

Solomon Islands government rebuts Canberra's child sex allegations against attorney-general

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The Solomon Islands government has provided a comprehensive and damning rebuttal of the statutory rape allegations levelled by Canberra against international constitutional lawyer and attorney-general Julian Moti. An examination of the thoroughly documented reply to the accusations leaves no doubt that Moti has been the victim of an extraordinary witchhunt orchestrated by the Australian government.

The campaign—characterised by innuendo, lies and slander, together with a blatant disregard for basic precepts of international and national law—has served as an object lesson in the Howard government's criminality and recklessness. Moti has been vilified as a paedophile and has had his career threatened with ruin because his political activities cut across Canberra's strategic and economic interests in the South Pacific.

In 2003 the Howard government dispatched more than a thousand troops and police to the Solomon Islands after declaring the country a "failed state" and a security threat to Australia. Australian police and soldiers continue to occupy the country, while additional officials have taken effective control of the state apparatus, including the prisons, courts, prosecuting authorities, finance department, and public service. The neo-colonial takeover, labelled the Regional Assistance Mission to Solomon Islands (RAMSI), was driven by Canberra's concern to maintain control in the South Pacific amid mounting great power rivalry throughout the region.

In May 2006 the Sogavare government took office as popular hostility to RAMSI was mounting. While the previous administration had functioned as little more than a fig-leaf for Canberra's control, Sogavare called for a RAMSI "exit strategy" and attempted to wrest control over economic policy and public spending from the Australian authorities. The Howard government immediately rejected these moves and initiated a campaign aimed at destabilising and unseating the Sogavare government.

Moti was targeted for his central role in helping establish an official investigation, or Commission of Inquiry, into the causes of the two days of rioting in the capital, Honiara, in April 2006. The inquiry threatened to bring to light substantial evidence indicating that RAMSI forces provoked the violence and then deliberately failed to halt the ensuing wave of destruction for two days.

Utilising child sex allegations against Moti that had been thrown out of court in Vanuatu in 1998, the Howard government demanded his extradition on the highly dubious legal grounds of Australia's sex tourism laws. Throughout the year-long campaign, Prime Minister Howard, Foreign Minister Alexander Downer and other senior ministers have issued public statements accusing Moti of paedophilia and corruption.

A comprehensive reply to these allegations was tabled in the Solomon Islands' parliament by Prime Minister Manasseh Sogavare on August 9. The 116-page document, issued in the name of the Solomon Islands government, outlined a series of questions formally addressed to

Australian Federal Director of Public Prosecutions (DPP) Damian Bugg, who is nominally responsible for Canberra's attempted extradition.

"Our forensic and legal advisers have told the Solomon Islands' government that the Australian Federal Police investigation of Attorney-General Moti QC [Queen's Counsel] is a sham and malicious conspiracy to indict an innocent man," Sogavare declared. "Moti is a target of a vicious campaign to topple a democratically elected government concerned about the protection of sovereignty. My government will not enter into any further debate on the Moti case until DPP Bugg QC complies with our legitimate request under Solomon Islands and international law."

A spokesperson for the DPP told ABC Radio that he did not intend to provide a reply to the questions, saying it was the responsibility of the Australian attorney-general's office. Neither Attorney-General Philip Ruddock, however, nor Prime Minister Howard and Foreign Minister Alexander Downer have publicly commented on the document. This silence underscores the bogus character of Canberra's charges. Not a shred of evidence has been presented by the Australian government, police or prosecutors against Moti throughout the entire campaign.

The questionnaire issued to the DPP begins with a lengthy outline of the origins of the rape accusation. In March 1998, Moti was arrested in Vanuatu for alleged repeated sexual assaults of a 13-year-old girl in 1997. Four months later, Magistrate Bruce Kalotrip oversaw a preliminary inquiry into the criminal proceedings and considered all the material collected by the public prosecutor. After reviewing the evidence, Kalotrip described the attempted prosecution as "unjust and oppressive", ordered that Moti be immediately discharged and that the state pay his costs. Vanuatu public prosecutors subsequently decided not to appeal this verdict and closed the case.

The matter was clearly not thrown out of court on the basis of a "technicality", as the Australian media has repeatedly claimed.

The prosecution's case was solely based on the testimony of the alleged victim and featured an absence of any physical evidence. The testimony was marked by a series of inconsistencies, contradictions, and bizarre claims; the girl, for example, claimed Moti had three testicles. A medical examination subsequently disproved this. Moti also definitively refuted the alleged victim's claim that she was first raped on May 8, 1997; passport and immigration records proved that on that date Moti was in fact in Australia, visiting family.

The 116-page document addressed to the Australian DPP provides substantial evidence indicating that the sexual assault charges were concocted by the alleged victim's father, Ariipaea Salmon, in collusion with Moti's enemies in Vanuatu's political and legal establishment.

Salmon, a businessman, had been represented by Moti's law firm in several cases brought by creditors as a result of debt non-payment. Moti

later accused Salmon of offering to retract his daughter's allegations in return for a cash payment and took him to court. A Vanuatu judge held that there was a prima facie case of extortion against Salmon, but found him not guilty because of a lack of supporting evidence.

In addition to his financial problems, Salmon's Vanuatu residency permit was soon due to expire. According to the questionnaire tabled in the Solomons' parliament: "the Salmon Family was encouraged to make the accusations against AG Moti QC in December 1997 by Vanuatu's Ombudsman, Ms Marie Noelle Ferrieux-Patterson, when she promised to assist them by intervening to prevent their deportation from Vanuatu if they would cooperate with her plans to destroy AG Moti QC's professional career".

In 1997, Patterson was engaged in a bitter power struggle with the Vanuatu cabinet, which was attempting to dismiss her through a repeal of the Ombudsman Act. Moti was acting as counsel for many of the government ministers and had advised them on the constitutional validity of their case. Patterson had a direct interest in undermining the international lawyer.

After the Vanuatu court dismissed the charges against Moti, he continued to practise and lecture in law in the South Pacific, India, and Australia without incident. Even when working overseas, Moti regularly visited friends and family in Australia but was never questioned by police or prosecution authorities. Australian police only began to investigate the possibility of laying additional charges in early 2005. Howard government ministers have claimed that the Australian Federal Police (AFP) investigation commenced after Vanuatu authorities informed them that they had concluded their own inquiries into Moti.

This has now been revealed to be a flagrant lie. Every aspect of the case, both civil and criminal, was concluded in Vanuatu in 1999.

The questionnaire notes that the Australian investigation began nearly six years later, shortly after the Solomon Islands' government, then led by Alan Kemakeza, proposed in December 2004 that Moti become attorney-general. Moti instead took up an academic post in India. Once he was out of the way, the Australian police investigation effectively ceased until mid-2006, following the election of the Sogavare government in April. Only in June 2006 did the AFP take their first statement from the alleged victim.

The document asks: "What explanation exists for the inordinate delays by the Australian authorities in dealing with the AG Moti QC matter, apart from the suggestion that the Australian authorities had no interest in investigating AG Moti QC until he was a person of political interest to the Australian government?"

The questionnaire issued to the Australian DPP makes clear that Canberra regarded Moti as a potentially dangerous opponent in the Solomon Islands even before the Sogavare government had come to power and before moves to establish the Commission of Inquiry into the April riots had commenced.

The document suggests that, "the Australian criminal investigation of AG Moti QC has been driven by political considerations: AG Moti QC's political views, particularly his advocacy of indigenous rights in the Pacific and his fierce criticism of Australian foreign policy in the Pacific region, arguing that Australia is using globalisation as a vehicle for colonialism, particularly in its misuse of the export of the rule of law and its manipulation of advisory justice;

"AG Moti QC's legal view that the Australian Government sponsored Facilitation of International Assistance Act 2003 of the Solomon Islands is unconstitutional and that the 'principle of co-operative intervention' is contrary to international law;

"AG Moti's legal advice that the Solomon Islands should question the legality of the arrangements permitting RAMSI's presence in the Solomon Islands, by seeking a ruling on the legality of those arrangements from the International Court of Justice."

The prospect of having to defend Australia's military-police occupation of the Solomon Islands before the ICJ would have set off very loud alarm bells in Canberra. The legality of the Australian intervention is highly doubtful and has never been tested in an international court. Like the criminal invasion of Iraq, which immediately preceded the RAMSI deployment, Canberra's takeover in the Solomons proceeded without the cover of any United Nations imprimatur.

Moti's opposition to the Facilitation of International Assistance Act represents a similar threat to the Howard government. Canberra forced the Solomons' parliament to approve this act before launching its intervention in 2003. The extraordinary legislation gives the occupying forces free reign throughout the Solomon Islands, including immunity from the country's legal system and exemption from any immigration control or visa requirements. Similar laws drafted in Papua New Guinea were ruled unconstitutional by that country's Supreme Court in 2005, forcing the withdrawal of more than 150 Australian police deployed under the RAMSI-modelled "Enhanced Co-operation Program".

A forced withdrawal from the Solomons would represent a major disaster for the Australian ruling elite. The RAMSI intervention has been hailed as a model for further potential interventions in various other countries in the South Pacific, such as Vanuatu and Fiji. Canberra's aggressive efforts to maintain its hegemony in the region has exacerbated the growing opposition from ordinary people, as well as from sections of the national ruling elites. In countries including Papua New Guinea, Fiji and the Solomon Islands, these elites have begun taking advantage of the mounting great power rivalry in the South Pacific, using aid money and diplomatic patronage from China and Taiwan to manoeuvre against the Howard government's dictates. A setback in the Solomons would severely damage Canberra's now openly stated aim of shutting out rival powers from the region.

This is why every section of the Australian political establishment, including the Labor Party and the Greens, supports the indefinite occupation of the Solomons, and why no-one in the parliament or the media has raised any questions about the Howard government's witchhunt of Moti.

The questionnaire formally directed towards the DPP raises a number of serious questions about the character of the Australian police investigation resumed in mid-2006.

The document notes that there are significant differences between the alleged victim's statements issued in 1997 and 1998 and the one elicited by the AFP in 2006. "A compilation of all the inconsistencies found in the [different] statements would fill dozens of pages," it states. The glaring contradictions and inconsistencies in the earlier statements are not present in the more recent testimony. For example, in the 2006 statement the alleged victim withdraws her claim that Moti had three testicles. Similarly, the stated date of the alleged first rape is now different to the previously stated date, when Moti was in fact in Australia.

"Is it not the case that the 2006 investigation of AG Moti QC by the Australian Federal Police has entailed a staged manipulation of witnesses' statements which amount to at best, a biased, zealous investigation disinterested in the truth, and at worst, a deliberate perversion of the course of justice?," the questionnaire asks.

The statements taken by the AFP in 2006 also contain new and detailed claims of physical and psychological suffering as a result of the alleged assaults. While this testimony serves no purpose in relation to the criminal investigation, it lays the basis for a future civil case brought by the alleged victim in Australia against Moti.

"Is DPP Bugg QC aware whether the Australian Federal Police or any person acting on behalf of the Australian Federal Police have held out the prospect of or promised [the complainant] any entitlement to civil compensation under Australian law against AG Moti QC?" the questionnaire asks. "Would not DPP Bugg QC agree with the proposition

that the promise of civil compensation under Australian law is tantamount to a reward inducing the testimony of [the complainant] for the purpose of the Australian criminal proceedings?”

One notable feature of the Australian police investigation is the AFP’s failure to interview anyone who could have countered the claims of the alleged victim and her family. Australian police have never sought to question Moti. Nor have they attempted to speak to Magistrate Bruce Kalotrip, who dismissed the 1998 prosecution. This is particularly inexplicable given that Kalotrip has been accused by Australian officials of acquitting Moti in return for a bribe. A number of key witnesses who are prepared to testify against different elements of the alleged victim’s allegations have similarly been ignored by Australian police.

The entire investigation was based on the manipulation of Australia’s child sex tourism legislation. As the *World Socialist Web Site* has previously noted, these laws are designed to facilitate the prosecution of paedophiles who seek to evade charges by committing crimes overseas. They explicitly prohibit double jeopardy prosecutions. The Solomons’ questionnaire included a legal rebuttal of Canberra’s absurd argument that the double jeopardy principle is not applicable since Moti had his case dismissed before it reached court, rather than being acquitted after a trial.

The document tabled in the Solomons’ parliament provides a detailed exposure of the various illegalities and improprieties that have characterised every stage of the Australian police pursuit of Moti, including his unlawful arrest in Papua New Guinea in September 2006 and subsequent re-arrest at the hands of AFP officers when he landed in the Solomons the following month.

The facts of the Moti case expose the rank hypocrisy of the Howard government’s claim to be pressing for the rule of law and “good governance” in the Solomon Islands and South Pacific.

Moti’s reappointment as Solomons’ attorney-general on July 10 will only see a further intensification of Canberra’s campaign against him and against the Sogavare government as a whole. It is now known that the Howard government made a desperate last minute attempt to prevent Moti’s reinstallation. On July 9, Australia’s High Commissioner in Honiara, Peter Hooton, sought to persuade the Solomons’ governor-general to boycott the swearing in ceremony and refuse to ratify Moti’s appointment.

Hooton’s predecessor, Patrick Cole, was expelled from the Solomons last September for conspiring with the parliamentary opposition against the government. Canberra’s latest breach of diplomatic protocol makes clear that it has no intention of changing course.



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