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The Editor
TokTok News Paper
Honiara

6th March, 2000.

"WITHOUT PREJUDICE"

Dear Sir,

Thank you for this opportunity to personally respond to a letter that appeared in the column of one of your Country's News Paper on Monday February 14th, 2000 purported to be authored by a former Solomon Island Public Solicitor, a foreigner now a Citizen of the Solomon Islands a Mr. Andrew Radclyffe on the subject of Anuha.

It is sad that my reply to that letter has been denied the same privilege that was extended to the writer. The unfortunate action by the particular News Paper confirms to, an extend, my fears of the true nature and statures of free press in our country, if there is any.

For the benefit of the public of your country allow me to reply through your column as this is a matter that is passionate to a section of the Natives of your Country. Now that Radclyffe has spoken through his favorite paper let John Smith speak through your column.

May I express at this juncture that every facets of this letter, dates and events are authentic and can be substantiated by credible court and Government instruments and documents I attach herewith for any of your readers to view if they cast a doubt in the truthfulness of my reply to Mr. Radclyffe.

Your readers should also like to know that I have lodged a complaint again the particular newspaper with relevant Government and Press authorities who policies press ethics and freedom in the Solomon Island and with-in the region.

I am not the least surprised nor are my many friends in the Solomon Islands in the tone and intruding comment made by Mr. Radclyffe in indulging in this discussion on Anuha. He believes he writes with enormous qualification as a final authority in legal opinions and as a leader of the people of the Solomon Island in assuming the role of legal kingpin in National affairs.

As Mr. Radclyffe has made himself know as a protector of Law and order and a patriot of the Solomon Islands it is thus an opportunity, for the benefit of your readers to judge the real reasons behind his persistence to gag the independence and freedom of the Solomon Island's print and electronic press on an issue that is dear to a section of the natives of the Solomon Islands.

Let it be known that Mr. Andrew Radclyffe has a long and remarkable twenty years association with the legal dealings of Anuha Island, dating back to the last century, and is as early as. November 13th, 1981. That is well before I set foot on the Solomon Islands in 1987 and was latter appointed by the Pule family with the exclusive, unlimited and irrevocable power of Attorney.

As his seat is getting hot he could not resist the itch to yell out his very academic comments which unfortunately or fortunately projects the real Mr. Andrew Radclyffe which probably is not known to many of you readers of this News Paper.

On November 13, 1981 while a Government lawyer, Mr. Radclyffe witnessed the signatures of a private legal transaction between Fr. Robert Pule and the Pule brothers in a "Deed of agreement to lease" Anuha to a Mr. John Patrick Donnelly in a non-transferable document. Subsequently, a seventy-five year lease was granted to Mr. Donnelly in person. As most of you readers could recall this same Mr. Donnelly had enormous financial problems resulting in him breaching the terms of the lease through rent arrears and failure to meet deadline to construct and operate a resort as required by law. A custodial prison sentence looming over him here in Australia at that same time did not help at all.

Surprisingly for the Pule family a different copy of a lease sprung up about two years later around September 9th, 1983 purportedly signed by the Pule brothers with a totally different company with no relation whatsoever to Mr. Donnelly. Pule later found out that the Lease has been sold for a mere \$300,000.00 by Mr. Donnelly to a Company..

How can this be so as it was not permitted under their covenant with Mr. Donnelly? After various furious letters by the native landowners and re-entering the Island they were shown a new lease to the new company with their signatures on it. They were also shown a copy of their original lease with Mr. Donnelly which to their surprise has the words "or his nominee" handwritten and added along side Mr. Donnelly's name as lessee. Which now means Mr. Donnelly could lease or sell the Island to who ever he chooses.

The additional handwritten words were, on admittance by Mr. Radclyffe during High Court Civil case no. 309 of 1987, written by Mr. Radclyffe himself. Mr. Radclyffe further told the court that he "wrote those words on one copy" only. Why not all the copies? Where were the other copies. In the notes of the same lease document states that "everybody who signs the lease should also sign again at the side near the alteration". All other alterations for example "clause k" on page seven of the document have all parties putting their initial "near the alteration" and at the bottom of the page. We may never know why the very important addition of the killer clause "his nominee" should be exempted from this requirement of the notes as no signature not even Mr. Radclyffe is seen along side the handwritten addition he admitted he did in the mentioned case in my layman understanding of law any alteration made without the knowledge and initial of all the parties automatically causes the whole document to be null and void or to use Mr. Radclyffe's own legal term a "discredited piece of paper".

According to paragraph. six and eight of ruling of civil case no. 309 of 1987 it was none other than Mr. Andrew Radclyffe, Public Solicitor, was the legal advisor of the Pule brothers during the first lease signed in 1981. Mr. Radclyffe also was instrumental in the execution of the new second lease after another Solicitor, a Mr. Brown, who was said to be representing the Pule brothers left the country.

Suspecting a fraud has been committed Father Pule together with his brothers submitted in court through Mr. J Muria, Solicitor, that they have no knowledge of the new lease document to the new company nor gave prior consent for the sale by Mr. Donnelly. In fact they claim to have been away in Gela, Central Province in a Church meeting at the date (8/4/83) he is alleged to have signed the new lease document A letter written by the Rt.honourable Bishop supporting Father Pule's attendance and continued presence in the Church meeting on the particular day was presented as testimony together with other

credible testimonies. The Chief Justice at that time still made his ruling for the new lessee stating that Father Pule "lie easily". A vital testimony was by Mr. Radclyffe's secretary who, according to the ruling "was unable...to remember" the execution of the document by the Pule brothers.

Due to lack of financial resource the Pule brothers were unable neither to appeal against the decision that was made in favor of the new lessee nor to employ a graphic expert to evaluate the signature attributed to the Pule brothers. For my own interest I have obtained copies of the lease document and is presently assessed by independent graphologist. My dear readers may I ask whose responsibility was it to probably advise these native villagers in this case in matters that protects their interest.

The Church and the man of God's testimony and character were ridiculed in a public court due to a testimony by Mr. Radclyffe and his secretary even though she testified she could not exactly remember the signing. It is too important an event to be easily forgotten by a well-trained secretary assigned a task to assist a foreign Government lawyer. This reputable Government Lawyer saw it unnecessary to have the addition "or his nominee" attested and witnessed.

From that day Anuha was out of the grips of the Native Land owners. Mr. Donnelly due to financial pressure and a Prison custodial sentence quickly sold it to Pacific Resorts for about \$300,000.00 who latter sold the company to Mr. Brian Ray as principal shareholder. In March of 1987 Mr. Brian Ray sold 75 % to the Ariadney Group of Brisbane for three million dollars. Mr. Brian Ray latter persuaded me to leave my lucrative job as Executive chef at a premier five star hotel in Queens land to help manage Anuha. I opted for the sunshine of the Pacific and her people and took up the offer.

I believe due to the native landowner frustration and absence of proper legal advice did what Mr. Radclyffe termed as "burned down Anuha". I was saddened to hear of the burning. May I state here that I was neither directly nor indirectly involved with the unfortunate burning of Anuha. Through Police investigations have cleared me after mischievous allegations were made through unsigned affidavit and other devious means. Police have the record.

Your readers may want to ask Mr. Radclyffe why, as a Public solicitor and friend of the Solomon Island people, which he claims to be, he did not properly advise the Pule Clan before signing the deed of agreement to lease document way back in 1981. A patriot and champion of native interest ?

In this new century Mr. Radclyffe has featured again in this new episode of Anuha. This time he has established himself well in his thriving legal firm as a private legal practitioner . His salary is now not paid by the taxpayers hard earned wages. He has matured through the years of legal experiences in the Solomon Island from a hired Public solicitor to a very wealthy Lawyer, in Solomon Island standard as I have been told. He has pledged his loyalty to the people of the Solomon Island and has been fortunate to bequeath a Polynesian Solomon Islander as assurance of his statures as a Solomon Island Citizen. He is even the private Lawyer of the Hon. Ulufalu as the Hon Prime Minister told me in one of my telephone discussion with him last year when he suggested I hire Mr. Radclyffe to fight my case in the Solomon Courts. For a little laugh I telephoned Mr. Radclyffe and offered him to be in my payroll. Readers should call him and ask what he told me. I had a good laugh for many days after that.

By the sound of his authoritative legal opinion in his letter I could deduct he sees himself as a legal eagle in the Solomon Island probably above some of the honorable Native Lawyers.

I am not sure of the area of Law Mr. Radclyffe majored in his legal qualification or the University he obtained his degree from. Mr. Radcliffe may have majored in International Law or Marriage Law or Property Law or Aviation Law or Fishing Export Law or dept collecting Law etc I do not know.

All I know is with whatever esteemed legal qualification he has justifies himself to call as a "discredited piece of paper" a legal document prepared and executed under the Laws of the Solomon Islands. In his cheekiness he has showed his true colors again by being disrespectful and belittle Solomon Islands Lawyer who prepared the Power of Attorney document, Native Land owners of the Central Province and Attorney General staffs who officiated in the preparation and legitimizing the irrevocable, unlimited and exclusive Power of Attorney. As could be testified by all these officers I was not present at anytime during the preparation of, to use Mr. Radclyffe's term "the "discredited piece of paper".

Is Mr. Radclyffe suggesting that every legal document prepared under the auspicious of the Laws of the Solomon Islands are, to use his own words again, "discredited piece of paper". If that is his honorable opinion of the Law and people of the Solomon Island than he should be encouraged to look for another country to practice in. I'm sure it won't be too difficult for him to find another home in light of his experience and wealth accumulated over the years in the Solomon Islands. Surely the Hon. Prime Minister will have no problem finding another Lawyer from within the local professionals. Does Mr. Radclyffe have due respect for the people of the Solomon Island or even the fellow honorable member of the Bar who drafted the Power of Attorney? Is he saying that the Government acted legally in purchasing Anuha from Father Pule when Government was fully aware that my irrevocable, unlimited and exclusive Power of Attorney was in force, current and valid and have never been revoked on the day of the transaction.? Is he colluding with Government on the validity of a revocation signed by Father Pule to "facilitate" the fraud in the illegal transfer of Anuha? Has he checked case CID/4 of 25/08/95 of the Crime Department of the Solomon Island Police Force in the investigation of the alleged fraud by Government? Is he so insensitive to the feeling of the Native people? Or in his high pedestal he has lost the common touch of being a person of fairness and wisdom and compassion expected of old lawyers like him.

In Para two of his letter Mr. Radclyffe sensationalizes that the Courts ruled against the authenticity of my irrevocable, unlimited and exclusive Power of Attorney. As a member of a relatively small legal fraternity like the Solomon Islands, Mr. Radclyffe no doubt would have been told that I had paid \$10,000.00 to a local Solicitor to represent me in the case in June last year. Mr. Radclyffe would have read in the judgment that the Solicitor I had hired did not appear in court nor submitted vital documents on my behalf to establish my claim under the Property Laws of the Solomon Islands.. The particular Lawyer cannot be traced as he has disconnected his telephone. This matter is before the Solomon Island Police whom I have lounded a complaint for fraudulent transfer and misrepresentation or service and servant..

Mr. Radclyffe is fully aware that, at this stage, the judgment is not final nor conclusive as he indicated in his free legal advise to me that I have "right to appeal" in Law. I am not sure of Mr. Radclyffe's legal ambitions in his aspiration within the legal circles in the Solomon Islands. In his letter however, he sound like he is the ultimate prosecutor, Judge and even defense in the case of Anuha. What is he agitated about? Is he eagerly waiting for a quick settlement to the new lease now cooked up between Government and a British Company on the lease of Anuha? Now that he is in private practice he could be hired as conveyance officer or witness to signatures of both parties. According to Law it fetches lucrative legal fees. It is not uncommon to act for both parties or witness both signatures as he did in the Anuha lease of 1981 and 1983 respectively. How else would

he be interested in Anuha. Surely not for the interest of the Native Land owners or for the Government and it's people. I doubt he is "getting bored" with the Anuha case when as a very busy Lawyer he contradict himself by writing a 160 word letter in this column which in any language shows other state of mind than being "bored". Readers should make an attempt to read his letter again.

If he has the interest of Government at heart and as the personal lawyer of the Head of State he should be one of the first to advise Government even for free that for a Country to be sued in an International Court is embarrassing and a "fly in the ointment" in the excellent record in any right thinking Government. It would show to the International community that the local legal fraternity and personal who man them are not credible enough to be able to amicably settle the claim written in one small piece of paper for a small Island. It is known that all reputable Governments worldwide would at all cost avoid defending at any International Court let alone having a cloud of a probability that it would. Good and sound governance is concerned about the economic and political reputation with regional and international economic and political cooperation. A Government that does not protect a document legitimately prepared and executed under its own law is not a democracy let alone a Christian Government. Only dictatorship and communist regime would have no problem facing International Court. While my family lawyers in Europe has been advised of this option it is hoped that common sense will prevail in the Solomon, hopefully with the legal advise of those whose allegiance lie solely in the Solomon. It is for the readers to decide where Mr. Radclyffe's allegiance lies in this matter. Is he for you or against you?

Lastly may I express my deep sympathy towards the Royal Solomon Island Police force in the manner Mr. Radclyffe has viewed the Police Investigation in clearing my name. As a senior legal officer in the Solomon Island and aware of the pulse of the local legal matters he should know that the Solomon Island Government in 1997 commissioned an investigation as authorized by the Chief Justice office to investigate the fabricated charges that resulted in my subsequent contempt of court charges and ban to enter your beautiful Islands.

The Solomon Island Police and Interpol visited me here in my Brisbane home. He should request a copy of the results of the investigations that has cleared my name and have identified the culprits of the fabricated evidences. Knowing Mr. Radclyffe it won't surprise me if he says that this conclusive Police report is another "discredited piece of paper". After all in Governments own admission in letters by the late Prime Minister and a former Minister for Immigration the contempt charged was "politically" cooked and have since smells rotten. Even to date nearly two years after the conclusion of the taxpayers funded Police Investigation the file is still gathering dust at DPP office awaiting the right political tide. The DPP laid the chargers, now the Police have cleared my name, it is now their duty to with draw the chargers. It takes very simple administrative and court procedures.

Dear readers be assured and all of you would no doubt agree with me that the truth can never be suppressed. In fact an example is when it rose again in the face of those who buried it in the grave as a "discredited piece of " nothing. It rose again in three days and has never died. Those who plotted it are now "discredited piece" of history. I have waited for twelve years and resurrection is not only coming but is here!!!

My dear readers I leave it to you whether you would believe in the Radclyffe's of the Solomon Island who may lead you to the cliffs of uncertain legal advise and incomplete legal documentation or continue to be friends with the humble Smiths who seats crossed legged with you in floors of your homes and enjoy your cooking.

Mr. Radclyffe should ask the inhabitants of the remote villages and Islands of the many provinces whose lives I have touched through simply being a friend to them. If I had lived for twenty long years in the Solomon Island with the rare privilege some have at the moment I would have by now left a legacy of truly uplifting the oppressed and the giving the common people hope.

I will still be the same Smith when I return, nothing to hide and all to give even if it will cost another five millions dollars as I had already invested in the lives of many common people from various provinces in the Solomon and those who visit and stay with me in my Brisbane home.

I do not know about Mr. Radclyffe but I am sure you readers and I will never be "bored" on issues that effect you the natives of the Solomon Islands.

John Meint Smith.
Brisbane, Australia