

(There are 2 Acts by this name and we are advised by the SI AG's office that both are in force)

SOLOMON ISLANDS

THE AMNESTY ACT 2000

(NO. 8 OF 2000)

Passed by the National Parliament this eighteenth day of December 2000.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

*Elizabeth Andresen
Clerk to National Parliament*

Assented to in Her Majesty's name and on Her Majesty's behalf this nineteenth day of February 2001.

*Rev. John Ini Lapli
Governor-General*

Date of commencement: see section 1.

AN ACT TO MAKE PROVISIONS FOR THE GRANTING OF AN AMNESTY OR IMMUNITY TO MEMBERS OF THE MALAITA EAGLE FORCE, ISATAMBU FREEDOM MOVEMENT, THE SOLOMON ISLANDS POLICE FORCE AND THE SOLOMON ISLANDS PRISON SERVICES, IN TERMS OF THE TOWNSVILLE PEACE AGREEMENT WHO MAY OTHERWISE BE LIABLE TO CRIMINAL PROSECUTION FOR CERTAIN CRIMINAL OFFENCES; AND OTHER PROCEEDINGS UNDER VARIOUS ACTS OR REGULATIONS IN FORCE:

ENACTED by the National Parliament of Solomon Islands.

THE AMNESTY ACT 2000

ARRANGEMENT OF SECTIONS

SECTION:

1. SHORT TITLE AND COMMENCEMENT
2. INTERPRETATION
3. AMNESTY OR IMMUNITY FROM CRIMINAL PROSECUTION
4. PENDING CRIMINAL PROCEEDINGS
5. IMMUNITY FROM DISCIPLINARY PROCEEDINGS
6. AVOIDANCE OF DOUBT

WHEREAS it is considered desirable and expedient in the national interest to restore peace and harmony in Solomon Islands:

AND WHEREAS recognising and being conscious that all parties to the present conflict have reaffirmed their commitment to lasting peace by signing the Townsville Peace Agreement dated 15th October, 2000:

AND WHEREAS in terms of the aforesaid Agreement it is agreed that militants of the Isatambu Freedom Movement and the Malaita Eagle Force be granted an amnesty or immunity from prosecution to the extent and on the conditions hereinafter provided:

AND WHEREAS it is further provided in the Townsville Peace Agreement that officers and members of the Solomon Islands Police Force and the Prison Services who joined and participated in operations which commenced on the 5th day of June, 2000, together with leaders and other civilian advisors associated with the respective militant groups be granted an amnesty or immunity from prosecution to the extent hereinafter provided:

Short title and commencement

1. This Act may be cited as the Amnesty Act 2000, and shall come into operation on such date as may be appointed by the Minister by notice published in the Gazette.

Interpretation

2. In this Act -

"Townsville Peace Agreement" means the agreement signed in Townsville, Australia on the fifteenth day of October, 2000, by the Malaita Eagle Force, Isatambu Freedom Movement, Malaita Province, Guadalcanal Province and the Solomon Islands Government.

Amnesty or immunity from criminal prosecution

3. (1) Notwithstanding any provisions of the Penal Code or any other law, the following persons shall be granted an amnesty or immunity from criminal prosecution as hereinafter provided -

- (a) leaders, members and other advisors associated with the Malaita Eagle Force;
- (b) members of the Solomon Islands Police Force;
- (c) leaders, members and other civilian advisors associated with the Isatambu Freedom Movement; and
- (d) members of the Solomon Islands Prison Service.

(2) Subject to the provisions of subsection 4, the amnesty or immunity from criminal prosecution referred to in subsection (1), shall be in respect of any criminal acts committed in the execution or purported execution by any person -

- (a) of the Isatambu Freedom Movement in connection or in association with the forceful eviction from the Province of Guadalcanal of certain persons during the

period commencing 1st January 1998, and ending 15th October 2000 in furtherance of the demands of the indigenous people of Guadalcanal;

(b) of the Malaita Eagle Force, in retaliation against the forceful eviction of Malaitans from Guadalcanal; and

(c) in execution or purported execution of the para-military operations conducted on the 5th day of June 2000, and the joint para-military/Malaita Eagle Force security operations carried on thereafter, until the signing of the Townsville Peace Agreement on 15th October 2000.

(3) The amnesty or immunity from prosecution referred to in this section shall be on condition that all weapons and ammunition and stolen property in possession and in the custody of the militant groups referred to in subsection (2) are surrendered and returned in the manner and within the periods specified in the Townsville Peace Agreement or such other date the Minister may specify by Notice published in the Gazette.

(4) In this section "criminal acts" mean unlawful acts which are directly connected with matters specified in subsection (2) and in particular -

(a) offences relating to arms and ammunition;

(b) killing or wounding in combat conditions or in connection with the armed conflict on Guadalcanal;

(c) damage done or loss caused to any property during or in connection with military or security operations; and

(d) any traffic offences committed during or in connection with military or security operations.

(5) The amnesty or immunity referred to in this section does not apply to any criminal acts done in violation of international humanitarian laws, human rights violations or abuses or which have no direct connection with the circumstances referred to in subsection (2)(a), (b) or (c) of this section.

Pending criminal proceedings

4. (1) Where any criminal proceedings are pending against any person referred to in section 3, who in terms of this Act qualifies for an amnesty or immunity from prosecution the Director of Public Prosecutions may enter a *nolle prosequi* or where such proceedings continue and result in a conviction, the provisions of section 45 of the Constitution relating to the prerogative of mercy may apply.

(2) Where any person referred to in section 3 has been convicted of an offence prior to coming into operation of this Act who in terms of this Act would have qualified for an amnesty or immunity from prosecution, the provisions of section 45 of the Constitution relating to the prerogative of mercy may apply.

Immunity from disciplinary proceedings

5. Notwithstanding the provisions of any other law there shall be granted a pardon to persons referred to in section 3 who may be liable for disciplinary proceedings for or on account or in respect of any act, or thing done by such person during the period referred to in that section.

Avoidance of doubt

6. For the avoidance of doubt it is hereby declared that the amnesty or immunity from prosecution shall not extend -

(a) to any unlawful act done;

(b) to any person who unlawfully possesses, uses, controls or in whose custody is found any firearms and ammunition or identifiable stolen property; or

(c) to any person who refuses or fails to surrender such weapons and ammunition or stolen property,

after the dates referred to in subsection (3) of section 3.
