

REPRINT

AMNESTY ACT 2001

As in force at: 23 July 2001

STATUS:	CURRENT
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For details see Endnotes

AN ACT TO MAKE PROVISIONS FOR THE GRANTING OF AN AMNESTY OR IMMUNITY TO MEMBERS OF THE ISATAMBU FREEDOM MOVEMENT AND THE MARAU EAGLE FORCE, IN TERMS OF THE MARAU PEACE AGREEMENT WHO MAY OTHERWISE BE LIABLE TO CRIMINAL PROSECUTION FOR CERTAIN CRIMINAL OFFENCES; AND OTHER PROCEEDINGS UNDER VARIOUS ACTS OR REGULATIONS IN FORCE.

AMNESTY ACT 2001

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WHEREAS it is considered desirable and expedient in the national interest to restore peace and harmony in Solomon Islands:

AND WHEREAS recognising and being conscious that all parties to the present conflict have reaffirmed their commitment to lasting peace by signing the Marau Peace Agreement dated 7th February, 2001:

AND WHEREAS in terms of the aforesaid Agreement it is agreed that militants of the Isatambu Freedom Movement and the Marau Eagle Force be granted an amnesty or immunity from prosecution to the extent and on the conditions hereinafter provided:

AND WHEREAS it is further provided in the Marau Peace Agreement that leaders and other civilian advisors associated with the respective militant groups be granted an amnesty or immunity from prosecution to the extent hereinafter provided:

NOW THEREFORE BE IT ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS AS FOLLOWS:

1 Short title and commencement

This Act may be cited as the *Amnesty Act 2001*, and shall come into operation on such date as may be appointed by the Minister by notice published in the *Gazette*.

2 Interpretation

In this Act:

“*Marau Peace Agreement*” means the agreement signed on Board HMS Tobruk on the 7th day of February 2001 by the Marau Eagle Force, the Isatambu Freedom Movement, the Guadalcanal Province and the Solomon Islands Government for the cessation of hostilities between the Marau Eagle Force and the Isatambu Freedom Movement.

3 **Amnesty or immunity from criminal prosecution**

- (1) Notwithstanding any provisions of the *Penal Code* or any other law, the following persons shall be granted an amnesty or immunity from criminal prosecution as hereinafter provided:
 - (a) leaders, members and other civilian advisors associated with the Marau Eagle Force; and
 - (b) leaders, members and other civilian advisors associated with the Isatambu Freedom Movement.
- (2) Subject to the provisions of section 4, the amnesty or immunity from criminal prosecution referred to in subsection (1), shall be in respect of any criminal acts committed in the execution or purported execution by any person:
 - (a) of the Isatambu Freedom Movement on Guadalcanal in connection with the Marau conflict during the period commencing 1st January 1999 and ending 7th February 2001; and
 - (b) of the Marau Eagle Force on Guadalcanal in retaliation against the acts committed by Isatambu Freedom Movement on Marau during the period commencing 10th June 2000 and ending 7th February 2001.
- (3) The amnesty or immunity from prosecution referred to in this section shall be on condition that all weapons and ammunition and stolen property in possession and in the custody of the militant groups referred to in subsection (2) are surrendered and returned in the manner and within the periods specified in the Marau Peace Agreement or such other date the Minister may specify by Notice published in the *Gazette*.
- (4) In this section “**criminal acts**” means unlawful acts which are directly connected with matters specified in subsection (2) and in particular:
 - (a) offences relating to arms and ammunition;
 - (b) killing or wounding in combat conditions or in connection with

the armed conflict on Guadalcanal; or

- (c) damage done or loss caused to any property during or in connection with military or security operations.
- (5) The amnesty or immunity referred to in this section does not apply to any criminal acts done in violation of international humanitarian laws, human rights violations or abuses or which have no direct connection with the circumstances referred to in subsection (2)(a) and (b) of this section.

4 Pending criminal proceedings

- (1) Where any criminal proceedings are pending against any person referred to in section 3, who in terms of this Act qualifies for an amnesty or immunity from prosecution the Director of Public Prosecutions may enter a *nolle prosequi* or where such proceedings continue and result in a conviction, the provisions of section 45 of the *Constitution* relating to the prerogative of mercy may apply.
- (2) Where any person referred to in section 3 has been convicted of an offence prior to coming into operation of this Act who in terms of this Act would have qualified for an amnesty or immunity from prosecution, the provisions of section 45 of the *Constitution* relating to the prerogative of mercy may apply.

5 Immunity from disciplinary proceedings

Notwithstanding the provisions of any other law there shall be granted a pardon to persons referred to in section 3 who may be liable for disciplinary proceedings for or on account or in respect of any act or thing done by such person during the period referred to in that section.

6 Avoidance of doubt

For the avoidance of doubt it is hereby declared that the amnesty or immunity from prosecution shall not extend to:

- (a) any unlawful act done;
- (b) any person who unlawfully possesses, uses, controls or in

whose custody is found any firearms and ammunition or identifiable stolen property; or

- (c) any person who refuses or fails to surrender such weapons and ammunition or stolen property after the dates referred to in subsection (3) of section 3.

ENDNOTES

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KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

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LIST OF LEGISLATION

Amnesty Act 2001 (No. 3 of 2001)

Assent date	23 May 2001
Gazetted	13 June 2001
Commenced	23 July 2001

[Note: Commencement date validated by s4 Legislation Amendment Repeal and Validation Act 2023 (No. 17 of 2023)]

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LIST OF AMENDMENTS