island under government control has increased for journalists and individuals, and at least one non-governmental organisation has begun operation on the island. In January 1995, a UN envoy visited Bougainville.

The Chan government quickly expressed support for greater protection of human rights on Bougainville. Speaking before the UN General Assembly on 26 September 1994 PNG's Deputy Prime Minister, Chris Haiveta, reaffirmed the government's commitment to establishing a Human Rights Commission, and said that the PNG Government saw "no

³ Some of these statements are cited in Amnesty International's report *Papua New Guinea. "Under the Barrel of a Gun": Bougainville 1991 to 1993*, November 1993 (ASA 34/05/93).

difficulty" in providing a report on alleged human rights violations in Bougainville to the UN Commission on Human Rights. In his speech before the General Assembly, Mr Haiveta claimed that outsiders had already been allowed to visit Bougainville and to report on what they saw. However, as noted above, to Amnesty International's knowledge the government has yet to invite the UN Special Rapporteurs to conduct investigations on Bougainville.

Conclusions and Recommendations

Amnesty International considers that expressions of commitment to human rights are not in themselves sufficient. The real measure of such commitment lies with a government's readiness to take prompt and effective action when confronted with reports of violations, and to outline what measures are taken to prevent further violations. Amnesty International also believes that the PNG Government should take concrete steps to ensure that the protection of human rights is integral to any peace settlement on Bougainville.

Amnesty International calls on the PNG Government to initiate prompt, independent and impartial investigations into all reports of human rights violations by government forces or the government-backed Resistance Forces and make public the findings of these investigations. The organisation also calls on the government to ensure that those believed to be responsible for committing human rights violations are promptly brought to justice before a civilian court, and to invite the UN Special Rapporteur on torture and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct investigations on Bougainville. Amnesty International also urges the government to ensure that the chain of command for the PNGDF and the Resistance Forces provides effective control to prevent future human rights violations.

Amnesty International also calls on the leadership of the BRA to respect humanitarian law, in particular the four Geneva Conventions of 1949 and the two additional protocols of 1977. The leaders of all parties must strengthen the chain of command and exercise effective control to prevent human rights abuses occurring. They must issue strict orders instructing their forces to abide by international human rights and humanitarian standards, in particular, those relating to the humane treatment of civilians and others taking no part in hostilities.
