
[Legal Notice No. 80]

SOLOMON ISLANDS INDEPENDENCE ORDER 1978
(L.N. 43 of 1978)

THE COMMITTEE ON THE PREROGATIVE OF MERCY
RULES 1997

The Committee on the Prerogative of Mercy, established by virtue of section 137 of the Constitution, hereby makes the following rules -

Citation.

1. These Rules may be cited as the Committee on the Prerogative of Mercy Rules 1997.

Interpretation.

2. In these Rules unless the context otherwise requires -
"Chairman" means the Chairman appointed pursuant to section 45(2)(a) of the Constitution;

"Committee" means the Committee on the Prerogative of Mercy;

"Constitution" means the Constitution of Solomon Islands;

"Controller" means a person for the time being charged with overall administration of Prison Services of Solomon Islands, and includes any other designations similarly so assigned to performing the same;

"family" means the immediate family of a prisoner, and includes, father, mother, brother, sister, wife, husband, son, daughter, grandfather, grandmother, grandson and granddaughter;

"medical officer" means a person registered with the Medical and Dental Board to practice medicine in Solomon Islands;

"member" means a member of the Committee, and includes the Chairman;

"petition" means a petition tendered pursuant to rule 5 of these Rules;

"petitioner" means any person making a petition;

"prisoner" means a person confined under legal custody in any prison in Solomon Islands;

"Provincial Assembly" means any Provincial Authority established by an Act of Parliament and includes the Town Authority of Honiara;

"Relative" means any blood relatives of a prisoner;

"Rules" means the Prerogative of Mercy Rules;

"Secretary" means the Secretary of the Committee on the Prerogative of Mercy appointed pursuant to section 137 of the Constitution;

"tribe" means a group of people indigenous to Solomon Islands, having a common ancestor, and includes subtribes and clans.

3. (1) There shall be a secretary to the Committee, appointed by the Public Service Commission.

Administra

(2) The Secretary shall be responsible for the effective administration of the office of the Committee.

(3) The secretary shall -

(a) in consultation with the Chairman call all meetings of the Committee;

(b) prepare all necessary documents for meetings of the Committee; and

(c) record all minutes of all meetings of the Committee.

4. (1) The Chairman shall preside at all meetings of the Committee.

Meetings
of the
Committee.

(2) The quorum of the Committee shall be three members, inclusive of the Chairman.

(3) Notwithstanding subrule (2) where a petition is in regards to a life time prisoner or a person who has been sentenced to death, (otherwise than by a court-martial) for an offence, the Committee shall not proceed by majority vote, but by consensus of all members present:

Provided that in so far as subrule (3) requires, all the members whose appointments have made been pursuant to section 45(2)(a) of the Constitution, shall all be present, plus the member(s) from which province(s) the prisoner normally resides.

5. (1) Any of the following may petition the Governor-General, through the office of the Committee, that is to say -

(a) any prisoner;

(b) any relative;

(c) any family member;

- (d) the Controller of Prisons; and
- (e) a medical officer.

(2) (a) Any petition made by any person listed under subrule (1) -

- (i) shall be for humanitarian reasons; and
- (ii) shall not be on points of law (such shall be reserved for procedures of appeals to appropriate courts);
- (b) any petition made by the Controller, pursuant to subrule (1)(d) shall be for reasons of good conduct or meritorious conduct by a prisoner;
- (c) any petition made by a medical officer, pursuant to subrule (1)(e) shall be for reason of ill health of a prisoner, except as provided in subrule (2)(b), all petitions shall be accompanied by an up-to-date report made by the Controller, giving such particulars as he deems appropriate on the prisoner.

Classification
of prisoners.

6. (1) So far as shall be practicable, petitions may be made where any person has been -

- (a) convicted and sentenced to imprisonment for a period of more than six months;
- (b) sentenced for life; and
- (c) sentenced to death, for an offence under the laws of Solomon Islands:

Provided that a medical officer, may make a petition in respect of any other matters not specified under these Rules.

(2) Any petition made pursuant to this rule, and in accordance with -

- (a) subrule (1)(a) shall not be so made unless six months has lapsed after the date of conviction, and thereafter at intervals of not less than six months;
- (b) subrule (1)(b) shall not be so made and thereafter at not less than intervals of three years; and
- (c) subrule (1)(c) shall be so made as deemed practicable.

The Committee
to advise the
Governor-
General.

7. (1) At the completion of its meeting, the Committee shall accordingly tender its advise to the Governor-General; whether -

- (a) not to grant a pardon to any person convicted of an offence under the laws of Solomon Islands;
- (b) to grant a pardon to any person convicted of any offence under the laws of Solomon Islands, either free or subject to lawful conditions;
- (c) to grant any prisoner a respite, either indefinite or for a specified period, of the execution of any punishment imposed on the prisoner for such offence;

(d) to remit the whole or any part of any punishment imposed on any prisoner for such an offence or any penalty or forfeiture otherwise due to the government on account of such an offence.

(2) The Governor-General may after receiving the advice of the Committee, grant to any person convicted of an offence, a pardon either free or release on licence.

(3) Every licence granted by the Governor General under subrule (2) shall be in the for prescribed in the Schedule and shall be subject to such conditions as may be specified therein.

8. Whenever any person has been sentenced to life or death for an offence; a report on the case by the judge who presided at the trial (or, if a report cannot be obtained from that judge, a report on the case by the Chief Justice) together with such other information derived from the record of the case or elsewhere as may be required by or furnished to the Committee shall be taken into consideration at a meeting of the Committee, which shall then advise the Governor-General whether or not to exercise his powers.

Report.

9. In a petition regarding any person sentenced to life or death for an offence; a report of customary reconciliations between rival tribes or families shall be furnished to the Committee and shall be taken into consideration, at a meeting of the Committee.

Petition.

10. Whenever any person sentenced to life or death, for an offence under the laws of Solomon Islands has been granted a pardon, other than a licence, by the Governor-General, there shall be a handing over ceremony at which the Governor-General, or his representative shall hand over the person released to the respective tribe or family.

Handing over of released person

"SCHEDULE (section 7(3))

Form of Licence

The Governor-General hereby grants
..... who was convicted of
theday ofby the
Magistrate/High Court/Court of Appeal sitting at
and was sentenced to imprisonment for life/to death/to
imprisonment for a term ofyears
and is now confined in theprison,



his licence to be at large from the day of his liberation under this Licence during the remaining portion of his said term ofunless the said shall before the expiration of the said term be convicted of an offence within Solomon Islands in which case such licence shall be immediately forfeited, or unless the Governor-General shall revoke or alter such licence.

2. This Licence is given subject to the conditions specified in the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by conviction or not.

3. The Governor-General hereby orders that the said be set free at liberty within thirty days from the date of this Licence.

Given under my hand this day of 1997.

Governor-General"

*Delete words not applicable
(Conditions of the Licence printed on the back)

CONDITIONS

This Licence will be subject to revocation if the holder does not observe the following conditions -

1. He shall preserve his licence and produce it when called upon to do so by police officers or magistrates.
2. He shall abstain from any violation of the laws.
3. He shall not habitually associate with notoriously bad characters.
4. He shall not lead an idle life, without visible means of obtaining an honest livelihood.
5. He shall at the time of his release from prison inform the officer in charge as to the place where he intends to reside and shall with all convenient speed proceed to such place and shall within 48 hours of arrival at such place report himself personally, unless prevented by unavoidable course, to the police officer in charge of the police station nearest to his place of residence.*

6. He shall, unless prevented by unavoidable cause, thereafter once in every month report himself personally to the police officer in charge of the Police Station nearest to his place of residence and shall, unless prevented by unavoidable cause, on every change of residence give 48 hours notice, either personally or by letter, to such police officer of his intention to leave, and so far as is practicable, of his exact future address; and shall, unless prevented by unavoidable cause, within 48 hours of his arrival at his destination where he intends to reside, report himself personally to the police officer in charge of the Police Station nearest to his place of residence.*

7. The police officer in charge of the Police Station nearest to the licence holder's place of residence may, after the lapse of some time after the granting of the licence during which the conduct of the holder shall have been satisfactory, permit the report to be made in writing.*

8. He shall conform to such other conditions as the Governor-General may insert in the licence.

*Note: Conditions 5, 6 and 7 may be amended to refer to such other officers other than the Police Station as may be convenient or desirable.

Dated at Honiara this fourteenth day of May 1997.

LEONARD P. MAENU'U, OBE
Chairman
Committee on the Prerogative of Mercy
