

Solomons Islands' government defies Canberra, reappointing Julian Moti as attorney-general

Patrick O'Connor
11 July 2007

International constitutional lawyer Julian Moti was formally invested yesterday as the Solomon Islands' attorney-general, in a direct rebuff to the Australian government. For the past year, the Howard government has sustained an ongoing witch-hunt against Moti over child sex allegations for which he was previously acquitted. The bogus charges, and the Australian government's extradition order, are aimed at politically destroying Moti, whom Canberra regards as an obstacle to the long-term viability of its military occupation of the Solomon Islands.

The Howard government deployed hundreds of soldiers, police, and bureaucratic personnel to the impoverished South Pacific nation in 2003. Australian forces took direct control over the state apparatus, including the Solomons' police, prisons, judiciary, and finance department. The Regional Assistance Mission to Solomon Islands (RAMSI) marked a shift by the Australian ruling elite towards a more directly interventionist approach in the region and was hailed as a model for potential takeovers in Papua New Guinea and other countries. While the new approach was couched in humanitarian rhetoric, the real agenda was to prevent rival powers, particularly China, from undermining Australia's domination of the region.

Canberra now faces a serious crisis amid mounting hostility to its operations among ordinary people in the South Pacific as well as sections of the political elite. That the Solomons' government feels able to reappoint Moti—in open defiance of Howard's highly provocative campaign—is a measure of Australia's weakened position.

"It is the laws of the Solomon Islands as a sovereign country that is the winner, not my government," Prime Minister Manasseh Sogavare declared after Moti was sworn in. Asked about possible retaliation from Canberra, he replied: "Whatever repercussion—we are not worried about that. We are dealing with the attorney-general of Solomon Islands, not Australia."

The Sogavare government came to power in May last year, and began moves to reduce RAMSI's control over economic policy and to determine an "exit strategy" for the Australian forces. After Sogavare announced the formation of a Commission of Inquiry into the causes of the April 2006 Honiara riots, which followed the April national elections, Canberra started trying to organise his removal. The official investigation threatened to reveal RAMSI's role in provoking the unrest and to explore the significant evidence

that Australian police and soldiers were deliberately stood down in order to allow for maximum destruction, thereby creating the conditions for the deployment of many more Australian personnel. (See "The Howard government, RAMSI, and the April 2006 Solomon Islands' riots")

Moti was targeted by the Howard government for his central role in establishing the Commission of Inquiry. He helped draft the terms of reference and recommended former Australian Federal Court justice Marcus Einfeld to head the investigation. Einfeld then became the target of an extraordinary media campaign in Australia—ostensibly relating to an unpaid \$77 speeding fine—that commenced just days after he accepted the appointment. His subsequent resignation from the Solomons' inquiry forced its postponement for several months. The Commission held its first hearings in Honiara in May 2007, under the chairmanship of former PNG judge Brian Brunton, and is expected to continue its investigation for several more months.

The Australian government's vendetta against Moti has centred on alleged child sex offences committed in Vanuatu in 1997. In an extraordinary outburst yesterday, Howard again raised these allegations. "It is a very provocative and insensitive thing for somebody who is wanted on criminal charges in this country to be sworn in as the attorney-general," he declared. "The first law officer of the crown in the Solomon Islands is apparently going to be somebody who is wanted on a child sex offence? I think that's quite extraordinary and I think the facts only have to be stated to underline the seriousness of what is occurring."

To what "facts" is Howard referring?

Neither Howard nor Foreign Minister Alexander Downer wants the real facts aired, because that would undermine their efforts to blacken Moti's reputation by associating him with paedophilia.

In 1997, Moti, a well-regarded constitutional lawyer who has practised and lectured at universities in Australia, India, and the South Pacific, was prosecuted on statutory rape charges relating to alleged crimes committed in Vanuatu. The case was dismissed in 1999 because of the serious contradictions and inconsistencies in the prosecution's case and the alleged victim's testimony. Far from being based on a "technicality" as the Australian media has repeatedly claimed, the acquittal was based on an assessment of the credibility of the entire case. When dismissing the charges, the presiding magistrate suggested the case should never have been

brought to trial. He described Moti's prosecution as "unjust and oppressive".

The Australian press has repeated the allegation first raised by the Howard government that the magistrate was bribed by Moti. Yet not a shred of evidence has been presented to substantiate this charge. It should be noted that the bribery allegation, even if it were true, does not explain why Vanuatu prosecutors themselves decided not to pursue any further investigations after the case was dismissed.

These prosecutors were shocked to learn that the Australian Federal Police had initiated their own investigation into Moti last year. After the case was dismissed in Vanuatu, Moti had lived and worked in Australia for a number of years, without incident. He became subject to a police inquiry only after his legal work in the Solomon Islands cut across Canberra's interests.

Moti's extradition was demanded on the highly dubious legal basis of Australia's child sex tourism legislation. These laws, which allow Australian citizens to be prosecuted for child sex offences committed overseas, are designed to be used to prosecute paedophiles who escape charge by returning to Australia. This was clearly not the case with Moti, who had been living and working in Vanuatu in the late 1990s, and who had his case thrown out of that country's court. Moreover, Australia's child sex tourism laws explicitly prohibit double jeopardy prosecutions.

The Howard government has tendered no evidence, either to the general public or to the relevant Solomon Islands' authorities, to justify its extradition request.

"I will be the first one to put Moti on the plane [to Australia] if fresh evidence were made available," Sogavare declared in May. "At the moment I do not have any reason to do so, as it is nothing more than political persecution... There isn't one iota of evidence to revisit a case that was unconditionally concluded in Vanuatu in 1999. The Australians have had the past eight months to come up with new evidence and they have failed miserably. Downer continues to beat the same tired drum with the same tired message through the media. I simply challenge him to either put up or shut up."

At yesterday's swearing-in ceremony, Moti made a defiant speech, threatening to reveal exactly who had been involved in pursuing him. "When my appeal is finally heard and determined by Papua New Guinea's judiciary, we will find out who was ultimately responsible for the mess that was officially created for my official transit through Port Moresby on September 29, 2006," he said.

On that date, Moti was arrested in PNG while en route from Singapore to the Solomons on the orders of Australian police working in the Transnational Crime Unit. No arrest warrant had been issued and none of the relevant PNG legal authorities apparently knew of or authorised the operation. The country's prime minister, Michael Somare, denounced the arrest and attempted extradition as "unconstitutional, unlawful, illegal, and full of irregularities".

Moti subsequently skipped bail, apparently with Somare's encouragement, and returned to the Solomons on a PNG military plane. He was then promptly arrested by Solomons' police chief and Australian Federal Police officer Shane Castles on illegal

immigration charges. Moti was later acquitted of all these charges in a Honiara court.

"Justice will prevail there [in the PNG courts] to exonerate me once again from the sins which others committed to postpone what was finally allowed to occur today," Moti said yesterday. "Justice will finally triumph as well when the responsible Australian prosecutorial authorities confront our government's lawyers to discuss what was fact and what was fiction in the case which they want to mount against me."

Moti's pledge to expose exactly who has been involved in these events has no doubt created even greater concerns within the Howard government. Its most likely response will be to redouble its efforts to demonise Sogavare and bring down his government.

Howard stressed yesterday that he will not permit the scaling back of the RAMSI operation or the setting of an exit strategy. "I want to make it clear, we will be in for the long haul when it comes to RAMSI," the prime minister declared. "The ordinary people in the Solomon Islands want Australia there. They appreciate the help and they'll be there irrespective of who is in power in that country."

Howard's claim that RAMSI is supported by ordinary Solomon Islanders—which belies its increasing unpopularity, due to deepening social inequality and entrenched poverty and unemployment—has a definite political content. He is effectively using it to assert the right to disregard any decision of the Solomon Islands' government or parliament which adversely affects Australia's neo-colonial operations in the country.

Sogavare is preparing a number of measures that directly conflict with Canberra's financial and strategic interests. Now enjoying a two-thirds majority in parliament, his government is preparing to redraft the Facilitation Act—a measure the Solomons' parliament was forced to pass by the Howard government in 2003, ahead of its initial deployment of troops. Sogavare has said he intends to withdraw the blanket immunity from Solomons' laws enjoyed by RAMSI personnel under the Act. This is anathema to Howard and Downer. Having RAMSI forces answerable to local authorities and punishable under local law undermines their role as on-the-spot executors of Canberra's agenda.

At stake in the stand off between Canberra and Honiara is not just the future of RAMSI but of Australian imperialism's broader strategic standing throughout the region. Failure in the Solomons—not just for the Howard government but for the entire Australian political and foreign policy establishment—is unthinkable. Howard's campaign against Moti demonstrates the lengths it is prepared to go. Expect further dirty tricks and provocations against the Solomons' government in the not-too-distant future.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact