

SUPPLEMENT to the Solomon Islands Gazette

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[Legal Notice No. 51]

COMMISSIONS OF INQUIRY ACT
(Cap. 5)

**COMMISSION OF INQUIRY INTO THE APRIL CIVIL UNREST IN
HONIARA**

COMMISSION

BY The Right Honourable Manasseh D Sogavare MP, Prime Minister of Solomon Islands.

TO: THE HONOURABLE MARCUS EINFELD QC, AO of Sydney, Australia;

MR. WAETA BEN TABUSASI SIM, CSI of Honiara, Solomon Islands; and
MR. GABRIEL SURI of Honiara, Solomon Islands

WHEREAS by virtue of Section 3 of the Commissions of Inquiry Act (Cap. 5), the Prime Minister, whenever he deems it advisable, shall issue a commission appointing one or more commissioners and authorising them to inquire into any matter in which an inquiry would, in the opinion of the Prime Minister, be for the public welfare

NOW THEREFORE by this commission, I, The Right Honourable Manasseh D Sogavare MP, Prime Minister:

1. APPOINT The Honourable Marcus Einfeld QC, AO, Mr Waeta Ben Tabusasi SIM, CSI and Mr Gabriel Suri ("the Commissioners") as commissioners to inquire into the civil unrest which occurred in Honiara during the period between April 18, 2006 and April 20, 2006, following the election of the Right Honourable Snyder Rini MP as Prime Minister of Solomon Islands ("the April Civil Unrest");

2. AUTHORISE the Commissioner to:
- (a) investigate, probe, examine and analyse the background to the April Civil Unrest including all the incidents, events, activities and circumstances connected therewith and leading thereto;
 - (b) investigate and determine the role played by the bodies, groups and individuals who planned, organised, assisted and participated in all activities relating to the April Civil Unrest;
 - (c) identify the persons as well as political parties and groups who spear-headed and participated in the April Civil Unrest;
 - (d) investigate, examine and determine the role of any Member of Parliament (including The Honourable Charles Dausabea MP and The Honourable Nelson Ne'e MP) in the planning, organisation and execution of the April Civil Unrest;
 - (e) review the circumstances relating to the arrest, charge and detention of The Honourable Charles Dausabea MP and The Honourable Nelson Ne'e MP as well as investigate and evaluate the basis upon which their continued detention in custody was reasonably justified and not politically- motivated so as to deprive them and their constituents of their constitutional rights and responsibilities;
 - (f) investigate all the circumstances attendant upon and surrounding the damage and destruction of property as well as the arson and looting of commercial and business establishments in and around Honiara and identify the bodies, groups and persons who conspired, planned, executed and assisted such criminal activities;
 - (g) investigate, examine, analyse, appraise and determine the role and responsibility of the Solomon Islands Police Force ("the SIPF") and the Participating Police Force ("the PPF"), respectively, in the preservation and maintenance of law and order in Honiara during the April Civil Unrest;
 - (h) consider and evaluate the response of the SIPF, the PPF and the emergency services to the April Civil Unrest and advise on the appropriateness, adequacy and coordination of that response;

- (i) review and consider the question of the liability or obligation of the Solomon Islands Government to rehabilitate and/or compensate any victims of the April Civil Unrest for damage, loss or destruction of their property occasioned thereby due to the failure (whether by omission or commission) of the SIPF, the PPF or any other constitutional or statutory body entrusted with responsibility for the prevention, control and suppression of the April Civil Unrest;
- (j) review, examine, appraise and evaluate the nature, appropriateness, effectiveness and adequacy of existing arrangements for the prevention, control, immediate suppression and repetition of incidents, events and activities occurring during the April Civil Unrest;
- (k) investigate, appraise, evaluate and report on any other issue bearing or impinging on any of the foregoing; and
- (l) make recommendations as to the actions that ought to be taken to prevent a recurrence of the incidents, events and activities occurring during the April Civil Unrest;

3. DIRECT as follows:

- (a) that The Honourable Marcus Einfeld QC. AO shall be chairman of the Commissioners;
- (b) that the inquiry shall be held:
 - (i) in public;
 - (ii) as soon as practicable; and
 - (iii) at such place(s) as the Commissioners shall designate;
- (c) that the presence of the chairman and one of the Commissioners shall constitute a quorum for the proceedings of the inquiry while permitting the Commissioners to sit in panels of one or two to take particular evidence if a quorum considers it convenient or appropriate so to do;
- (d) that decisions of the Commissioners shall be by simple majority and in the case of equality of votes the chairman shall have a casting as well as a deliberative vote;
- (e) that the Commissioners shall:

- (i) submit their written report on the result of their inquiry into each and all of the matters referred to in paragraph 2 above as well as the reasons for their conclusions; and
- (ii) furnish the full record of the proceedings of the inquiry;

to the Prime Minister within six months of the commencement of the inquiry, or on or before such other date as the Prime Minister may determine;

- (f) that the Commissioners may, if they consider it prudent or appropriate so to do:
 - (i) prepare and submit to the Prime Minister interim or provisional reports on any aspect of their inquiry at any stage thereof;
 - (ii) keep any part of the transcript and their reports confidential to the Prime Minister and the Attorney General;
- (g) that the Commissioners shall, in the performance of their functions, be assisted by:
 - (i) Mr Hugh Paia who is hereby appointed as secretary to the Commissioners under Section 7 of the Commissions of Inquiry Act (Cap. 5);
 - (ii) one or more legal practitioners duly appointed by the Attorney General to act as counsel to the Commissioners;
 - (iii) transcribers, interpreters, investigators, technical advisers, researchers and any other persons whom the Commissioners may, with the approval of the Minister of Finance, engage to render services based on their recognised expertise, specialisation, qualifications, knowledge and relevant experience;
 - (iv) police officers who the Commissioner of Police is hereby directed under Section 17 of the Commissions of Inquiry Act (Cap. 5) to detail for the protection of the Commissioners and the orderly and efficient conduct of their inquiry;
 - (v) such other public officers as may be assigned from time to time by the Minister responsible for the public service;

- (h) that the Commissioners and the secretary shall be remunerated at a rate to be determined by the Prime Minister;
- (i) that all ministries, servants, boards, agencies and instrumentalities of the Solomon Islands Government shall assist the Commissioners to the fullest extent in order that they may discharge their functions without any hindrance whatsoever.

ISSUED at Honiara this twelfth day of July, 2006

THE RT. HON MANASSEH D SOGAVARE MP
Prime Minister

Honiara, Solomon Islands
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