

# Former Solomon Islands attorney-general acquitted of politically-driven charges

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Julian Moti, former Solomon Islands attorney-general, was acquitted on December 13 of illegally entering the country without a passport. The court ruling is a blow to the Australian government, which launched a sustained witchhunt against Moti as part of its campaign against the Solomons' government of Prime Minister Manasseh Sogavare. Canberra has nevertheless made clear that it will continue to pursue Moti and maintain its pressure on Sogavare.

The court's dismissal of the charges demonstrates the baseless character of the entire case brought against Moti. Presiding magistrate William Seneka, a Papua New Guinean, freed Moti after acknowledging the validity of government documents permitting him to reside in the Solomon Islands until at least 2007. He ordered police to immediately return Moti's confiscated property, including his computer and mobile phone.

Australian authorities in the Regional Assistance Mission to Solomon Islands (RAMSI) orchestrated the failed prosecution despite protests from the elected government. The Australian-dominated RAMSI force, which was dispatched by the Howard government in 2003, controls every aspect of the Solomons' state apparatus, including the police, judiciary, prisons, media, central bank and finance department.

Soon after taking office in May, Sogavare called for a RAMSI "exit strategy" and issued a number of limited criticisms of the Howard government. Canberra considered this completely unacceptable. As far as it is concerned, the Solomons' government exists only in order to provide a fig leaf for Canberra's neo-colonial rule. With its grip over the Solomons now under threat, the Howard government has moved to shore up its authority by undermining Sogavare and his cabinet. Moti was targeted for his role in assisting the formation of an official inquiry into RAMSI's record—an inquiry that Canberra has repeatedly denounced.

Australian police arrested Moti on October 10 after he arrived in Solomon Islands from Papua New Guinea (PNG). Moti, who was born in Fiji but is an Australian citizen, had no passport because Canberra had cancelled it after his arrest in PNG. His detention followed Canberra's demand for Moti's extradition on charges relating to a 1997 sexual assault prosecution in Vanuatu for which he had already been acquitted. The

extradition order involved the cynical manipulation of Australia's sex tourism laws, and a flouting of their prohibition of double jeopardy prosecutions.

The Howard government's pursuit of Moti saw other violations of legal norms. Moti was initially detained in PNG without an arrest warrant and without the knowledge or authorisation of either the government or senior prosecutors. Australian authorities had bypassed these figures and instead contacted Australian police working in PNG with the Transnational Crime Unit, a regional policing body run by the Australian Federal Police. PNG Prime Minister Michael Somare denounced these moves as "unconstitutional, unlawful, illegal and full of irregularities".

After skipping bail in Port Moresby, Moti flew to the Solomons on a PNG military aircraft. Also on the plane was Robson Djokovic, officer of Prime Minister Sogavare's office, and Chris Hapa, of Moti's Pacific Lawyers firm, who were charged with conspiracy to commit a misdemeanour and aiding Moti's entry into the Solomons.

The three men released a joint statement after their acquittal on all charges. "The people of Solomon Islands will now have to shoulder the burden of paying us for all the damages perpetrated against us by the police commissioner and his Australian functionaries who shelter under their immunity from criminal and civil process under our laws," they said, referring to RAMSI personnel's immunity to Solomons' law. "Solomon Islands cannot be allowed to become a place where innocent people are subjected to such degrading and inhumane treatment by our occupying powers."

Moti intends to reclaim his position as attorney-general, and will reportedly take legal action against the RAMSI-dominated Solomons' Public Service Commission, which suspended his appointment after his arrest.

Police Commissioner Shane Castles immediately made clear he was not backing down. "Any litigation or action taken by any of these people against me as commissioner of police or anybody else, I look forward to the day," he declared after the ruling. "What I would say to them is, bring it on."

Castles insisted he would continue to investigate the circumstances of Moti's entry into the Solomons from PNG. Moti's residency permits will be forensically examined,

because Castles alleges they are “suspicious”. The police chief added that Moti could be re-arrested on the same charges of illegal entry.

Immigration Director Jeffrey Deve immediately refuted these claims, saying Moti’s documents are “authentic and issued under the immigration charter of this country”.

Castles’ comments indicate the Howard government’s determination to press ahead with its campaign against Moti and against the Sogavare government. The police commissioner has acted as Canberra’s man on the spot in Honiara, and has played a particularly provocative role throughout the Moti affair.

Castles arrested Immigration Minister Peter Shanel on October 18, after he accused the minister of misleading him over Moti’s residency status. Shanel was released on bail, but still awaits trial. On October 20, Australian police raided Sogavare’s office and seized a fax machine Shanel allegedly used to communicate with Moti.

All of these moves have dubious legal validity, as did the unlawful entry charges laid against Moti, and are driven by the Howard government’s political vendetta aimed at ensuring Australia’s continuing dominance in the country.

After coming to power in May, Sogavare attempted a balancing act between placating Canberra and appealing to anti-RAMSI sentiment among the Solomon Islands’ population. The government was targeted for removal after it formed a Commission of Inquiry into the causes and reactions to the riots which erupted in Honiara over two days in April.

The unrest, which destroyed much of Chinatown and other central areas of the Solomons’ capital, followed the elevation of Snyder Rini as prime minister. The previous pro-Australian government led by Allan Kemakeza had been routed in the April 5 general election. Rini, who was Kemakeza’s deputy prime minister, was nevertheless installed amid widespread corruption allegations. Angry protestors gathered at the parliament, where RAMSI officers fired tear gas into the crowd. Australian police and property were targeted in the ensuing clashes. Rini later resigned and gave way to Sogavare.

The Sogavare government’s inquiry into these events threatened to expose mounting hostility toward RAMSI. The entire Australian political establishment, backed by the media, has portrayed RAMSI as a humanitarian operation which enjoys the overwhelming support of the local people. The operation is in fact driven by Canberra’s regional strategic and economic interests and has nothing to do with helping ordinary Solomon Islanders. RAMSI officials deployed on lucrative contracts have stoked resentment and opposition amid an ongoing social and economic crisis which has been characterised by mounting social inequality, widespread poverty and mass unemployment.

Canberra also opposed any examination of RAMSI’s response to the April riots, including the inflammatory use of tear gas, and their arrest of two government ministers on

incitement charges. Nelson Ne’e and Charles Dausabea, two Honiara parliamentarians who had won support for their anti-RAMSI stance from unemployed Honiara youth living in the squatters’ settlements, were refused bail by Australian authorities and held without trial for eight months. The Commission of Inquiry initially proposed to investigate the political motivations behind RAMSI’s arrest and detention of the two politicians.

The Howard government immediately moved to derail the official investigation, using all the dirty tricks at its disposal. Former Australian Federal Court Justice Marcus Einfeld, who was appointed head of the inquiry, became the target of an extraordinary media witchhunt in Australia, ostensibly over an unpaid \$77 speeding fine. Following Einfeld’s announcement that he was resigning from the Solomons’ investigation, the barrage of sensationalist stories disappeared from the headlines as suddenly as they had emerged.

Sogavare had initially appointed Einfeld on Moti’s recommendation. Moti played a leading role in developing the inquiry and reportedly drew up the terms of reference. This drew the ire of Canberra, and Moti became the victim of a slanderous media campaign, in which he was accused of the statutory rape of a teenage girl in Vanuatu in 1997 and of bribing a judge to ensure his acquittal. No evidence was provided to substantiate these charges, which became the basis for the Howard government’s bogus extradition campaign.

This demand was never anything more than a manoeuvre aimed at undermining the Sogavare government and the Commission of Inquiry. On December 4, Solomon Islands Foreign Minister Patterson Oti revealed that Canberra had not yet issued a formal extradition request. “Unfortunately, while there has been a lot of discussion, it has been taken on the [media] airwaves without the due process of how governments deal with each other,” he told the *Courier Mail*.

In other words, there was no legal basis to the Howard government’s threats against the Sogavare government and its demands for Moti’s return to Australia. There could be no clearer demonstration of the hypocrisy of Canberra’s demands that governments in the South Pacific improve “good governance” standards and the rule of law. The Howard government has flouted both national and international law in its efforts to politically destroy Moti. The affair serves as a case study in the lengths to which the Australian ruling elite is willing to go to further its domination over the region.



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