

Australian Labor government steps up vendetta against former Solomon Islands attorney-general

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Julian Moti, a well-known international constitutional lawyer and former attorney-general of the Solomon Islands, was arrested and detained by Australian Federal Police on December 27 following his extradition from the Pacific nation. He now faces seven charges under the Child Sex Tourism Act, carrying a maximum penalty of 17 years imprisonment. Moti appeared before the Brisbane Magistrates Court last Friday, but the case was adjourned until January 4 to allow him to secure legal representation. The former attorney-general remains behind bars after his legal aid representative made no bail application.

Moti's deportation and arrest marks a new stage in the vicious witch-hunt carried out over the past two years by Canberra. Whatever the outcome of his trial, Moti has been the victim of a grave injustice. An examination of the facts of the case leaves no doubt that the extradition, based on trumped-up child sex allegations thrown out of court by a Vanuatu magistrate in 1998, rests on the systematic manipulation and violation of established legal statutes and precepts. The entire affair has been driven by the Australian government's determination to politically destroy an individual identified as an obstacle to its interests.

Moti was extradited following the ousting of the former Solomon Islands government of Manasseh Sogavare through a parliamentary no-confidence vote on December 13. The new administration, headed by Prime Minister Derek Sikua, immediately sacked Moti as attorney-general and moved to deport him in order to prove its pro-Australian credentials to Canberra. Solomons' police forced Moti from his home in the Solomons' capital, Honiara, and onto a plane bound for Australia, in blatant violation of an earlier interim order issued by the Central Magistrates Court that his deportation be stayed pending an appeal to the Solomons' Court of Appeal. The unlawful character of Moti's deportation serves to highlight once again the blatant illegality surrounding Canberra's vendetta.

The origins of the affair go back to July 2003, when the former Howard government deployed more than 2,000 Australian soldiers, police, and officials to take over the Solomon Islands. The neo-colonial operation, known as the Regional Assistance Mission to Solomon Islands (RAMSI), was motivated by concern that rival powers such as China were gaining ground in the South Pacific, a region long regarded by the Australian ruling elite as its sphere of influence. Coming just weeks after the illegal US-led invasion of Iraq, RAMSI marked a turning point, with Canberra openly disregarding international law and national sovereignty. With the full support of Labor and the Greens, the Howard government heralded RAMSI as the model for potential interventions in other neighbouring countries, including the resource-rich and strategically significant former Australian colony, Papua New Guinea.

Moti was targeted because he was a known opponent of this agenda.

In April 2006, the Solomons' government of Allen Kemakeza, which had functioned as little more than a fig-leaf for RAMSI's rule, suffered a

major defeat in the national elections. Kemakeza was later succeeded by Sogavare, who quickly came into conflict with Canberra after he called for a RAMSI "exit strategy" and made limited moves to reduce the Australian authorities' domination of the Solomons' administration and state apparatus. Sogavare also announced plans to establish a Commission of Inquiry into the riots which erupted in Honiara on April 16-17 in response to Kemakeza's and his cronies' efforts to hold onto power, despite being trounced in the national vote, through a series of allegedly corrupt deals with fellow parliamentarians.

The Howard government and RAMSI authorities reacted with undisguised fury to the proposed Commission of Inquiry. Significant evidence indicates that Australian soldiers and police in Honiara were deliberately stood down during the riots to facilitate the maximum destruction, providing the pretext for the additional deployment of Australian forces and possible direct intervention into the post-election political crisis. (See "The Howard government, RAMSI, and the April 2006 Solomon Islands' riots") Any exposure of Canberra's culpability would have had devastating consequences for its operations throughout the Pacific as well as in the Solomons.

Moti was centrally involved in the official inquiry, which is still hearing evidence. Its status under the new Solomons' government, however, remains unclear. Moti reportedly established the terms of reference and recommended former Australian Federal Court Justice Marcus Einfeld to head the commission. Soon after Sogavare publicly announced this appointment, the Australian press ran a series of sensationalised stories attacking Einfeld, ostensibly over an unpaid \$77 speeding fine. The orchestrated witch-hunt delayed the commission's work for months after Einfeld was forced to withdraw; he is now facing serious charges in court related to the fine.

Australian authorities found a convenient pretext for their campaign against Moti in statutory rape allegations previously issued against the international lawyer in Vanuatu in 1997-1998. Former foreign minister Alexander Downer and other senior Australian officials repeatedly insinuated that Moti was a paedophile and demanded his extradition under Australia's Child Sex Tourism Act.

This demand was based on a cynical perversion of the legislation. The Act was intended to allow the prosecution of child sex offenders who commit crimes while travelling overseas and then evade investigation by returning to Australia. One section explicitly rules out "double jeopardy" prosecutions: "If a person has been convicted or acquitted in a country outside Australia of an offence against the law of that country in respect of any conduct, the person cannot be convicted of an offence against this Part in respect of that conduct" (Section 3 50FC, Crimes [Child Sex Tourism] Amendment Act 1994).

Moti was living and working in Vanuatu in the late 1990s and had

established a highly regarded law firm in the capital, Port Vila. In July 1998, a local court dismissed the statutory rape allegations against him in a preliminary inquiry. After reviewing the public prosecutor's case, the presiding magistrate described the attempted prosecution as "unjust and oppressive" and ordered that Moti's costs be covered by the state. The prosecutor provided no physical evidence, and the case relied solely on the testimony of the alleged victim, then a 13-year-old girl, which featured a series of anomalies, inconsistencies, and claims that were later definitively disproved.

A 116-page document on the Moti affair released by the former Solomons' government last August suggests that the allegations were concocted by the girl's father, a businessman who had been defended by Moti's law firm in cases involving his non-payment of debts. According to the document, Moti's political enemies in the Vanuatu establishment encouraged and assisted the prosecution in order to sideline him.

Vanuatu police and prosecution officials dropped their investigations after the case was thrown out of court. Moti continued to work in a number of Pacific countries and frequently travelled to Australia without incident. The child sex allegations suddenly re-emerged only in early 2005—at precisely the time Canberra was becoming concerned that Moti would soon be appointed Solomons' attorney-general by the Kemakeza government. According to an article in the *Australian* on December 28, Moti attended a Christmas party in Sydney in December 2004 and let people know that he was being considered for the job. Senior bureaucrats with the Department of Foreign Affairs and Trade were at the party. Australian Federal Police (AFP) commenced their inquiries in Vanuatu within a month.

The Kemakeza government subsequently declined to appoint Moti—likely under Australian pressure—and after he took up an academic position in India, the AFP investigation was dropped. But the pursuit was resumed as soon as Sogavare came to office and announced the Commission of Inquiry. The degree of urgency of the AFP's investigations has, at every stage, coincided with Canberra's political imperatives.

Even before the Sogavare government came to power and the Commission of Inquiry was proposed, Moti was regarded as hostile to Australian interests. He was on record as being critical of Canberra's neo-colonialism in the South Pacific and had argued that the legality of the Australian occupying force's presence in the Solomons could be challenged before the International Court of Justice.

Not a shred of evidence has been advanced by Australian police or government officials to explain why Moti should be re-tried on the 1998 charges. The former Sogavare government repeatedly declared that it would commence extradition proceedings if Canberra provided such evidence, but none was forthcoming. The Howard government simply continued to repeat its malicious insinuations. Sections of the Australian media cited unnamed officials who claimed that Moti had bribed the Vanuatu magistrate—a slanderous accusation that does not even make logical sense, since it fails to explain why police and prosecutors dropped their investigation after the case was dismissed.

The only substantive account of the entire affair was advanced by the former Solomons' government, whose 116-page document—which was released in the form of a series of questions directed to Australia's federal director of public prosecutions—provided a detailed account of Canberra's criminal conduct. (See "Solomon Islands government rebuts Canberra's child sex allegations against attorney-general") Australian authorities have never responded to the damning evidence outlined in this document.

After earlier declaring that he held a "hardline" position on Moti's extradition, the recently elected Labor Prime Minister Kevin Rudd has welcomed the former attorney-general's arrest. "I indicated when the government changed we were looking forward to a better relationship with the new government of the Solomon Islands," he declared on Friday.

"I appreciate the fact that the new government of the Solomons has moved early to return Mr Moti to Australia—now these matters lie with the appropriate legal authorities within Australia."

Rudd's eagerness to align himself with the former Howard government's filthy campaign against Moti underscores both the character and agenda of the new Labor government. The prime minister warmly welcomed Sogavare's downfall—which marked the culmination of a protracted "regime change" campaign orchestrated by his predecessor—and has pledged to work closely with the new pro-RAMSI Sikua government. Far from representing any change in course in Australian regional foreign policy, the Rudd government is determined to uphold Howard's strategy of defending Australian corporate and strategic interests by excluding rival powers from the South Pacific.

The Labor Party fully endorsed the Howard government's campaign against Moti and its numerous provocations in Honiara. Former Labor leader Kim Beazley responded to Moti's arrest in Papua New Guinea last year by expressing his complete agreement.

On September 29, 2006, Moti was detained while in transit from Singapore to the Solomons where he was due to commence work as the country's attorney-general. Orchestrated by Australian police working in the Pacific Transnational Crime Unit, Moti's arrest was entirely illegal. He was detained without an arrest warrant and without the knowledge of any Papua New Guinean authorities. There was no legal means for Moti to be extradited to Australia from PNG, as that country's legislation demands that such transfers satisfy the condition of "double criminality". Because there is no PNG legislation equivalent to Australia's Child Sex Tourism Act, Moti could not be extradited. None of this prevented senior Howard government ministers from threatening the PNG government with various sanctions, including the suspension of Australian aid, unless Moti was handed over.

Amid the international standoff, Beazley issued an extraordinary statement in defence of Howard. "The Howard government is politically motivated in about 99.9 percent of what it does," he declared on October 4, 2006. "This is the 0.1 where it isn't, the 0.1 where it isn't. Quite frankly the request for extradition of this gentleman, to face the serious charges that have been laid against him, are entirely the product of movement within the Australian judicial process."

Rudd is now maintaining the lie that Moti's detention is the result of "judicial process" when in fact the entire affair has been characterised by Canberra's subversion of the law. It remains highly doubtful whether it is even possible for the former Solomon Islands attorney-general to receive a fair trial in Australia, given that he has already been publicly accused of being guilty by senior government ministers, led by the former foreign minister Alexander Downer.

In one radio interview, for example, Downer declared on 2GB, "I make no apology for being very upset about this—I think child sex is the most appalling of crimes—I am a father of four children..." The interviewer, Philip Clark, interjected: "It's disgusting. I know you are. I'm a parent too. You don't have to be a parent to be revolted by this." Downer: "You don't."

The Howard government was only able to proceed with its provocations in the Solomons thanks to the role of Labor and the other parliamentary parties. The entire Australian political and media establishment, without exception, agrees with Canberra's military-police operations in the Solomons and other parts of the South Pacific. This is why none of them has come to the defence of Julian Moti.



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