RAMSI immunity challenged after death of Solomon Islander in car accident

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The Australian media has maintained a unanimous silence on the recent death of a young Solomon Islands' woman who was hit by a vehicle driven by a police officer deployed under the Regional Assistance Mission to Solomon Islands (RAMSI). The failure to cover the story is all the more striking given the political furore it has caused in the Solomons' capital, Honiara, with senior parliamentarians demanding that the Australian-dominated RAMSI forces be stripped of their immunity from the country's laws.

RAMSI's immunity is emerging as a focal point for escalating opposition to Canberra's indefinite occupation of the impoverished Pacific state. Under existing legislative arrangements, the officer involved in the fatal crash—who was allegedly drunk at the time—cannot be prosecuted in the Solomons, even if it is established that a crime was committed.

Hilda Ilabae, a 26-year-old trainee nurse, was struck while walking home from a Honiara church with two flatmates and fellow nurses at around 9 p.m. on June 13. According to an eyewitness, a white utility vehicle veered down the road in a zigzag manner before colliding with Ilabae. "Two of them managed to jump off the road in time but Hilda was late and the vehicle hit her and dragged her to the side of the road into the nearby bushes," the witness told the *Solomon Star*.

The nurse died at the scene. A passenger in the vehicle—another RAMSI police officer—was seriously injured in the accident and later flown to Australia for emergency treatment. The officers, both Samoan nationals, were off-duty at the time.

Under the Facilitation of International Assistance Act, the RAMSI officer can be prosecuted under Solomons' law only if the Samoan government waives the immunity provision. The Facilitation Act was drafted by the former Howard government and ratified by the Solomon Islands' parliament in July 2003, as more than 2,000 Australian soldiers, police, and officials landed in the country as part of efforts by the Australian ruling elite to protect its economic and strategic interests in the region against encroaching rival powers. Publicly defended as a humanitarian intervention into a "failed" or "failing" state, RAMSI also proceeded under the banner of the Pacific Islands Forum (PIF)—in order to provide a "multilateral" cover for Canberra's operation. The Samoan police involved in the June 13 fatality are among a small number of police, soldiers, and legal officials from PIF countries other than Australia and New Zealand.

Five years after the initial RAMSI deployment, Solomon Islands remains among the world's poorest countries. While hundreds of millions of dollars in so-called Australian aid has been spent on Australian Federal Police salaries, prisons, and the court system, virtually nothing has been committed to health and education services, or to the alleviation of poverty and unemployment. At the same time, the influx of hundreds of highly paid Australian police, bureaucrats, "advisors", and non-governmental organisation personnel has exacerbated social inequality.

This is especially marked in Honiara, where RAMSI has created a "bubble economy" by pushing up rents and other costs of living. According to a report issued last April by Aid/Watch, a Sydney-based watchdog organisation, a small house in Honiara rented for between SI$600 and $1,000 per month (A$80-$135) before RAMSI arrived, but now goes for between SI$2,000 and $5,000 (A$270-$675). As a result, many public service workers—whose monthly wage often amounts to just SI$1,000 to $2,000 a month—are forced to live in squatter camps on Honiara's outskirts, without power, running water or basic municipal services. The Aid/Watch report (titled "The Limits of RAMSI") also noted the situation in Nggosi, an area in west Honiara that is now a RAMSI enclave, with monthly rents averaging between SI$15,000 and $40,000 per month. "You rarely see Solomon Islanders there now, except as a cleaner," Robert Iroga, a well-known journalist, reported.

For many ordinary people, the manner of Hilda Ilabae's death symbolised the colonial character of RAMSI's relations with the population. While the trainee nurse and her friends were walking home, the allegedly drunk RAMSI officer was driving a utility vehicle provided by the authorities. Getting around by car remains a "luxury" for most people, particularly with petrol prices rising. Inflation in fuel and food has hit the Pacific country hard in recent months. Many people are now unable to catch a bus, let alone drive a car, with the standard bus fare in Honiara rising by more than 100 percent in the last month (from SI$2 to $5).

A report in the *Solomon Star* pointed to the tensions revealed by the fatal vehicle accident: "Later Friday night some of Ms Ilabae's relatives and RAMSI people were involved in a confrontation at the hospital. RAMSI soldiers, along with Participating Police Force [i.e., RAMSI police] officers, were called to provide security as the stand-off was sorted out."

No doubt concerned to prevent the emergence of any public protests, senior RAMSI officials responded quickly. Special Coordinator Tim George issued a formal apology in letters to both Prime Minister Derek Sikua and the Ilabae family. RAMSI paid for the travel expenses of a reported 200 family members who went to the funeral in the family village of Talakali in Malaita Province. Participating Police Force Commander Denis McDermott, along with other RAMSI and police officials, also attended. Later however, McDermott suggested that the family's demand for a compensation payment was a matter to be discussed between the Solomon Islands' and Samoan governments, not RAMSI.

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According to a report published on the *People First* website, Manasseh Sogavare, former prime minister and current leader of the parliamentary opposition, said that the death of the young nurse was the eleventh fatality involving RAMSI officers.

"We cannot allow officers of the visiting contingent to continue to be careless about the way they conduct themselves in this country," he declared. "If they are here to require Solomon Islanders to behave lawfully, then they have a duty to lead by example. The records of some officers so far are appalling... As it stands now, the visiting contingent is a privileged group of people in Solomon Islands who are enjoying immunities that are totally unnecessary and given the change in circumstances it became a license to carelessness. The responsibility now lies squarely on the shoulders of the Solomon Islands government to immediately review the legal framework for deliberation by parliament. Failing this, the government will be seen as condoning these irresponsible behaviours and a party to them."

Canberra regards legal immunity as an essential component of the intervention, ensuring that Australian personnel retain a free hand to directly interfere in Solomons' affairs whenever necessary. In Papua New Guinea, the Australian policing component of the so-called Enhanced Cooperation Program (an intervention force modelled on RAMSI) had to be withdrawn in 2005 after the country's Supreme Court ruled that immunity was unconstitutional. Any forced withdrawal of Australian Federal Police from the Solomons would represent a major setback in Canberra's efforts to assert its domination of a region that is marked by intensifying great power rivalries, characterised above all by Beijing's growing economic and diplomatic influence.

The Solomon Islands' parliament is due to complete the required annual review of the Facilitation Act next month. It remains to be seen whether Prime Minister Sikua will simply ram through a formal approval of the RAMSI legislation without debate (perhaps under the cover of the country's 30th anniversary celebrations of formal independence from Britain), or whether there will instead be a serious assessment of the legal basis for RAMSI's ongoing presence.

There is no question that the Rudd government wishes to avoid the latter possibility. Indeed, there is every reason to believe that Canberra's determination to secure the Solomon Islands' parliamentary rubber stamp for another 12 months of RAMSI legal immunity lies behind the ongoing suppression of a final report issued by the Commission of Inquiry on the April 2006 riots.

This official investigation was initiated by the former Sogavare government, which was in power from May 2006 to December 2007, when it finally succumbed to a sustained regime change campaign orchestrated in Canberra. The Howard government had targeted then Prime Minister Sogavare, who initiated the inquiry, as well as launching a filthy and slanderous attack on Julian Moti, an international constitutional lawyer and academic who was the central legal figure involved in establishing the investigation. Canberra was at pains to prevent any scrutiny of RAMSI's role in the 2006 unrest, or any examination of evidence that Australian forces were stood down to allow the violence to proceed.

Moreover, an examination of the Commission of Inquiry's hearings, interim findings, and final submissions indicates that one of the likely findings of the final report is that RAMSI's legal immunity be revoked. (See: "Why have the findings of the Solomon Islands Commission of Inquiry into the 2006 riots not been released?")

The question must be posed: Is this why the final report—which was handed to the Sikua government more than two months ago—has not been publicly released? There has been no explanation for the inordinate delay in its publication. There is no doubt that officials in Canberra have received a copy and have carefully perused its contents. Does the Australian government hope to first secure next month's parliamentary renewal of the Facilitation Act before permitting the report's release? And is it aiming to engineer a sanitised version of the final report for public consumption, censoring potentially damaging references to RAMSI's legal immunity as well as to the intervention's wider status under international law?

The current Australian Labor prime minister has already made clear his contempt for the Commission of Inquiry. When he visited the Solomon Islands in March, Rudd was asked about the submissions that suggested Canberra bore responsibility for providing compensation for damages caused in the April riots. "Our view as Australia, is that RAMSI has acted entirely professionally and properly in discharging its responsibilities," Rudd replied. "For RAMSI there is absolutely no case to answer... These matters will now be deliberated on by the appropriate inquiry into what happened in those riots. But from the perspective of the Australian government, there is no case to answer."

The parliamentary opposition has meanwhile stepped up its demands for the release of the final report. "The government's suppression of the report is very suspicious," East Honiara MP Charles Dausabea told the *Solomon Star* last Thursday. "It makes me very suspicious of what it might contain."

Dausabea, together with fellow parliamentarian Nelson Ne'e, were arrested by RAMSI police within days of the April 2006 riots and were accused of orchestrating the violence. The two men were imprisoned without trial and denied bail by Australian judges for eight months, only to have the charges thrown out of court once a magistrate had a chance to review the evidence. It turned out that RAMSI's entire case rested on the bogus testimony of a multiple felon. "I spent some eight months in prison on the matter only to be found innocent by the court," Dausabea said. "Therefore I demand that the government release the report within seven days [and] if not I will seek my legal counsel for the release of the document."

Perhaps the sensitivity of the question of legal immunity—along with the related issue of the suppression of the Commission of Inquiry's final findings—may explain why the Australian media has ignored the killing of Hilda Ilabae.

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