

Masalai i tokaut

Number Thirty Four: 15 November 2004

Police Chief Inguba covering for Rimbunan Hijau atrocities

Police Commissioner Sam Inguba must be condemned for his ridiculous attempts to cover for the human rights atrocities committed by police officers on behalf of Rimbunan Hijau in remote logging camps.

Inguba has recently affronted himself in the print media and on television news in an attempt to exonerate Rimbunan Hijau despite the overwhelming evidence against the Malaysian logging giant.



*In this edition of **Masalai i Tokaut** we set out for you the large body of evidence showing the serious human rights abuses inflicted on rural people and logging workers by police officers working for Rimbunan Hijau.*

The evidence comes from victims, their families, official investigations, independent reviews, journalistic enquires, original documents and even the unsolicited confession of two senior police constables.

We also examine in detail Inguba's statements purporting to exonerate Rimbunan Hijau and dismiss the allegations against the company. We explain how Inguba's comments do not stand up in law, are self contradictory and ignore the facts.



The simple truth is that our police force has been corrupted by

Malaysian logging interests and the only way that we can ever hope to see the cycle of violence broken and the guilty punished is through an INDEPENDENT judicial inquiry that examines the issues and publishes its findings.

Many Papua New Guinean's have been surprised to see their Police Chief running to the defence of Malaysian logging giant Rimbunan Hijau.

Sam Inguba would like us all to believe that the allegations of serious human rights abuses by police officers acting under instructions from Rimbunan Hijau are flimsy, uncorroborated and cannot be substantiated.

This is simply untrue and ignores the facts of the situation.

The truth is that the allegations have been made by many different individuals from a wide range of different landowner groups from different logging operations in different Provinces and they extend back over more than 10-years.

These are not isolated incidents and idle accusations that can be dismissed with a few empty words. Rather, there is a systemic problem of systematic abuse that is worthy of high level and intense scrutiny.

This example from the Post Courier in 2003 is typical.

Post-Courier, Friday January 24, 2003

HOME NEWS

Police blamed for assault

By ALEX RHEENEY

WESTERN Province villagers have called on the Government to remove policemen from logging camps who have allegedly been assaulting landowners and villagers since 1999.

They also called on the police internal affairs section to start investigations into recent alleged cases of police brutality on logging operations in the timber-rich province.

Alex Ubie of Weliyo village and John Danaya of Musula village in the Middle Fly district of Western Province made the call yesterday after flying in from Kamusie to report to authorities.

The Kamusie area is home to the Wawoi Guavi Timber Company operations, a subsidiary of the Malaysian logging giant Rimbunan Hijau.

Mr Ubie said in a signed court document

dated January, 22 that he and seven other named villagers were assaulted on January, 7 by members of the police southern command task force after they went to the Kamusie police station to claim their licenced guns which police "confiscated" on December, 23, 2002.

"He (policeman) pointed his gun at us and said 'don't move'. He threw three punches. The first punch landed on the left side of my head above the ear. The second punch landed on my left ear while the last punch was on the left side of my jaw," he said.

He said he and the other villagers were

assaulted and ordered by the policemen to start running towards the Kamusie market.

"While we were running, four task force members drove at very high speed behind us. They finally stopped after we went to the side of the road. A policeman pointed his gun at me and told me not to move. As I was told not to move, I stood there and watched while he bashed up Omanie (another villager)."

Mr Danaya, an elder and a spokesman for the Kamusie people, warned that the continuous "strongarm" tactics employed by police would result in the local people standing up against them.

Police Commissioner Sam Inguba did not respond to questions sent to his office yesterday in regards to the allegations.

Another incident was described by a Rimbunan Hijau worker on Australian television two years ago. He challenged RH, suggesting traditional owners be compensated for activity on their land. His punishment was three days locked in a steel shipping container in Western Province.

SBS Tape 2. 21:29 *"The time was about 10pm on a Monday, I was locked in there without being fed, without food or water or without being allowed to have a bath or go to the toilet until Wednesday which was the third day."*

"While I was in there on the first entry into the container, a policeman came who has been mentioned earlier, name which is known as Alex Vokendro who is a task force sergeant, a police commander, he

kicked me here and on the elbow and told me to pushups and sit-ups and later on to get out of the container and look at the sun."

"And there was the scissors that was brought by the policeman and he shaved my hair off without any concern for me. I was told you criminal, and I was shaved." 22:36

In both these cases, as is typical, the allegations of abuse are supported by a number of witnesses and in many cases there is medical evidence of the injuries sustained.

For Sam Inguba to claim that there is a lack of corroborating evidence to support any of the allegations is simply nonsense.

This was devastatingly illustrated for millions of people throughout Australia, the Pacific and S.E. Asia who saw the SBS Dateline documentary aired two weeks ago. Among the people interviewed was **Rimbunan Hijau's own doctor** who is in charge of the Kamusie clinic inside the Wawoi Guavi logging area.

When asked about landowners and company workers being abused by police officers he said he was well aware of the injuries suffered at the hand's of the police and that the victims were often brought to his clinic for treatment. This is an RH doctor admitting on camera that he treats the victims of the abuse, yet Mr Inguba would have us believe that there is no corroborating evidence?

The truth is that the Police have not investigated most of the numerous complaints that have been made, and even where attempts have been made the investigating officers have been obstructed in their work and their reports rubbished by more senior colleagues who have refused to take any action.

Below is a typical letter of complaint from lawyers representing abused landowners complaining about the lack of any investigative action by the police. In this case a complaint was made in May 1999 and landowners were told a named officer was assigned to investigate, but twelve months later nothing further had been heard from the police.

The Co-ordinator
Public Complainant Unit
Southern Divisional Headquarters
Royal PNG Constabulary
Police Headquarters
P O Box 85
Konedobu
NCD

Fax #: 322 6241

Attention: Mr. Sam Bonner

Dear Sir

RE: **COMPLAINT OF POLICE INAPPROPRIATE ACTIONS AT KAMUSIE**

We act for certain landowners in the Wawoi Guavi Timber Rights Purchase area in Western province. We have been acting for them over a period of more than five years providing legal services as well as advocacy training on legal issues and environmental management.

In May 1999, some of our co-workers were harassed by the police in Kamusie where the logging company is operating. We refer to our formal complaint lodged with your office on the 6th of May 2000.

As of your last letter to us dated 10th May 1999, we have had no formal response from your office. Per your letter the matter was referred to Constable Aaron of your office.

We are again lodging a formal complaint again regarding your police personnel deployed at Kamusie Logging Camp. In particular Sgt. Jerry Biamaga.

This particular officer of yours has been harassing our clients and has threatened to detain one of our staff members and myself should we continue to go into the area.

Enclosed herewith is a copy of our client's statement. This is an indication to us that your client is denying us our freedom of movement and our clients' protection of law as guaranteed under the constitution.

Lawyers and landowners are still waiting for a response from the police to their complaint, **FOUR years later**.

Is this what Mr Inguba means when he dismisses the current controversy as 'old news'? And if it is old news, why are fresh allegations still emerging every month?

The claims about a lack of corroborating evidence as made last week by Inguba were also made by the then Minister for Internal Security, Yawa Silupa, back in 2002. He was responding to questions raised in Parliament by Western Province MP, Bob Danaiye, about why Rimbunan Hijau was using police task force officers to threaten local people.

The Minister's claims that there was no corroborating evidence were exposed as being false at that time by lawyers representing the landowners. They were able to publish correspondence dating back to 1994 showing that repeated complaints to the police had been acknowledged but that the promised internal investigations had never eventuated and that landowners had filed numerous corroborating statements to back their complaints.

Enough evidence to charge policemen involved in human rights abuse in Western province

THERE is enough evidence to prosecute policemen implicated in human rights abuses in the Western province.

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The Centre for Environmental Law and Community Rights (CELCOR) refused the claim made by the Minister for Internal Security, Yawa Silupa, that "the alleged victims could not provide corroborative statements from witnesses to substantiate their claims".

Human rights abuse complaints were registered with the Police Complaints Division Headquarters as far back as 1999, Executive Director of the centre, Damien Ase said.

On May 6, 1999, the landowners situated in the Wawoi Guavi Timber Rights Purchase Agreement

area of the Western province, through their legal representatives, first registered a complaint about the improper conduct of certain police officers stationed at Kamusi.

On May 10, 1999, the letter was acknowledged by the former deputy police commissioner.

On June 15, 1999, a separate letter of acknowledgement was received from the assistant commissioner of police, Southern divisional commander.

Another complaint of police harassment was registered with the Public Complaints Unit, Southern Divisional Headquarters on May 4, 2002.

The reply came in on May 17, 2000 from the former police commissioner John Watson stating that "your office will be furnished with results when the inquiry is completed."

Mr Ase said nothing has happened since.

On May 8 and September 27, 2002, CELCOR raised fresh police harassment concerns with senior officers of

the Southern Divisional Headquarters.

Members John Danaiye and Alex Ubic of Kamusi, Western province, refuted the claim as being biased on the part of the minister and the police force.

"In October this year, a young man from Balimo was badly beaten by the Southern Command policemen at Saerema Kamusi. He is now paralysed and is in Datu Hospital," Mr Ubic said.

Mr Ubic also said that Wawoi Guavi Timber Company officials often accompany police personnel on their official duties.

Mr Danaiye asked why the company officials are involved in police duties.

"We have no agreement in our TEP that says that conflict between the company and the landowners should be solved by police," he said.

He said company officials were using Police Task Force personnel to threaten locals to pursue logging activities without their consent.

CELCOR strongly condemned the abuse by members of the police force in logging camps.

The truth is that Mr Inguba, like his predecessors, is using hollow excuses to defend Rimbunan Hijau and the police in the face of the overwhelming evidence of abuse.

And for Mr Inguba to suggest that '**landowners have failed to provide corroborative statements**' is complete nonsense. To start with, there is plenty of corroborative evidence and more importantly, isn't it the job of the police when investigating a crime to uncover and present the corroborative evidence? It's not the duty of the victim!

Sworn statements of landowners and logging workers who have been subjected to abuse are backed up by the investigations of the National Intelligence Organisation, the Department of Community Development, the Review of Current Logging Operations, two SBS Dateline exposés, numerous newspaper reports, and academic research.

Here are some more of the numerous examples of this abuse that the Commissioner chooses to ignore:

In 2000 an officer from the National Intelligence Organisation submitted a report to his superiors detailing his personal observation of police officers returning to the Rimbunan Hijau headquarters in Port Moresby after conducting raids against landowners in the Vailala area in Gulf Province.

The NIO report details that two houses were burnt down by the police, a lot of personal property destroyed and that one landowner was so badly beaten that he was admitted to hospital in a critical condition.

DATE : 8th September 2000

SUBJECT : **POLICE RAID ON BEHALF OF R/H**

Three (3) heavily armed Policemen were seen at Rimbunan Hijau's Headquarters at Gordons today at 10:30am.

My source and I were at the site and I was informed that they were returning from Vailala Timber Operations area after raiding the villages.

Costal villages in Vailala area namely, Belepa Hiloi, Opuloria and Lui Arora were raided by Police, two (2) houses burnt down, many personal properties including domestic animals damaged and killed. A person by the name of Peter is in critical condition with legs and hands broken by police in the raid.

The three (3) armed policemen were seen driven away in Rimbunan Hijau car. My source was unable to obtain the details of the vehicle.

Comments

The raid was instigated by R/H and when the three (3) policemen returned from the raid, R/H vehicle picked them up at the airport and brought them to their HQ. They were probably paid for their work and driven to their place of work.

CONFIDENTIAL

In 1999 the Assistant District Commissioner and Officer in Charge of a Government Station investigated allegations of abuse by police officers acting on behalf of Rimbunan Hijau and submitted his own report. He had no doubt that police officers were terrorizing local people and company workers.

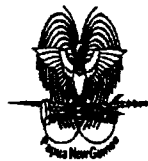
Every time whenever there is trouble or an industrial unrest with the landowners, employees and RH, the management does not mediate these cases internally. Instead they hire the taskforce or rather Force Ten from Port Moresby to settle even little disputes. The team leader is ALWAYS a sergeant by the name of Jerry Biamaga. He is of Milne Bay and Oro parentage and is nick named "One-eye" simply because his other eye was shot during the Bougainville crisis.

Throughout the communities in and around the logging area, one eye is a most feared name because the people regard him as TYRANT as he has no quality to resolving matter by public relation methods. He is probably still haunted by the nightmare of loosing his other eye during the Bougainville crisis and so he takes his revenge out on the innocent, peace loving and timid people of the Western Province.

The officer concluded his report by describing Rimbunan Hijau as a **"Monopolist and Tyrant Asian company"** and he compared their treatment of local people to a military dictatorship where freedom of expression and speech is abused and denied. He called on the "highest command of the Police Force to look seriously into this matter as soon as possible"

It is a pity to see resource owners in their own birthplace being treated by the minority Monopolist and Tyrant Asian companies treating the landowners and resource owners as if there was a military rule in that part of the area. Peoples' right to freedom of expression and speech is abused and denied. The law is to protect the interest of the state and its citizens. It should not favor one that has money to hire and carry out duties as directed. All of this adds to fuelling the logging companies to carry out illegal logging in a very unfriendly environmental matter. It is highly recommended that the highest command of the Police Force look seriously into this matter as soon as possible.

In 2004, The Department of Community Development visited logging camps to investigate the social conditions.



DEPARTMENT FOR COMMUNITY DEVELOPMENT
P.O.BOX 7354 BOROKO, NATIONAL CAPITAL DISTRICT PH: 325 4566 FAX: 325 0133

GENDER AND DEVELOPMENT DIVISION

Lady Carol Kidu's department confirms that in Wawoi Guavi "Landowners and employees stated that Task Force Police were there to protect the Company (Rimbunan Hijau) and their supporters and not citizens of PNG" and that it was alleged that the police were bribed by RH.

In 2002 the Gulf Province Provincial Forest Management Committee submitted a report on the logging operation of Rimbunan Hijau in Vailala.

INDEPENDENT STATE OF PAPUA NEW GUINEA

FORESTRY ACT 1991

Act. Sec. 78(3)
Reg. 125

Form 122

**REPORT OF THE BOARD BY A PROVINCIAL FOREST MANAGEMENT
COMMITTEE ON AN APPLICATION FOR AN EXTENSION OR RENEWAL OF
THE TERM OF A TIMBER PERMIT.**

To: The Chairman of the Board

In accordance with Section 78(3) of the Forestry Act, 1991 the Gulf Provincial Forest Management provides the following report in relation to Timber Permit No: 2-16 held by Frontier Holdings Ltd in respect to the Project area described as Vailala Blocks 2 and 3.

The PFMC is perhaps the most authoritative official body to report on logging operations as it comprises representatives of the Provincial Government, National Forest Service and landowners.

The Gulf PFMC stated that there had been unrest between the Rimbunan Hijau and local landowners and that a police task force had been brought in to protect company interests, **"resulting in two youths being shot dead by the police"**. There were then **"raids by the task force police into campsite settlements and surrounding villages."**

The evidence of abuses by police officers acting on behalf of Rimbunan Hijau also comes from the police themselves.

This extract is from an interview with a named PNG Royal Constabulary police officer and was broadcast on Australian television in 2002. The company involved in the allegations is, once again, Rimbunan Hijau

SBS Tape 2. 27:20. *The company pays police travel allowances, airfares and accommodation, and all that. Q. So how does that effect the way they act? A. It effects in a way that when they go to an area they would only protect the interests of the company, they do not go in there to be a neutral people. 27:53 Q. So in a way they are bribing the police to act for them? A. That's right, yes. 28:00*

28:25 *My people told me there was a lot of inhuman treatment, like hanging people upside down from a mango tree, or telling people to climb coconut trees and jump down, which one of these guys ended up in Port Moresby General Hospital.*

This is now supported by the televised testimony of another named police officer: He says that there is a police understanding that officers will use violence on workers and landowners.

He took orders to that effect direct from Rimbunan Hijau's local managers. He says he now regrets his actions but did not want to disobey orders and was also financially motivated. He says the company paid him a daily allowance and on top of this the local manager gave him lump sum payments.

"We bashed them up, we hit them with huge irons...I apologise for what I have done but I followed orders because I wanted bread and butter like any other employee."

Covering up the police brutality in the logging camps was also part of his job, he claims. He describes escorting two landowners who had major injuries. He says

he told the victims to say they had been involved in an accident and adds, "So we told them that (if) you say anything you'll be killed."

Trade Unions, both in PNG and internationally, have also been involved in documenting abuses by police and Rimbunan Hijau company officials. They have focused in particular on the disturbing abuse of female workers in logging camps. Once in the camps, many women claim they're forced to have sex with company officials and the police who work for them.

The Trade Unions say that have taken dozens of statements from women and girls who say they're routinely threatened with guns and that shots are fired to scare them into having sex:

Tape 24 9:02 *"These workers are living there under the threat of their jobs being terminated. They have no choice when the company, when the management approaches them they just go along and do what they are told to do, and that is sexually exploiting them, especially the young ones who are employed in the companies. (Trade Union Official) 9:27*

Woman No 1:

"During the night police come and try and wake the girls from their sleep. If the girls don't pay attention to them they fire shots in the air."

Woman No 2:

"Police would normally go to the girl's dorms and threaten them and go to sleep with them. Women who become pregnant must have abortions or face ejection from the camps, with no way to travel the hundreds of kilometres home."

Woman No 3:

"If a girl is pregnant it is likely to be terminated. Company regulations don't allow pregnant ladies to work so the only way to stay is to get rid of the baby."

The recent review of logging operations carried out under the Department of Planning and Monitoring has also confirmed widespread allegations of serious human rights abuses by police officers working for Rimbunan Hijau.

The Review Team was so concerned that they provided a special briefing to a recent inquiry into the operations of the Royal PNG Constabulary.

PAPUA NEW GUINEA
REVIEW OF CURRENT LOGGING PROJECTS

CARRIED OUT UNDER THE AUSPICES OF THE DEPARTMENT OF
NATIONAL
PLANNING AND MONITORING

Office: At National Forest Service, Frangipani Street, Hohola Ph 327 7980 Fax
327 7973

Report to the Independent Review Committee into the Operations of the
RPNGC

The report contains numerous examples of police abuses and the review noted generally in relation to Rimbunan Hijau **"the presence of police at logging camps, who are considered to be pro-logging company and are housed, and either paid or paid allowances by the logging companies is a cause for serious concern for landowners. This concern is exacerbated when the Police Task Force is flown into the logging concession area in the logging company's own airplanes and seen to be doing the company's bidding"**.

In relation to the Rimbunan Hijau logging operation at Wawoi Guavi, the report notes that **"the use of physical force by the Police Task Force to intimidate employees and landowners was one of the major issues raised by all members of the community"**.

And that "The concerns raised by landowners in this report are not new. Previous investigations and correspondence by a former PNGFA project supervisor on the issue was circulated to relevant authorities including the Police Commissioner, Managing Director PNGFA and General Manager of Rimbunan Hijau PNG Ltd with the expectation that something would be done about the use and actions of the police force at Kamusie and Panakawa. This has not eventuated."

Specific complaints from local people are listed as:

- *Landowners and employees expressed serious concern that the company's engagement of the police Task Force at Kamusie to control and restrict the movements of people in the evening by declaring night curfew.*
- *Landowners complained about the Operations Manager of Wawoi Guavi Timber Company Ltd (Mr Ling) discharging a firearm and threatening the community in the presence of the Police Task Force.*
- *Landowners questioned whether the Police Task Force had the authority to conduct court sessions, determine penalties and enforce curfews in the area.*
- *Landowners claimed that bags of illicit drugs that were taken from the traders were often not presented in court or the amount presented did not add up to what was initially confiscated.*
- *Landowners were concerned about the destruction caused to burial grounds and sacred sites despite protests made to the company. Landowners claimed that in most cases the company used the Police Task*

Force to discourage landowners protesting against the company's approach to logging within prohibited areas.

- *Landowners at camp 56 and other bush camps wanted to know why the company is not paying any lease for their land. They claimed that any agreement they signed for the land to be used freely by the company was signed under duress in the presence of the Police Task Force.*

Even more shocking are the revelations made by the Review Team in a private briefing paper given only to the Chief Secretary, Director General National Security andPolice Commissioner Sam Inguba!

Below we reproduce for you just one small part of that highly confidential briefing paper.

APPENDIX 1: FURTHER INFORMATION HIGHLY CONFIDENTIAL

ISSUE	INCIDENT AND NAMES ⁶
Human Rights Abuse by Task Force	<ol style="list-style-type: none">1. Task force officers based at Kamusie. 14 December 2002. Case of adultery at [REDACTED] female and male told to strip naked, paraded in front of other villagers, forced to commit indecent acts in front of the community, forced to have sex.2. Wavoi Falls. Sunday after Independence Day 2002. [REDACTED] forced to strip at gunpoint and climb a banana tree naked, suspected of assisting in drug trafficking. Same day [REDACTED] forced to climb a pawpaw naked at gunpoint same suspicion.3. At Camp 56, after visit by Provincial Government and Member for Middle Fly Mr gagi, [REDACTED] and Mr [REDACTED] and Mrs [REDACTED], found to be gambling, were paraded around the camp ground, told to roll around on the ground and and "grab" each, for three hours (with clothes on).4. Two males, [REDACTED] and [REDACTED] accused of swearing at an AC policeman (Mr Tiut) were told by Task Force police to fight each other, tackle each other then kiss each other.

Come on Mr Inguba, your statements simply don't add up ...

- ❶ "Insufficient evidence"– **COMPLETE RUBBISH**
- ❷ ""Internal investigations" – **COMPLETELY FLAWED**
- ❸ "No corroborative statements" – **SIMPLY NOT TRUE**
- ❹ "An old story" – **YES, ITS BEEN GOING ON FOR YEARS AND STILL CONTINUES**

What about Commissioner Inguba's statement that in 2002 the "members of the Southern Division Task Force were withdrawn following the claims" made on SBS?

The truth is that although the Task Force was flown out, within weeks they were back on the ground inside the Rimbunan Hijau logging camp where they have continued to terrorise the local people.

Solutions

Internal Security Minister, Bire Kimisopa, has already recognised the seriously dysfunctional state of the Royal Constabulary and he was well aware of the allegations concerning Rimbunan Hijau when he made these remarks earlier this year.

"The PNG Police force is incapacitated left, right and centre... Our police force is infested with corruption, collusion, and incompetence within middle management and continues to see moonlighting and the indiscriminate sale of ammunition to the public at considerable cost to society. Its inability to maintain an honourable record on prosecutions has rendered the operations of the PNG police totally inoperable and dysfunctional."

We hope that the Minister can see clearly see how far up the chain of command the problems reach and that he will order heads to roll and put in place an independent judicial investigation of all the claims of police abuses committed on behalf of Rimbunan Hijau against Papua New Guineans.

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