

ATTACHMENT: C



PILON COUNTRY REPORT TEMPLATE

Please return this completed Country Report to the PILON Secretariat (coordinator@pilonsec.org) by no later than **COB Friday, 30 September 2022**, to facilitate timely circulation to PILON members prior to the meeting. Please advise if you do not wish your Country Report to be made available on the PILON website.

COUNTRY REPORT PRESENTATION:

The PILON Annual Meeting 2022 will be shorter than an in-person meeting due to the constraints of meeting through a virtual platform. As a result, the Secretariat welcomes oral updates to the meeting on an opt-in basis.

The time for presentations will be strictly limited to **five (5) minutes** and we ask that the focus be on summarising **one key law and justice achievement** that is relevant to **one** of the PILON strategic priorities of sexual and gender-based violence, cybercrime and corruption.

A key law and justice achievement could include, for example, a recent legal reform, a review or introduction of important legislation or accession to an international treaty.

It is not necessary to prepare a PowerPoint presentation for this update. If a presentation is prepared it must be submitted to the Secretariat by the due date for submitting Country Reports.

COUNTRY REPORT WRITTEN SUBMISSION:

The Country Report written submission should be limited to 10 pages and include the following titles:

1. Major law and justice sector developments and achievements

[Countries are encouraged to report on recent developments and achievements in the law and justice sector (e.g. establishment of a new court).]

Recent developments and achievements in the law and justice sector (e.g. establishment of a new court.

- (1) The establishment of a new courthouse in Atori, East Malaita funded by DFAT through the Solomon Islands Justice Program. This is in keeping with Solomon Islands government and DFAT's vision of access to justice. The court house enables the Magistrates court to undertake more circuits to Atori to hear matters for the Eastern Malaita region. This is a cheaper and more convenient option for stakeholders and persons accused of crimes. The courthouse is used for Civil and Criminal Matters.
- (2) After many years, the Magistrates court made two visits to the Malaita Outer Islands (MOI). The Outer Islands are remote tropical coral atolls located north East of Malaita's Main Island. Accessing the Island is only by ship which is irregular. Ships go to the Islands once or twice a year. The Magistrates courts visit to MOI is a milestone for the criminal justice system.
- (3) High Court increased the number of provincial circuits including a circuit to Kirakira, Makira Province and far away Lata in the Temotu Province.
- (4) Attorney-General advocated for increased manpower for AGC to be able to establish more units, including an International Cooperation Unit to look after among other things Mutual Assistance Requests (MAR).
- (5) 3 Legislative Drafters in SI AGC have been on mentoring program provided by Private Legislative Drafters, funded by DFAT through the Solomon Islands Justice Program.
- (6) The Ministry of Justice and Legal Affairs (MJLA), the Law Reform Commission 9LRC) and the Legal Policy Unit (LPU) of MJLA are working on reviews of a number of outdated Criminal Laws.
- (7) The Attorney-General and the Director of Public Prosecutions have been developing policies to enable the creation of specific legislations for the Office of the Attorney-General and the Officer of the Director of Public Prosecutions.

2. Significant court decisions

[Countries are encouraged to report on recent court decisions which may be of interest to members.]

(1) Regina v Keota and Goufi HCSI-CRC 337 of 2017.

On 15 April 2017, gruesome murders were committed on a Chinese couple. The murders occurred within the confines of their business premises in Honiara. Their bodies were discovered on 17 April 2017, two days after the killing. 2 Defendants were convicted following a trial. On 27th April 2022, the Court imposed a minimum term of fifty-three years as a minimum term for each person to be served before parole may be considered. This is the highest minimum term ever imposed by the Court in Solomon Islands. This case is also significant because the Prosecution relied mainly on the footage and images taken from the surveillance cameras installed in the business premises of the deceased couple, to prove the crime beyond any reasonable doubt against the two defendants.

(2) Koti v R [2022] SBCA 3; SICOA-CRAC 04 of 2021 (8 July 2022)

The appellant, appealed against the harshness of a sentence of 16 months imprisonment imposed on him on 22 April 2021 following his conviction for attempted defilement of a girl under the age of thirteen years. Considering the circumstances of the case, the Court of appeal dismissed the appeal against the sentence and confirmed the sentence. The Court of Appeal said sentences of imprisonment should be expected for sexual offences in general and in particular for sexual offences against underage children.

(3) Attorney General v Speaker of Western Province Assembly [2022] SBCA 16; SICOA-CAC 33 of 2021 (12 August 2022)

This is an appeal, against the ruling that set aside an Interlocutory Interim Injunction/Declaration by the High Court on 24 November 2021 in Civil Case 614 of 2021. The matter relates to the business of the Western Provincial Assembly (WPA) and the scheduling of meetings. There were ongoing disputes between the Minister and members of the WPA relating to the holding of requisite meetings. The Speaker sought to Judicially Review the decisions; the first claim was filed on 27 October 2021. It sought an Order quashing the Minister's decision of 14 October 2021 and a further Order directing the Minister not to interfere with the Speaker's decision when he adjourned the Assembly meetings. On 9th November 2021, acting under urgency, the Court made various orders, *inter alia*, to amend an initial order by the Minister for the Provincial meeting to be held on the 29th November 2021 as opposed to the first order by the Minister. The Attorney-General brought an Urgent Application to Set Aside the Interim Injunction/Declaration Orders made by the High Court, but the Judge refused this. The Attorney-General filed an appeal to the Court of Appeals. The Court of Appeal

ruled that the Court did not have the right to amend the decision of the Minister. The Judge went too far. The Judge erred in exceeding his supervisory capacity as the power under section 47 is vested in the Minister and the Minister alone. The supervisory jurisdiction of the Court does not give it jurisdiction to intervene.

(4) Regina v Alafa & Ors, Regina v Luifainia & Ors, Regina v Bosa & Ors HCSI- CRC No-156, 157, & 158 of 2021.

The DPP appealed against the ruling of a Magistrate court after she discharged the respondents on the basis that they were jointly charged. When the cases were called before the Magistrate, she directed that the respondents be singularly charged with the offences allegedly committed jointly by them. She further decided not to sign Charge sheets presented by the DPP for signing. The Prosecutions did not comply with the directions to charge the Respondents singularly, which led to the dismissal of the charges and consequently, all respondents were discharged. The DPP appealed the judgment of the Magistrate on the grounds that the Magistrate erred when she discharged the respondents on the basis that they were jointly charged, thereby disregarding all rules of drafting charges in the Criminal Procedure Code (Cap 7), the law of Solomon Islands. That the Magistrate acted ultra vires her when she dismissed charges that are properly drafted and brought under the rules in framing charges. In its deliberation, the Court stated that the court is not entitled to act as a prosecutor. The Court's duty can only be invoked if and when the charges or charge is defective either in substance or form. The Court found that the charges subject to this appeal complied with sections 117 and 120 of the criminal procedure code. The Court allowed that ground of appeal. On ground two of the appeal, the Court noted that the Magistrate believed that she had the jurisdiction to amend the charges under section 201 of the criminal procedure code. Section 201 (1) however is specific as to when that power comes in. The matters were still at the mention stage, and the Prosecutions had not called any evidence. The Court ruled that the Magistrate was not entitled to invoke section 201 of the criminal procedure code to make orders for amendment of the charges against the respondent. The Court ruled that the Magistrate acted ultra vires her power when she dismissed the charges against the respondent. The Court allowed the second ground of appeal and then referred the matters back to the Magistrate to be dealt with according to law.

(3) PILON strategic priorities

[Countries are encouraged to provide an update in relation to the three PILON strategic priorities, on relevant domestic developments (introduction or amendment of legislation, significant court decisions, policies or practices introduced, institutions established), challenges faced, or other observations.]

[Please indicate whether any PILON activities or resources (listed below) are relevant for your jurisdiction and whether they have been used, or are intended to be implemented in the future and what further support might be needed.]

(a) **Cybercrime**

(1) **National Cybersecurity Policy and National Cyber Security strategy**

The Ministry of Communication and Aviation (MCA) has responsibility for developing a National Cybersecurity Policy and Cyber security Strategy for Solomon Islands. MCA Working Group (MCA WG) is drawn from ministries, private sector and internet providers and is tasked with developing the National Cyber security Policy and Cyber Security strategy. MCA WG convened six meetings this year to progress work on the two documents. MCA WG will come up with the final National Security Strategy and National Security Policy at their final meeting for the year.

(2) **Solomon Islands Cybersecurity Bill**

Unfortunately work on the Bill which is now at the drafting instructions stage did not progress this year. The Working Group did not meet. This may be due to other government priorities arising from the civil unrest of November 2021, community transmission of covid-19 and the extreme budget shortfall.

(3) Despite not having a Cybersecurity legislation, a number of criminal cases (homicide, serious robbery with violence and burglary) based on cyber evidence were successfully prosecuted by the Office of the Direction of Public Prosecutions.

(b) **Corruption**

(1) Solomon Island (SI) ODPP became the 123rd member and Solomon Islands became the 68th country to join Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) in October 2022.

(2) Solomon Islands Prime Minister's Office (PMO) who have oversight of the SI Independent Commission against Corruption (SIICAC) convened 3 meetings with Integrity agencies to discuss progressing the mandate of SIICAC.

(3) UNDP, UNODC, SI ODPP combined efforts to strengthen SI Independent Commission Against Corruption (SIICAC).

(4) SIICAC progressed efforts to establish full-fledged office. Appointments to key positions were made.

- (5) There is a reduction in the number of corruption cases investigated and prosecuted this year. Reason can be attributed to lack of Police resources to investigate, lack of report, uncertainty about where to report-Police or Solomon Islands Independent Commission Against Corruption (SIICAC) and possibly that progress is being made in the fight against corruption.
- (6) ODPP increased the staff strength of the Anti-Corruption, Anti-Money Laundering and Proceeds of Crime Unit from one to three Prosecutors.
- (7) Solomon Islands Financial Intelligence Unit (SI FIU) organized 3 quarterly meetings of the Anti-Money Laundering Technical Expert Group (AMLTEG) to share information and current trends in asset recovery.
- (8) SI FIU, hosted a Post Mutual Evaluation Seminar for Integrity Agencies to provide them with knowledge and skills to ably address key deficiencies and risks identified in the Solomon Islands National Risk Assessment Report 2017 and the Solomon Islands Mutual Evaluation Report 2019.
- (9) UNDP and UNODC increased support to all Integrity Agencies in Solomon Islands.
- (10) UNODC facilitated trainings on Ethics and Social media for Prosecutors.
- (11) UNODC provided sponsorship for SI DPP to attend the Regional Anti-Corruption Conference for Law Enforcement Professionals in Southeast Asia.
- (12) UNDP and Australia Attorney-General's Department provided funding for SI DPP and two Prosecutors to attend the Australia Public Sector Anti-Corruption Conference (APSACC 2022 IN Sydney).
- (12) UNDP facilitated meetings and MOU between Integrity Agencies.

(C) Sexual and Gender-Based Violence

- (1) The escalation of sexual offences continued despite, many successful prosecutions.
- (2) Increase in the number of cyber related sexual offences against girls.
- (3) Sentencing tariffs may not be deterrent enough, advocating for harsher punishments for offenders
- (4) Courts continued to use special measures in receiving the best evidence from vulnerable witnesses especially children

- (5) SI Successfully implementing Guidelines for Prosecutors and Witness Support Officers for family & sexual offence matters
- (6) Reduction in the number of gender and family based violence matters being reported because there is no flexibility in the punishment that can be imposed if a conviction happens. Victims of those offences are not reporting as a result of pressure from offenders' families.
- (7) Despite no legislation, Police and ODPP are testing video recording of the evidence of child complainants, with the aim of producing that as the child's only evidence during Committal and trial proceedings.
- (8) SI lawyers face unsurmountable challenges in court in leading the evidence of very young children in sexual assault matters.
- (9) Reforms in other areas of the law have taken priority over the reform of SI Evidence Act 2009
- (10) SI allocated a Chief Legal Officer to work on PILON SGBV Advisory Panel, working on Regional Guidelines for Prosecutors and Witness Support Officers for family & sexual offences.

(4) Technical legal assistance

[Countries are encouraged to identify main law and justice training priorities or technical assistance needs, as well as any significant or particularly useful law and justice training or technical assistance that has been provided to the country in the last 12 months.]

Main law and justice training priorities or technical assistance needs

1. Solomon Islands legal practitioners need training in basic, intermediate, advanced and appellate advocacy, statutory interpretation, Legal reasoning, advice writing and administrative law.
2. Lawyers in Solomon Islands Integrity Agencies need training on Legal opinion writing, case analysis and case preparation.
3. Solomon Islands Government Para-legal officers and Witness coordinators need training in para-legal work, research, communications skills and handling witnesses. Trainings have to be tailored to particular job descriptions.
4. Solomon Islands Legal Practitioners particularly Prosecutors, Public Solicitors and Private practitioners (who practice in criminal law) need basic training in sign language so as to be able to communicate effectively with deaf and dumb complainants, witnesses and defendants.

5. Royal Solomon Islands Police Force Investigators need further training and skills to better detect and investigate cases of misuse of public money and financial crimes.
6. Solomon Islands legal Practitioners need training and mentoring in prosecuting and defending cases of misuse of public funds, financial crimes, management of and recovery of stolen assets.
7. The Criminal justice system needs support in development of manuals, rules of procedures, bench books for judicial officers, prosecution manual for Prosecutors, Public defenders and Investigators.
8. Judicial officers Prosecutors, Public defenders and Investigators need training in handling vulnerable witnesses and victims of sexual and gender based crimes.

Useful law and justice training or technical assistance that has been provided to the country in the last 12 months

- (1) Two High Court Judges attended the 2022 Triennial Conference of the Commonwealth Magistrates and Judges Association in Accra, Ghana from 4 – 9 September 2022.
- (2) 5 High Court Judges and the Chief Magistrate attended Regional Workshop on Anti-Money Laundering in Port Moresby, PNG from 12 & 13th July 2022.
- (3) 2 High Court Judges billed to attend the Pacific Judicial Integrity Program (PJIP), workshop for Judicial Officers’ on Fraud and Corruption in Port Moresby, PNG from 28th November – 2nd December 2022.
- (4) One Lawyer in SI Attorney-General’s Chamber, one senior Prosecutor and two senior Royal Solomon Islands Police Force Investigators were given scholarship to attend the PILON Cybercrime Zyber Intermediate Course on Digital Forensics.
- (5) SI heads of Integrity agencies attended training on Stakeholder Management Workshop on Whole of Society Approach to Anti-Corruption.
- (6) ODPP Prosecutors attended UNDP webinar on Parallel Financial Investigations & Asset Recovery: Corruption Proceeds.
- (7) ODPP Prosecutors attended UNODC training on Ethics and social media training for Prosecutors.
- (8) Victoria Bar provided training on Appellate Advocacy for Prosecutors and Public Solicitors.
- (9) Queensland Bar provided training on The advocate’s treatment of vulnerable witnesses – a practical perspective for Prosecutors and Public Solicitors.

(10) Queensland Bar provided training on Deadly Sins & Handy Hints of Statutory Interpretation for legal practitioners in Solomon Islands.

(10) Bar Association of Queensland’s South Pacific Education Committee presented a CLE to legal practitioners in Solomon Islands on ‘*The Conduct of Criminal Trials: Reflections*’

(5) Contact information for key law and justice agencies

[Including but not limited to: Attorney General’s Office, Ministry of Justice, Directors of Public Prosecutions, Crown Law Office, Courts, Law Reform Commission, People’s Lawyer, Office of Parliamentary Counsel, etc.]

Agency	Key responsibilities	Contact person and position	Phone number and email
Attorney-General’s Chambers	Principal legal adviser to the government	Mr. John Muria (Jnr)	jmuria@attorneygenerals.gov.sb
Director of Public Prosecutions	Chief Prosecutor	Mrs. Rachel Olutimayin	ROlutimayin@dpp.gov.sb
Director of Public Prosecutions	Deputy Chief Prosecutor	Mr. Andrew Kelesi	AKelesi@dpp.gov.sb