

# Rising From The Ashes



*Solomon Islands  
Truth and Reconciliation Commission  
Final Report Short Version*

# **Rising From The Ashes:**

## **Solomon Islands Truth and Reconciliation Commission Final Report <sup>1</sup>**

### *Short Version*

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# *Table of Content*

1. Introduction
2. How did the TRC work? Mandate and Methods
3. History of the Conflict: “A Nation Conceived but Never Born”
4. Timeline of the Conflict
5. What are Human Rights and Human Right Violations?
6. Killings
7. Abductions and Illegal detentions
8. Torture and Ill-treatment
9. Sexual Violence
10. Property Violations
11. Forced Displacement
12. Impact on Women and Children
13. Social Cost of the Conflict
14. Exhumations
15. Recommendations: Reparations and Other Measures



# 1. Introduction



# Introduction

Since I am part Guadalcanal and Malaita, I was a bit confused about which side I should support and the difference in cultural set up of the two provinces. The youths in my village chose to form a Guadalcanal militia group but I decided to remain neutral and refrained from participating...I can vividly remember 1 July 1999 as I felt sick that day and told my wife that I was going down to Visale Clinic. The GRA militia group entered the clinic as a nurse was checking my temperature. They dressed in our traditional kabilato wear and had painted faces and mud all over their bodies. They told the nurse they were looking for a Malaitan man. They walked straight to where I was and said, "this is the man we are looking for," and escorted me out of the clinic. They started bashing me up, accusing me of all sorts of things; tied both my hands and feet with wire cables and hauled me inside the boot of their Hilux and drove off towards my village.

As we were approaching the house, they untied my legs and marched me towards my house. The church priest later told me that seeing them march me along reminded him of Jesus being led to be crucified. Arriving at my house they sat me in front of my children and wife and started beating me up. They said all sorts of things and labeled me a coward and tried to prove to others that I am a Guadalcanal man. I tried to make them understand the way I view the movement is of someone who has blood ties on both sides. I have high respect for the two warring factions and could not go against my father and mother's people...

After talking to me they formed a straight line and took turns beating me up from 10 a.m. till 3 p.m. They pointed their guns at me and I reached the stage where I felt I was going to die. My family stood at a distance and watched. They told my family that they would kill me for refusing to participate in their movement and meetings. They also accused me of spying by suggesting I may have been a "spear" (spy), a term from Bougainville. They later demanded money from me to feed the soldiers, armies and commandoes in the bush...

To me all these hardships, perils and havoc my family and I have experienced were something that could have been avoided by the responsible authorities of the Government. Leaders often take for granted and turn a blind eye to their people when they have power in their hands. They forgot the importance of being together and the needs and realities of life at the grassroots level. The people in the rural areas do not understand what is happening in the upper level, they do not bend the law but they broke the law by taking the law into their own hands. They have their own interpretation of the law – "the law of the jungle" – where men have been killed and women raped for nothing. What has gone wrong with the government of the day? Haven't we enough money or manpower to curb the uprising at the earliest of stages? I think it is a lesson to our future government and our young generation who are listening since they will be the future leaders. We should never repeat this experience...

*I personally feel that all these hardships come from responsible authorities during “the tensions.” However, I am so grateful to know that we are not forgotten.*

Victim, National Public Hearing, Honiara, 9-10 March 2010<sup>1</sup>

Between 2009-2011, the Solomon Islands Truth and Reconciliation Commission (TRC) listened to the voices of more than 1,000 victims and others involved in the “ethnic tension” crisis of 1998-2003, to identify the root causes of the conflict and forge a path for national reconciliation. Known as ‘the tensions,’ the conflict between militant groups resulted in violence and destruction across the country. More than 200 people were killed, most of whom were innocent civilians not involved in the conflict. Scores of women were raped, thousands displaced and there was widespread destruction of property and house-burning.

The TRC was established by an Act of the National Parliament in September 2008. Its goals were to find the “causes, details, and effects” of the tensions and to make recommendations that should be followed so that the people of Solomon Islands can live together in peace.<sup>2</sup> The TRC’s ultimate goal was to strengthen unity and reconciliation for all people.

The TRC completed its Final Report in 2012. The ‘TRC Law’ required that the Report be presented to Parliament and it was tabled as an “Order Paper” (NP/05/12/7) to the Seventh Meeting of the Ninth Parliament on 5<sup>th</sup> September 2014, which was the final sitting day of that Parliament. However, at the time of writing, the full report had not yet been discussed by the Parliament.

The full report is a comprehensive account of subjects included in the TRC mandate including the background and nature of the conflict, root causes, human rights violations, accountability and recommendations. That report is approximately 1,000 pages long, based on interviews and written statements provided by more than 2,400 people. This summary is not an official document and does not in any way replace the Final Report of the TRC. It is intended as an additional tool to increase awareness of key issues covered by the Report by providing a simple language, shorter summary.



## *2. How did the TRC Work? Mandate and Methods*

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# *How did the TRC work?*

## *Mandate and Methods*

### *Mandate*

The TRC's core mandate was to promote unity and reconciliation by engaging "all stakeholders in the reconciliation process."<sup>3</sup> In order to do this it was first necessary to undertake a very deep investigation into what took place, why it happened, who was affected and what should be done to ensure that the mass violations do not take place again. The TRC was tasked to examine the human rights violations and abuses which occurred during the five-and-a-half-year period between 1 January 1998 and 23 July 2003.

The human rights violations that the TRC considered included mass killings, abductions, torture, and sexual violence and the destruction and deprivation "of the rights to own property, settle and earn a living. The Law required the TRC to consider the events that took place before the conflict, what were the root causes and what persons or institutions were responsible for the violations. The Law also required the TRC to inquire into, and report the truth about, the raid of the police armories and to pay special attention to cases of sexual abuse and the experience of children during the conflict. The TRC was also required to document the impact of the crisis on everyday life, including aspects relating to health, education and the judiciary and to take steps to restore the dignity of victims.

At the end of its mandate, the TRC was ordered to submit a Final Report, with key Findings and Recommendations to ensure that these violations never happen again. The Report included the historical background, events and violations that took place during the tensions; what should be done about impunity and the ongoing needs of victims; and recommended steps that should be taken to heal the nation and take it on the path of reconciliation.<sup>4</sup>

### *Methods*

The TRC was led by five Commissioners, made up of three Solomon Island nationals and two international Commissioners—one from Peru and one from Fiji. They were selected by a National Selection Committee made up of representatives from the government, churches, traditional leaders and women's groups. Commissioners were selected because of a demonstrated history of integrity, independence and credibility.



### Who were the Commissioners?<sup>5</sup>

The Prime Minister of Solomon Islands, the Hon. Dr. Derek Sikua, appointed the following five Commissioners on 27 April 2009:

**Father Sam Ata** (Chair); Malaita province, Solomon Islands

**Sofia Macher** (Deputy Chair); International Commissioner from Peru, former Commissioner of the TRC of Peru)

**Ratu Joni Madraiwiwi**; International Commissioner from Fiji, well-known lawyer and jurist and former Vice President of Fiji

**George Kejoa**;<sup>\*</sup> Guadalcanal Province, Solomon Islands

**Caroline Laore**; Western Province, Solomon Islands

<sup>\*</sup>In 2010 George Kejoa passed away and was then replaced by Commissioner **Kamilo Teke**; Guadalcanal Province, Solomon Islands

The TRC worked under a strict “code of ethics” to ensure that its members could work in an impartial way. It also developed policies to protect confidentiality and the rights of witnesses.

The TRC had four key methods it used to meet its mandate. This included:

Conducting **research** into key events, causes, and patterns of violations. The TRC focused on five in-depth case studies, on the armed actors in the conflict, women, youth, churches and regional histories (in Malaita, Guadalcanal and Western provinces).

Holding **public or closed hearings** to listen to victims and perpetrators and others about their experiences. The TRC held 11 public hearings (4 national hearings and 7 regional). A total of 242 people from different sides of the conflict were invited to publicly tell their stories about what had happened to them during the conflict, the violations they suffered or the role they played. The TRC also conducted closed hearings or focus groups with retired police, ex-combatants and militant groups, including one hearing that was held with inmates in a prison.<sup>6</sup>

Taking **statements**. A statement is a written account provided by a victim of, or witness to, a human rights violation. The TRC trained its staff to interview victims and witnesses and accurately write down their stories including what happened, where, when and who were the perpetrators. The TRC collected statements from 2,362 people. Of those, 1,483 (63 percent) were from men, and 879 (37 percent) from women. By province, statements were provided from Guadalcanal/Honiara, 1,323; Malaita, 756; Western Province, 100; Choiseul, 32; Makira-Ulawa, 103; and Temotu, 47.<sup>7</sup>

Conducting **exhumations**—digging up the remains of the bodies of missing persons—to prove their identity and allow families to conduct proper burials. The TRC conducted four exhumations, together with the Director for Public Prosecutions, to ensure that the processes were according to law and evidence was preserved.<sup>8</sup>

The TRC also developed special programs for women, youth, and children, to understand how the conflict affected them. To ensure that women and children were sufficiently included the TRC implemented a gender strategy in the statement-taking process, conducted a research study on the issues, organized public hearings focused on the role and impact on women and children and produced separate chapters in the Final Report on women, youth, and children.

# *3. History of the Conflict: “A Nation Conceived but Never Born”*

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# *History of the Conflict:* *“A Nation Conceived* *but Never Born”<sup>9</sup>*

As required by its establishing Law, the TRC conducted research to understand the origins of the tensions. The Commission found that root causes reached back to Solomon Islands' colonial history and that it is fundamentally important for a peaceful future for people to study and learn from the past.

*“The Commissioners are convinced that a critical reflection on the historical evolution of the country and the creation of a national memory by Solomon Islanders...is a crucial step in the process of building a unified and peaceful Solomon Islands.”<sup>10</sup>*

## Colonialism, Indentured Labour and Land Grabbing

Archaeologists believe that the first Melanesians first settled in the Solomon Islands 40,000 years ago, with a second wave of colonization of Austronesian settlers from South East Asia around 3,500 years ago, spreading through many Pacific islands.

In 1568, two ships arrived from Peru, led by **Álvaro de** Mendaña de Neira, and sailed to the area now known as the Solomon Islands. They were searching for the “Southern Continent” (now known as Australia) and trying to find the legendary gold mines of King Solomon which were referred to in the Bible. The expedition named several islands—Santa Ysabel, San Cristobal and Guadalcanal. Although they did not find the gold mines, when the ships returned to Peru mapmakers there were the first to use the name “Solomon Islands,” and included that name on new maps of the region that they drew.

No other foreign sailors visited the Solomons for over 200 years until British ships landed at Santa Cruz in 1767. In the 18th century, European whalers and traders brought in iron tools and other foreign goods, which gave a great advantage to coastal communities who could trade with them when compared with those inland. The differences in wealth between those groups widened dramatically. This coastal trading left out most Malaitans as they did not live in the trading areas and did not have those things the whalers wanted to trade for, such as sea cucumbers, pearl shell, and turtle shell. The TRC wrote:

*“Malaita’s dilemma for the first time revealed itself: the island with the highest population, its harsh topography and poor soil presenting insurmountable drawbacks for participating in the development of the market economy.”<sup>11</sup>*

Many Malaitans saw that the only way they could keep up with the coastal trading communities and get money to buy the new goods was to sign contracts to work as laborers in other places such as Queensland, Fiji and New Caledonia. This included practices of “blackbirding,” in which laborers were kidnapped, tricked or forced to work for little or no pay under difficult conditions.

*“(b)etween 1870s and the first decades of the 20<sup>th</sup> century, some 30,000 Solomon Islanders labored for bonded periods of at least three years in the burgeoning sugar industry of the British colonies. The overwhelming majority were Malaitans from the inland districts...”<sup>12</sup>*

However, the money these laborers made was quickly lost, used up in their expenses and to buy presents for relatives when they returned, so the migration for work failed to reduce the economic differences between those poor inland dwellers and the other coastal communities.

*Even though Western goods were now accessible to all, the gap between the “wealthy” and “needy” was widened: “capitalism was creating rich and poor Solomon Islanders.”<sup>13</sup>*

The arrival of the first Roman Catholic missionaries in 1846 were followed by Anglicans, Methodists and Seventh-day Adventists. The South Seas Evangelical Church originated with the laborers who had gone to Queensland to work and became particularly strong in Malaita.

The Solomon Islands came under British rule in 1893, as a Protectorate comprising of Guadalcanal, Malaita, San Cristobal (now Makira) and the New Georgia islands. The islands of Choiseul and Santa Isabel had been under German control and were transferred as part of a treaty in 1900. The British presence was relatively small. It *“depended on missionaries to convince converts to accept British domination and to even provide basic services to much of the population.”<sup>14</sup>*

The British ruled through ‘headmen’ and councils appointed by the District Officer of the government. The role of the traditional chiefs was not recognized in a formal way by the government and the British system did very little to include a real voice of the local populations in the way that they were governed. As a result of this ‘top-down’ approach, the level of participation by the local populations and their chiefs was very low.

### Big-man Politics and Wantok System

The TRC observed the Melanesian cultural phenomena of the ‘big man’ in which powerful and wealthy men in communities exert great influence through giving gifts, arranging ceremonies and providing feasts (although they do not hold any title).

*“(i)n contemporary Solomon Islands, political leaders and public officers are still renowned for employing big-man policies, particularly the dispersing of wealth to kinfolds and immediate supporters. At the same time, the voting public perpetuates the system by supporting those*

*candidates who promise immediate material returns.”<sup>15</sup>*

‘Wantokism’ (one-talk) refers to an extremely important aspect of Solomon Island society, referring to the bonds and obligations between people based on their shared language, ethnicity and area they come from. The TRC recognized the role of the *wantok* system including providing social support during the height of the humanitarian crisis but also commented that the system can also hinder progress through supporting practices of corruption and nepotism and can contribute to division and instability.

Under British colonial rule (1893-1978) laws were passed that allowed large areas of traditional lands to be ‘grabbed’ or passed on to individuals, companies and the government. The TRC research included estimations that by the 1950s, 90 percent of fertile land along the coast was controlled by foreigners. In the early 1900’s, the government decided to take control of large areas of Solomon Islanders’ land which was not being used through the “Waste Land Regulations” but later some of that land was returned after the traditional owners protested.

In 1927, a significant event took place for which Kwaio people are still demanding compensation. According to the TRC:

*“A group of Kwaio men led by Basiana killed a government party led by District Officer William Bell because of resentment over harsh enforcement by the tax collectors. Two weeks later a government force consisting of 50 Australian soldiers, 28 white civilians, and some 50 Malaitan police officers and volunteers, primarily from the north, arrived in Kwaio aboard HMAS Adelaide. Despite meeting no resistance, they killed about 60 people and committed a series of atrocities.”*

<sup>16</sup>This included raping women and girls and destroying the cultural sites of the Kwaio people.

### World War II & the Rise of Nationalism

World War II was fiercely fought on the land and sea of the Solomon Islands. Japanese troops occupied Guadalcanal in 1942. As the TRC noted that *“(h)alf a century later, militants from Guadalcanal would dig for World War II shells and use them in their campaigns against Malaitan settlers.”<sup>17</sup>*

World War II led to the rise of ‘*Masina Ruru*’ (or Marching Rule) which was a movement seeking independence from the British and a return to traditional society with ‘*kastom*’ as a guiding principle. The movement began in Malaita and spread to other islands, including Guadalcanal, Gela and Isabel. The British colonial government arrested the leaders in 1947 charging them for sedition. However, the idea of independence could not be stopped. In the same year, Matthew Belamatanga formed the Society for the Development of Native Races in Guadalcanal, and similar groups formed in the eastern Solomons. Among the religious, Silas Eto, founded the Christian Fellowship Church that supported the Western Breakaway Movement. The Moro Movement, declaring a longing to return to *kastom*, was popular in Weather Coast and some areas in Guadalcanal.



Independence was not achieved until 1978, after a consultative process that created the Constitution. During the consultations there were significant demands for a federal system in which greater powers would be provided to the provinces and traditional leaders. However, the decision was taken to adopt the 'Westminster' system in which most of the power and resources are concentrated at the government centre. According to the Constitution, which is the fundamental law of the Solomon Islands, there must be one house of parliament consisting of 50 members. The Prime Minister, who leads the government, is elected by the members of parliament by secret ballot and then chooses the Cabinet.

The TRC noted that the great hopes for independence were quickly marred by allegations of corruption, and the arrival of logging companies from Southeast Asia, creating "*a phenomenon (of) corruption ... which maintain much of its pre-modern traits of involving both State and society on all levels: with local chiefs on the lower end and the Prime Minister on the top.*"<sup>18</sup>

### Migration and Land

The colonial powers had tried to restrict migration by only allowing indentured laborers, government officials and seamen to move from one district to another. World War II brought Malaitans to Guadalcanal to work for the US military. After the War, the colonial administration moved the capital to Honiara to make use of the infrastructure build by the US Army. This contributed to one of the major root causes of the tensions—the failure to develop economic opportunities equally across the country and instead focusing too much on Honiara and other parts of Guadalcanal.

*"As the colonial administration increased in size, Honiara became the central "pull" factor for other islanders; once more, most of them were from Malaita.*"<sup>19</sup>

Independence from the British increased immigration to Honiara. The colonial powers had tried to limit movement, but the new 1978 Constitution recognized the fundamental right of a freedom of movement throughout the country. This caused a great movement of people towards the economic opportunities in Honiara. In the nearly thirty years between 1970 and 1999, the population in the capital increased four-fold. There were thousands of Malaitans "squatting" on land that they did not own and by the time the tensions began, ethnic Malaitans made up over 25% of the population of Guadalcanal and 60% of Honiara. However, many of these ethnic Malaitans had been born on Guadalcanal and felt more linked to that island, where they had lived their whole life, than to the ancestral home of Malaita.

Malaitan immigration did not only affect Honiara but also included rural areas on Guadalcanal. Many migrants purchased land and believed it was legitimately theirs, but those who had sold it to them were traditional leaders who did not have the permission of their tribe. The government also provided settlers with official permits to settle on land by issuing Temporary Occupation Licenses (TOL) without consulting the landholders. As the

pressures for land increased, young members of families were encouraged to look for new areas or parts of the community land that had not previously been used. When they found that Malaitan settlers had occupied the land, it led to increasing incidents of conflict.<sup>20</sup>

### A Weak Sense of National Unity

By the end of the 1990s, the Solomon Islands had not created a strong sense of one nation, but rather was a collection of different local identities bound together by a system of government that had been largely imposed from outside. There were great divisions between the resources of different groups of people. The massive immigration into Guadalcanal created land conflict. High levels of corruption and mismanagement of the country's resources led to weak systems and a lack of confidence in the government. In 1997, the Asian financial crisis led to a great reduction in demand for, and price of, local goods produced in the Solomons from other countries, therefore the local people found themselves struggling to pay for basic needs. These factors created a situation that was ready for the spark that ignited into 'the tensions'.

*4. The Conflict in  
the Solomon Islands  
between  
1998 and 2003:  
The tensions*





# *The Conflict in the Solomon Islands between 1998 and 2003: The tensions*

The TRC's account of the conflict is based on a deep inquiry into the relevant events, including more than 2,300 statements, public and private hearings with young people, ex-militants, politicians and national leaders and over 200 interviews with key persons and witnesses as well as research of published and unpublished documents. Additionally, the TRC conducted in depth research into how the political aims of different groups led to the conflict and the formation and actions of the militant groups. This included holding a number of hearings that were closed to the public in which former militants shared information. These are included in a section of the TRC Report.

The root causes of the discontent of the people of Guadalcanal that led to the violence that started at the end of 1998 included the impact of the British colonial period, a lack of a feeling of national unity, disagreement over land, uneven levels of development between different areas, government mismanagement, the weakening of traditional authority structures and economic crisis.

As a result of the increased tensions relating to land that was caused by large numbers of Malaitan settlers on Guadalcanal, in 1988 a petition commonly referred to as the *Bona Fide Demands of the Indigenous People of Guadalcanal* was submitted to the government by a group of politicians and public servants. Their demands included action relating to the killing of 15 local persons allegedly by settlers, repatriation of settlers especially from Malaita and a "state government" for Guadalcanal. They also wanted more equal distribution of development so that it was not so centered in Honiara and Guadalcanal and a legal registration of customary lands so that land could not be sold by unscrupulous local leaders without tribal consent.

Ten years later, when Malaitan settlers were being evicted from Guadalcanal in February 1999, the *Bona Fide Demands*, with some changes, were again presented to the government. The TRC found that the government promised to hand over some shares and a portion of the national government revenue to the Guadalcanal Provincial Council. However, those promises were not kept. They did provide \$500,000 as a "goodwill gesture" to the Guadalcanal Provincial Council in mid-May 1999 and paid SBD\$2.5 million to the Guadalcanal Provincial Government in compensation for the 25 indigenous Gualale that were allegedly murdered by migrants."<sup>21</sup>

*"The central demand of Guadalcanal leaders has always been the formation of a "state government." Generally, the term refers to a federal system that gives more decision-making power to sub-national governments, but there was never presented a clear-cut proposition of how it should work in practice....The incapacity to find a solution for the Bona Fide Demands is at the*

*bottom of the conflict, commonly referred to as the “ethnic tension” that erupted in Guadalcanal in 1998, and still bears potential for further conflict.”<sup>22</sup>*

The crisis around the issue of settlers did not happen suddenly but grew out of increasing unhappiness and resentment and a lack of action on the demands to the government to rectify the situation.

The TRC conducted in depth research into how the political aims of different groups led to the conflict and the formation and actions of the militant groups. This included holding a number of hearings that were closed to the public in which former militants shared information. These are included in a section of the TRC Report.

### The Guadalcanal Militant Groups

The major group of militants on Guadalcanal were the Guadalcanal Revolutionary Army (GRA) who also called themselves Isatabu Freedom Fighters (IFF) and later changed their name to Isatabu Freedom Movement (IFM). Despite their change of name, most Guadalcanal residents remember them as GRA. In the TRC report they are also referred to as GRA/ISF.

Another significant but different militant group was the Guadalcanal Liberation Front (GLF) that was later formed by Harold Keke on the Weather Coast after the GRA had agreed to disarm and demobilise under the Townsville Peace Agreement.

The stated aims of the GRA were to fight for a federal system of government in which Guadalcanal would have greater autonomy and power over its own affairs, including being able to deal with the influx of settlers and restoration of land rights to traditional owners. These political goals were set out in the *Bona Fide Demands*, in 1998 and were again, with some changes, presented to the government in 1998.

The GRA believed that using only peaceful means had failed to achieve those goals and that the government was not listening to them, so they needed to resort to violence. The TRC found that the targeting of Malaitans was part of the program from the early stages of the conflict. The understanding and goals differed between the GRA leaders, who focused on the lack of agreement to the *Bona Fide Demands* and the local populations who were not so concerned with political issues such as greater autonomy for Guadalcanal. Many local people were frustrated about issues that affected them directly, such as not being able to get access to land and gardens because settlers were squatting or had bought the land. They were also concerned about what they perceived as disrespect for local culture, the imposition of the cultural practices of another place (i.e. Malaita) on local people and exclusion from job opportunities. One ex-militant stated: “*The cause of our fighting is very clear; we were fighting for our people’s rights in many issues affecting them. Issues of land, killings, Malaitan disrespect of our culture, Government negligence of our demands and so forth.*”

There was a lot of pressure on young Guadalcanal men to join the militants. Some were forced in, but most joined voluntarily under a lot of social and peer group pressure. It was often difficult to say who was a militant as many were active for some time and then went back to their homes. During the most intense periods of the conflict there were approximately 10,000 members.

Many of the former militants told the TRC that they feel that their goals have not been achieved. In particular, land that has been given, sold or taken by others has not been restored to its rightful owners. However, many of those leaders also expressed the view that the use of violence was a big mistake as it created much worse problems than they had expected.

In late 1998, violence escalated when a group of militants led by Harold Keke stole guns from a police armoury at Yandina on the Russell Islands. A further attempt to gain more guns in Tulagi in Western Province failed and some of those militants including Keke were arrested. In March 1999, the militant leaders were released on bail and recommenced their harassment of settlers straight away which brought an increase in IFM activity.

After their release, the militants continued to target Malaitans. Initially they had targeted full-blood Malaitans but this quickly spread to include those who had a Guadalcanal father and Malaitan mother (or vice-versa) and then to those who had just one grandparent who was Malaitan. The targets included many who had one parent and/or one (or more) grandparent from Guadalcanal; many targets had been born and raised on Guadalcanal. Males began wearing traditional Guadalcanal dress called '*kabilato*' and females wore grass skirts; they demanded that the Malaitans wear the same. Young men were being trained as militants and violence escalated. There were some discussions with Malaitan leaders, but these were soon abandoned as the leaders of the militants were not at that point interested in peace.

A witness stated:

*"Monday morning we got back to our house and started moving our belongings to the beach. We left them there for rain and sun. The tide was high but we did not care. We were only praying for a rescue. We were able to get some of our clothes, but not all. It was Tuesday morning that the patrol boat came. When we were rushing to the boat, we were surprised to see students appearing from different parts of the bush and running to the patrol boat. Some of them were literally covered with blood, while others sustained injuries to their faces, legs and bodies. Some of the students had their faces smashed. The GRAs did inhumane things against these students. They hit them with the butts of the guns. The students hid the whole night in a river called Kosisi until the next day. One of the students was able to recognize one of his wantoks among those from Guadalcanal and even called him by name. So, in Tangarare, the GRAs are mixed with some Malaitans and some rebels.<sup>23</sup>*



Another witness stated:

*“Before the tension we lived at the Kakabona area. I bought the land we settled on from the Guale land owners Simone Mavi and Damaso Roko at the price of \$12,000. At that time, I had a very good friend from the Lambi area, his name was John. He came and informed us of the planned upheaval plotted by the Guadalcanal people. He told us to pack our things in preparation to leave since all the rumors we had been hearing about the Guale militants were true. When he first came he told me that it was the Weather Coast people who are taking up the leading role in the uprising...we quickly packed all our belongings and fled.”<sup>24</sup>*

Many people from Guadalcanal found themselves in a complex position because they agreed with the objectives of the militants but at the same time had good relationships with some of the Malaitans living near them. The militants painted the Malaitans as aggressive, land grabbing people but many ordinary Guadalcanal people knew them as ordinary good persons living next door. When the conflict began, members of Guadalcanal communities also targeted their own community members because of rumors that they supported the Malaitan groups. These allegations of being supporters, or informers known as “spears,” was a common excuse for crimes committed against ordinary people who were not involved in the conflict.

The TRC found that some militant leaders created a picture of an ethnic stereotype of Malaitans to serve their political purposes and deepened divisions, creating conflict to benefit themselves. The cost of this was the destruction of the economy and social fabric of the country.

*“Mistrust of their own people and accusing them of being “spears” that protect or even support Malaitans was a common issue during the whole tension and generated many intra-ethnic human rights violations.”<sup>25</sup>*

By mid-1999, the attacks that had begun only targeting settlers because of land claims spread to other Malaitans working on the plantations in the northeast plain areas. At the time, Solomon Islands Plantations Limited (SIPL), a palm oil plantation and processing operation, employed almost 1,800 people, most of them from the province of Malaita. On 12<sup>th</sup> June, militants from GRA/IFM attacked the mill, destroying most of the infrastructure and killing two people. By this stage, the conflict had escalated, and the targets and victims were no longer only from Malaita but also from other Provinces, including those from places such as Choiseul who had lived peacefully on Guadalcanal for many years and married spouses from Guadalcanal. Many had to flee in fear of their lives and abandon their land and property. During the first year of the conflict, a high proportion of victims were people from Guadalcanal.

*“1999 was the year with the highest number of human rights violations reported to the TRC. Most of them were cases of forced displacement related to property violation, often also of ill-treatment and sexual violence, and sometimes even to death. The overwhelming majority of human rights violations in 1998 and 1999 were committed by militants from Guadalcanal.”<sup>26</sup>*

## The Malaitan militants: The Malaita Eagle Force

For the first 18 months after the violence began in Guadalcanal, Malaitans were attacked and did little in the way of responding, often being forced to leave their homes without taking anything with them. They trusted that eventually the police would control the situation and the Honiara and Panatina Peace Agreements would be respected. The TRC quoted one observer who said: *“Looking back, it is interesting to see how meekly the Malaitans had left Honiara in 1998-99; it was as though they sensed it was not their land and that, faced with a similar incursion on Malaita, they would do the same as the Guale had done.”*<sup>27</sup>

However, the situation began to change in 1999. Most of the police force in Guadalcanal were Malaitans and there was increasing sympathy of the police for the Malaitan victims of attacks by the Guadalcanal militants. Malaitans began to protect their properties in Honiara by putting up roadblocks and several small militant groups began to form but they had difficulty fighting back as they had few weapons. By the end of 1999, the Guadalcanal militant groups were threatening to take over the capital. Malaitans, who made up more than half the population of the city, feared what would happen if the takeover was successful and had organized vigilante groups to defend the city.<sup>28</sup> They were supported by business groups and by non-Malaitans that also had been harassed by the GRA militants. However, the GRA forces were much stronger and had more weapons.

A plan to get access to many guns was made by a group of Malaitan militants and some police “insiders.” On 16 January 2000, a group travelled on a boat from Honiara to Auki on Malaita. They intended to raid the police station that night but circumstances changed and they were forced to hide and wait for one day. At midnight the following night, during a power cut, they raided the police armoury and capture more than 100 guns. Several witnesses said that the raid was assisted by high ranking Malaitan police. The militants involved in this plan and raid formed the militant group called the Malaita Eagle Force (MEF) which was formed by combining many of the smaller groups that had already been formed. The MEF grew quickly as hundreds of Malaitans who victims of the GRA joined the group.

Most of the initial members of the MEF were victims of GRA/IFM attacks; their purpose was to defend the Malaitan communities in Guadalcanal. As the IFM forces threatened to take over Honiara, the MEF took on the role of defending the city, supported by the police and local businesses. At that time there was a perception that Honiara was largely a Malaitan town, as they owned many businesses and property and held many positions with the government and police. Some of the GRA/IFM militants threatened to burn down the entire city. In response, the MEF organized themselves into at least 12 “camps” with over 2,400 militants. Vehicles were supplied by local businesses and taken from government officials. Malaitan members of the MEF told the TRC that they were motivated by sadness, anger and revenge over the attacks on them, their property and the rape of women (including in front of their families).

On 5 June 2000, following a plan developed by senior police and MEF leaders, militants raided the police armory at Rove with the assistance of police, gaining possession of hundreds of high-powered guns. This reversed the balance of power in one quick move. In a move designed and carried out by police officers and MEF leaders, they then forced the Prime Minister to resign. Following this, Malaitans moved into Honiara to support the movement, increasing the numbers of the MEF to over 3,000. The MEF did not have a political goal of taking control over the Solomon Islands but wanted revenge against the GRA/IFM militants. They declared an all-out war on the IFM. In the attacks that followed, the MEF used state-owned patrol boats and police vehicles and were assisted by police officers. Operations included violations committed against ordinary people which forced whole villages to flee and hide in the bush. Once the guns were in the hands of the militants they were used not only to defend, but to rob, steal, rape and commit other crimes.

Many of the weapons taken from the police armories ended up in the hands of common criminals and were used for theft and extortion. Even when peace was eventually restored, it was difficult to regain control of the guns. Following the Townsville Agreement that ended the conflict, many guns that were not surrendered were sold and used in criminal activities. The TRC reported that: *“Extortion from the Government Treasury became the objective for most MEF members after the armory raid.”*<sup>29</sup>

It soon became obvious that the state was unable to handle the crisis. The parliament was deeply divided and focused on a power takeover by one side, with three motions of no confidence in the Prime Minister having been brought. There were several efforts to resolve the crisis. These involved a meeting of 50 traditional leaders a ‘*kastom* feast’ involving 1,000 people in Honiara but this failed to produce results and the IFM launched attacks soon after.

As stated above, the government also paid SBD \$2.5 million as a partial payment for the *Bona Fide Demands*. The money was supposed to be paid to the families of the victims of the 25 murders that were part of those Demands. However, corruption destroyed the goals of a legitimate process and created division and hostility. Some of those victims still claim they did not receive their share and the Premier in charge of this process was later convicted for embezzlement including crimes relating to those funds.<sup>30</sup> Thousands of displaced families demanded assistance from the government. The government agreed to pay \$1,000 per person, but the funds allocated were not sufficient. The repatriation committed stated:

*“We have about 18,000 displaced people on our record but with the funds made available by the government, we can only be able to make payouts to around 2,500 people”.*

While efforts were made to pay the way out of the conflict, corruption not only prevented that goal from being achieved but deepened the resentment of those who were expecting to be paid and then received nothing. For example, an amount of SBD \$6.8 million was allocated by the National Government to the Provincial Government of Malaita, with SBD \$5 million deposited in the Malaita Eagle Force bank account but it was withdrawn from



that account and, according to the TRC, “*disappeared without a trace.*”<sup>31</sup>

Faced with an increasing breakdown of law and order, the government declared a state of emergency and requested assistance from the Commonwealth countries. Discussions between the militants and government resulted in the signing of the Honiara Peace Accord on 28 June 1999. However, this agreement did not halt the violence and one month later IFM militants killed four police officers in Mount Austin. This led to another peace agreement, this time signed in Panatina, which also had no effect on reducing the violence. The government held further peace talks in Isabel and Auki, but these had no effect.

Requests were made to the Government of Australia for police and military assistance, but these were initially rejected. Instead of taking a direct role, Australia supported a group of 25 unarmed police from Fiji and Vanuatu as part of the Multinational Police Peace Monitoring Group (MPPMG) that arrived in January 2000.

### The Role of the Royal Solomon Island Police Force (RSIPF)

In 1999, the police force consisted of around 900 officers, most of whom were not in possession of guns. Only one section of the police service, the Police Field Force (PFF), were authorized and trained to use weapons and they were only to be deployed during very serious incidents of threat of violence.

Most of the police on Guadalcanal were Malaitan. A poor decision early in the conflict not to involve Malaitan police officers in issues relating to the tensions led to deep divisions and mistrust between them and the Guadalcanal officers. A feeling of division grew within the force; there was a lack of identity of a one single police force implementing a single set of laws. This situation was made worse when some officers became involved with the militants.

While many officers took advantage of the situation and became involved with the militants and in criminal behavior, others felt targeted because of their ethnicity. As the violence escalated, these divisions contributed to the failure of the police to take a strong position. Guadalcanal and Malaitan officers were not cooperating with each other. When the MEF was formed and decided to retaliate, many Malaitan officers were only too willing to support the new militant group. With police involved in different militant groups and not interested in applying the law evenly the situation spiraled out of control. One former police leader told the TRC: “*Leading up to July 2000...we missed the opportunity to stand up and bring law and order...we gave space for people to fill the gap that we should have filled for them.*”<sup>32</sup>

Many other police were not interested in joining the conflict. During the tensions more than half the police officers left their duties to return to their home areas. In the regions outside Honiara, police officers attended to their duties as normal, despite the fact that they were not being paid by the national government. This provides a strong argument for

the implementation of a community-based policing model focused on the regions rather than a centralized force.

*“Between 1998 and 2000 the RSIPF (Royal Solomon Islands Police Force) disintegrated. Ethnic allegiances ruined the professional codes and the loyalty the police officers towards the Force. Discipline and respect for rank faded away as executives were unable or unwilling to hold the institution together.”*<sup>33</sup>

Although the courts were not under the control of the different political and ethnic-based interests, the justice system was, in practice, suspended. There were virtually no trials for crimes committed so police investigations would lead to arrest without any further steps being taken. This led to a huge backlog of cases related to the tensions. The TRC found that:

When the police did begin to act, they overreacted which led to the community losing faith in them and taking the situation into their own hands. In addition, the militants attacked anyone who helped the police which hampered the police’s effectiveness. The police began aggressive operations outside Honiara focused on militants but, in many cases, used an unprofessional use of force. Their actions included several unlawful killings during the early stages of the conflict. A former police leader told the TRC:

*“We went in heavy-handed rather than taking a community approach, a dialogue approach. Because of that approach, the community retaliated”*<sup>34</sup>

### A Turning Point: The MEF Gains Control of 1,000 More Guns

On 5 June 2000, a group of MEF militants and police raided the police and prison armouries in Honiara and took control of approximately 1,000 guns. It appears that the MEF were assisted by police and when they arrived at the armouries the police on duty simply handed them the keys. Many of those weapons went straight into the hands of MEF militants. The TRC made the following finding:

*“After listening to many witnesses, including police officers who were directly involved, TRC has come to the conclusion that contrary to widespread rumors, Opposition leader at that time, Manasseh Sogavare, was not involved in the armory raid.”*<sup>35</sup>

They then put the Prime Minister Ulufa’alu under house arrest and demanded he resign within 48 hours. The Prime Minister had refused to agree to demands for compensation from those who had lost their lands and property; this was considered by the TRC to be a major issue contributing to his fall. The PM again requested assistance from Australia but this was declined and he resigned on 14 June 2000.

The de facto government during this *coup d’etat* was the “Supreme Council” made up of the MEF leaders and PFF officers, who now controlled the country.

Two weeks later Manasseh Sogavare was elected Prime Minister. There were widespread allegations that the election was affected by MEF intimidating voters. The IFM refused to accept the result of the election. Following the election, the power of the MEF and PFF officers created uncontrolled compensation demands and payments made by the government.

The MEF now had hundreds of high-powered weapons and could not be controlled, even by their collaborators in the police. They declared an “all-out war” and launched a number of attacks against the IFM which included killing individuals and burning houses. However, they also liberated 115 people taken hostage by the IFM.

*“MEF retaliation initiated a new phase of forced displacement; this time, the victims were villagers from Guadalcanal who had to leave their homes and find shelter in the bush, often for several months”<sup>36</sup>*

As the conflict escalated, civilians who were not involved were pressured and forced by both sides to take part. In Honiara, people carried weapons openly, looted shops and caused intimidation and widespread fear. At this time, with MEF in control, criminals pretended to be MEF members to commit crimes and the situation became out of control.

Huge numbers of people were evacuated back to their original provinces and many Guadalcanal people living in Honiara also had to leave. The governments of Makira and Western Province called on their people to return home and foreigners evacuated. The IFM fought back against the MEF but could not compete due to the overwhelmingly greater number of high-powered weapons the MEF had control over.

### The West

At the same time as the conflict was escalating on Guadalcanal, a separate but related violent situation was taking place in the western regions of the country, which borders on the Bougainville Island areas of Papua New Guinea (PNG). For some years, rebel forces from the Bougainville conflict. Members of the Bougainville Revolutionary Army (BRA) had often come over the border to the Solomon Islands where there were many common ethnic ties. In addition, PNG military forces had chased BRA members into the Solomons and violations against local people had taken place.

As some of the displaced from Guadalcanal began to pour back to the western areas, militant groups such as the Black Sharks began to form in the west, supposedly for the protection of local people. An invitation was sent to the BRA to send some forces to help protect those in the western areas of the Solomon Islands from the Malaitan militants. On 11 June 2000, a platoon from the BRA arrived in Gizo, supposedly to protect those in the Province from the Malaitans. Those forces also lacked discipline and, together with local militant groups, became involved in uncontrolled violence against local people in Western and Choiseul provinces. The TRC report includes a comprehensive account of the conflict in the west and a detailed summary is included below.



## The Marau Sound

Another area in which the conflict was taking place was the Marau Sound, where both Guadalcanal and Malaitan ethnic families had intermingled and intermarried for a long time. Militants from the Weather Coast went to the Marau Sound areas and manipulated the ethnic differences of those living in this area. They recruited young men for militant groups and created divisions and conflict between them which lead to the formation of ethnic-based local militant groups. A more detailed account of this conflict is also included below.

## Further attempts to end the conflict

After the armory raid, the government held a series of peace talks and created the Ministry of National Unity, Reconciliation and Peace (MNURP) to facilitate a crosscutting peace-building approach. The Solomon Islands Christian Association (SICA) established a peace office in Honiara to coordinate civil society efforts at peace. The Women for Peace Movement was formed and visited MEF checkpoints, trying to talk militants into peace negotiations.

Australia also tried to assist. On 21 July 2000, representatives of the MEF and IFM met on the Australian Navy's HMS Tobruk to begin a series of ceasefire talks.

On 2 August 2000, the Ceasefire Agreement was signed between MEF, IFM and the Solomon Islands Government. The IFM's leader Harold Keke, who had not attended the peace negotiations, later signed the Agreement from his camp in western Guadalcanal. The MEF and IFM agreed to lay down arms and both were assigned "areas of influence." For the next few months, the peace accord generally held and the parties continued to meet on board Australian ships for further negotiations.

## The Townsville Agreement

From 9 to 15 October 2000, hundreds of delegates met in Townsville in northern Australia for a peace conference resulting in the Townsville Peace Agreement (TPA). Harold Keke was the only important militant leader who refused to participate in the conference and to sign the agreement.

The TPA established that:

- Weapons had to be surrendered and stolen property returned within 30 days;
- Amnesty would be granted to the militants;
- MEF and IFM "soldiers" would be repatriated to their home villages and benefit from rehabilitation programs;
- Malaita and Guadalcanal provinces would receive more autonomy; and
- Donor funds would be designated to compensate all those who had lost property.

However, the TPA did end the violence. In fact, after the Agreement was signed there was an increase in attacks against those who were of mixed ethnicity, with the IFM also increasingly attacking people from Guadalcanal accusing them of being “spears,” or supporters or informants to the MEF. Although the Townsville Agreement was a major step forward, it would not be until later, when the international peacekeeping force Regional Assistance Mission to Solomon Islands (RAMSI) arrived that peace would finally be achieved.

### The Weather Coast

Harold Keke was not part of the peace agreement. He and his followers—the Guadalcanal Liberation Front (GLF)—continued to attack villages and the government on the Weather Coast of Guadalcanal. Some of the most horrific atrocities of the armed conflict were committed by the GLF between 2001 and 2003 and the victims were often local villagers.

In 2002, a Joint Operation involving police and militants from both Guadalcanal and Malaita joined forces, were armed, and sworn in as “special constables” for the purpose of capturing Keke. This operation included police officers, members of the MEF and, most unexpectedly, a group of former GRA combatants. However, the Joint Operation members lacked professional discipline and were responsible for mass atrocities against civilians; some members of the Joint Operation remained there for almost three years.

Another local group was also formed to try to force out Keke. This group, the Central Neutral Force also known as “Satan’s Group,” after its leader’s nickname, also lacked discipline and were responsible for extortion, sexual violations against villagers and other forms of harassment.

The government authorized a Joint Operation to try to arrest Keke and halt the conflict on the Weather Coast. This operation included police officers, members of the MEF and, most unexpectedly, a group of former GRA combatants. When the group arrived on the Weather Coast they were also responsible for terrorizing the local communities and various violations, and some remained there for almost three years.

A more detailed summary of the conflict on the Weather Coast is included below.

Meanwhile, on Malaita, returning members of the MEF, also lacking discipline, were harassing local people, fighting against each other, and demanding money and compensation from villagers.

### Collapse of the State Continues

The TRC found that the tension that had originated with land claims and ethnic rivalries had transformed since many different groups had become armed. Each said they were fighting for some justified cause, but, in each case, the fact that they had weapons and power led them to abuse ordinary people, including robbing, killing, torture and sexual

offences against defenseless locals. This occurred in Honiara, on the Weather Coast, in Malaita and in the Choiseul and Western Provinces.

*“(T)he tension had already taken a different direction: there was no longer any component of “ethnicity” in the conflict. Civilians suffered increasingly from both sides, caught between a rock and a hard place”<sup>37</sup>*

The losses suffered by so many people combined with the weapons in the hands of undisciplined groups and corrupt leaders was a strong blend. Members of government, up to the Minister level, were involved in corruption—taking large amounts of money that had been allocated to compensation. This not only increased resentment towards the government but increased anger of those who deserved compensation but did not receive it because it was stolen by others.

The situation continued to get worse. Violations committed against local people intensified on the Weather Coast, the militants and police were indistinguishable together. More than half the police and many civil servants had left their positions as they found them intolerable. Common criminals claimed that they were part of militant groups but used this excuse to commit a range of crimes. The government had failed in its primary duty to protect its citizens and there did not appear to be any way the conflict and general lawlessness would end of its own accord.

Faced with further disintegration of the situation and the conclusion that the TPA alone would not restore order the Solomon Islands, the government again requested international assistance; this time it was agreed to. On 24 July 2003, the Australia-led Regional Assistance Mission to Solomon Islands (RAMSI) arrived in Honiara with a mandate to assist in the restoration of law and order. RAMSI included contingents of highly-trained military and police from neighbouring countries. With the arrival of RAMSI, hundreds of militants were rounded up, arrested and put into prison. Weapons were seized and the conflict that had lasted for five years finally came to an end.

### Further Details on Aspects of the Conflict

The TRC dealt in detail with different aspects of the conflict and the violations committed. Below are brief summaries of the TRC Report sections relating to: the Weather Coast, including the killing of the seven Melanesian Brothers; the murder of the Kwaio armed men; the murder of Father Augustine Geve and the Joint Operation; Malaita after the conflict; ethnic tensions in Marau Sound; the tensions in the West; compensation payments; the Law and Justice Sector and a Timeline of the tensions

### **The Weather Coast**

The Weather Coast region, on the southern coast of Guadalcanal is difficult to access to due wild and rocky coastline. It is isolated, remote and underdeveloped and has the largest number of poor people in the Solomon Islands. The area lacks even regular shipping transport and has limited formal government presence in many areas. The Weather



Coast is the home of the main leaders of the Guadalcanal militants. Beginning in the 1950s, the Moro social movement grew up in this area, as an anti-colonialist and anti-modern movement, supporting a return to traditional culture and customs. Although the Moro movement's importance had dwindled by the time of the conflict, it was a strong influence on the GRA militants who wore the traditional dress of the *kabilato* and supported old, traditional practices.

Harold Keke was the most radical of the Guadalcanal militants. After the Townsville Peace Agreement, the Guadalcanal militant leaders split and Keke decided to continue to fight. Initially the presence of Keke's forces in the villages was friendly but then he imposed a policy of "total control" dominated by fear, violence and extortion of the villagers.

### **The killing of the seven Melanesian Brothers**

The Melanesian Brotherhood, Anglican religious community, had an outsized role in efforts to try to achieve a sustainable peace. As part of this effort, in February 2003, a delegation of the Brotherhood, carrying a letter from the Anglican Archbishop traveled to the Weather Coast hoping to meet with Harold Keke. They failed to meet the militant leader and one of them, Brother Sado, decided to stay behind to try to meet Keke after the others returned to Honiara. Sado was captured and severely tortured before being killed. According to a TRC statement from a witness:

*"Brother Sado was held in a cage and had been so badly mistreated that he had asked to be killed. A post mortem performed by RAMSI forensic pathologist Dr. Malcolm Dodd in October 2003 found that almost 20 ribs, collar bones and shoulder blades were fractured. These were consistent with hitting and kicking. Brother Nathaniel Sado had been cruelly beaten to death."*<sup>38</sup>

A delegation of six Melanesian Brothers went to the Weather Coast to find out what had happened to Brother Sado. On their way to Keke's camp, they were captured by a group of GLF militants who shot Brother Robin Lindsay and Brother Francis Tofi dead. Brother Alfred Hill was shot in the arm and then beaten to death. The remaining three were taken into the camp where they were forced to confess that they were enemies of Keke. The next morning, they were lined up and shot into a single grave that had been prepared. In August 2003, Keke admitted that the seven brothers had been killed.

### **The murder of the Kwaio armed men**

On 7 June 2002, ten heavily armed men, nine from Kwaio (Malaita) and one from Bougainville went to try to arrest Harold Keke. They were motivated by the promise of a reward for Keke's arrest. The identity of those who promised the reward is still not clear and no involvement of the government has been proven. On arrival to the Weather Coast, a gunfire exchange resulted in one member of the group and one GLF member being killed. The group then surrendered. The next morning seven members of the group were lined up on the beach and executed by shooting, with two watching. One of those two was later shot while the man from Bougainville escaped. These facts were later explored

during the trial of Harold Keke for other murders.

### **The murder of Father Augustine Geve**

This was another major case from the Weather Coast. Father Geve was a member of Parliament for communities on the Weather Coast and had been supported by the GLF. On 19 August 2002, at a meeting at Father Geve's house, Keke asked a number of people who had formed a circle if they still wanted Father Geve to represent them. They answered in the negative. Father Geve was taken away by members of the GLF and the next morning they brought his dead body back. On 18 March 2005, the High Court of Solomon Islands found Harold Keke, Ronnie Cawa, and Francis Lela guilty of the murder of Father Augustine Geve and sentenced them to life imprisonment.

### **The Joint Operation**

The Joint Operation was a mission established to try to capture Harold Keke and other leaders. The directive to launch Operation Liberation Strike came directly from the Prime Minister of the Government of the Solomon Islands. It consisted of police officers, militants of the MEF and former GRA combatants. During the operation, members of the group traveled to the Weather Coast on a patrol boat. What was supposed to be a man-hunting operation turned into a guerrilla war with occasional ambushes and skirmishes. The Joint Operation established permanent camps and stayed on the Weather Coast until mid-2003 when RAMSI arrived. Villagers were increasingly forced into the conflict. Civilians who had become special constables of the RSIPF, Malaitans and those from Guadalcanal were untrained and lacked institutional discipline. They were responsible for many of the most atrocious human rights violations committed by the Joint Operation during "Operation Liberation Strike."

*"the TRC has collected about 300 statements from individual victims on the Weather Coast, and the great majority of them document the traumatic experiences of residents at the hands of the Joint Operation.... On the Weather Coast, Joint Operation and the patrol boat have become synonyms for violence and human rights abuses committed by the state."*<sup>39</sup>

The violations reported included a broad range of acts committed against those suspected of supporting Harold Keke. However, members of the Joint Operation committed crimes and violations against innocent civilians as well. These included rape and sexual violations, killings, detentions, beatings, extortion and robbery. There are still many outstanding claims for compensation for violations committed by the government-sanctioned Joint Operation. The TRC found that the total number of persons killed during the tensions on the Weather Coast was around 70, which is 35 percent of the total number of fatal victims of the conflict. Most of the victims on the Weather Coast died during the incursions of the Joint Operation.

## Malaita after the conflict

The sudden and unexpected arrival of thousands of families from Guadalcanal in Malaita because of forced displacement had a tremendous impact on social life there. Many displaced families found it difficult to reintegrate into the local communities. Many of them were born in Guadalcanal, some of them had never been to Malaita nor knew what their ancestral land rights were and, in some cases, they did not speak the local language or dialect.

In general, the *wantok* system of 'blood ties' helped alleviate the situation of the displaced. Many landed without any idea where to do, having invested years in building houses in Guadalcanal and tending land. Those with properties that had been seized or destroyed they arrived in Malaita with nothing—no job, no money, no house and little hope. Those who had married Guadalcanal women were not always welcomed. The TRC estimated that the number of displaced persons in Malaita during that period was approximately 18,000. Many had to live in tents and rely on charity for food and clothing. Feeding the displaced was a major problem as the local people barely had enough for themselves. The influx of people also created major problems for the other inhabitants as they competed for work, food and land.<sup>40</sup> The TRC noted that:

*"Blood ties could cushion much of the pressure, but not all of it. The necessity for meeting the basic needs of the displaced families, like housing and food, generated pressure on local resources. Conflicts over land, common in overpopulated Malaita even before the tension, worsened during those years. Some of them were taken to court, but too often there was also violence as the use of guns had become a habit. Land disputes involving displaced families continue today... Development projects in Malaita were halted and the Provincial Government was forced to make big cuts in its budget."*<sup>41</sup>

A significant number of could not support themselves and felt alienated in Malaita and decided to return to Honiara where Malaitan settlements like Burns Creek or Barama became overpopulated. Education in Malaita was also enormously affected by the tension. Classrooms became overcrowded as students from Guadalcanal and other provinces entered into Malaita schools. There were not enough teachers and the education of all students was negatively affected.

## Ethnic tensions in Marau Sound

The original indigenous settlers of the Marau Sound region are the Birao people who occupy the mainland of Marau. The coastal area was settled some hundreds of years ago by Are Are language speakers originally from Malaita. Both the Malaitan and Guadalcanal groups have over a long period of time intermarried, learned each other's language and shared a broad range of cultural traits and religious practices. When the conflict broke out in Guadalcanal militant groups manipulated the historical differences between the communities in Marau to disturb the delicate harmony and cause them to be divided between the Birao and 'Are' communities.<sup>42</sup> One of the witnesses stated:



*“When the ethnic tension started we thought that the Birao and the ‘Are Are speaking people would stay together. That was what I personally expected. Instead they separated us. Before the ethnic separation between the Birao and the Marau people we were taught to be one people and all of us are Guadalcanalese.”*<sup>43</sup>

In 1998, GRA/IFM militants from the Weather Coast started to visit Birao communities and to force villagers to wear *kabilato* and grass skirts. Males were pressured to join militant groups and many young men joined. Some of the men who were of Malaitan decent joined the GRA as they felt part of the Guadalcanal people, having lived away from Malaita among the Guadalcanal groups for a long time. At a TRC public hearing Marau leaders stated:

*“Marau was vulnerable to the escalating atrocities done by the Guadalcanal militants during the three years period of the ethnic tension. A total of 18 villages, 71 family houses and other valuable properties were burned down and destroyed. Our girls and women were raped and our people were harassed, tortured and forced to pay money and give pigs at gun point. The Royal Solomon Islands Police Force was not there to protect us....The Marau Council of Chiefs requested help from the Bart Ulufa’alu-led government, but help was not forthcoming. We were denied protection by the state as provided under the national Constitution.”*<sup>44</sup>

After the MEF had seized hundreds of high-powered weapons from the police armory they mounted a ‘joint operation’ to rescue people being held by the IFM on the mainland of Marau. This led to the formation of the Marau Eagle Force, a local militant group closely related to Malaita Eagle Force. Many young men who had supported Harold Keke and the IFM switched sides to join the Marau Eagle Force. Some local people who had suffered under the IFM and welcomed the new group. However, the Marau Eagle Force also began to be involved in extortion and violations against the local people.

Finally, on 7 February 2001 a Peace Agreement was signed in Honiara between the Marau Eagle Force, the IFM, the Guadalcanal Government and the National Government. The Agreement included a commitment to create a separate Constituency for Marao within Guadalcanal with a Constituency Development Committee responsible for deciding about socioeconomic development matters for the constituency. The Agreement also promised to launch a public works program to engage the services of MEF/IFM soldiers and provide counseling for the former combatants. The idea of a separate constituency was opposed by militants from Guadalcanal who argued that it would deepen division and separation.

Since the end of the conflict, the communities in Marau have engaged in many initiatives to help return to peace and acceptance. Several committees focused on reconciliation have been formed but there are still outstanding issues relating to the promises of the new constituency and compensation packages.

In relation to the conflict in the Marau Sound, the TRC found that: *“Leaders from Guadalcanal pulled ethnic differences between Birao and ‘Are’Are speakers that already had lost most of their significance in daily life into the political scenery; they used ethnicity as a political weapon.”*<sup>45</sup>

## The tensions in the West

This section covers Western Province and Choiseul. The Western Province covers the New Georgia group and the Shortland Islands. It is the second most populated Province after Malaita (76,000 people in 2009). It is rich in natural resources and its people have a strong sense of identity. In the year before the tensions, 51 percent of national timber exports came from Western Province; it also has significant fishing and tourism industries. Choiseul was the home to approximately 26,000 people in 2009; most were involved in small-scale farming.

There is a close historical relationship between the Western Province, Choiseul and the island of Bougainville. Bougainville is part of Papua New Guinea (PNG), but has land that is only a few kilometers away from the Shortland Islands in the Western Province. Bougainvilleans share a strong sense of a separate ethnic identity. Many identify more strongly with Solomon Islanders than PNG.

In 1988, landowners near a copper mine in Bougainville protested the mine, leading to a ten-year violent conflict known as the “Bougainville crisis.” Those resisting the mine formed the Bougainville Revolutionary Army (BRA). In 1990, they declared independence from PNG and set up the Bougainville Interim Government (BIG). The PNG government responded by deploying their defense forces who destroyed entire villages and committed mass rape, torture and killing of civilians. The conflict destroyed almost the entire economic and social infrastructure of Bougainville before a peace agreement was signed in 1997.

Because of the close ethnic ties and the terrible situation in Bougainville, the Western Province government had sent some militants to help the BRA. Refugees from this conflict flooded into Western Province seeking shelter and medical treatment. During the 1990s, the PNG army also chased BRA members into the Solomon Islands, to Western Province and Choiseul and whilst there committed violations against the locals.

Since before World War II, there had also been mistrust by local communities in Western Province of Malaitan settlers who were blamed for an increase in crime and taking over disputed land. This increased as the tensions began in Guadalcanal. In 1999, the overflow of tensions led to attacks on Malaitan settlers in Western Province (in Munda and Noro) and demands that the government remove Malaitan settlers. The Munda Accord was signed by the Premier for Western Province and his Malaitan counterpart. However, in 2000, the militant group the “Black Sharks” formed in Gizo. The Black Sharks gave Malaitans a deadline of 21 days to leave Western Province. Despite meetings and efforts to ensure peace, the militants attacked Malaitans, burning and ransacking houses in Ziata and forcing many of them to leave. At the same time, instability in Guadalcanal and attacks on mixed-race persons and those of mixed marriages was forcing many who had originally come from Western Province to return, leaving their houses in Guadalcanal, employment and schools. This increased pressures in the region.

In addition to the Black Sharks in Munda and Gizo, the militant group the Black Cobras, led by a former police officer, was created in Vella Lavella. The Bravo 1 and Bravo 2 groups were formed in Munda. In Choiseul, another quasi-militant group that called itself Lauru Civilian Security Force (LCSF) committed a range of human rights violations and terrorized the population, including the killing of an unarmed man in Barabarakakasa village, Choiseul, on 5 October 2001.

Many people in Western Province were fearful that the MEF forces in Honiara, which after had many automatic weapons after the raid on the armory in Rove, would come to the West. They felt that they needed armed protection and should make use of ethnic links to the armed BRA from Bougainville to protect themselves. Although it was disputed by some witnesses, the TRC found that an invitation asking them to come and protect the area against potential influx from the MEF was sent from some Western Province government representatives to members of the BRA.

A group of BRA militants answered the invitation. On their way to Gizo, they raided the police armory at Taro and stole weapons. On Sunday 11 June 2000, about 45 heavily armed men from Bougainville landed in Gizo. They began to mingle with the Black Sharks and local people found it hard to distinguish between them. The hopes of the local population that the BRA would protect them were quickly broken as the militants began to engage in criminal activity. The police were powerless to stop the armed men. Between June and December 2000, the militants took goods from shops and fuel from outlets without paying, confiscated private property, seized government assets such as canoes, sexually attacked and harassed women, and were involved in excessive drinking and firing of guns in public places.

In August 2000, the national government met with the BRA and other militants. The government representatives repeated that there had been no official invitation and asked those from Bougainville to go home. They offered members of the BRA and some of the Black Sharks “honorariums” to return to their homes. In total, more than SBD 150,000 was paid out. However, the payments did not change anything. On Sunday 12 November 2000, four people were killed during an incident involving members of the BRA at a hotel in Gizo.

Finally, the Townsville Peace Agreement included conditions of return of unmarried BRA members to Bougainville and for those married to Solomon Islanders to give up their weapons. Most BRA left, and the situation gradually returned to normal.

### **The Solomon Islands Government between 1998-2003**

*“All during the tension, this weakness was evident in the Government’s inability to meet a basic duty of any state: to provide security for its citizens.”<sup>46</sup>*

The TRC examined many studies by experts that identified underlying weaknesses that contributed to the conflict. A common question raised is whether the system of

government chosen at the time of independence based on the British Westminster system is appropriate for a country like the Solomon Islands. The Westminster model is the basis of the government structure that is set out in the founding document of the nation of the Solomon Islands—the national Constitution. This is the most basic law of the country and the strongest and highest law of the country and it sets out how the parliament shall operate including how the Prime Minister will be chosen. Under the Westminster model, power is concentrated in one centre.

However, the Solomon Islands had a traditional system of governance with leaders in different provinces and islands. A discussion that arose post-conflict was whether a decentralized system would be more appropriate since the communities and their leaders are closer together and theoretically can more effectively demand that the government be transparent, accountable and honest. The opposing argument to be considered is whether the *wanton* and *big man* cultures, although bringing some positive benefits, also provide strong support for nepotism and corruption.

Usually a Westminster system of government depends on a small number of dominant political parties that are easily identified and whose core values are well known to the people. However, there are no strong political parties in the Solomon Islands but rather loose groupings of individuals that change often and suddenly. This does not support clear and consistent policies developed by parties that can be understood by the population. To vote for a set of policies and hold the government accountable, it is necessary that the voters understand what a particular party or individual stands for. This is largely absent in the Solomons.

During the period of the tensions, the government made many mistakes that allowed the conflict to escalate. Initially, it failed to recognize that there were significant social and political issues that were the basis of unhappiness leading to the violence. They underestimated the depth of unhappiness and frustration. This frustration was manipulated by local leaders who were not afraid to use violence to create divisions for their own purposes. In the period leading up to the tensions, the government failed to take effective steps to deal with the demands of the Guadalcanal groups.

Following the coup of 5 June 2000, the government had no basic authority. The MEF and paramilitary police, working together, held power. However, they were not experienced in governance, did not have the necessary structures and rules in place and did not know how to prevent the uncontrolled crime and violence that erupted when there was no strong presence of the state. During this period, there was also no operational police force. The government resorted to *kastom* and payment of money to try to restore peace. However, this payment system was inconsistent and corrupt. In many ways it made things worse:

*“...paying millions of dollars to a wide range of claimants, many of them members of the MEF, did not promote peace but rather fostered corruption, accelerated the breakdown of public institutions and exacerbated a chaotic and uncontrollable state of violence.”<sup>47</sup>*



## Compensation payments

The TRC report includes many details of the various compensation schemes and records of those who were paid, according to those records. However, many records are missing and many victims and former combatants claim they did not receive what they should have. Below are some examples of the findings of the TRC in relation to compensation payments and the conclusions of the Commission.

Throughout the tensions, the government attempted many times to use payments and compensation to satisfy demands and reduce the violence. The repeated patterns that emerged make it clear that such processes are very difficult to control. As soon as money was made available for payments related to the conflict, unscrupulous individuals looked for ways to take that money for themselves.

One of the problems was that decisions were made to provide funds to compensate various groups and individuals without any clear policy or legal framework. There was no list of who the beneficiaries should be, the criteria needed to be satisfied for payment, the exact amounts to be given and how the money could be held and distributed with a strong oversight to make sure that none of it went into the hands of those who were not entitled to it.

The experience demonstrated that any system of payment of compensation needs to have a very clear base of policy and a legal framework and mechanisms to ensure that the funds are provided to the persons for whom they were intended. The system needs to be realistic by recognizing the tendency for corruption and nepotism and include clear mechanisms that will prevent those from poisoning the process. The TRC found that the corruption, theft and nepotism involved in many of the compensation schemes deepened the feelings of resentment of the victims and combatants who should have been paid and further lowered the respect they held for their government and political leaders.

After the first wave of mass displacement of an estimated 18,000 people, the Cabinet approved a payment of between SBD\$1,000 and SBD\$8,000. Families were required to certify their claim with their local Member of Parliament. However, many claimed they did not receive the funds set aside for them. Under the Honiara Peace Accord of 1999, it was agreed that those who suffered property losses would be compensated. However, this did not happen. Three Committees were established and SBD \$8 million allocated for compensation and loss of property but the TRC could find no records of the work of those Committees.

The Townsville Peace Agreement of 2000 provided for the return of combatants to their homes, public works programs to provide employment and counselling through accredited non-government organizations. Although the intentions of the Agreement were positive, the government had no budget or policy to implement the commitments made in the TPA for compensation, reparation and reparation. Therefore, the government approached donor countries to assist.

In June 2001, a loan of US \$25 million was arranged from the EXIM Bank of Taiwan to pay for financial obligations included in the Townsville Agreement. The loan and compensation process was announced publicly but there was no policy or mechanism in place to determine whose claims were legitimate, how much they would be given and how it would be paid.

The Ministry of National Unity, Reconciliation and Peace (MNURP) established a payment system in the absence of a policy and began payments. A list was compiled of those who claimed to be entitled to be paid. The names and the amounts paid to them were, according to witnesses, set out in a book referred to as Book One. The Ministry provided a list of those who should be paid and the amounts were paid by non-negotiable bank cheques. This meant that the cheque was issued to be paid to a individual and could not be cashed or deposited by another individual. However, the TRC found that the government had no record of Book One and no record of who has been paid.

Numerous complaints were received from those who said the amount they claimed had been drastically reduced. Others said they were not included on the lists. There were significant allegations of corruption and nepotism. The TRC found that some senior officials involved in the scheme had themselves received large payments as compensation. The payments continued but it was extremely difficult in the absence of a clear and strong system. The most challenging aspect was to determine who was entitled to be paid. Many claimed they had suffered loss or were victims of violations, but it was a great challenge to verify the claims.

The TRC was provided with documents which listed the available details of compensation. Many payments appear to have been made to people with claims that were not checked or subject to a serious verification process. For example, a large percentage of more than SGB \$2 million was paid to more than 30 people who claimed that the MEF had destroyed their vehicles or they had been forced to transport them.<sup>48</sup> However, no evidence of ownership of the vehicles or proof of the loss of the vehicle could be found by the TRC. Payments to people who had been injured was also inconsistent. For example, one person was paid \$70,000 for what was described in the documents as harassment and another \$20,000 was paid to another for the same thing (harassment) with little detail of the reasons for the difference between the two. A total for these kinds of payments was approximately SBD \$1,500,000. The records show that the details of some payments made were simply that they were paid to “sundry persons,” without naming who those persons were.

It was clear that the Prime Minister at a press conference in April 2001 stated that payments totaling \$SGB 40 million were bogus and announced an investigation into the matter.

Significant funds were paid out to former militants with little accountability and few records of exactly who received those payments. Significant amounts of the payments made to militants were stolen. The TRC received evidence of the payments by bank cheque for cash—no name on it but only ‘cash’ written on it. These types of cheques can be cashed

by anyone with no detail of the identity of the recipient. The TRC found records of such ‘cash’ bank cheques being paid to various militant groups. For example, a bank cheque dated 27 October 2000 was cashed and paid to IFM militants shortly after the Townsville Agreement without details of which individuals received the funds. Another cheque for \$349,000 was paid for the repatriation of Marau militants. Significant amounts by cheque were also paid to former MEF militants. In one instance, 38 combatants who participated in a five-day raid were paid \$30,000 each—a total of SBD\$1,140,000.

*“Receipt of the compensation in tranches worsened matters as former combatants and those with access to firearms exploited the situation. As payment of compensation claims took priority over all government services, the general public also exploited the situation in whatever way they could.”<sup>49</sup>*

The expenses of the government that were drawn out of compensation accounts. The expenses were substantial, and records not detailed. Payments to the police skyrocketed and “the Government was forced to authorize the use of the Debt Service Fund Account for large unbudgeted payments to special constables, most of whom were former militants.”<sup>50</sup> The Report of the Auditor General on the EXIM bank loan in November 2004 found that “disparity and material discrepancies in the financial data and information have resulted in a net overpayment of property claims of approximately 13.8 million. Consequently, millions of dollars were spent on highly suspect and dubious claims.”<sup>51</sup>

Eventually, the Cabinet decided to stop all claims for compensation except for those relating to deaths that occurred before, and had already been reported, 15 October 2000 and that were committed as part of the tensions (i.e. covered by the Amnesty Act). Following this decision, a high-level government committee was established to verify claims for compensation made to the Cabinet. The Committee found that many claims had been paid without verification and that many of the claims paid to the police officers and special constables were excessive. They commented that there were not clear definitions for terms like “harassment” which allowed payments to be made to people without verifying what had happened to them. The Committee found that during the period of compensation payments the Government had spent over SBD \$80 million from the consolidated fund that only contained SBD\$600,000.

Following this, the Government decided to stop payment of all compensation claims, even though there were 1,489 outstanding claims. Many victims have continued to press their claims. Their sense of injustice and grievance has been made much worse by the fact that payments were made to many others without a strong and transparent system of accountability.

#### The findings of the TRC in relation to compensation payments:

The TRC found that the government had failed to create a careful policy and transparent mechanism for the payment of compensation and had not complied with financial regulations. The findings relating to compensation include the following:

- a. *“The Government recognized its obligation to compensate victims of the tension in the Townsville Peace Agreement. Although not legally binding, the Government’s commitment to victims arose under the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, adopted as Resolution 60/147 by the General Assembly of the United Nations. As a member of the United Nations, Solomon Islands is obliged to provide adequate, effective and prompt reparation for victims of internal conflict. Such reparation should be proportional to the gravity of the violation and the harm suffered. This state obligation is in relation to acts or omissions concerning victims. National programs should be established for reparations and other assistance to victims including restitution, compensation, satisfaction and guarantees of non-repetition. And the domestic law should provide the same level of protection for victims as that required by international obligations*
- b. *In order to fund compensation for losses suffered during the tension, the Government negotiated a loan for US\$25 million from the EXIM Bank of Taiwan. This solution only created more problems because Government institutions were barely functioning and anarchy and criminality prevailed. The presence of these funds generated a frenzy of covetousness as victims, militants, politicians and others staked their claims. The country’s external debt directly affected health and education services which were barely functioning. In securing the loan, the Government overlooked its lack of capacity to implement the complexities of the compensation program. Its ability to exercise its authority was severely limited, thereby compromising the sincere intentions of the loan.*
- c. *The overwhelming majority of displaced persons did not receive any compensation for their losses, yet they were the first victims of the tension. The records available reflect payments made to politicians, militants, business people and those with connections to the Government. Those without influence or means were overlooked.*
- d. *The Government had no compensation policies or guidelines in place to regulate implementation of compensation payments. Neither were categories of human rights violations drawn up or adequately defined to ensure consistency and equity. The process was ad hoc and subject to the whims of the moment. The result was corruption, misappropriation and abuse of a significant portion of the funds earmarked for compensation. While some victims were compensated, a greater number were not, their plight made more poignant by the amount that was misspent. However, it must also be said that even had there been appropriate controls and safeguards in place, the anarchy and criminality which then prevailed casts doubt on whether it would have made any difference.*
- e. *Victims in the rural area with little access to power were excluded from the payment of compensation, a situation that deepened feelings of abandonment by the Government and created a chasm in the restoration of dignity.*
- f. *The payment of compensation by the Government did not consider victims who lost loved ones or whose lives had been profoundly affected by violations of their human rights. All cases involve loss of dignity, something that money cannot restore. It is necessary to incorporate a holistic reparation program for victims that respect culture, justice and a recognition by the state of its responsibilities. Payment of compensation and corrupt acts by the Government have become a barrier to initiating a process of real reconciliation in the country.*



## The Law and Justice Sector

### Reform of the police service

During the 1990s, the government had purchased a large number of high-powered weapons to help deal with the border disturbances near Bougainville. These were supplied to the National Reconnaissance Surveillance Force (NRSF) whose mandate was the protection of the border with PNG. Australia assisted by providing funding, training and patrol boats to this group.

The Bougainville crisis in PNG led to concerns of destabilization and cross-border criminal activity. As a result, the government formed a paramilitary force, the Police Field Force (PFF), who were given intensive training in using heavy weapons. Initially, they were stationed near the border areas to PNG but when the tensions broke out in Honiara most were recalled. This caused a significant amount of discomfort for the officers who had been trained for war but were now tasked with confronting their own countrymen. According to a high-level police official: *“Between the coup of 5 June 2000 and the arrival of RAMSI on 23 July 2003, the RSIPF often operated in tandem with MEF through paramilitary “Joint Operations” and the deputizing of “Special Constables.” Special Constables, appointed in 2001 and 2002 after the Townsville Peace Agreement, were primarily individuals associated with the MEF or IFM. They were upgraded to full constables in order to integrate them into the police payroll and structure. Later a “Star Division” was formed, “full of police officers who took part in the tension.”*<sup>52</sup>

The situation changed quickly with the arrival of the multinational Participating Police Force (PPF) that was part of RAMSI: *“The Participating Police Force immediately dispatched teams to key military redoubts, such as the Weather Coast, and rounded up suspects for interrogation and detention in Honiara. The RAMSI PPF officers were unquestionably effective, promptly establishing order and restoring public confidence with few casualties. Their presence was supported by most Solomon Islanders and they were seen as helpful in raising the professionalism of the RSIPF whom they assisted.”*<sup>53</sup>

After the conflict had ended, a significant program was established to try to create a new police force that was not hampered by the qualities and reputations of those who had committed crimes and violations during the tensions. It was decided that incentives needed to be offered to police officers who had been involved in the tensions so that they would voluntarily leave the service. They were offered voluntary leave and payments. All the “Special Constables” left under these conditions. Effectively, this allowed the police force to be rebuilt. At the same time, a vigorous program of recruitment took place to find new fresh officers who had not been involved in the tensions to fill the place of the departed Special Constables.

## Prisons

Like their police counterparts, correctional officers interviewed expressed pride in the state of the correctional system before the tensions, describing it as “*disciplined, in a very good state,*” with “*respect throughout the ranks*” and “*enough budgeted.*”<sup>54</sup>

During the coup of 5 June 2000, Guadalcanal prisoners were assisted by Guadalcanal officers to escape because they were afraid that the MEF would harm them. A high-ranking prisons official told the TRC that when MEF militants took over the prison facilities on Guadalcanal, including the offices and main prison at Rove, they released *all* the prisoners, justifying the action based on the escape of the Guadalcanal prisoners.

## Courts

The TRC found that:

*“Unlike the police and the prison systems, the courts remained independent of militant influence during the tension. However, the court system operated only at a superficial level during the crisis, due to the larger breakdown of law and order in Honiara.”*<sup>55</sup>

Trials began to taper off in early 2000 and resumed only in 2003 with the arrival of RAMSI. During the tensions, while public legal offices remained open, lawyers would lock court doors. Even after a case began, witnesses would often not appear.

After the arrival of RAMSI, there was a concentrated effort to re-establish the rule of law and to demonstrate that the period of impunity had ended. Hundreds of people were arrested in a short period of time. This overwhelmed the court system. A judicial officer explained: “*The atrocities of the militias, the legally ambiguous actions of the Joint Operation and the aggressive tactics of the PPF under RAMSI were all legal issues unprecedented in the nation’s still young justice system...It was thought at the time, because of the effects of the tension on our people here, we would bring in outside people to deal with these cases, because our judges and magistrates are from ethnic groups involved in the tension.*”<sup>56</sup>

Initially, many Solomon Island judges and lawyers did not want to be involved in the tension trials. However, this changed over time. RAMSI foreign advisors initially filled in those roles. RAMSI also provided a great deal of support in terms of equipment such as computers to increase the capacity of the justice sector.

The tension trials proceeded under the Solomon Island’s criminal laws. In general, the courts have not supported the claims of militants that their actions are covered by the amnesty agreement. Most cases prosecuted were against defendants from Guadalcanal. The main crimes that were prosecuted were murder and abduction. Some sexual assaults were reported but court staff at the time of the TRC reported there were no resulting charges or prosecutions for rape or sexual assault during the tensions.

## **Summary of the major contributing factors of the conflict**

### ***Failure to provide equal development levels across the country***

Perhaps the greatest contributing factor to the conflict was the failure of the government to effectively respond to increasing inequality between different areas of the Solomon Islands. The inequality between different geographic areas was created during colonial times and efforts should have been taken to address the problem. There were some places (in particular, Honiara and Guadalcanal) where there was more opportunity for work and business, therefore it was only natural for those in other areas to move there to seek work and money. Many settlers went to Guadalcanal because the government failed to provide employment opportunities in Malaita, the Weather Coast and other areas and there was work in and around Honiara. The migrants needed somewhere to live so they settled on disputed lands which were often fraudulently given or sold. This increased the potential for conflict. The local Guadalcanal groups resorted to violence because the government did not provide an answer for their demands.

### ***The lack of a strong national identity***

Both the colonial administration and the government after independence failed to take effective steps to create a strong national identity. A shared identity of “Solomon Islanders” was not nurtured. Instead, different groups identified themselves much more with their tribe and local allegiances. This allowed them to be drawn into militant forces and conflict in support of their ethnic group.

### ***A weak police force***

A further contributor was a weak and undisciplined police force. There was a lack of strong identity within the police force, which allowed officers to support their own ethnic group and oppose police officers from other ethnic groups. Police had become corrupt—protected by impunity. There was a lack of strong internal accountability controls and institutional morale. This meant that when serious violence was threatened, there was little motivation for police to engage with it. Many officers left their positions and returned to their home regions. Others became directly involved in militant groups and criminal activities for their own gain. When the police did begin to act to stop the tensions, they did so using inappropriate levels of force, which led to further decreases in trust from the people.

### ***Political leaders using violence for their own gain***

The TRC found that an important factor that transformed the grievances of local people into violence were political leaders in Guadalcanal who used the potential conflict for their own personal and political gain and manipulated the issue of ethnic differences. Essentially, these leaders sacrificed the good of the country for their own gain, and used ethnic divisions to do so, creating deep wounds that are difficult to heal. Leaders from Malaitan groups responded to this violence. When they gained superior weaponry, mass violations increased on all sides.

### ***Lack of control of guns***

During the first year and a half of the conflict, ethnic differences were the main driving force of violence. However, after 2000, the ethnic differences became less important. The arming of several groups gave untrained and undisciplined people the opportunity to commit criminal acts of theft, sexual violations and while claiming that they were helping the people. In fact, like the politicians involved in the corruption and manipulation of the ethnic issue, they were not helping the people but only thinking of themselves.

### ***Using political goals to form armed groups***

The evidence of thousands of victims from the tensions shows that armed groups that are not controlled with strict laws and practices will inevitably become ill-disciplined and use their force to target innocent people, commit rape and sexual violations, steal and destroy property for their own gain. This applies to militant groups from various different areas including Honiara, rural Guadalcanal, the Weather Coast, Malaita and Western Province. Many were formed with 'high ideals.' All quickly fell into practices of theft, gratuitous violence and targeting of innocent people. The TRC's statistics show that the vast majority of the victims of the tensions were not members of opposing militant groups but innocent civilians targeted by those groups. The result of forming these armed groups to try to gain political goals was the almost total destruction of the nation's economy and deep social divisions and discontent that extends until today.

### ***Impunity and failure of the rule of law***

A major contributing factor was the lack of accountability for these actions. When people are corrupt and commit crimes without being arrested and held accountable, it encourages others to do the same. Elites, leaders, police, politicians, ordinary villagers and farmers must all be held accountable to the law to the same degree. One set of laws must apply equally to all. This is what is meant by the rule of law and it had failed in the period prior to, and during, the tensions.



***A failure to celebrate the great value of diversity***

The lessons from the tensions show that sustaining peace in the Solomon Islands requires the government to ensure that there is a good distribution of development opportunities across the country. It also requires specific steps to be taken by all sectors to create a nation in which the ethnic diversity is seen as a great asset to be nurtured and celebrated rather than an obstacle to overcome. For this to be achievable, tolerance and respect of all the peoples of the Solomon Islands is required.

## Timeline of the Conflict

The TRC conducted research to construct a detailed timeline of the tensions to fulfill its mandate to provide an accurate historical record of the events that took place. Here it is reproduced in its entirety:

Year(s)	Date	
1567-1568		Mendaña explores Solomon Islands.
mid 1800s		Arrival of Christian missionaries.
1860's-1910		"Blackbirding"
1893		Solomon Islands declared British Protectorate.
1896		Resident Commissioner Charles Woodford arrives.
1899		Germany cedes the northern Solomon Islands to the United Kingdom.
1942		World War II: heavy fighting between American and Japanese troops, especially on Guadalcanal.
1946		Maasina Ruru Movement in Malaita.
1960		Executive Council created as the Protectorate's policy-making body.
1974		A new constitution adopted, establishing a parliamentary democracy and ministerial system of government.
1975		The name Solomon Islands officially replaced that of British Solomon Islands Protectorate.
1976	January 2 <sup>nd</sup>	Solomon Islands attains self-governance.
1978	July 7 <sup>th</sup>	Solomon Islands achieves independence within the British Commonwealth.
1978	September 27 <sup>th</sup>	Guadalcanal leaders raise demands for state government.
1988	March	Demonstration of Guadalcanal people at Government House as a follow up to their submission ten years previously.
1998	March - September	Rumours of formation of a militant group on Guadalcanal.
	October	Violence begins on Guadalcanal – eviction of Malaitan settlers.
	December 10 <sup>th</sup>	Harold Keke raids police armory at Yandina.

	December 30 <sup>th</sup>	Bungana shoot-out; Harold Keke and Joseph Sangu arrested
1999	March	Keke and Sangu released on bail.
	May 23 <sup>rd</sup>	Reconciliation “Kastom Feast” in Honiara, boycotted by militant groups
	May 26 <sup>th</sup>	IFM raid Malaitan settlements in Kakabona, Aruligo, Tenaru and Foxwood.
	June 12 <sup>th</sup>	IFM raids CDC, east Guadalcanal.
	June 13 <sup>th</sup>	MOU signed between Guadalcanal Provincial Government and Solomon Island Government for negotiations to begin with rural Guadalcanal people and Government on the Bona Fide Demands.
	June 15 <sup>th</sup>	Government declares State of Emergency.
	June 20 <sup>th</sup>	Commonwealth Special Envoy Sitiveni Rabuka arrives in Honiara.
	June 28 <sup>th</sup>	Honiara Peace Agreement
	July	Solomon Islands Plantations Ltd. closed down.
	August 12 <sup>th</sup>	Panatina Peace Accord
	October 15 <sup>th</sup>	State of Emergency lifted.
2000	January 17 <sup>th</sup>	Auki Police armory raided; public appearance of Malaita Eagle Force (MEF).
		Andrew Nori declares himself spokesperson of MEF.
	February	Governor General declares IFM and MEF “unlawful societies”.
	May 5 <sup>th</sup>	Buala Peace Communiqué
	May 12 <sup>th</sup>	Auki Peace Communiqué
	June 5 <sup>th</sup>	Rove Armory raid by MEF and PFF officers.
	June 6 <sup>th</sup>	MEF places Prime Minister Bartholomew Ulufa’alu under house arrest, demands his resignation and declares “all-out war” on IFM.
	June 7 <sup>th</sup>	MEF uses patrol boat to shell the IFM at Alligator Creek.

	June 10 <sup>th</sup>	Raid of police armory on Taro (Choiseul) by William Amalo and a group of South Bougainvilleans and local “Black Sharks”.
	June 11 <sup>th</sup>	Militants from Bougainville arrive in Gizo.
	June 12 <sup>th</sup>	Bobby Nare Sae shot and killed by Bougainville group and Black Sharks
	June 30 <sup>th</sup>	Manasseh Sogavare is elected new prime minister.
	July 10 <sup>th</sup>	MEF kills two IFM militants in National Referral Hospital.
	July 13 <sup>th</sup>	MEF raids clinic in Visale and kills two men; it then burns villages in west Guadalcanal.
	July 18 <sup>th</sup>	Guadalcanal Provincial Government and IFM propose ceasefire.
	August 2 <sup>nd</sup>	Ceasefire Agreement
	September	SIG pays Malaita Provincial Government SBD\$6.8 million compensation but most of money taken by armed MEF members.
	October 15 <sup>th</sup>	Townsville Peace Agreement – Harold Keke refuses to attend and forms Guadalcanal Liberation Front (GLF).
		MEF and IFM dissolved, guns surrendered.
	November	International Peace Monitoring Group arrives in Solomons.
	November 12 <sup>th</sup>	Ian Chapangi (GRA), Brianly Java (Black Sharks), Ivan Reve and Barry Ofuana (Bougainvilleans) shot and killed by Bougainvilleans led by Gregory Luavex at Room D, Gizo Hotel.
2001	February 7 <sup>th</sup>	Marau Peace Agreement
	March	First Joint Operation on the Weather Coast.
	September 22 <sup>nd</sup>	IFM leader Selwyn Saki murdered.
	December 5 <sup>th</sup>	National General Election held and is described as fair and free by international observers.
2002	February	Melanesian Brother Nathaniel Sado killed by the GLF
	February 22 <sup>nd</sup>	Fred Fawcett-Kay and Rex Dahlia special constables shot and killed by Bougainvilleans and Solomon Islanders (locals from Western Province)

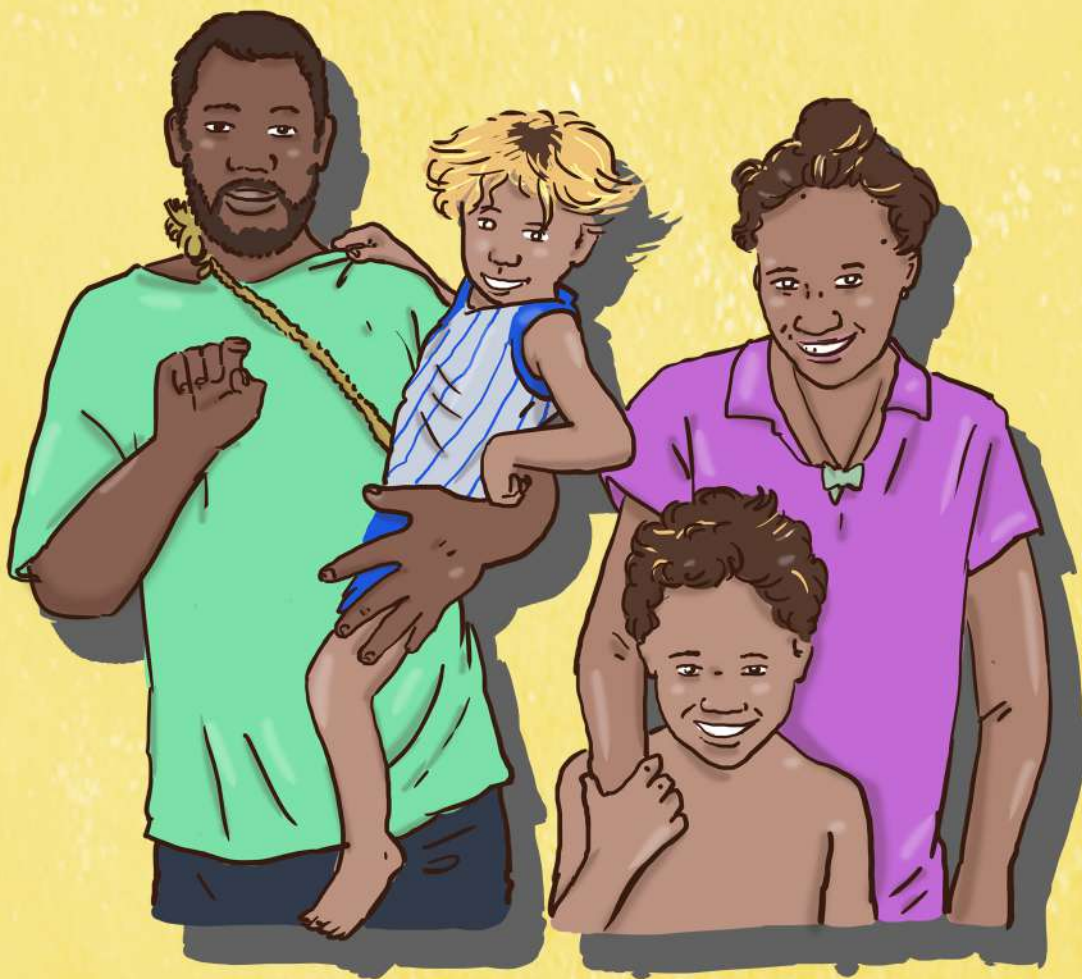


	March	International Peace Monitors withdraw from their posts amidst growing lawlessness.
	April	Six Melanesian Brothers murdered by GLF (date of incident was not known until months later).
	June 8 <sup>th</sup>	Ten Kwaio men murdered by GLF.
	August	Group of SI women hold a meeting and make recommendations taken up to the National Peace Conference in August 2000.
2003	February 10 <sup>th</sup>	Sir Frederick Soaki, a member of National Peace Council and former Police Commissioner, murdered in Auki.
	June 15 <sup>th</sup> -16 <sup>th</sup>	Marasa incident; GLF kills Adrian Bilo and John Lovana.
	June 5 <sup>th</sup>	Prime Minister Kemakeza asks for military assistance and regional countries agree to send in troops to restore law and order.
	July 11 <sup>th</sup>	The National Parliament approves peacekeeping plans.
	July 24 <sup>th</sup>	RAMSI arrives in Solomon Islands.

NB: Timeline reproduced from the TRC Final Report

# *5. What are Human Rights and Human Right Violations?*

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# *What are Human Rights and Human Rights Violations?*

Human rights are the basic freedoms and protections that everyone has, because they are a human being, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. According to international law, the state has the duty to protect and fulfill these rights.<sup>57</sup> Human rights violations include violations of fundamental rights by agents of the state and situations in which the state fails to provide a remedy, such as an unwillingness to arrest and prosecute those responsible for grave human rights violations. In certain situations, non-state actors may also be responsible for human rights violations.

Human rights are guaranteed by the Solomon Islands Constitution under the Bill of Rights in Chapter II. This includes:

- the right to life,
- the right to personal liberty,
- the right not to be subjected to slavery and forced labor,
- the right not to be subjected to inhumane treatment,
- the right not to be deprived of property,
- the right to freedom of assembly and association,
- the right to privacy of home and other property,
- the right to protection of law,
- the right to freedom of conscience,
- the right to freedom of expression,
- the right to freedom of assembly and association,
- the right to freedom of movement,
- the right to protection from discrimination, and
- the right to compensation for contravention of rights and freedoms.<sup>58</sup>

The TRC was required by law to look into the human rights violations that took place during the tensions specifically violations that took place between 1 January 1998 and 23 July 2003, including:

- killings, abductions, enforced disappearances, torture, rape, sexual abuse, persecution of any identifiable group, forced displacements, deprivation of liberty serious ill-treatment of any person;
- the violation of other fundamental rights and freedoms;
- any attempt, conspiracy, incitement, instigation, command or procurement to commit such violations; or
- destruction of any property including personal or public property.<sup>59</sup>

In relation to state responsibility for human rights violations, the TRC stated that: *“all actions undertaken by parties acting for, on behalf of, or associated with the state are regarded as having been sanctioned by the state. In that regard, actions undertaken by the Rapid Response Unit (RRU), the Royal Solomon Islands Police Force, the Joint Operation, and the MEF, when it was conducting joint patrols with the police, are classified as being done on behalf of the state. Any violations which may have been committed by these parties during the armed conflict are the responsibility of the state.”*



## Amnesty

An amnesty is created when laws state that people who have committed certain crimes cannot be arrested or prosecuted for those crimes. Sometimes amnesties are offered to those who are involved in conflict as an incentive to stop fighting and find a peaceful way to solve a problem.

Amnesties were provided in Townsville Peace Agreement of 15 October 2000 and the Marau Peace Agreement. The two Amnesty Acts of 2000 and 2001 are almost identical. The laws created an amnesty specifically:

*“in respect of any criminal acts committed in the execution or purported execution by any person:*

*(a) of the Isatabu Freedom Movement in connection or in association with the forceful eviction from the Province of Guadalcanal of certain persons during the period commencing 1st January 1998, and ending 15th October 2000 in furtherance of the demands of the indigenous people of Guadalcanal; and*

*(b) of the Malaita Eagle Force, in retaliation against the forceful eviction of Malaitans from Guadalcanal; and*

*(c) in execution of the purported execution of the para-military operations conducted on the 5th day of June 2000, and the joint para-military/Malaita Eagle Force security operations carried on thereafter, until the signing of the Townsville Peace Agreement on 15th October.”*

However, the law created certain conditions that *must* be met for amnesty to apply. For example, amnesty would only be provided on the condition that all weapons, ammunition and stolen property were surrendered and returned, as agreed within a specific period. The laws also stated that crimes committed after the peace agreements would not be covered by the amnesty. The crimes covered by the amnesty included crimes relating to using guns and ammunition, killing and wounding in combat, and damaging property and traffic if it was related to “military activity.”

The Amnesty Act stated that amnesty does not extend to *“any criminal acts done in violation of international humanitarian laws, human rights violations or abuses or which have no direct connection with the circumstances referred to in subsection (2)(a), (b) or (c) of this section.”*

The TRC noted only two cases of amnesty had been granted by the courts at the time of writing its Report.<sup>60</sup>

## *6. Killings*

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# Killings

The TRC described the patterns in which the violations were committed and provided quotes from victims. Two examples are provided below.

*“I lost my husband, brother and niece. To lose three people at once is unbearable and unacceptable; it is a big loss to me and our extended families. They went missing while traveling to our village and my family has lived with this for a long time and have been eager to know exactly what happened. If only we knew where they are or where they were buried it would relieve some of the pressures on us. The worst part is the not knowing. I do not know if their bodies were dumped in the sea or buried on any surrounding islands. We would like to know what happened to them. I would like the Government of Solomon Islands to do something about their sudden disappearance.”*

Female Victim, Honiara Public Hearing, pg. 830-831

*When they came to the village they started shooting at our engines, water tanks, water supply and properties...a militant shot my brother who fell and died instantly. By then the militants took most of our valuable things, burnt most of the houses, including church buildings, and kept shooting at people fleeing into the bush. Somehow I was brave enough to attend to my brother's dead body and after the shooting the militants left our village...during the shootout, while people were running away in fear of being shot, a three-month-old baby fell and died instantly... Now I would like to appeal to anyone who is not in good terms with me to come forward so I can forgive you, so we can live in peace and harmony.” (pg. 836)*

Male Victim, Honiara Public Hearing, pg. 836

The TRC estimated that at least 200 people lost their lives as a direct result of the conflict. The TRC report listed the names of victims known to the commission. However, the TRC also acknowledged that the *“actual number of deaths that occurred from 1998 to 2003 is still inconclusive.”* This means that there may be other victims that have not been identified.

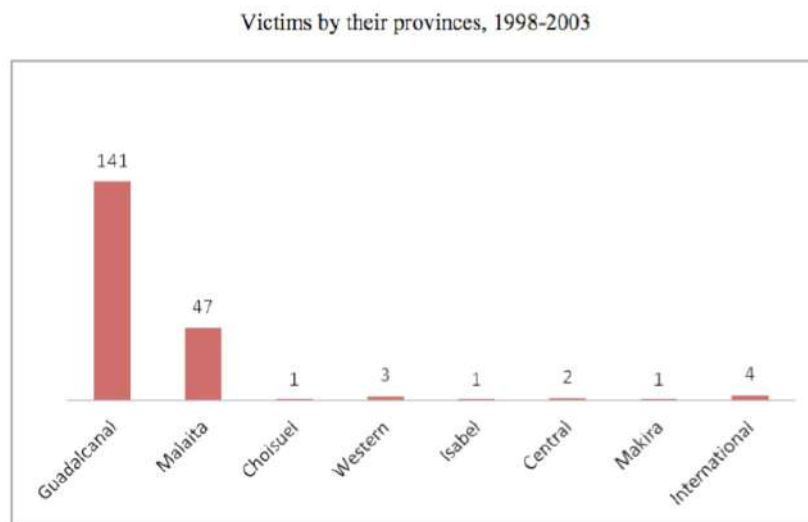
The TRC found that most deaths (161) reported were the result of direct fighting, including combat situations, torture, beatings, kidnapping and abductions. This figure includes those reported as missing. In addition:

There were seven deaths due to shock and trauma, including those of some young children and a few elderly adults. Many occurred while the victims were fleeing from fighting or directly witnessed gunfire and deaths.

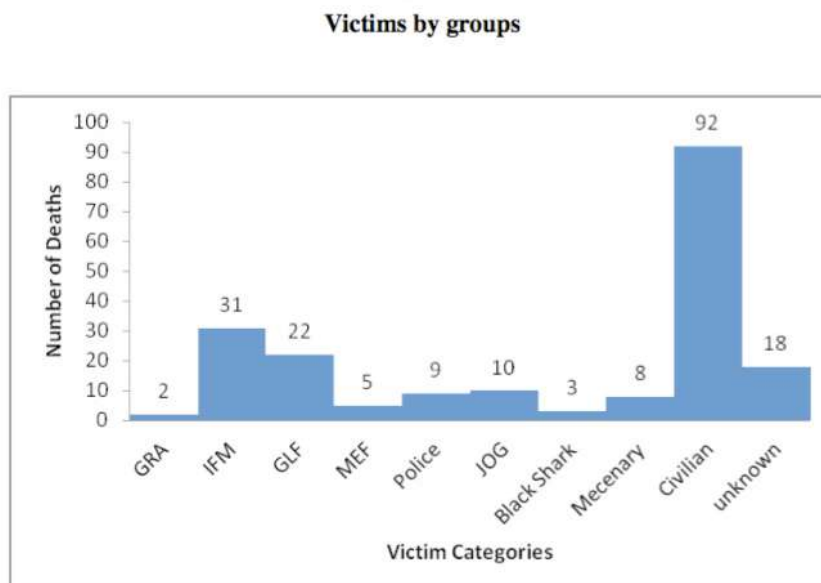
For more than 30 names listed, the circumstances of their deaths were unknown to the Commission.

Most of those who were killed were men; only 10 women's deaths were documented. There were 5 deaths of children, all boys, ages 3-18.

The TRC also showed that most of the deaths took place in Guadalcanal, stating that the province “*recorded the highest number of deaths during the tension between 1997 and 2003*” with 74 percent of reported deaths taking place in Guadalcanal while 24 percent took place in Malaita.



The TRC made an important finding that civilians suffered the most fatalities, compared to the various militant groups and security personnel, as seen in the graph below.





The TRC concluded its findings on killings with a short summary of what happened:

*“In 1998, Guadalcanal youths sought the path of arms and violence to relay their grievances and Malaitans, who were the majority of the settlers on Guadalcanal, immediately became victims. The Malaitans responded and the result of the two opposing forces was the ethnic crisis. By 2000, the fight between Malaitan and Guadalcanal militant groups was practically over but the newly established JOG, on behalf of the SIG, pursued Keke’s GLF. The JOG-mandated operations resulted in even more deaths and many other atrocities and human rights violations. Keke was not a signatory to the peace agreements and became the center-man of a new crisis but his surrender marked its end and the successful beginning of RAMSI.”<sup>61</sup>*

# *7. Abductions and Illegal Detentions*

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# *Abductions and Illegal detentions*

*“My story happened in the year 2000 when the militants came and harassed me. They caught up with me while I was walking along the road; they assaulted and harassed me along the way. I was helpless and could not defend myself; I suffered severe body injuries. They alleged that I assisted the RSIPF in their operation to catch or kill Guale militants. They assaulted me with their rifles, sticks and stones, and when I fell on the ground they kicked me and stepped on me. Then they took me to a place and tied both my hand and feet, there was nothing I could do and I told them that if they wanted to kill me they should do as they wish since I was totally helpless from the injuries. My face and body were covered in blood. They demanded \$1,500 plus two pigs from my brothers and me. There were more than 20 of them, and they consisted of different dialect groups, mostly from the Weather Coast and along the Guadalcanal plains. They were all men, wearing kabilatos. It was a time of great pain and suffering, there was nothing we could do, and the only thing in the back of my mind at that time was death. I left all my trust and hope in the hands of our Lord God almighty. They took us from our place in Verani to Roha. There we were kept as prisoners under tight guards. After giving the money and the pigs they demanded, I was released.”*

Statement No 1131<sup>62</sup>

TRC documented 307 cases in which individuals were deprived of their liberty. Out of this total, 212 (69%) were cases of abduction (meaning the capture was committed by one of the militant groups). This included abductions by the FM, GLF, MEF/MAF and the Black Sharks. The other 95 cases (31%) were called illegal detentions indicating that they were committed by state forces, namely the RSIPF (Royal Solomon Islands Police Force) and the Joint Operation Group (sometimes referred to as JOG or JOF).

On abductions:

195 abduction cases (92% of the total) occurred on Guadalcanal. Within Guadalcanal, the wards with the most cases were Saghahu with 20 cases (10% of the total) and Wanderer Bay with 19 cases (10%). The other wards with more than ten abduction cases reported to TRC were: Birao, Duidui, Malango, Talise, Tandai, Vulolo, Wandere and West Ghaobata.

The remaining 17 abduction cases reported to the TRC occurred in Malaita (‘Are‘Are and Auki), Choiseul (Batava and Viviru) and in Western Province (Gizo, Kolombangara and Noro).

On illegal detention:

All 95 of the illegal detentions perpetrated by the Joint Operation or the RSIPF occurred on Guadalcanal. The most affected wards were Vatukolau (38 cases, or 63%), Duidui (16 cases, 27%) and Talise the (10 cases, 17%).



Out of the 307 cases, sixty-nine percent of the cases of deprivation of a person's liberty were abductions perpetrated by one of the militants groups; 31 percent were illegal detentions where the perpetrator represented the state.

The TRC found that in the early phase of the tensions, the main perpetrators of abductions were militant groups. But by 2002, state actors become more involved in illegal detention, as the Joint Operation between the police and former militants was sent to the Weather Coast.<sup>63</sup>

Similar to killings, most victims of abduction and illegal detention were male at 83%. Only 17% of victims were female.<sup>64</sup>

The TRC noted how these abductions took place in plain sight signaling the total breakdown of law and order, stating that: *"usually there were many eyewitnesses, but nobody dared to stop the heavily armed militants or the police. In a situation of generalized insecurity and lawlessness, the victims were at the mercy of their captors who could act with complete impunity."*<sup>65</sup>

Abduction was carried out by militant groups based on ethnic hatred, suspicion of being a collaborator, or to gain information. Usually abductions, were followed by other violations, such as torture, ill-treatment, and sexual violence. In some cases, abductions lead to death.

### *Illegal detention*

The TRC received 95 cases of illegal detentions committed by a state forces. Out these cases, some 51 percent by the Joint Operation and 49 percent by the RSIPF. The TRC noted that between 1998-1999, police arrests followed the procedure wherein the detained person had to be presented to a judge within 14 days. As the conflict escalated, the police began to disregard these procedures.

The TRC also noted a case of illegal detention where several hundred villagers in Malaheti village were detained by the Joint Operation for almost one year.<sup>66</sup>

*"In March 2002 when the JOG arrived in Buabua, Weather Coast in south Guadalcanal they started swearing at everyone in the village...*

*So the next day the other Joint Operation Group arrived and they marched the people to Malaheti without taking any of their belongings with them. The rest of their belongings were left in the bush and they went to Malheti with the only clothes they wore at that time. They were just about to leave Buabua when the other Joint Operation Group started burning their houses; they could not do anything but just stand and watch. They were then led to Malaheti and one of them had to carry a flag to show them that they were their victims. ... When they got to Malaheti they were instructed to sit in the sun. They sat under the blazing sun for about three hours and some of the women and children lost conscious because they were hungry."*

Statement No 1010





## *8. Torture and Ill-treatment*

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# Torture and Ill-Treatment

*“They kept on beating me and even they started to cut me with their knives in the face and on my back and I started to lose a lot of blood. They even urinated on me...”*

Statement No 4402

*“They told us to sit on the ground with our hands at the back and they tied our hands and feet with wire using pliers to tighten the wires around our flesh. You could feel that the blood had not circulated well through the body system, after binding our hands and feet they started to beat us up, there was nothing any of us could do.”*

Statement No 0843

The TRC received more than 1,400 statements that described experiences of torture and ill-treatment. Like abductions, the motives focused on the ethnicity of the victim, accusation of being a “spy”, punishment, or to gain information. Many of the victims that came forward continue to feel trauma and requested counseling and assistance to restore their lives.

Most testimonies on torture and ill-treatment described acts leading to physical injuries using weapons and threats against life. IFM and GLF were responsible for most cases of torture and ill-treatment, followed by MEF/MAF and the Joint Operation /RSIPF.<sup>67</sup>

The TRC documented a peak in the number of torture and ill-treatment in 2000, coinciding with the establishment of the MEF. Earlier, between 1998-1999, IFM was the main perpetrator, with only a few cases of torture and ill-treatment by the police. In 2000, the MEF was mentioned in 43 percent and the IFM in 26 percent of the cases as perpetrators. Between 2001 and 2003, the main perpetrators were the Joint Operation and the GLF.<sup>68</sup>

## **Modalities of torture/ill-treatment by perpetrators**

<b>IFM/GLF</b>	<b>MEF/MAF</b>	<b>JOP/RSIPF</b>	<b>BLACK SHARKS</b>
Beating	Beating	Beating	Beating
Insults/Swearing	Insults/Swearing	Insults/Swearing	Insults/Swearing
Threats Against Life	Threats Against Life	Threats Against Life	Threats Against Life
Use of Fire	Use of Water	Use of Water	Use of Weapons
Use of Water	Use of Weapons	Use of Weapons	Others
Use of Weapons	Others	Others	
Others			

The TRC made three key findings on torture:

1. Torture and ill-treatment were human rights violations suffered mostly by defenseless civilians, but also by combatants at any time the conflict between 1998 and 2003. They were inflicted by all armed actors.
2. Torture and ill treatment were used indiscriminately by armed groups to “punish” or to obtain information, but also to humiliate persons and impose fear and pain to subjugate people to their power. Much of the acts of torture and ill-treatments was intra-ethnic (committed by a militant group against people of their own ethnic background).
3. There was no state institution capable either of protecting citizens or of preventing the impunity with which the crimes were committed.

*“...As a person from Guadalcanal I felt okay with militants as they knew I was from Guadalcanal and they ordered and harassed friends from other provinces. Shortly after the militants appeared with serious faces and nobody spoke or smiled at me...They signed to me with the barrel of their guns and their hands to go outside...They suspected I was a spear because I was not involved in the tension. They tied me and beat me and questioned me and I told them I knew nothing, was not involved in anything and that I am just working. They continued punching me until late in the evening. With a severely bruised faced and my eyes swollen and bleeding, they tied me near a big stone. I thought I was going to die when one of them came and put his gun here. I was tied so I really could not do anything. He pointed his gun at my forehead and engaged it; a little pull on the trigger and it would fire and I could have fallen on the top of the stone. They held me and the only thing they told me was, “we want to question you so we will be going to our camp. ... We arrived there and it was one of their bigger camps and they took off my blindfold and I could see two poles with a crossbeam between them. They tied me to the two poles and I was in the center, like a goalkeeper. The only question they kept asking was, “how, you look l like a spear, I think you spear for the Seagulls,” which I honestly say today in front of the nation I am innocent of. When I answered them, “I don’t know,” they continued to beat me with sharp objects like a knife and a gun. They continued to beat me with the butt of a gun and you can now see scars on my face of a knife that went directly down my face. There they hit me with a barrel of the gun, which left a cut in the middle of my face.”*

Male Victim, Honiara Public Hearing<sup>69</sup>



## *9. Sexual Violence*

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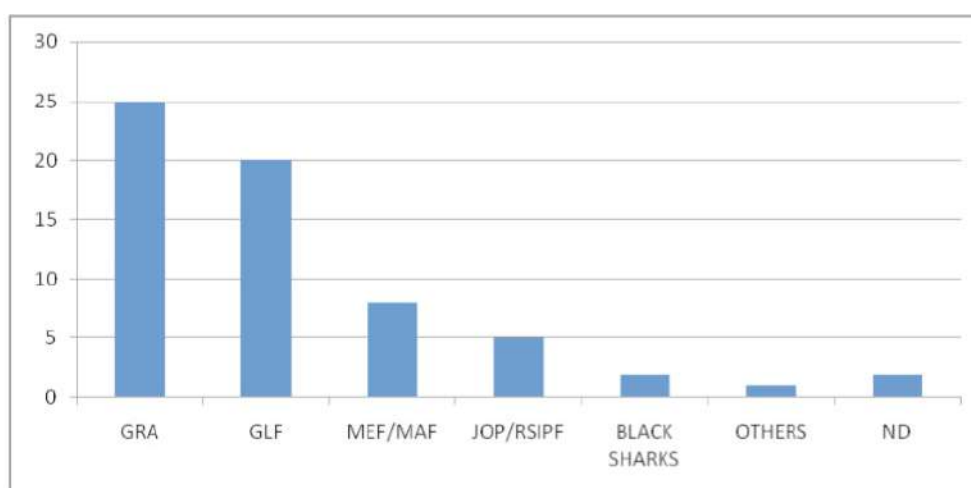


# *Sexual Violence*

The TRC received 63 cases of sexual violation. Many other statements and testimonies referred to cases of sexual violence inflicted to another person. Women and were the sole reported victims of rape. Boys and men, however, were also victims of sexual violence such as forced nakedness, violence against sexual organs and being forced to witness behaviour of a sexual nature, as outlined below.<sup>70</sup> In total, eighty-three percent of the victims of sexual violence were women and seventeen percent were male.<sup>71</sup>

The TRC received eight statements (14%) where the victim was younger than 14 years old at the time of the event; one of them was only 8 years old. A plurality of the victims (21 cases or 37%) were between 15 and 18 years old at the time of the event. According to the definition of the Constitution of Solomon Islands, which defines a “child” as any person up to 18 years, more than half of the victims of sexual violence were children. Another 25 percent (14 cases) of the victims were between 19 and 29 years; nine percent (5 cases) between 29 and 39; another nine percent between 39 and 49; and seven percent (4 cases) between 50 and 60 years old.<sup>72</sup>

**Perpetrators of sexual violence cases reported to the TRC**



The impact sexual violence continues well after the crime, resulting in devastating situations for individuals, families and communities who must cope with consequences such as unplanned pregnancies, stigmatization and rejection, diseases and reproductive health issues, psychological trauma, and disintegration of social fabric. The TRC documented the impact of sexual violence:

## Trauma

These events had subsequent consequences for victims of crimes who had no access to formal justice, psycho-social support, counselling or debriefing, and resulted in a high level of trauma which remains with many victims today.

## State of fear

On a more universal level, the most common consequence of sexual violence was a generalized state of fear mainly among women. As stories about rape cases were spreading, women grew afraid that something similar could happen to them at any time.

In Malaheti on the Weather Coast, for example, women lived under permanent fear that they could be raped by one of the members of the Joint Operation who had abducted them from their home village. Women knew about rape cases that had happened and were conscious that they were also at risk:

*“During that time there we had to go to our gardens and we had to do it within an hour. If we were late we had to go back home with nothing. And they could bash us on our way back home. During those times we suffered very much and they threatened us every time. They had raped young girls and even married women, and no one wanted this to happen to herself.”*

Statement No. 0945

Becoming victim of sexual violence was always a danger for women and girls. For example, while threats from IFM militants against a girl could be settled by payment of compensation, many times the victim was aware that things could have been worse:

*“They claimed that I used bad words to students who are from Guale. On the following day they arrived at the school again to demand compensation, accusing me of swearing at their boy. They threatened me, so the school had to pay compensation for my safety and my life. I was fortunate enough not to be a victim of sexual violation but I cannot deny that quite a number of girls and women were being raped during this time.”*

Statement No. 0891

The TRC received one statement where a girl committed suicide because of the fear of being raped by an IFM militant. The statement below was given by her father:

*“I will share on what happened to my daughter during the tension. A boy who had joined in with the GRA militia gun pointed my daughter and demanded sex from her. She was with another girl at that time and they managed to escape from him at Manekarako station to our house. The following day the same boy came to our village and gun pointed the father of the other girl of because he was angry with him. The girl’s father told the militant that he was not angry with him and did not know what he was talking about in the end the militant left. My daughter was so afraid that the militant may come and harm her and she took some chloroquine tablets and drank them all. We lost our daughter that same day from drug overdose just because she was so*

*afraid of that militant and decided to commit suicide.”*

Statement No. 1396

#### Pregnancy

Some women become pregnant from their violators. However, the perpetrators did not recognize any their responsibility:

*“The first time I went out with this man was at night, at that time he was carrying a gun with him. I went out and sat down with him; I was frightened to say no because he had a gun. He asked me for sex and I refused, but because I was afraid of being shot I finally gave in. The other night the same thing happened, the same person sent for me through some girls. He asked me to go out with him again. I said to the girls, tell him I do not want to go. The girls accompanied me back to him and I asked what are going to do now. He said let’s go out again and he was still in possession of the gun. I tried to say to him I do not want to have sex anymore. I did not mention anything about being pregnant to him because I was too frightened; but later on I told him that I was pregnant; but he said, I should not tell lies to him otherwise he would shoot me. I told my parents that I mentioned to the boy that I was pregnant but he did not accept that I was pregnant.”*

Statement No 0002

*“The IFM came and they took me to the bush and they asked me if I was a spy and they gun pointed me and they told me that if I was a spy they would shoot me right at the spot. They gun pointed me and I could not do anything at all. There was another incident that had happened to me and I got pregnant; it happened in February 1999.”*

Statement No 1477

In another case, a woman was forced against her will to live with a militant from the MEF, in a situation usually referred to as *kastom* marriage. After giving birth to a boy she was abandoned:

*“I was residing with relatives when this member of MEF came to our house and demanded that I marry him. My relatives could not refuse because of fear. I stayed with the militant for a while and later I became pregnant. I gave birth to a baby boy but by then the militant disappeared and now am living as a single mother.”*

Statement No 5038

#### Double victimization

Female rape victims, particularly those who became pregnant, often suffered an additional punishment from the members of their own family. For example, one woman testified that she was raped on several occasions by militants and became pregnant. After finding out about her pregnancy, her husband rejected her:

*“One day she went to the garden and one of the militants came. This person had been interested in her for quite some time but she was not interested because he was already married and had*

*children. He threatened her that if she was not going to obey him he would cut her with her his knife. So he had intercourse with her and as a result she had a baby. After that incident “H” kept quiet about what had happened until her pregnancy became known to others. When this was known, relatives came and asked for compensation and during that time life was hard and there was no money, but they could not do anything because all through those times people were living under threats. Her husband was back at Aruligo, so when he heard the story about his wife being pregnant he refused to take her back as his wife. She just remained at home until the baby was born. After the baby was born they had disagreements so she took her baby and came back to Aruligo. While on the Weather Coast, there were two men also threatened her with their guns. The first one also asked her for sex and if she refused he would shoot her. The other militant also asked for sex and if she refused she should be shot too. She was frightened and so the two militants had sex with her at different times and location.”*

Statement No 0240

Another testified about the father of the rape victim who tried to force her to marry the perpetrator:

*“Satan’s group was already around. When the militants came, one by the name of “M” came to [our daughter] and pointed the gun at her and sexually abused her. As the result of this sexual abuse she was pregnant. She had a baby girl but when she came back to us, she did not reveal what had happened to her. She only told her aunty about her pregnancy and that she was sexually abused. When we knew about this her dad was very angry with her. He asked her about the father of the child and she told her dad about the whole story. She told her dad that he was one of Satan’s militants. He was very cross with her and told her that she should go and marry that man. In fact that girl did not marry that boy and she decided to stay single.”*

Statement No 0554

Crimes of sexual violence committed during the conflict occurred against a background of pre-existing cultural protocol, disrupted social norms, debilitating fear and unrelenting threat. Sexual violence which occurred in different contexts during the conflict prompted different community responses and reactions.

Below are the full findings of the TRC in relation to sexual violence:

- Sexual violence was committed predominantly against females (83 percent of the cases reported to TRC, or 51 out of 63 cases), but there were also male victims. The human rights violations were perpetrated by all of the armed groups, including the police and Joint Operation members. Acts consisted of rape, sexual slavery, forced nudity, sexual harassment and violence against sexual organs, and being forced to witness behaviour of a sexual nature. No evidence of forced pregnancy or enforced prostitution was reported to the TRC.
- Sexual violence comprised three percent of the human rights violations reported to the TRC but testimonies suggest that the real incidence was considerably higher. Cultural codes and the stigma and shame surrounding sexual violence were significant obstacles for victims or their families coming forward. This factor is especially pertinent to Malaitans, who reported that discussion of sexual violence was especially



taboo.

- There were reported cases where women and girls were used as sexual slaves or forced into relationships with militants who exhibited possession over them. Women in these circumstances reported being used until they fell pregnant, after which they were abandoned or returned to their families. Some became social pariahs deserted by their husbands if they were married or rejected by their families because they had been shamed by their experience. It was immaterial to the wider society that these women and girls were victims in circumstances beyond their control.
- There were incidents where females and males were sexually violated when either they or their families were unable to pay compensation demanded by militant groups. This compensation was a form of extortion imposed upon vulnerable groups by force by men in possession of weapons and power.
- Situations of forced nudity usually formed part of a sequence of events which led to violence or invasion of sexual organs before victims were sexually violated or, for women, raped. Forced nudity was applied to women and men who were suspected of spying or collaborating with the enemy. Forced nudity in front of close male and female relatives shamed both the victim and their relatives equally.
- Sexual violence was not used as a widespread strategy by militant groups against their enemies but was often applied as punishment for someone suspected of either being a spy or collaborating with the enemy. Women reported being sexually violated if they were suspected of being spies. If a man or boy was alleged to be a spy, his sister, daughter, mother or other female relative would be sexually violated in that person's presence. Given the context of avoidance between male and female relatives throughout Solomon Islands this was the ultimate form of humiliation and degradation to human dignity.
- Of the total number of cases reported, 85 percent (51 cases) of the victims were from Guadalcanal. While the numbers are insufficient to draw general conclusions, the large proportion of sexual violations by the IFM and GLF (75 percent of cases reported) requires some explanation. It partly lies the origins Guadalcanal uprising and how it affirmed and reinforced group loyalty and identity. The bonding and group mentality it engendered appears to have played some part in the sexual violations committed during the armed conflict.
- It is important to note the number of testimonies of women and girls in which they mentioned their fear of guns and how frequent a factor it was in their giving in to the sexual advances of armed militants. The militants, for their part, knew how potent their guns made them and they exploited this fear to full effect. The fear of death or injury was very real for female victims.
- The TRC received cases where the victims (men and women) were reportedly targets of sexual violence due to their ethnic identity.
- The state, through the Joint Operation, committed sexual violence during the operation in the Weather Coast. An individual RSIPF officer was also reported to perpetrate rape against a female statement giver.

Not one of the cases of sexual violence from the conflict has ever been punished in the Solomon Islands judicial system.<sup>73</sup>

# *10. Property Violations*

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# Property Violations

*“When militants raided my brother in-law’s house at CDC 1, they took a chainsaw that belonged to me. The MEF militants occupied my house at White River and I still have not got it back. I was ready to receive payment of lost properties when I was threatened by a MEF commander who denied that I had a house at White River. How can he deny it when I have receipts, built it and lived in it between 1991 and 2000?”*

Male Victim, Honiara Hearing<sup>74</sup>

*“I left Malaita in 1975 for Honiara... I saved money and then I approached one of the landowners on Guadalcanal because the landowners had been selling land to people from other provinces... I came up and bought a large portion of land from him for the price of five shell money and \$3,000... According to my view, I had planned the future of my children very well and thought nothing would happen. I built another two permanent houses in the area I bought and I invited my brothers and relatives employed by SIPL to come and make their own gardens in the area I bought. I planted five acres of cocoa plantation and two and half acres of coconut...”*

*We stayed and worked, until one day in 1999 I received a letter from the eldest son of the landowner...The letter’s contents advised me to stop working in the garden and on the land I bought. I questioned myself, why? I bought the land according to the Guadalcanal custom. I called for him to come and explain the reasons I cannot work on the land I bought from them. Next morning he came and invited me to his house and explained to me that the Guadalcanal people are planning to chase every Malaitan from their land, and we should be prepared to abandon the land for our own safety...”*

Male Victim, Malaita Hearing<sup>75</sup>

Property violation was one of the most common human rights violations committed by all the armed actors who were involved in the conflict. The largest number of cases reported to the TRC is related to forced displacement—houses of defenseless civilians were pillaged and burned down. This destruction happened mostly during the first (“ethnic”) stage of the conflict. During the second and third stage (roughly between the Rove armory raid and the arrival of RAMSI), property violation was at the center stage of the conflict, when greed prevailed over grievances and militants were concerned mainly about their own material benefits.

The TRC divided property violation into three different modalities: a. loss of houses, land, crops or plantations (all of these cases were associated with forced displacement); b. pillaging and robbery (including loss of livestock); and c. extortion. Together, these cases represent 32 percent of the total human rights violations reported to the TRC.



## Loss of houses, land and crops or plantations

Most of the statements regarding property violations refer to the loss, usually burning, of houses and, because of this, the loss of household goods. The victims were often defenseless civilians who did not belong to any of the militant groups.

Thousands of properties were destroyed and violated this way. The armed groups usually arrived in the village, expelled the inhabitants and burned their houses to prevent them from returning. There are also many cases where people had already abandoned their village because of fear. The following statements are only a small sample of a great number of nearly identical testimonies:

*“In the New Year evening 1999 they came and burnt our house, and that was the GRA. They came and they poured petrol and they burnt the house and everything inside. That is my story. I was at my aunties’ place and I could see from there when they burnt our house. I came and saw them burning it and I could not say anything. I kept quiet and could not do anything.”*

Statement No. 0182

*“I don’t know the reason why they did that to us. On Tuesday we could see them picking up dried coconut leaves. They prepared these so that they could use them to burn our houses. We did not know what to do, we were helpless. They burnt down all house to ashes, there was nothing left. The people living inland saw the flames and they started running away, too. When the burning was over we came back to check our individual houses but there was nothing left. The priest told us that we all should go to the Church and stay there. We really went through the worst experience of our lives.”*

Statement No. 6024

*“Luckily, before the GRA arrived a woman came and warned us in advance and somehow the truck arranged came in time and we manage to leave unharmed; shortly after arriving in Honiara we learnt that our houses were burnt down.”*

Statement No. 1512

The TRC received 282 cases of loss of land. Settlers from Malaita and from other islands often had purchased land on Guadalcanal years or even decades ago, and some of them had accumulated considerable extensions over the years. Even though they had paid for their parcels and followed the requisites of local custom, they were the first victims of the conflict, which began as a violent effort of Guadalcanal people to recover land from outsiders. As with the loss of houses, loss of land was thus usually related to forced displacement.

*“We used to settle on Guadalcanal on an area called Koli. We bought the land from the Guadalcanal land owners. We stayed until the fighting started, we heard of rumors that several*



*people were killed, assaulted, threatened and their houses burnt to the ground. We stayed despite of the rumors, however then we learned that the fighting was coming closer to where we were. The landowners came and warned us to leave since the militants had planned to attack our settlement towards midnight. We then decided to leave for our safety, we left without carrying any of our belongings and properties since we were so scared and wanted to move out quickly before the militants arrived. We left without taking any of our properties and belongings. Arriving in Honiara we stayed with my brother and later we came over to Malaita. We left our food gardens, coconut and cocoa plantation as well. Unfortunately, we did not receive any money from the lost property payment over the things we lost on Guadalcanal.”*

Statement No. 7426

*“We lost all our properties during the course of the tension. I bought a land down at Aruligo and built a house there, including a very big coconut plantation. I also bought another area at Kakabona and I built a big warehouse on top and it was one of my buying points for cocoa and copra, including a house. I also bought a spot along the seafront where today you can see the women selling cooked BBQ foods. Besides I also bought another area on the plains along the Mberande River from Guale land owners. I lost a lot of properties, assets and lands I had bought from the Guale land owners.”*

Statement No. 7356

*“We bought the land on Mberande from the land owners; a few weeks later news reached us that the GRA militants had burnt down my permanent house there. I still have the receipts of the land I bought from the land owners and the total expenditure and cost of my house. I really appreciate the help from our Guadalcanal friends at that time, they came and warned us beforehand and helped in collecting our belongings.”*

Statement No. 7343

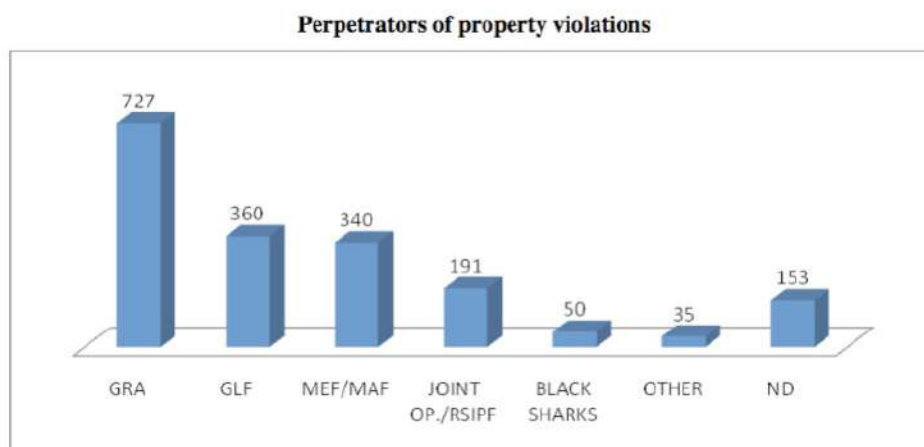
Most of the cases occurred during the first stage of the conflict when the Guadalcanal militants evicted settlers from other islands, particularly Malaitans. This explains why by far the main perpetrator was the GRA/IFM, although the TRC received also some statements referring to other perpetrators.

The TRC received 831 cases of loss of crops or plantations. Loss of crops and plantations is also closely connected to forced displacement, though in this case more people from Guadalcanal were affected who were forced to live for several months in the bush from fear of retaliation by the MEF. While forcibly displaced families from Malaita who had to return to their island usually also lost their land and their crops and plantations, this was not the case with displaced persons from Guadalcanal.

*“A few months before the period towards the tension my father bought land at the Mberande area. We settled there and cultivated the land to produce crops to generate income. We planted potatoes, taro, cabbage, yam and we also raised pigs and chickens thinking that nothing will happen to*

*us. .... and my husband had just started building our new permanent house on the land...Not long afterwards we started hearing that fighting had escalated along the coastal areas and guns shot can be heard, we were petrified and the sound of warning was heard. We quickly gathered whatever we could carry that day and we fled over to Honiara on board a truck.”*

Statement No 7381



#### Findings of the TRC on Property Violations:

- Armed groups of militants acted as criminal gangs, committing atrocities that violated the Geneva Conventions on internal armed conflicts. These gangs stole the goods and money of the undefended population and restrained, in an abusive and arbitrary way, their fundamental liberties and rights.
- The forcible displacement objective was accomplished by massive property violations. The majority of the property violations cases were associated with forced displacement or part of the same event. Other significant cases of property violations were associated with criminal acts, some of which were related to the distortion of the traditional use of compensation.
- Property violations occurred at all stages of the armed conflict from 1998 to 2003 without distinction as to who was the predominant armed group at different stages of the conflict. Power was wielded by local commanders and fighters who aided and abetted criminal activity rather than controlling it.
- Schools, clinics and government facilities were also destroyed or pillaged by militant groups, adversely affecting the provision of essential services as health and education.
- The EXIM Bank loan for compensation payments announced by the Sogavare Government in the period after the removal of the Ulufa'alu Government in turn triggered a tide of extortion activity that was extreme. Large amounts of government money were diverted at gunpoint by MEF militants for personal use.
- Property violations occurred in the manner and on the scale that they did because the RSIPF was in no position to maintain law and order effectively in Guadalcanal.<sup>76</sup>



# *11. Forced Displacement*

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# *Forced Displacement*

The TRC received 1,882 testimonies of forced displacement with the names of 11,292 persons who had to leave their homes because of the conflict. Forced displacement was the human rights violation that affected the highest number of persons who gave their statements to the TRC. Together with property violation, it represents the “showcase” of the conflict in Solomon Islands.

*“In 1998 there was a shoot-out at Mahu village in Kakabona between the Police Field Force and the Guadalcanal Revolutionary Army (GRA)...I saw militants running through the village and women and children crying. It was sad seeing them being scattered all over the place and some even ran to the main road as they were looking for a place to hide. It was a bad and sad time for all of us. My husband came and woke me up from bed and told me that we were about to be killed and I panicked in terror... To worsen the situation, we had nothing; we did not take anything with us and my little babies only had what they were wearing: shirts and the other little things. We had nothing at all except the boat and outboard motor engine... I am woman I should not be building a house for my family but actually I need to have a home for my family to stay. I had two houses and I had lost everything inside and even the houses.”*

Female Victim, Tulagi Hearing<sup>77</sup>

*“The stories we heard through rumors in the past months were true: they had guns, young men were wearing kabilatos and holding machetes and they came in big group... Militants from the area all gathered at the station and burnt down houses that were owned by Malaitans. After boarding the vehicle we looked back and saw our house being burnt down with all the contents inside and saw a lot of people struggling to find transport, women and children crying and they looked traumatized. We were transported to the care centers in town, temporary makeshift shelter for displaced victims...From there we waited for Red Cross to arrange to transport us back to our home provinces... I saw people being brutally killed and victims lose everything they own except the clothes on their back.”*

Male Victim, Honiara Hearing<sup>78</sup>

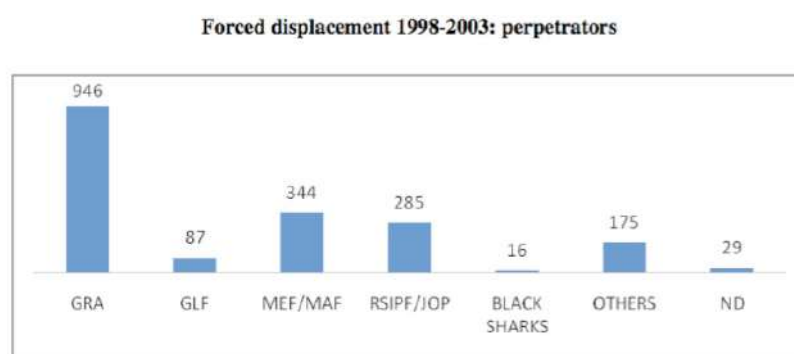
In total, 33 percent of the displaced households left because they received direct threats from one of the militant groups, and 67 percent of the families decided to leave because the general situation had become too insecure for them.<sup>79</sup>

The first stage was the period from the beginning of the conflict in 1998 until the end of 1999 when the Malaita Eagle Force (MEF) started to retaliate. It was during this stage that 64 percent of the forced displacement cases reported to the TRC took place. Most of the victims were Malaitans (59%), but even in this early phase there were already many people from Guadalcanal (31% of the victims) who decided to leave their home because of a



generalized state of insecurity.

The retaliation of the MEF from January 2000 onwards initiated the second stage of forced displacement, which reached its peak after the Rove armory raid in June of the same year when MEF launched “Operation Eagle Storm” which attacked communities surrounding Honiara and forcing many villagers to live for several months in the bush. The second stage ended with the TPA. The third stage corresponded to the Joint Operation on the Weather Coast, when the paramilitary Police Force and former militants converted into Special Constables forced hundreds of families to live for a long time in the bush.<sup>80</sup>



The TRC made key findings on forced displacement:

- Forced displacement was the human rights violation with the highest number of victims and was committed by all armed groups that were involved in the conflict.
- Victims of forced displacement were civilians who were obliged to leave their homes as a direct effect of the armed conflict. This occurred under direct threat or because they heard what had happened to others and feared for their lives.
- The TRC identified two types of forced displacement. The first type affected families from other islands who were evicted from Guadalcanal by the IFM; most of the victims were settlers and plantation workers from Malaita. The second type of forced displacement affected families who were forced to abandon their homes and live in the bush for long periods of time; here, the overwhelming majority of victims were Guadalcanal people.
- The Commission identified three stages of forced displacement between 1998 and 2003. The first type comprised the time from the beginning of the conflict until the end of 1999 when the Malaita Eagle Force started to retaliate. This was the time that forced displacements reached their peak; the victims were mainly Malaitans and most of the displacements were of the first type. The second stage comprised most of 2000 until the Townsville Peace Agreement; and the third stage corresponded to the Joint Operation on the Weather Coast in 2001 through 2003. The second and third stages affected mostly families from Guadalcanal who were forced to live in the bush.
- Forcibly displaced families usually lost all their properties. They also lost education and business opportunities. Forced displacement was a traumatic experience that affects their lives up to the present.

- Forced displacement did not only affect the displaced families but the whole country, because it had a huge impact on the economy and the social services provided by the state.
- Until the present, no apology or reparation has been offered by the Government to the victims.<sup>81</sup>

# *12. Impact on Women and Children*

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## Impact on Women and Children

*“When the Joint Operation came and set up their camp here at Kolina, they went with some of our girls and they got pregnant. Three of them, they took them but they did not pay bride price. They also took some others but they did not get pregnant. The parents of the girls got angry at the boys and asked them to pay bride price, but up until today they have not paid those girls bride price as yet.”*

‘H’, Weather Coast<sup>82</sup>

A total of 2,362 statements were collected from across nine provinces, of which 879, or 37 percent, were provided by women (36 of these statements were given with their male partners). An in-depth case study on women was conducted to produce this chapter. Three female researchers were engaged to document women’s experiences during the time of the Commission. In addition to information from the public and closed hearings and statement transcripts, a 100 additional interviews and 11 focus groups were conducted in Honiara, Guadalcanal, Malaita and Western Province.<sup>83</sup>

*“It caused fear and the feeling of insecurity loomed around everywhere you went. Being a female we felt really insecure in our own home.”*

‘Y’, displaced from Honiara to Malaita, Kibokosi

When asked about their experiences during the conflict, the majority of women who testified before the Commission immediately referred to a pervasive and inescapable sense of fear—‘everyone had panic in their hearts.’ Disrupted social norms, heightened violence, lawlessness and the presence of weapons generated fear which permeated the daily lives of women and girls and shaped how they carried out their everyday tasks and responsibilities.

Women were unaccustomed to weapons and the sounds of gunfire, and many women mentioned their presence as a significant cause of their fear:

*“Most of what they [the militants] have caused [is] fear, especially for us mothers and children. They normally walked around openly with guns, discharging them around Auki town. All the things that happened during that period were a total new experience for everyone, it never happened before. As a mother and parent I was always worried over the safety of my children especially when they went to school – we were not free to move around freely”*

‘R’, Auki



*“As the matron of a hostel I was responsible for looking after many girls. During that period there were men going around with guns, causing fear among my girls. I lived separately in a small house allocated by the company; however, every night the girls would come and spend the night with me in my house, the matron’s residence. We squeezed together every night, and some slept under the table and beds in my house. We found the environment very uncomfortable, several times men tried to enter the hostel. Generally we were vulnerable since these men were armed with guns.”*

‘M’, Noro

Due to the level of fear they experienced, women’s freedom of movement was severely limited.

*“Mothers gave birth in the middle of the bush. Some in pouring rain, some in heat, but all in fear.”*

Testimony at TRC National Leaders’ public hearing, 04/11/2011

Basic health services were severely disrupted during the conflict and access to remaining services were restricted due to security concerns and limitations on movement. This disruption had serious consequences for victims of gender-based violence, pregnant women, women caring for children, and the sick and elderly.

Pregnant and lactating women are at particular risk during conflict because they often face life-threatening emergencies that require immediate medical assistance. During the tensions, antenatal and postnatal services around the country were affected as health clinics lacked resources such as medical supplies and transport to provide satellite clinics. Logistical difficulties, safety concerns and short-supplies of medicines contributed to an increase in pregnancy complications.

A nurse at the time in Auki commented on women’s reluctance to attend health clinics and hospitals due to security concerns, and noted how this particularly affected pregnant and nursing mothers and their children:

*“Women were afraid to come to the hospital because at that time in Auki people were around with guns and one time the hospital was threatened. . . . At the time a lot of women had home deliveries because they were afraid to come to the hospital. . . . From the deliveries at home, a lot of children were sick, but they were afraid to come to the hospital too, because of fear. Many didn’t come for antenatal checks because they were afraid.”*

‘J’, Auki

Through a series of consultations organized by the International Center for Transitional Justice (ICTJ), women leaders from around Solomon Islands gathered in a series of provincial and national workshops to share their experiences and compile and produce a women’s submission to TRC. This submission, “Herem Kam: Stori Blong Mifala Olketa

Mere”, referred to throughout this report as a supporting document, gives a voice to women’s experiences during the conflict and peace process. It was written by leading Solomon Islands women following the above participatory workshops that involved approximately 60 women.<sup>84</sup>

Women survived displacement, killings, property violations, torture and ill-treatment, abduction and sexual violence. The trauma and ongoing consequences from these experiences continue to affect many women today. While peace agreements may stop public forms of violence, killing and destruction which occurred during the conflict, “crimes against women often do not stop when the guns fall silent.” Post-conflict contexts are often characterized by ongoing and sometimes increased levels of violence and insecurity for women. The widespread occurrence of rape and sexual violence has continuing ramifications for victims and survivors, particularly where children were born as a result of the conflict.

The findings of the Commission confirm that the patterns of gender-based human rights violations and the impact these violations had on women are rooted in existing gendered social roles and inequalities in Solomon Islands. Therefore, even when men and women experienced the same violations, they were affected differently. In addition to shared experiences of violations, women were also targets of gender-specific crimes such as domestic and sexual violence and rape. It was also found that many of the consequences of the conflict became primary threats to women’s safety, health and well-being (such as lack of medical facilities for pregnant and delivering mothers and sexual violence survivors, absence of security or police-protection for victims of crimes, and unsafe public areas restricting women’s movement to gardens or other food sources).

These findings show that to address the impacts and consequences of the conflict for women, the root causes of their experiences, such as their pre-existing lower status in society compared to men, must also be addressed for lasting changes and peace to occur. Women’s experiences during conflict offer potential for social transformation by challenging the traditional gender-based division of labor. With women heading households, they took on a number of roles usually assumed by men, such as heavy work in the garden and preparation of building materials. These tasks, however, were taken on in addition to the regular demands of women’s roles and responsibilities. So while women assumed greater responsibilities and took on tasks in addition to their traditional roles, these new responsibilities did not necessarily result in increased gender equality. Women’s role in peace building helped dissolve some of the barriers to their involvement in public life, however, without representation in decision-making bodies, this new role did not transform into decision-making and representation roles in the post-conflict context.<sup>85</sup>

### Findings on the Impact on Children

Children were affected by the tension in many ways. They were victims of human rights violations and the breakdown of social services. Most of them lament the loss of education opportunities.

According to the definitions in international humanitarian law, children were also involved in the tension as child soldiers. In Guadalcanal, they had to serve as security guards in their village, dig for World War II weapons and bullets, and fabricate homemade guns. Some of them were used as spies; others accompanied their commanders to carry out militant actions. In the MEF camps around Honiara, male children served mainly as cooks and porters or shopped for the militants. The older children carried weapons and helped to guard the town borders.

All these activities are defined in international humanitarian law as “participation in hostilities.” On both sides, children were involved in criminal activities on behalf of the militants, the most infamous example being the “mafia” group from north Malaita.

Even if most of the former child soldiers insist their involvement was voluntary, the adult members of their respective militant group failed in their responsibility to protect them. This also applies also for the Solomon Island Government, who, because of the tensions, failed to implement the 2000 National Youth Policy.<sup>86</sup> Specific testimonies follow:

*“In 1999 I was preparing for my Form 5 SISC exam when everything at West Guadalcanal worsened and lot of us at school felt traumatized... A lot of girls were raped around July 2000... In September we had an assembly and the teacher told us that Malaitan students have to leave the school. It was emotional, we all shed tears and even the principal standing on the pulpit wept. In the end we had to be evacuated and had to sit for our Form Five exams in Honiara at St. Nicolas School. Some of us did not do well as we were traumatized by the events at Selwyn College. I went home and my parent told me to continue but I could not concentrate and did not finish my studies. After two attempts I gave up. Even my teacher tried encouraging me but being traumatized it was too hard.”*

Female Victim, Honiara Hearing<sup>106</sup>

A three-year-old boy was killed when Guadalcanal militants opened fire on a truck whose passengers were travelling to the market in Honiara (Statement No 0005). In Marau, three teenagers were killed in an act of retaliation by members of the Marau Eagle Force.

Children were also victims of ill-treatment by armed groups, including the RSIPT. This happened, for example, in mid-1999 when the GRA assaulted Tangarare School with the aim of evicting Malaitan students:

*“It was in 1999 and I was doing my studies at Tangarare School. It was about the month of June when the GRA came to the school. They came for the students from Malaita and they came to chase them. They asked us where the students from Malaita were and we were very scared and told them that they were sleeping at the dormitory in the middle. They then went there and some of the boys jumped through the window. They managed to catch two of them. They led them to the clinic area and they bashed them and whipped them and butted them with the back of the gun. They punched them badly and they took off their clothes. They were naked and they still whipped them and bashed them. One of the men who was holding one of the students let him free and he ran away to the Catholic sisters’ mission place and the sisters gave him clothes; but the militants saw him and punched them again until they were unconscious. When the militants left we washed their bodies as they were covered with blood then the school principal came and told us to leave. The next morning we tried to find transport to our village.”*

Statement No 0234

Children who were suspected of being “spears” for the MEF were not spared the inhumane penalty:

*“I was also threatened by the GRA militants. They said that I was a spy for the MEF. I was tied to a tree for three days. I was released after three days.”*

Testimony of ‘GH’, TRC public hearing for Youth, Honiara 22/11/2010



Among the suspected supporters of Harold Keke who were maltreated by former Malaita Eagles on the Joint Operation patrol boat en route to Honiara was a 14- year-old boy who was severely beaten and forced to drink his own urine:

*“The Joint Operation suspected that we were involved with Harold Keke’s group. We did not know anything about Harold Keke because we were just living our normal life at home. They told us that the whole community had to move to Mbiti. When we got to Mbiti they tied us up with only one rope. All the time we were tied up and there were seven of us. They treated us like animals; whenever they had their meals they would throw some food just in front of us. We could not move because we were tied up with a rope. The next morning they started to beat us up again. They beat all of us, and this was the type of beating that would result in death.*

*The patrol boat was waiting to take us to Honiara. When we got on board they started to beat us up again. I was told to urinate and drink it, if not they would shoot me. I thought of my own life so I had to drink it. Then we got to Rove.”*

Statement No 0167<sup>126</sup>

# *13. Social Cost of The Conflict*

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Statement No 0167

## *Social Cost of the Conflict:* *“Development in Reverse”*

The tension of 1998-2003 between the IFM and MEF engulfed and shattered Solomon Islands. Villages and homes were burnt to the ground. Women and girls were raped; there was torture, ill-treatment and forced displacements, and innocent civilians were killed or simply vanished. The tension also had direct impact on basic social services. The population experienced economic collapse, social disintegration, and strained relationships between individuals and communities. All these realities created an environment in which the people experienced disrespect, mistrust, hatred and fear, including lack of confidence in public institutions and national leadership. Since the conflict of 1998-2003, Solomon Islands has been a nation of continuing tension. The complexities of the tension and the people's struggle for peace and justice are more apparent than ever.

*“When the tension reached its peak in 1999, my family and I ran a petrol depot and a small retail shop. We were taken by surprise during the early years of the conflict between 1999 and year 2000 when our family business was exposed and we became victims. The GRA came to our store and took whatever they wanted. We were powerless because the militants were aggressive, living according to jungle laws. We could not stop them and our small business eventually closed...When our small business collapsed, my family was left with nothing and we hid in the dust because it totally changed our lifestyle. As a result we were victimized and traumatized.”*

Victim, Visale Hearing<sup>145</sup>

*“I was employed by Gold Ridge Mining Limited as a heavy equipment fitter under UMW... The armory takeover took place on 5 June 2000 early Monday morning while I was on my shift. All of a sudden I could hear heavy gunfire outside my window. We went outside and we were asked to lie down outside our rooms. By then the Guadalcanal militants started beating up the officers who were manning the mining site... We did not work that day and during the night we remained indoors. On Tuesday morning, 6 June, 2000, we went to check the workshop but it was already empty. Most of the toolboxes and other things were either destroyed or taken away... I was then accused of spying for the Malaitan militants. I was threatened and told not to go anywhere. I would have to wait for them until they came back. I waited all through the night being so frightened and went to see my immediate boss for any possible arrangement for me to go on the first trip on the chopper to town. On Wednesday, 7 June 2000, I took the first chopper trip down to Honiara so when the militants came back on Wednesday morning I was not there. When in town I did not feel safe so my parents had to send me down to the Western Province on the MV Tomoko. I lost my job, I lost all my tools and I came to town with only the clothes I wore. Until I got my next job I was unemployed for more than three years.”*



## Victim, Gizo Hearing<sup>146</sup>

*“On a Wednesday in 1999, my community at Chea village on Marovo lagoon, ward 24, woke up and were about to start on their daily routine and children were ready to go to school when a boat came onshore firing two shots in the air....After that incident the people in our community were traumatized, men were scared to go out fishing and our children were afraid to go to school. The main income of the Marovo people is carving where every week they go over to IUPI Resort to sell their carvings. After the incident the men from our village were afraid to go and sell their carvings. These are some of the effects it had on our daily life.”*

## Victim, Gizo Hearing<sup>147</sup>

Between 1999 and 2000, all major industries either closed or scaled down operations due to the prevailing security situation and the deterioration in law and order. The Solomon Islands economy was “in a disastrous condition due to the closure of these major revenue-earning businesses such as Solomon Taiyo Limited (STL), Gold Ridge Mine, Solomon Islands Plantation Limited (SIPL), some logging operations, reduction in tourism, and closure of many businesses in Honiara.” It was estimated that the economy contracted by 14.3 percent in 2000, another nine percent in 2001, and a further 2.4 percent in 2002, primarily as a result of the closure of many major firms after June 2000. Exports of palm oil and palm oil products fell from SBD\$97.9 million in 1998 to SBD\$65.1 million in 1999 and subsequently to an estimated SBD\$6.5 million in 2000 before production ceased altogether in late 2000. Fish export revenues, which suffered as a result of low prices and civil unrest, sank from SBD\$195 million in 1999 to SBD\$45 million in 2000. As a result, Government revenues declined by 50 percent during the tension years.<sup>148</sup>

The tension led to the collapse of major industries like the oil palm plantation, logging and gold mining, as well as a huge reduction in fishing activities. Consequently, unemployment increased, and government revenue drastically declined, causing general deterioration in service delivery, including health services:

*“The economic effects include declining production, employment, revenues and investment and destruction of productive investment. The general economic crisis forced cuts in the budgets to the social services including health. Procurement of essential drugs and medical supplies becomes a major concern.”*

## National Annual Health Report (2000.)

This situation brought about a dramatic decline in public spending for the health sector, since “the Solomon Islands Government [is] a major health provider, funder and regulator of health services for the people in the country”.

In 2000, 2001, and 2002, when the Government had problems maintaining effective health services, donors stepped in and increased their support to the sector. An administrator in the Ministry of Health and Medical Services (MHMS) said in an

interview that the “Ministry of Health was lucky to survive through the mercies of donors as they poured in more support directly and indirectly.” The Annual Report of the Solomon Islands Central Bank for 2001 similarly reported that, without the goodwill of the donor community, services in health would have been discontinued.<sup>149</sup>

As provincial grants were halted, the quality of health services deteriorated. Some rural clinics were almost non-functioning due to lack of medical supplies. Nurses interviewed by TRC researchers reported that they were not following proper medical procedures in treating patients or supplying health services. Given that they had limited medical equipment, they had to use whatever was available. Sometimes they could not sterilize their hands and at times used water instead of disinfectants on patients.<sup>150</sup>

The forced displacement of thousands of families resulted in the overcrowding of provincial hospitals. Gizo Hospital in the Western Province and Kilu’ufi Hospital in Malaita Province reported almost a threefold increase in patients, especially women and children.<sup>151</sup>

A report by UNICEF states that it is difficult to evaluate the psychological impact of the tension on the people of Solomon Islands because victims include not only people who suffered human rights violations such as physical violence, loss of property or forced displacement, but also those who lost their sense of personal security and confidence in the future. Many were also traumatized by the breakdown of basic needs such as salaries and essential public services:

*The extent of traumatization of the population is unknown. A poll of Honiara people attending markets and other meeting places in 2004 found that the families of 85 percent of men and women had been directly affected, with 75 percent of men and 73 percent of women suffering direct personal trauma, including rape, death of family members, violence, intimidation and being held up at gunpoint. The Family Support Centre, a Honiara NGO that assists victims of violence and trauma, reported an increase in its clientele from 71 in 1997 to an average of 200 annually from 1998-2001 to 676 in 2002. Some of the violence was perpetrated within families to demonstrate allegiance to the militia.*<sup>152</sup>

School performance was affected on all levels. More than half of primary schools on Guadalcanal had to close temporarily as teachers and students fled the violence. Secondary schools such as Tangarare, Ruavatu and Selwyn also shut down. In May 2000, St. Joseph’s in Tenaru closed operations:

*“In May 2000, Tenaru School closed its doors. The order of the evacuation was that the Guadalcanal students left first, followed by Malaitan students and staff and then the rest of the students from other provinces. Some students were transferred to schools in Honiara, while others had to wait for the school to resume classes. One Guadalcanal girl decided to stay with her teacher in fear of returning to her village. She did not want to wear grass skirts and was afraid of rape and abuse from the militants.*

*The school compound was left behind at the mercy of the Guadalcanal militants. The interviewees reported that they used the classrooms and dormitories as their camp after the students left, but kept their promise to look after the school properties. It was after the signing of the Townsville Peace Agreement that most of the school properties were damaged. These damages, according to the interviewees, were done by the members of the Malaita Eagle Force. They removed louvers, glasses, sewing machines, science lab equipments, broke walls of classrooms, shot cows and took away any valuables they could lay their hands on.*

*In 2001 the majority of the students returned and classes were resumed. However, the teachers identified elements of no-care attitudes on students, probably influenced by the crisis and the fact that students had spent almost a year away from school. Academic performance returned to normalcy in 2002.”*

Summary of an interview with teachers from Tenaru School.<sup>153</sup>



# *14. Exhumations*

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# *Exhumations*

As part of its mandate, the TRC was tasked to address the recovery of human remains. The TRC conducted 4 exhumations, in cooperation with the Director of Public Prosecutions and the police (RSIPF) and 200 verified deaths. Prior to the establishment of the TRC, 52 exhumations were conducted by the RAMSI peacekeepers.

The Commission recognizes the importance of exhumation as a contribution to national healing and reconciliation. Exhumation is a very sensitive process for the family members of the deceased and the society. It puts a closure and healing to the long-suffering of grief of family members.

Healing of individuals often has a ripple effect that leads to healing concurrently at the level of the society and its value system. In any culture, the lack of a body to mourn for can cause serious trauma to families and relatives. Human beings have sensed the mystery of death and experience of grief since time immemorial. Hence, every society has developed rites to mark the passage from life through death and to commemorate the dead with dignity.

Cases of death during the tension were brutal incidents in which the family members have no knowledge of the whereabouts or what happened to their loved ones. For the families, their missing loved ones were deprived of their place among the living community and also denied their place among the dead. Thus, they were left to suffer in a kind of limbo. Relatives were left with many heart-breaking and unanswered questions in their minds.

The Exhumations and Victims Program (EVP) was included in the mandate of the TRC. The aim of this program was to investigate the number of victims who died as a result of the ethnic crisis between 1998 and 2003 and determine name, cause of death, burial site and, if possible, circumstances of death of each victim. If the victim was buried elsewhere than his or her family home or village and the family made a request for the body to be disinterred and relocated, then the EVP mandate also covered the exhumation of the body.

EVP officially began in November 2010. The TRC EVP started with a list of 146 victims, gathered by a Ministry of National Unity, Reconciliation and Peace (MNURP) and endorsed by a project of Sycamore Tree Ministry. This project had the same purpose as the EVP but did not succeed after attempts to get formal Solomon Islands Government endorsement did not succeed. From the experience of other international special commissions, exhumations were always going to be a major component of the Commission's work and thus the TRC had formal Government endorsement for this work at its establishment. The nature of the EVP was as follows:

- A multi-tasked and massive undertaking: the project would involve extensive consultations, including with victims' families, perpetrators, communities where the grave sites were located, people who have information about locations and details of grave sites, the courts, police forensic teams, counselors, forensic experts, laboratories, the Government and the TRC as steering body;
- Highly sensitive work: it involved careful research and its application, proper process, negotiation of *kastom* and traditional rules, response to attitudes of people, knowledge of relevant national legislation, provision of information to the right people at the right time, and a good relationship with grieving and sometimes angry families and their various expectations;
- An expensive exercise: in the Solomon Islands context it would involve establishing dialogues with communities and individuals, performing traditional ceremonies, transporting people from place to place, researching, utilizing physical resources, and employing labor, including specialists such as pathologists and anthropologists to study and analyze remains (for example, with DNA testing in foreign laboratories).
- A time-consuming exercise: the TRC was anticipating more than 200 deaths to verify and investigate. Fifty-two bodies were officially exhumed by RAMSI in 2002-2003. From the very start, EVP realized that more exhumations would be required.<sup>154</sup>

The first exhumation took place in Koleasi, central Guadalcanal, followed by the second at Henderson, east Honiara, and the third at Belaha, central Guadalcanal, and the last at GPPOL 1, on the road towards Koli point. There were heavy consultations a week before the exhumations. Communities were fearful about the implications of a victim being buried in their area due to past experiences where people were being attacked by the relatives of victims in Honiara. When cases were between Malaitan and Guadalcanal parties, there was the fear that the TRC exhumations might open old wounds again.<sup>155</sup>

# 15. *Recommendations: Reparations, etc.*

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### **Case: JF**

The most challenging case of the August exhumation was that of JF, a Malaitan man who arrived on Guadalcanal in 1952 to work on the coconut plantations and during five decades ended up settling at Konga, Central Guadalcanal, with his family. JF and his family were one of many Malaitan settlers on Guadalcanal who were chased from their homes in 1999. When he decided to return to check for food in his garden, he was arrested by IFM militants and later killed and buried in the GPPOL 1 area. When the TRC was requested by his son to have his grave located and body exhumed, the biggest task was to get the community of GPPOL 1 together and tell them the intention to exhume the body. The TRC had located an area believed to be JF's burial site and wanted to exhume his body. Consultations with the area chiefs and leaders began, as well as a series of community held talks with TRC. Finally, the approval was given to exhume on the site the TRC had located. The dialogue was difficult, as community elders and members were highly skeptical of the work, and the community youths who had been militants had to be convinced of the good intentions of the program. For the JF case, the dialogue continued over two weeks and when it was plainly put to the chiefs that the TRC had already gathered good information, they decided to cooperate. ..The first attempt to exhume JF occurred on 9 August 2011, and began with an exchange of traditional food and gifts, attended and witnessed by JF's family, the community chiefs and people of Nghaobata village, the TRC Commissioners, SIG representatives and participating groups such as the RSIPF and PPF.<sup>156</sup>

At the conclusion of the exhumation process, the TRC returned the remains of the four victims to their families through a National Memorial Service held at St Barnabas Provincial Cathedral, Honiara, on 27 November 2011. By then the pathologists' identification reports of all four victims were complete and at least in the process of being written up.<sup>157</sup>

The case to continue exhumations is strong. Following the successful exhumation of the four victims in August 2011, the TRC has received overwhelming encouragement to continue the work. Parents of several victims have approached the TRC office to find out if the program is able to look for their loved ones still missing or buried elsewhere who need to be relocated. The underlying aim of the EVP is to offer closure and healing to all families of victims concerned is an important step to national peace and reconciliation.<sup>158</sup>



# Recommendations

The TRC made a range of recommendations based on the deep inquiry into the tensions and the factors that had contributed to the violations. They included the rehabilitation of victims; decentralization of the governance structures to ensure development in the provinces; promotion of social and cultural activities to strengthen national unity; education about the tensions in the school syllabus; addressing the bona fide demands of the Guadalcanal people; recognizing the traditional chiefs; supporting the churches; amending and revising land policies; taking effective steps to achieve equal involvement in decision making for men, women and youth; strengthening the independence of judicial bodies; continuing reconciliation programs; providing another gun amnesty; and recruiting and training professional and impartial members of the police service.<sup>159</sup>

The Commission found that “true national reconciliation” can only be achieved through addressing the root causes of the tensions. The Commission organized its recommendations into two categories:

## **Part I**

1. Victims: Reparation, Exhumation
2. Vulnerable Population: Women, Children/Youth and the Weather Coast
3. Former Combatants: Rehabilitation and Judiciary Trial
4. Reconciliation: Reconciliation as a future process

## **Part II**

1. Institutional Reform: Constitution, Land, Justice System, Security, Health, Education, and Corruption
2. Historical Outstanding Issues: Marau, Bougainville Crisis, and the East Kwaio Massacre.

## **Part I**

### Mechanism

The TRC recommended that a “**leading public body**” should be established under the office of the Prime Minister by Act of Parliament to perform the task of monitoring and facilitating necessary support for the implementation of the recommendations.

The **objectives** of the body would be to: strengthen national reconciliation process through the implementation of the recommendations of TRC; formulate policies and plans and provide funding to implement the recommendations.

The TRC envisioned the appointment of **7 Commissioners** by the Prime Minister, made up of individuals with a strong record of public service, integrity and independence. The appointment would consider a gender balance.

**Functions and powers:**

- a) Elect the Chairperson.
- b) Establish rules and give administrative directives in implementation of the recommendations of the TRC.
- c) Formulate draft legislation for the development of the Commission's programs
- d) Approve the annual plan of activities and budget.
- e) Direct the general policy of the Commission, including programs that are formed
- f) to develop its recommendations.
- g) Submit quarterly reports to Parliament on the progress of activities, detailing the obstacles encountered and indicating, if any, what public institutions have contributed to its management.
- h) Disseminate the results and progress annually on its work to the public.
- i) Appoint, supervise and, if necessary, remove the Executive Director of the Commission
- j) Coordinate with government, NGOs, civil society and communities to implement the recommendations.

The Commission will focus on two areas:

**A. Priority Healing Programs** on:

- Reparations
- Exhumations
- Rehabilitation
- Reconciliation

The Commission will have a direct implementation role in this area.

**B. Institutional Reform Preventative Program**, where the Commission will promote the participation of victims, in the development and implementation of policies by state entities, focusing on women, children/youth, the Weather Coast, judiciary trials, constitutional reform, land reform, justice system reform, security reform, health reform, education reform, and corruption control.

**Funding** will be budget allocated by the Government and international aid; the TRC's property will be used by the new Commission.

**Time frame:** The TRC recommended that the Commission will be established 30 days from the date of enactment of the enabling Act of Parliament, with 3 months dedicated to internal organization. The Commission then has 5 years to implement its objectives. [The TRC is silent about prospect of extension.]

### *The Comprehensive Reparation Plan (CRP)*

Citing the UN Basic Principles for Reparations (2005) and the Solomon Islands' Constitution chapter on Fundamental Rights and Freedoms of the Individual, the TRC recommended that "the state should establish national programs for reparation and other assistance to victims that include restitution, compensation, rehabilitation, satisfaction, and a guarantee of non-repetition."

The TRC recognized the ethical basis losses are irreparable but believed that it is still necessary to restore the dignity of persons and "generate hope for the future." It recommended the establishment of a **Comprehensive Reparation Plan (CRP)**. The TRC states that "the CRP will be an effort to establish relations of equality and respect and prepare for the process of reconciliation."

### **Definition of victims**

The TRC provides a definition of victims as "all persons who have suffered acts or omissions that violated international human rights law during the internal conflict between 1998 and 2003. These violations include killings, disappearances, abduction/illegal detention, torture/ill treatment, sexual violence; property violations, forced displacement and other abuses." The TRC also provides a caveat on "other abuses" to be decided by the Commission based on deliberation on the gravity of the violations.

### **Integrated Programs, Principles and Approaches; Aim and Objectives**

The CRP shall implement **4 integrated programs**, with the aim to achieve "the restitution of rights violated during the conflict and restoration of life." The four areas are reparation in: 1) education; 2) mental health; 3) symbolic reparation; 4) human rehabilitation.

**Principles:** respect and dignity, equity and proportionality; non-discrimination.

**Approaches:** comprehensive, sustainable, taking account inter-generational relations and psychosocial awareness, participatory, recognizing diversity, promoting gender equity and human rights, using symbolic expressions of redress, decentralized.

**Aim** of the CRP is "to compensate the victims of physical, mental and moral harm to enable them to contribute to the strengthening of peace and harmony among Solomon Islanders and to promote national reconciliation."

## Objectives:

- a) “to ascertain, verify and **recognize** the victims of violence and human rights abuse during the tension period;
- b) to implement actions for restitution and restoration of the full exercise of **citizenship rights for victims** of violence;
- c) to contribute to the recovery of the **skills and personal development** opportunities lost by the victims as a result of the time of the tension;
- d) to repair and/or **compensate victims for damages** and human, social, moral, material and economic problems caused by violence on individuals, families and communities.”

## Implementation

The TRC recommended that the CRP will be implemented with relevant **Ministries**, namely Ministry of Education and Human Resources Development (MEHRD), Ministry of Health and Medical Services (MHMS), Ministry of National Unity, Reconciliation and Peace (MNURP), and the Ministry of Lands, Housing and Survey.

- ☐ **Education:** Special training in “hotspots” including support to complete primary and secondary school; exemption from fees; scholarships; adult education; access to employment opportunities
- ☐ **Mental health:** comprehensive mental health service; a focus on registry of victims; recovery of integral community life, including strengthening community support networks; recovery of historical memory; creation of community spaces for healing
- ☐ **Symbolic Reparation:** an apology; a national remembrance day; weapons as symbols of human rights violations in reconciliation processes; sites of memory
- ☐ **Human Rehabilitation:** Reconstruction of houses for people who genuinely lost their homes due to conflict, including roofing iron for houses burnt or destroyed, cash donation (5000 SBD per house in lieu of rebuilding materials) and cash payments.

## Establishing a Register of Victims

The CRP Commission will establish a process for registration of victims, with the objective of “recording the names and details of victims of violence in the tension, who, individually or collectively, are entitled to be beneficiaries or recipients of reparation programs referred to in the CRP.” The Commission will develop public protocols, guidelines, and a database.

The TRC provided 3 key recommendations on reparations:

1. Enact a law to govern the reparation process and implement the CRP that ensures funding;
2. Designate a commission to register victims and coordinate implementation of CRP;



The last recommendation pertains to complications in the establishment of this registry. The TRC mandates the new commission to:

3. Complete payout of compensation by government after the signing of the TPA. It states: “it will first be necessary to complete investigations into who received compensation under previous TPA compensation programs as well as verifying the outstanding compensation claims before payment is made”

### **A Difficult Dilemma**

The TRC report included sections in the recommendation that describes past initiatives to provide compensation that may obstruct the design and implementation of a new reparation initiatives.

*“The Government allocated over SBD\$300 million for such compensation, including the EXIM Bank loan of US\$25 million (SBD\$270 million). However, the process of payment was a total failure. Reparations provided by the Government **did not have a policy to guide and administer their dispersal**. Another problem with the TPA was that it **only recognized as victims those who suffered material loss or lost business opportunities, but it did not take into account the serious human rights violations** by those who signed it. Claims for serious violations were recognized but without equity. The implementation of the reparations was surrounded by **corruption**. What further aggravated the situation of victims who suffered many times was that they did not receive any form of reparation. It was a good decision by the Government to compensate the victims but the manner in which it administered the compensation was not adequate and lacked transparency; instead it produced a negative emotional response, as victims had the feeling of exclusion and not belonging to the state.”<sup>160</sup>*

## **Exhumation**

The TRC recommended the establishment of an Exhumation Committee to focus on the Tension 1998-2003 by an Act of Parliament. Members of the Committee should include prosecutors, police, church officials, employees of the Ministry of Reconciliation, and the Red Cross.

The Objective of the Exhumation Committee:

- promote national unity and reconciliation;
- affirm that justice is a central part of reconciliation – justice includes the right to
- know the truth and the restoration of the human dignity of the victims;
- help victims have closure and express to them the solidarity of the society;
- recognize, as an important part of the reconciliation process, the return of the remains; and

- of the deceased persons to their families for reburial in accordance with their religious beliefs and rites; however exhumation sites are also scenes of crime and the forensic experts must treat them as such, requiring that evidence be collected and preserved.

#### Work of the Exhumation Committee:

1. sign a Memorandum of Understanding with the DPP;
2. develop the exhumation plan;
3. do preliminary research through mapping and gathering information about the death;
4. establish a multidisciplinary forensic team;
5. coordinate with the family members of the deceased and the community near the grave site;
6. ensure that the dignity of the remains is preserved throughout the exhumation process, following best international practice guidelines;
7. ensure that the families involved are included and related with throughout the exhumation process; facilitate healing and closure for the families involved through appropriate handing over of the remains and any other assistance identified by the Exhumation Committee;
8. ensure that the exhumation process, including identification and actual exhumation, is conducted in accordance with international best practices and all relevant legislation; and
9. The Exhumation Committee will support and assist all stakeholders and service providers in the exhumation process in carrying out their responsibilities.

#### The TRC provided 3 key recommendations on Exhumation:

1. Pass a law to establish the Exhumation Committee
2. The Committee to be established within 30 days of the enactment of the Act.
3. Parliament guarantee funding for exhumations

### **Vulnerable Persons**

Based on its analysis of the impact of the conflict on vulnerable persons, the TRC made a series of recommendations on specific groups.

#### The TRC provided 4 key recommendations on women:

1. 30% reserved seats in Parliament for women
2. A National Steering Committee on Gender Equality and Women's Development be established to ensure the implementation of the Annual Work Plan of the Ministry of Women.
3. Empowerment and legal protection for ownership by women of land, property and shares.
4. Legal framework and enforcement to protect women against violence.

#### The TRC provided 3 key recommendations on Youth:

1. The Government strengthens youth participation in decision making, creating mechanisms for dialog on policies, and supporting a National Youth Congress.
2. The Government create a fund to create 5,000 jobs each year for the next 10 years.

3. Promote tolerance and understanding, including promoting the TRC final report for youth.

The TRC provided a key recommendation on Weather Coast of Guadalcanal:

1. Prioritize the construction of new roads linking the rest of the communities around the island of Guadalcanal to existing roads on the north side.

## **Rehabilitation of former militants**

The TRC held hearings with former militants who were dissatisfied with the Government's effort to provide rehabilitation for them. The TRC recommends that a "Rehabilitation Plan" to reintegrate militants be established with four programs:

- **Education:** support to complete basic education, access to skills training and human rights education based on the TRC's Final Report, with the Ministry of Education and Human Resources.
- **Business Projects:** funds and support to develop and implement business plans, and marketing, in conjunction with the Ministry of Rural Development.
- **Counseling:** provided by the Ministry of Health and Medical Services, with access to psychiatric care if required.
- **Reconciliation:** ceremonies between former militants and victims facilitated by the Ministry of Reconciliation.

The TRC specifically mentions the MEF, IFM, GRA, GLF or the Marau Eagle Force, and former militants who are in prison. The TRC also specifies this work to be conducted by the CRP Commission, with the Ministry of Reconciliation, including:

- Developing a registry list of former militants who are to beneficiaries under the CRP.
- Advocacy around appropriate budgeting in relevant Ministries
- Financing for "the integrated CRP plan for ex-combatants" from the government and donors
- Consultation with the beneficiaries of the ex-combatant rehabilitation, excluding those who already received compensation from the government in the past.

The TRC provided 2 key recommendations on Rehabilitation (of Former Militants):

- Identify and certify former militants from the Registry List who are to benefit from the rehabilitation plan.
- Implement the Ex-Combatants Rehabilitation Plan, providing the funds where necessary.

## **Conflict Trials**

The TRC made observations regarding the conflict trials and reiterated the importance to ensure the rule of law and combat impunity.

The TRC provided 3 key recommendations on Conflict Trials:

- That the conflict trials shall take their course with both extant and pending cases to be disposed of expeditiously

- That the entire process of the tension trials shall be reviewed at their conclusion to ensure that the entire process was fair and that there was no miscarriage of justice.
- That a special court be established to expedite the hearing of tension cases and bring closure to those involved; this special court, as facilitated by the state, shall be accessible to victims in rural and remote areas.

## **Reconciliation**

The list of activities suggested by the TRC to promote reconciliation included:

- Symbolic activities, such as monuments on mass graves;
- A National Peace Day (18 January when war was declared over and 3,000 weapons burned);
- Victims and ex-combatants working together to on projects that improve people's lives such create peace parks, remove rubbish, repair roads;
- Traditional and religious activities;
- Sports games and competition, involving victims and ex-combatants;
- Social, recreational, artistic activities (drama, music, songs, story-telling, art, poetry), festivals, ceremonies, and carnivals to promote peace, tolerance, non-violence;
- Reconciliation program activities continuing in the provinces.

The TRC also emphasized that for reconciliation to be achieved there needed to be reform in education, government accountability, legal sector, and the establishment of a "representative national body" to provide leadership on reconciliation.

The TRC provided a series of recommendations on Reconciliation. They included:

- That national healing and reconciliation is indispensable for national unity and rebirth of a new nation founded on the morality of universal human rights, the rule of law and justice for all.
- That reconciliation is a course of action that requires the participation of all Solomon Islanders starting with individual admission of guilt and clemency.
- That reconciliation cannot be wholly achieved devoid of justice for victims of human rights violation and justice will bring Solomon Islands' painful past to closure by the full implementation of the recommendation of the Commission.

## **Part II**

### **Institutional Reform**

The TRC provided 4 key recommendations on Constitutional Reform:

- A new constitution that ends discrimination and domination.
- Constitutional integrity of the clan and tribal communities as the first nation societies of Solomons Island.
- A human rights office to raise awareness and education of human rights, with focus on group rights (*kastom*) and individual rights
- A commitment to full, free and equal participation of women, with 30% quota of women in Parliament.



The TRC provided 2 key recommendations on Land Reform:

- Alienated lands in Guadalcanal Province to be returned to original landowners. The work of the Commission of Inquiry into Land Dealings must be completed.
- The process in Guadalcanal of investigating land dealings with a view to returning alienated lands to the original landowners shall be applied with appropriate modifications the other provinces of Solomon Islands with a view to regularizing land ownership throughout the country.

The TRC provided 3 key recommendations on Justice Reform:

- The need for continuing justice reform, including new laws, procedures and practices that reflect contemporary requirements, widespread freedom of access, and community collaboration in crime reduction, community safety and proactive security initiatives; as well as establishing local courts outside of Honiara.
- Signing of treaties, including the Rome Statute of the International Criminal Court, and legislative reform to implement treaty and customary obligations.
- Ensuring that domestic laws align with international law, including those relating to war crimes, crimes against humanity, torture, extra-judicial execution and enforced disappearance.

The TRC provided 5 key recommendations on Security Reform:

- Revitalize community policing;
- Ensure adequate resources to the police to investigate cases in Honiara and throughout the country;
- Vetting of police force and strengthened monitoring of movement between Solomons Island and Papua New Guinea;
- Continuation of MoU prohibiting sale and manufacture of firearms, until all firearms from the tension are recovered or destroyed; and
- A clear exit strategy for RAMSI.

The TRC provided 3 key recommendations on Health Reform:

- More public attention and recognition must be given to the new national Mental Health Policy completed in February 2009 and approved by the Solomon Islands Government.
- That the Government create a National Mental Health Advisory Committee that shall coordinate mental health strategies at the national level, provide broad stakeholder input into policy and planning processes, and monitor the implementation of the national mental health policy.
- That special programs be developed to give counseling to victims and former combatants of the conflict.

The TRC provided 3 key recommendations on Education Reform:

- Instill values of democracy and human rights in all school curricula, including the Final Report of the TRC.

- Create a national university focused on development needs of the country.
- Inter-cultural relations promoted within educational institutions. No longer using quota system for students from “host province.” Teach friendly interaction between all cultures, faiths, nationalities and island identities.

The TRC provided 4 key recommendations on Corruption Control:

- Authority for Office of the Director of Public Prosecutions to investigate allegations of corruption by government officials without waiting for parliamentary approval.
- Freedom of Information Act for ordinary citizens to request and access information from government.
- Earmarked 20% of donor funding to empower civil society.
- Ratify the UN Convention Against Corruption.

## Outstanding Historical Issues

The TRC recommended:

- That Marau and Guadalcanal begin dialogue with the assistance of the Solomon Islands Government
- That the Solomon Islands Government addresses the long outstanding Bougainville crisis issues, completing the matter in a way satisfactory to all.
- That the Solomon Islands Government make an investigation into the 1927 Kwaio Massacre, especially taking into account the Kwaio version of events, and take necessary measures to reconcile the Kwaio population.

### Other Relevant Sections

In sections prior to Chapter 10 (Recommendations), the TRC includes findings and recommendations that are relevant to the discussion on reparation in Solomon Islands: 1) relating to an observation on the greater aim of reconciliation and how reparation is situated within that framework; 2) relating to recommendations collected from consultations in the 9 provinces.

### TRC’s Observation on 5 Levels of Reconciliation

- “The first level is **coming to terms with the painful truth**. This is personal reconciliation for victim and offender. A victim is able to reconcile with human rights violations that he/she experienced, or that his/her loved ones experienced. An offender is able to reconcile him/herself with human rights violations he/she has committed.
- The second level is reconciliation between **victim and offender**. In this process, a forum is created in order for both parties to come together and deal openly with their painful past.
- The third level is **reconciliation at the community level**, where communities that had previously been in conflict come together to reconcile their differences.
- The fourth level is the promoting of **national unity and reconciliation**, which is reconciliation at a national level.
- The fifth level is identified as **reconciliation and redistribution**, which focuses on *reparations* and the redressing of inequalities.”<sup>161</sup>

## Endnotes

- 1 Volume 4, Annex 1, p.810
- 2 TRC Act, Volume 5, p. 1192-1193.
- 3 Part III, Functions of the Commission, 5.1 (a)
- 4 Vol 5, 1192-1193
- 5 Vol 5, p. 1195-1196
- 6 Vol 5, p. 1209
- 7 Vol 5, p. 1210
- 8 Vol 1, p. 14
- 9 Term coined by Prime Minister Solomon Mamaloni, Vol 1, p. 45
- 10 Vol 1, p. 28
- 11 Vol 1, p. 31
- 12 Vol 1, p.30
- 13 Bennett, *The Wealth of the Solomons*, op. cit., p. 87. Cite in Vol 1, p. 31
- 14 Vol 1, p. 36-37
- 15 Vol 1, p.35
- 16 Vol 1, p.39
- 17 Vol 1, p. 39
- 18 Vol 1, p 44
- 19 Vol 1, p. 47
- 20 Vol 1, p. 47-49
- 21 Vol 1, p. 55
- 22 Vol 1, p. 57
- 23 Vol 1, p. 61
- 24 Vol 1, p. 61
- 25 Vol 1, p. 61
- 26 Vol 1, p. 66
- 27 Vol 1, p. 242
- 28 Vol 1, p. 67
- 29 Vol 1, p. 260
- 30 Vol 1, p. 69
- 31 Vol 1, p. 70
- 32 Vol 1, p. 303
- 33 Vol 1, p. 78
- 34 Vol 1, p. 303
- 35 Vol 1, p. 81
- 36 Vol 1, p. 85
- 37 Vol 1, p. 95
- 38 Vol 1, p. 131
- 39 Vol 1, p. 123
- 40 Vol 1, p. 147
- 41 Vol 1, p. 151
- 42 Vol 1, p. 229
- 43 Vol 1, p. 174
- 44 Vol 1, p. 175
- 45 Vol 1, p. 185
- 46 Vol 1, p. 267
- 47 Vol 1, p. 267
- 48 Vol 1, p. 278-9
- 49 Vol 1, p. 272
- 50 Vol 1, p. 292
- 51 Vol 1, p. 278
- 52 Vol 1, p. 305

53	Vol 1, p. 306
54	Vol 1, p. 309
55	Vol 1, p. 314
56	Vol 1, p. 316
57	The Solomon Islands has also ratified international treaties on human rights, including International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Children (CRC). Vol 2, pp. 339-340
58	Vol 2, p.338
59	Article 5 (3), Vol 2, p. 336
60	Vol 2, p. 365-366
61	Vol 2, p. 429
62	Vol 2, p. 432-433
63	Vol 2, p. 449
64	Vol 2, p.452
65	Vol 2, p. 430
66	Vol 2, p. 451
67	Vol 2, p 467
68	Vol 2, p. 466
69	Vol 2, p. 816-819
70	Vol 2, p.470
71	Vol 2, p.490
72	Vol 2, p.492
73	Vol 2, p 497-499
74	Vol 2, p. 822 - 824
75	Vol 2, p. 881-886
76	Vol 2, p. 517
77	Vol 4, p. 909 – 910
78	Vol 4, p. 832 - 833
79	Vol 2, p. 518
80	Vol 2, p. 518-519
81	Vol 2 p 535
82	Vol 3, p. 593
83	Vol 2, p. 254
84	Vol 2, p 542
85	Vol 3, p. 623-624
86	Vol 3, p. 645-646
87	Vol 3, p.630
88	Vol 4, p. 915
89	Vol 4, p. 837 - 838
90	Vol 4, p. 857-859
91	Vol 3, p. 650-651
92	Vol 3, p. 662-663
93	Vol 3, p. 664
94	Vol 3, p. 671
95	Vol 3, p. 673-674
96	Vol 3, p. 679
97	Vol 3, p. 689-690
98	Vol 3, p. 701-702
99	Vol 3, p. 702
100	Vol 3, p. 695
101	Vol 3, p. 702
102	i Vol 3, p. 718-725
103	Vol 3, p.745
104	Vol 3, p. 716



105	Vol 3, p. 728-729
106	Vol 4 p 821-822
107	Vol 3, p.630
108	Vol 4, p. 915
109	Vol 4, p. 837 - 838
110	Vol 4, p. 857-859
111	Vol 3, p. 650-651
112	Vol 3, p. 662-663
113	Vol 3, p. 664
114	Vol 3, p. 671
115	Vol 3, p. 673-674
116	Vol 3, p. 679
117	Vol 3, p. 689-690
118	Vol 3, p. 701-702
119	Vol 3, p. 702
120	Vol 3, p. 695
121	Vol 3, p. 702
122	i Vol 3, p. 718-725
123	Vol 3, p.745
124	Vol 3, p. 716
125	Vol 3, p. 728-729
126	Vol 3, p.630
127	Vol 4, p. 915
128	Vol 4, p. 837 - 838
129	Vol 4, p. 857-859
130	Vol 3, p. 650-651
131	Vol 3, p. 662-663
132	Vol 3, p. 664
133	Vol 3, p. 671
134	Vol 3, p. 673-674
135	Vol 3, p. 679
136	Vol 3, p. 689-690
137	Vol 3, p. 701-702
138	Vol 3, p. 702
139	Vol 3, p. 695
140	Vol 3, p. 702
141	i Vol 3, p. 718-725
142	Vol 3, p.745
143	Vol 3, p. 716
144	Vol 3, p. 728-729
145	Vol 4, p. 915
146	Vol 4, p. 837 - 838
147	Vol 4, p. 857-859
148	Vol 3, p. 650-651
149	Vol 3, p. 662-663
150	Vol 3, p. 664
151	Vol 3, p. 671
152	Vol 3, p. 673-674
153	Vol 3, p. 679
154	Vol 3, p. 689-690
155	Vol 3, p. 701-702
156	Vol 3, p. 702
157	Vol 3, p. 695

