



Australian Government

Department of Foreign Affairs and Trade

Mr John Meint Smith
PO Box 6480
UPPER MOUNT GRAVATT QLD 4122

Dear Mr Smith

Thank you for your letter dated 16 November 2004. I have been asked to reply on behalf of the Minister for Foreign Affairs, The Hon Alexander Downer MP.

In light of the information provided in your letter, the concerns you raise appear to be matters wholly within the jurisdiction of the Government of Solomon Islands and I would encourage you to pursue your concerns within the judicial system of Solomon Islands.

In this context I note that the law and justice sector of Solomon Islands is being rebuilt, with significant Australian assistance, as part of the Regional Assistance Mission for Solomon Islands.

Thank you for bringing your views to the attention of the Government.

Yours sincerely

A handwritten signature in black ink that reads 'M Bliss'.

Michael Bliss
Director
International Law and Transnational Crime Section

FAX COVER SHEET

TOTAL PAGES: NINE INCLUDING HEADER

TO:

**HON. ALEXANDER DOWNER MP
MINISTER FOR FOREIGN AFFAIRS**

ATTENTION:

**MR. MICHAEL BLISS
DIRECTOR INTERNATIONAL AND
TRANSNATIONAL CRIME SECTION**

FROM:

**MR. JOHN MEINT SMITH
BRISBANE, AUSTRALIA**

JOHN MEINT SMITH

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TELEPHONE (617) 3849 5957.FAX: (617) 3849 6190

The Honourable Minister of Foreign Affairs
Parliament Building
Canberra.

December 12th, 2004

WITHOUT PREJUDICE

Hon Alexander Downer MP,

**ATTENTION: MR. MICHAEL BLISS, DIRECTOR – INTERNATIONAL LAW AND
TRANSNATIONAL CRIME SECTION**

Re: IS MY COUNTRY FOR ME OR AGAINST ME?

I acknowledge receipt of your undated letter enveloped marked as sent on the 3/12/04
I received on 05/12/04

Definitely, your Departments acknowledgement of the sub-standard in the law and justice sector in the Solomon Islands that "is being rebuilt" with "significant Australian assistance" has brought a breath of fresh air to my family and me. Now, your office would start to fathom the reality of how I have been inhumanly treated, tormented, abused and my basic justice held at ransom for the 16 long years. The direct involvement of some Australian Federal Government Agencies in aiding a law and justice sector that is in disarray to deny me common justice is quite embarrassing to this Government.

I would tend to think that RAMSI has addressed or instrumental to rebuild not only the due process of the law but importantly rebuild the trust her own citizens and the International community have on her law and justice sector. My Government must be commended for the success of this enormous task and timely response to a call for help from one of her closest neighbours and comrade at arms in times of war and peace time.

May I draw your attention to your response in para. 2 of your letter where you admit your views express were **based solely on my of letter of November 16, 2004**. This indicates that other vital documents, information, discussion and engagements with officers of other Federal Agencies over the years were not considered by you before reaching the view that this case is "wholly within the jurisdiction of the Government of the Solomon Islands"

- a. Have you considered documents forwarded to Ms. Veronica Seymour of the Pacific Department, MOFA in 2002 which were sadly not retrieved by your administrative support staff for you as Director of a department with-in MOFA to have the benefit of a broader summations of my formal communication.
- b. Also, no mention as to why, if it was "wholly within the jurisdiction of the Government of the Solomon Islands" did the **Australian Federal Police actively involved by attempting to take procession of vital evidence from me here on Australia soil**. Is there a special immunity the Australia Federal Police enjoy in this circumstances to act contrary to the interest of Australia Citizens.

- c. Have you considered the extensive five discussions I had with Ms. Sue Langfield, of RAMSI, Honiara since September 2003. Where out of her interest called me back twice, and the 27 pages faxed she acknowledge receipt of. Her referral to a Mr. Nick Warner was unsuccessful as he was always not available.
- d. On Ms. Sue Langfield further advice I was referred and spoke to a Mr. McJohnson of RAMSI, Honiara in January 2004 and send him a further 70 pages fax in total. Mr. McJohnson said that they were at that time investigating 91 murders coupled with budgetary constraints will not be able to immediately assist. However, he assured me that he would keep me informed. There is no indication Mr. McJohnson has been consulted or contacted prior to your rather hasty reply.
- e. The present Solomon Island Minister for Justice and Police, Hon. Michael Mina MP visited me in my place of business in Brisbane and confided with me that he and his Ministry's Permanent Secretary personally sighted substantial copies of communication from the Australian Government on my case. The said Permanent Secretary was a former Minister for Immigration who knew of my case. Have you perused through the Government of Australia's own copies of these communications prior to your reply.
- f. No mention was made of item 3 in page one of my 16/12/04 letter involving the actions of some staff of your Ministry who are publicly shown in the Print Media to have wilfully officiated in the dealing of a property under the terms of my exclusive, unlimited, irrevocable Power of Attorney. This had been done without my legal consent. Have they been contacted to answer to these very serious allegations prior to your reply? Or are all actions of your diplomatic corps overseas covered under Diplomatic immunity?
- g. Records kept at the Australia High Commission in Honiara of my case should be extensive and volumous as I have over the last 16 years always attempt to send copies of my numerous communications with the Solomon Island Government Institutions copied to the Australian High Commissioner in Honiara. I have telephone records to show that fax transmissions in all cases were successful.
Have these documents been considered prior to you reply or do your Honiara Offices keep these documents it all?
- h. I wonder whether you have consulted the appropriate records of the House of Representatives Hansard where my case attracted much attention and even jested by dubious Labour Government elements in the Parliament of Australia and thus cowardly hiding under the Parliamentary immunity.
- i. Then again if this case was "wholly within the jurisdiction of the Government of the Solomon Islands" as you as Director of International Law and Transnational Crime Sector has surmised then why did the Australia Government through it

High Commissioner in Honiara approached Mr. Abraham Banisia, the then Head of the Solomon Islands NGO, to "drop me" (John Smith) in return for an Australia Aid package for his people and Province. I have hosted Mr. Banisia in our Brisbane on many occasions in his transit or visit to Australia.

May I pray that your office retrieve all documents and relevant information from **all** the parties mentioned above so you Sir, as Director of International Law and Transnational Crime Section of my Government, could have the benefit of a broader view of this case to protect a taxpayer and Citizen of Australia.

Also, I demand an explanation for the reasons successive Australian High Commissioners in Honiara miserably failed to at least once in the last 16 years acknowledge my communication. A similar explanation is also sought regarding RAMSI's non-action and failure to reply to my complaint even after assurance by RAMSI's Mr. McJohnson.

I do acknowledge however, that a major part of the legal process for redress will be with-in the jurisdiction of the Government of the Solomon Island's Law and Justice sector.

Sir, you mentioned that "the law and justice sector of the Solomon Islands is being rebuilt, with significant Australian assistance. While I respect the Australian initiatives, I as a private citizen who have been miserably let down by both the law and justice sector, **request from your Department a form of indications and assurances** of the stages of mending some of the law and justice institutions mentioned below have achieved in this rebuilding process under Australia's significant assistance.

1. PRIME MINISTERS AND OFFICE OF THE PRIME MINISTER.

(Hon. Sir Allan Kamakeza, Hon. Bartholomew Uluu'falu , Hon. Solomon Mamaloni, Hon. Alibua)

I personally met with the present Prime Minister of the Solomon Islands Hon. Sir Allan Kamakeza in Brisbane Northgate Hotel in 2002. He is well acquainted with the Politics and Economic of my case and the subsequent adverse social and economic consequent the people of his own Central Province presently suffers from due to the delay of an immediate resolve. He was also of the view, seeing from the original documents I posses that the Government of the Solomon Islands is liable for being party to a fraudulent transaction of a property covered under my Power of Attorney. The Hon. Sir. Kamakeza promised on return to the Solomon Islands to immediately direct an appropriate resolution by Government. Two reminder letters later and repeated assurance from his Private Secretary nothing has been done.

On the eve of the Former Prime Minister Hon. Bartholomew Ulufa'alu ascending to office I had a thirty minutes discussion with him. He has a clear first hand appraisal of the case, a knowledge gain from my numerous discussions with him while I was staying with his cousin, Mr. Abraham Banisia and from his own interest and assessment of the case as a reputable economist. Despite his gentleman assurance and my two reminder letters later only a vague referral to a Lawyer was made.

Unfortunately, the lawyer he referred me to had been implicated in the case himself. A formal complaints to the Ombudsman of the Solomon Island against the former Prime Minister and office of the Prime Minister's incompetence and compromise of the calling befitting the Prime Ministers office was minimised by the then Ombudsman.

With due respect to a former deceased Prime Ministers and another former Prime Minister who presently terminally ill, like their present two colleague verbally admitted liability, promise a resolution but did nothing until their demise.

As a citizen of Australia I believe I deserve the same recognition and assistance from my Government now enjoyed by the 'Yachtsman' and the Aussie young woman detained in Asia and many Australian Citizen who have been assist by my Government after been bullied by foreign Governments. Therefore, I do not think it is inappropriate for me to ask my Government to raise this matter again with the Solomon Island Prime Minister and Government either through your office or RAMSI for these immediate retribution :-

- i) Did the present Solomon Island Prime Minister, Hon. Sir Allan Kamekaze actually met me here in Brisbane's Northgate Hotel in 2002 and gave the assurances I claim he made to me after he sighted evidences and documents including the original copy of my Power of Attorney dully stamped by the Stamp Duties Office of the Government of the Solomon Islands. He is knighted by Her Majesty the Queen, my only honour is my family's name.
- ii) If my irrevocable, unlimited, exclusive Power of Attorney, which had been prepared by a Barrister and Solicitor of the High Court of the Solomon Islands under her relevant Laws and dully stamped by the Stamp Duties office of Government of the Solomon Islands was not recognised during the dealings entered to by Government during the time and terms of Powers, then why was the **Australian Federal Police sent to my home address to try and retrieve this vital piece of evidence I have as a Citizen of Australia against a foreign Government.** Is this another unknown bilateral favour extended to the Solomon Islands by my Government to have the services of the AFP officers at her disposal at will?
- iii) Why have the report on the investigations conducted in 1997 by Solomon Islands Police here in Brisbane and Honiara by their Director of CIB in matters relating to allegation against me have not been acted upon by the appropriate law and justice sector. Is the non-action deliberate as the report according to the Police Commissioner and Director of CID had overwhelmingly vindicated me? After all this investigations was directed by former Prime Minster Bartholomew Uluu'falu.
- iv) In Australia's earnest to rebuild all facets of law, justice, economic and social life of the Solomon through RAMSI why has this case being waylaid not attracting attention when volumous document is available in nearly all Law and Justice Office in the Solomon Islands.
- v) If tourism could be one of the Solomon Island major revenue earner then why is it that the case of Anuha Island, (a property covered under my irrevocable, unlimited

and exclusive Powers of Attorney), which had been the pearl in the crown of Solomon Island Tourism, lying idol and not developed at all. Is it because would-be developers fear economic repercussions due to the validity of the document I hold? It is common knowledge that an International consortium contacted me here in Brisbane in 1998 to sight my Power of Attorney. Later it withdrew its intension to redevelop Anuha as it would be insane for a reputable Financier not to maturely consider the risk of dealing in a property covered under my Power of Attorney. I hate to think that my Government and RAMSI would view this as unimportant when Millions of dollars in would be revenue, loss of probable employment in the Tourism and related sector and other social benefits have been negated for many years now.

vi) Was RAMSI's brief to deal only with the "present" ethnic tension situation and "selected" past corrupt allegations. Is it too sensitive for RAMSI to enter in to this case as very senior members of the Law and Justice Sector will be interview and brought to justice? Or is RAMSI's restrained by reason best know to some so as not permitted into ALL the closets lest stench of a deeper corruption will be unearthed.

2. OMBUDSMAN OFFICE.

Is the Ombudsman offices now, with "significant Australia assistance" being rebuild to a state of independence and neutral in its dealings?

A **49 pages** formal complaint I made to the Ombudsman in March 13, 1998 against the following person and office has been minimised and a one page reply sent indicating that I still have to go back to the very ones I complained against for redress.

1. PRIME MINISTERS AND OFFICE OF THE PRIME MINISTER. 2. GOVERNMENT OF THE SOLOMON ISLANDS. 3. HON. ATTORNEY GENERAL AND ATTORNEY GENERAL'S OFFICE. 4. REGISTRAR OF LANDS AND OFFICE. 5. PREMIER OF THE CENTRAL PROVINCE. 6. DIRECTOR OF PUBLIC PROSECUTIONS. 7. HON. MINISTER FOR AGRICULTURE, LANDS AND MINES. 8. DIRECTOR OF TOURISM. 9. DIRECTOR OF IMMIGRATIONS

The New Ombudsman Hon. Peter Belami, who in 1989 as a Policeman was very involved with my case and knew of my innocence, confided with me in our telephone discussion on 14/01/04 that he will attend to my formal complaint originally lodged on March 1998. January 2005 is around the corner and nothing has transpired from his assurances.

Is the Ombudsman offices now, with "significant Australia assistance" being rebuild to a state of independence and neutral in its dealings?

3. HON. ATTORNEY GENERAL AND ATTORNEY GENERAL'S OFFICE

Has the reputation of this high office also been being rebuilt with significant Australian Assistance after it had been polluted by the particular Attorney General in office in 1998? He was also, during his term as a Crown Solicitor a signatory to the dealing of a property covered under my Power of Attorney. It is no wonder the Prime Minister and others had contrary legal opinion from the AG's office as AG himself had been implicated.

3. COMMISSIONER OF POLICE/ DEPUTY COMMISSIONER OF POLICE.

Can I be led to trust this office now that RAMSI has rebuilt it's reputation? Report of Police Investigations conducted in the Solomon and Australia and have proved to vindicate me have gone missing or not forwarded to DPP for appropriate action. Is it because the report had vindicated me?

In fact I have a copy of the letter by the Deputy Commissioner (2002) stating amongst other items my innocence.

5. CHIEF JUSTICE

My complaint to him regarding the pathetic action of member of the Judiciary and Law fraternity has gone unanswered.

6. CHIEF REGISTRAR OF THE SUPREME COURTS

Made biased ruling not considering the propaganda to delay court documents by the courier and not acknowledging a document prepared and executed under the Laws of the Solomon Islands.

7. LAW SOCIETY OF THE SOLOMON ISLANDS

My complaint to the Society regarding the pathetic conduct of two of its members who receive money and did not do the work promised was not responded to or dealt with. It is not surprising as senior members of the Law Society and officiated in most of the dealing during their early days as government lawyer or early part of their private practice.

8. SOLOMON AIRLINES.

Not immediately delivering vital Court documents I sent from Brisbane but after four weeks later thus complicating the legal process. Has this part of accountability being rebuilt.

9. REGISTRAR OF LANDS AND OFFICE.

Refusal to register duly stamped legal documents while acting on instruction from some dubious sources. In this office being rebuilt so that the Registrar and staff have a sense of fairness and empowered to make decisions other than bullied by Bureaucrats.

10. PREMIER OF THE CENTRAL PROVINCE

Have the office being rebuilt and empowered with the proper administrative tools and clear vision of the economic, social development of her people. Instead the Premier used his influential position to belittle me and mislead his people by publicly denying the authenticity of my Power of Attorney. Regrettably, his very own people are the ones being denied of employment, economic advancement and other social benefits.

Yet, at the same time he sends me faxed begging for money while promising his allegiance to my course to help his people. He is the brother of the present Prime Minister.

11. DIRECTOR OF PUBLIC PROSECUTIONS

I have been reliably informed by the former Director of CID and Deputy Commissioner of Police that the report and other court documents vindicating me had been forwarded to the DPP for appropriate action in 1998. I hope Australia significant assistance to rebuild this particular law and justice sector has been successful so that the DPP office could follow through with the report of the investigations.

12. DIRECTOR OF TOURISM

This vital and strategic office in Solomon Islands economic revival has miserably failed to advise Foreign Investors of the true situation of Anuha Island and have wilfully supported further dealing on the land under my Power of Attorney thus further risking enormous liability to Government.

15. DIRECTOR OF IMMIGRATIONS

Unnecessarily imposed a ban on my free entry to the Solomon without legitimate grounds. A letter dated 27/01/92 from the Director of Immigrations Office had revoked the "prohibition Order" which was later imposed again by the department. It seems legal opinion and its enforcement are swayed easily without due consideration to the ramifications on the Solomon Island Government. Has this department also been rebuilt with significant assistance by the Australia Government?

16. SOLOMON ISLAND EMBASSY, CANBERRA.

Numerous documents for complaints have been lodged with the Solomon Island Embassy in Canberra as at times communication with Institutions in the Solomon are near impossible. An even document addressed to Government Department sent through the Embassy never arrives as they are not acknowledged. I do understand that the Embassy does not have a mail service but this matter in any language is of utmost importance or should be to the Solomon Island Embassy here. Or have they lost pride of their own country and forgotten the mandate to at least save their Government reputation in the International community. Latest 16/01/04 send faxes no response.

As an Australian citizen I do greatly honour your advice of the enormous task the Australia Government is putting in assisting the Solomon Islands rebuilt law and justice sector. I wholeheartedly share the Aussie pride for being a major saviour in resurrecting vital components of the existence and survival of the Solomon Island Government and her lovely people.

I would like to accept that your encouragement to pursue my case within the law and justice sector of the Solomon Island would this time around be at least recognised and not held at ransom. At the same time I do not think that all major forms and strategic levels of corruption and legal manipulations have been identified, dealt with and

disposed off by RAMSI as most of these "old horses" are still clawing on to their prestigious positions.

As RAMSI is operating within the jurisdiction of the Solomon Islands within the bilateral arrangement and blessing of Big brother Australia, is not this case worthy of RAMSI's scrutiny and processing. Definitely, this case bars onto some shabby past in the Political, economic, social, morale, law and justice sector of the Solomon Islands. Do I as an Australia Citizen have to wait for another RAMSI in the years ahead to come and deal this chaos?

In passing may I mentioned that some Pacific Leaders including former Prime Ministers of Papua New Guinea and Fiji were astonished and sadden when briefed on all the discrepancies and origin of this case. Two of them Major. Gen Sitiveni Rabuka and Mr. Bill Skate, whom I separately met in Brisbane, had some initial discussions with Leaders of the Solomon Islands. Some of these leaders's opinion of Australia's alleged dictatorial and "colonialistic" manipulation in the Melanesian region is best not discussed here.

Their views only further fuels my resolve to get back to the Solomon and prove in my small way of participating it her social and economic development that my Governments intentions are, but always honourable in the end.

I humbly request your reply to the areas I raised above so that I as an Australia Citizen can put substances to your "encouragement" and drum up faith to pursue my case within the jurisdictions of the Solomon Islands.

It would be appreciated that the direct involvement of Federal Agencies and Ministries mentioned be clarified so that I be convinced that the jurisdictions of redress is overseas only and not within Australia

Yours sincerely,



John Meint Smith.

- cc- 1. Prime Minister, Hon. Sir. Allan Kamakeza. M.P – Prime Minister Office, Honiara
2. Australian High Commissioner, Honiara.
 3. RAMSI, Honiara, attention of Ms. Sue Langfield, Mr. McJohnson.
 4. Hon. Michael Mina, Minister for Justice and Police, Honiara
 5. Permanent Secretary, Ministry of Justice and Police, Honiara.
 6. Hon. Peter Belami and the Ombudsman Office, Honiara.
 7. Hon. Attorney General and Attorney General's Office
 8. Chief Justice of the High Court of the Solomon Islands, Honiara.
 9. Commissioner of Police/Deputy Commissioner of Police, Honiara.
 10. Director of Prosecutions, Honiara.
 11. Chief Registrar of the Supreme Court, Honiara.
 12. Director of Tourism, Honiara.
 13. Director of Immigrations, Honiara.
 14. Law Society, Honiara.
 15. Solomon Island High Commission, Canberra.
 16. Solomon Airlines, Honiara.
 17. Registrar of Titles, Honiara.
 18. Major General Sitiveni Rabuka, Suva, Fiji.
 19. Hon. Bill Skate, Port Moresby, PNG.
 20. Australian Federal Police, Canberra,