



TRANSCRIPT OF PROCEEDINGS

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COMMISSION OF INQUIRY INTO STUDENTS DEMONSTRATIONS

Sir Robert Kynnerseley Woods, Commissioner

AT WAIGANI, WEDNESDAY 12 SEPTEMBER 2001 AT 9:54 AM

(Continued from 10 September 2001)

[9:54 am] THE COMMISSIONER: Yes Mr Yagi.

MR YAGI: Commissioner for this morning we have three witnesses. The first one that I wish to call is a witness by the name of Sauan Yamo and Mr Yamo is an officer with the ministry of Correctional Institutional Services and his evidence relates to the burning of the CIS vehicle on late hours of 25 June. Mr Yamo.

SAUAN YAMO, Sworn

XN: MR YAGI

Q: Witness your full name is Sauan Yamo?

A: Yes.

Q: Sauan being spelt as S-a-u-a-n and Yamo, Y-a-m-o?

A: Yes.

Q: And you are second secretary to the minister for correctional services?

A: Yes.

Q: Mr Yamo you had personal encounter in relation to an incident during the late hours of 25 June 2001 in which the car belonging to the correctional institutional services ministry driven by you was burnt on that night?

A: Yes.

Q: And you have prepared a statement in relation to that incident?

A: Yes.

Q: Do you have the statement with you?

A: Yes.

Q: Are you willing to read that statement to the commission?

A: Yes.

Q: Thank you. Could you read that statement please?

A: "Statement, report on the loss of motor vehicle, Mazda 323 station wagon, registration number ZGR 722.

I Sauan Yamo from CIS Ministry, second secretary to the Honourable Henry Smith, Correctional Service was the driver of that vehicle. The vehicle was allocated to the ministry office at that time for the ministry support vehicle. On the night of 25 June at about 11 pm I drove from 4 Mile to Gerehu Stage 3 to drop off Mr Ivo Kapo a Port Moresby District Court grade 5 magistrate who did not have the access to go home.

[9.57 am] Upon returning from Gerehu Stage 3 at about 11.30 pm, I was stopped by a group of 200 to 300 students from the road block at the university roundabout. Without expecting anything terrible happening to me, I was stoned. The group started throwing stones and sticks at the car causing damages already. At the scene I was also punched but fortunately a few boys from my electorate came to me and rescued and saved me from further hurt.

The students said that this is a government car, you can walk home. Then they pushed the car to the side of the road and set alight while I stood there hopeless. Having no choice, I walked all the way to the Waigani police station and reported the matter to the duty police officer. That was about 12 pm.

At about 12.30 am, a police truck dropped me home. This is all that I can now report on the incident to the best of my knowledge." Thank you.

Q: Thank you, Mr Yamo. I would like to ask you a few questions. On that night 25 June 2001, when you proceeded to go to Gerehu, did you observe any road blockage or barricade or group of people along the Waigani Drive around the University/PNGIPA area?

[10.00 am] A: It was clear, nothing of that sort happened.

Q: On your way back, you encountered the student. Could you just tell us how many of them did you come across?

A: There were 2 to 300 around the roundabout, they were just everywhere. And the flower bed, stones and all that, they got them out and just blocked the whole road.

Q: And can you tell the crowd mixture? Were there only males, females?

A: Males and females, both.

Q: And did you notice any children within that crowd; young teenagers?

A: No children, just students.

Q: Did you see elderly people like adults or grown ups, male or female?

A: Grown adults were there too.

Q: And did you see them carrying any or besides weapons, missiles or rubbish?

A: No. Only sticks and stones they could find around, I think they were holding on to it. No weapons of sort, bush knife or other.

Q: And when they approached you, did they approach you in a nice way?

A: No.

Q: Did you feel threatened?

A: I got scared. I just lost everything already.

Q: At that point in time, did you see any policemen around?

A: No, no policemen around.

Q: Were there any vehicles passing at that time between Gerehu and Waigani along the Waigani Drive?

A: There were two cars at the back of me but they were in civilian registration. But nothing happened to them. Because of the government registration, they attacked me.

Q: I have no other questions commissioner.

THE COMMISSIONER: Mr Soi, any questions?

MR SOI: No questions.

THE COMMISSIONER: Mr Waide, anything?

MR WAIDE: No.

THE COMMISSIONER: That is all, thank you witness. You can go.

THE WITNESS WITHDREW

MR YAGI: The next witness commissioner is Doctor Julienne Karman. Her statement to the commission is in two parts. The first part relates to her involvement in conducting a number of seminars in relation to certain issues which had generated some interest with the students body. And the second part relating to what she observed on the 25th, 26th night. Doctor Karman, would please take the witness stand.

[10.03 am] **JULIENNE KAMAN, sworn:**

XN: MR YAGI

Q: Thank you, Dr Kaman. Could you please state your full name and your occupation and your current address.

A: My name is Dr Julienne Kaman and I am a lecturer at the University of Papua New Guinea. I have taught for more than 20 years between Goroka University and UPNG.

Q: And you are currently lecturing at the University of PNG Waigani campus.

A: That is right.

Q: And in what area of - - -

A: My area of speciality is in Critical Development Education and Peace Studies.

Q: Thank you. You have as part of your academic role were involved in certain lectures and seminars relating to certain issues of national interest at around about early June, 2001?

A: Yes.

Q: And could you please tell the commission if you had prepared any statement in relation to those seminars?

A: Yes.

Q: And do you have the statement with you?

A: I do have the statement with me.

Q: Thank you. Are you willing to read that statement?

A: Yes,

Q: Would you please read that statement?

A: Thank you, members of the commission of inquiry, thank you audience. "I have been implicated as being directly involved in the students protest. Let me tell this commission and the people of Papua New Guinea that I have had no direct involvement in the recent student protest. The decision to conduct the protest was entirely the students' decision in a referendum conducted by the Students Representative Council or SRC. Let me also comment on the manner in which my name was mentioned in the commission of inquiry and the two local papers, namely, The National and the Post Courier, reflecting negatively on my profession as an academic and as a teacher and educator of tomorrow's leaders. As an academic, I engage students in academic discourses to challenge their level of critical thinking. There is no way any academic would design courses and impart them with the intention that the course will have a negative or detrimental effect on the students.

[10.06 am] If some students and the public are led to believe that my seminars had an adverse effect on the students, then they are either brain dead or caught up in petty party politics. In addition student protests have been part and parcel of the culture of UPNG. It is the only forum that students since the inception of the University of Papua New Guinea have exercised their democratic right to freely speak about national issues. In fact, students are the only body that seem to have the voice for the silent majority of PNG.

The seminars: I set out this year to educate, inform and raise critical and creative thinking process in our people. I felt it was extremely essential for people to interpret and understand the current political economic, social and spiritual situation from a historical aspect. This I believe will create an understanding which will help them determine their future. This self determination would be carried out more effectively by studying history to help interpret the present then plan for the future. Along this line of thinking I conducted a series of seminars and forums for students at UPNG on a wide range of development issues that included privatisation. There is no point alluding that students are future change agents unless they are prepared mentally to take on that challenge. The ailing economic, political and social situation in PNG is affecting everyone in this country. Trade unions and students are the only bodies that have protested against the IMF and World Bank imposed structural adjustment program and its impact on the majority of people. For example, school fees have drastically increased, fuel and food prices have risen, retrenchment, structural reforms and educational reforms across the country that is affecting ordinary people, the grassroots, students and parents alike. The IMF and World Bank designed economic reform packages have been designed in some foreign country to be implemented in PNG. It is crucial that these policies are analysed and the citizens of this country must comprehend the weaknesses and the strengths because what happens at a global level will have a direct impact on us at the national, local, family and even personal level.

[10.09 am] Over the last three to four years students and the public have protested against land mobilisation, in 1999 against the use of pay policy which led to the close of the university in the second half of the semester.

Is this not tied in with privatisation? The trimester system is a concern to many students and staff who are put under so much pressure. While being pushed on one hand to study hard coupled with the retrenchment exercise to down-size jobs in both the government and private sectors, there is grave concern among the students knowing very well that there may not be jobs for many of them.

Early this year the defence force raised concerns about their welfare, where UPNG students joined in their protest and even conducted their own public awareness on the negative effect of SAP around the city of Port Moresby on structural adjustment program.

Every Papua New Guinean is feeling the negative effect of IMF and World Bank economic recovery packages called structural adjustment program, which includes privatisation.

SAP introduced in other developing countries have had a disastrous effect on the

economics of these countries and the lives of the people.

What I am advocating is this. The information students obtained from us only reaffirmed what most already knew or suspected. It was not as if the information was new news that incited them to protest. Also, if the information given contains facts, then people are naturally going to react.

In addition, some academics teach about the same issues in their lectures. Students learn through the media, books in the library and the internet which is opened students to a wealth of new and exciting knowledge. Moreover, some days leading into the student protest, academics were invited to speak either for or against the privatisation. The speakers at this forum were Dr Manoka, George Yapao and myself from the university and Andrew Kandakasi representing the trade unions.

For instance, I spoke on the negatives of privatisation from my humanitarian perspective. Meanwhile, Dr Manoka addressed the benefits of privatisation as an economist.

[10.12 am] I sensed the urgency and the importance of conducting a number of seminars throughout the country. The seminars for the university students were part of a planned series of seminars conducted in Port Moresby and in some parts of the Highlands. The aim was to educate the public about the role of IMF, World Bank and their privatisation policy as well as other related issues that we felt the public had the right to know. As an educator, I have a moral obligation to educate the people about these issues and also as academic it is my contractual agreement that I am involved in serving the wider community. I started by conducting some public seminars around the city of Port Moresby, at the same time I realised it was important the students are also educated about these issues to help raise the awareness so that they are able to think critically through many of the issues. Perhaps I am repeating that.

In addition, a democratic country that claims to uphold its Christian values, I felt it was morally right that people had the right to be told the truth. I hope that through this form of education we could help raise their critical thinking. Every citizen can make informed choices from having a balanced view so that they can make appropriate decisions. Most of the educated elites may appear educated but based on my years of teaching, the Western model of education which many of us have passed through lacks a balanced and holistic approach to teaching. This system has failed to liberate students critical thinking on a vast number of issues. Thus elites of this nation are happy to perpetuate the status quo and not have the capacity to make constructive changes to make a difference and also taking into consideration our Melanesian values.

Aside from the few educated elites 80 percent of the people in this country cannot read and write. We believe that this sector of the population must be educated to enhance their personal power. People power is the only power left when the sovereignty of this nation seems to have vanished with the presence of IMF, World Bank and other foreign interest groups controlling this nation and keeping a few elites satisfied.

Moreover, I anticipated that only through popular critical education that Papua New Guineans will be challenged to develop a sense of nationalism and pride to believe in themselves and to eventually arrive at a PNG Melanesian philosophy that would form the basis to building a more peaceful future. It is critical to build the integrity of students and in the long run build integrity of this nation. Thus I hope to create a light of hope to withstand the rapid force of globalisation.

For instance, people need to know that the presence of World Bank with its economic recovery packages tied to privatisation (SAP) are designed to pave the way for globalisation to take its full effect. Globalisation is the fourth stage of the coming of Western capitalism to the third world after colonisation neo colonialism, SAP and privatisation and finally globalisation to take total control of the third world because of our cheap labour and rich resources. Globalisation will repeat Charles Darwin's theory of the survival of the fittest where the few giant corporate bodies and the most powerful western countries spearheaded by the United States of America will rule the world. I believe the World Bank and other foreign agencies capitalise on the ignorance of all of us in this country while supplying us their bitter pills. Whether these pills will save our lives or not in the long run is their least concern.

[10.15 am] Let me stress here for the sake of people who are blinded by party politics that the issues of privatisation, that crisis, SAP, land mobilisation, globalisation are global issues that are well and truly above party politics in this country. These issues must be assessed on their own merits because they are going to affect all Papua New Guineans whether you are a lawyer, or affiliated with a political party, the general public and the future generations of this country. As proud Papua New Guineans, we need to work together to find an amicable development solution that would embrace principles of equality, justice, equity and peace. The desire to build our feeling of nationalism and regaining our sovereignty that these seminars were considered critical to all citizens.

The present foreign system PNG has adopted, directly benefits politicians, few internal elites and their external counterparts. The majority of the grassroots in this country are suffering the economic hardship. If democracy is about government of the people by the people and for the people, then politicians should feel a moral obligation to the majority of the people. Most politicians tend to confine themselves to their party politics except foreign advisers - God given - or listen to their cronies who are more interested in themselves. This scenario is a classic example where we are already caught in this theory of the survival of the fittest; a good breeding ground for corruption, greed, competition, individualism, profit making, power and control. The practice works against the spirit of Melanesian values of sharing, respect, integrity, kindness, love, humbleness and high moral values. We are an easy prey to globalisation because of the deeply entrenched practice of western capitalism.

[10.18 am] The protest. My comment on the student protest is that it was non violent and peaceful. I visited the Morauta Haus during the time of the protest and I must commend the student leaders for containing such a huge crowd. For the first time in Port Moresby, there was a sense of togetherness and unity among everyone who was present at the Morauta Haus. Violence broke out only after the police open fire on the protesters on the last day of the protest at the Morauta Haus. The police proceeded on to the university campus at about 3.00 am and open fire on the students until at 8.00 am in the morning. Consequently, four people died including two students on campus.

As a concerned lecturer and a citizen of this country, I have some specific questions regarding a peaceful sit in protest by the students that ended in the death of four people: (1) Why was the police given an operational order which included orders to shoot to kill ordinary citizens in a peaceful sit in protest? (2) Was the police instructed to create the disturbance so that they could have reason to shoot? (3) Why and how did a peaceful meeting turn into tragedy with the presence of a riot squad? (4) Did the police use unreasonable excessive force against defenceless students and members of the public including women and children? (5) Who gave the police permission to enter the university premises? (6) What role did the VC play in the presence of the police on campus? (7) Could he have prevented their presence on campus, and thus prevent the unnecessary deaths? (8) How did the four people die? (9) Would they have survived if they got medical help quickly, or were they prevented from seeking urgent medical help by those who shot them? (10) And what about the other members of the public who suffered from the behaviour of the police on this fateful day?" This is all, thank you.

Q: Thank you. We appreciate your commentary on those issues, doctor. Now, the other part as we understand relates to what you have seen and what you have done following the night of the shooting on 25th and 26th. Do you have a statement on that one as well?

A: Yes, I do.

Q: Could you read that statement to the commission?

A: Thank you. On the night of the police shooting, I was visiting Robin and Azra Hamlyn, they are both lecturers, who live a few houses from where I live on campus. The secretary for Youth and Home Affairs, Joseph Sukwianomb had also come for a visit. We sat and talked about many things although our conversation focused more on the UPNG student protest.

[10:21 am] Robin, Ezra and I shared the same sentiment that this protest was exceptionally different than the last couple of years because there was no harassment of both staff and students. Also there was no torching of cars or any other act of violence by the students prior to the protest. I mentioned that I visited Morauta Haus some days and nights of the protest to see the whole protest and so far student leaders handled the protest well by maintaining a peaceful stand. Student leaders would repeatedly remind the students and their supporters not to cause any unnecessary disturbance and to maintain peace at all times. They also stressed that the protest was against World Bank and IMF and not the government of the day or any other political party. They also urged the protesters not to

damage any properties or cause any violence. People were moving around freely both day and night at the protest site. Now I cannot comment on what happened outside the protest site. The only disturbance I heard was the disruption on the normal bus routes when some buses were transporting supporting supporters to Morauta Haus to join the student protesters. I also mentioned in our conversation that the Port Moresby police at Morauta Haus appeared to have developed a good relationship with the protesters. I witnessed disagreement among the police as to whether to remove the protesters or leave them. Some policemen advanced towards the protesters while others were walking back. With several threats of removal by the police, students maintained their cool and made a human shield around mothers, children and females and refused to move.

We ended the night feeling satisfied that the Prime Minister had received the students' demands and so they would be able to return to class the next day.

I returned home from the Hamlyn's at about 10.15 pm. By about 10.30 pm I heard loud bangs that sounded more like fireworks but then I realised that these were actually gunshots. Immediately I thought, my God, the students, the police must have shot at them. When the shooting stopped, I immediately phoned Robin and Ezra and told them that I was worried about the students, women, and children. I asked Robin if we could go and check at the Morauta House. When we drove out of campus at about 11.20 pm it was quite until we passed the round about at IPA that we saw a few students walking back to campus.

[10.24 am] Between the Waigani traffic lights and the Sir John Guise stadium we saw no one or any properties damaged. As we were driving down Sir John Guise stadium the police had a road block. One policeman came over to us and queried what we were doing. Robin said that we were looking for a woman, we had to think of some reason. The policeman told us that the protesters had been dispersed and there were nobody around. The whole area had been completely cleared except for a few police cars and some policemen. We turned around and came back. Reaching the traffic lights at Waigani we saw about 100 students coming onto the Waigani Drive. We saw a police car near the BP Service Station so we travelled to IPA roundabout turned around and drove back to the policemen to hear what they had to say. Now, the police said the protesters had been dispersed and they were there just to make sure there were no further disturbances. As we were talking to the police there were more students walking home. We made a U-turn at the Waigani traffic lights and headed home.

When we reached the University roundabout there were about 200 to 300 angry people at the entrance to the University roundabout. I was not sure whether these were all students because I could not recognise all their faces in the dark. Besides some people from Morata and Gerehu would have ran towards the University from Morauta House. They could have also been joined by people living around the University having heard the gunshots. The people we saw were armed with stones and sticks. The time must have been about 12.30 pm to 1.00 pm. They were all angry with the police for shooting. We went and parked our car further down along the University tennis court and walked to where the crowd were and tried to calm them down.

Whilst standing two road signs were knocked down and some people knocked out the stones that surrounded the flower beds to arm themselves and to also block the road. They were letting cars through until a yellow government vehicle coming from the direction of Gerehu did not stop as told by the protesters. The group that was close to the road told the driver to leave and his car was set alight. Again, I am not sure whether this was done by students or outsiders. As we were still standing a white taxi came passed and stopped where the crowd were gathered at the roundabout. Someone in the car popped his head out or could have been her and told the crowd that the police had shot Dawa. I gathered from the students that night that Dawa is a third year law student. I did not know whether he was dead or alive. The taxi drove off with Dawa to the Port Moresby General Hospital. Seeing one of the students shot was enough to drive the rest of the crowd mad. I heard one person saying, we protested non violently and we do not deserve this kind of treatment by the police.

[10:27 am] We asked especially the students to return to campus where they would be safe. Nobody listened to us and we stood observing because there was nothing we could do to stop the crowd. By about 1.30 pm Robin and I left. Robin dropped me at my house and he drove home. I woke up at about 6 pm to the loud gun shots. The gunshots sounded unusually loud. They did scare me. I heard the gunshots from the Waigani Police Station, along IPA and all the way to the University. The shooting continued until about 2 pm.

I was later told that the Riot Squad in their full battle gear came to the University campus at about 3 am. I wonder who gave Police permission to enter the University premises and shoot directly at unarmed students? Police in the past have never entered the University campus. Besides was it necessary to bring in the riot squad down from Mt. Hagen. For me, this action of the police sends a

chilling message that there is something definitely not right in this country. Thank you.

Q: Dr Kaman, just a few questions to ask you. Looking at the first part of your statement, in relation to the topic seminars, you said in your opening that we set out this year to educate, inform, does that suggest that this is the only time you had decided to create a lot more awareness in the student population or was this done in the previous years as well?

A: These issues are addressed in the classroom. I mean I teach a lot of these issues in the classrooms and we also conduct in the past seminars and public forums in the past on similar issues. So it is not like it is a new thing.

Q: All right then let me move on to one other area. If you look at page 3, second paragraph, in your opening of that paragraph you said "we sensed the urgency" or I sensed the urgency. Could you elaborate on that what the urgency that prompted you?

[10.30 am] A: I guess, we are going through a transition where there is so many changes happening and I felt that the public were not ready and they needed to be informed. You hear one side of the story, maybe from the media Post Courier, National or other means, but it is always one sided view and I think we needed to balance the view. A balanced view about issues is healthy.

Q: Yes, thank you. Let me just try and tickle your mind a bit. Were you aware at around about that time that there was a NEC meeting at Mt Hagen?

A: There was, yes.

Q: Yes. And did it occur to you or did some information reach you about some of the matters for discussion at the NEC meeting in Mt Hagen include privatisation?

A: No.

Q: No. And were you aware that there was a NEC meeting in Waigani, Port Moresby, on or about 21 June 2001?

A: NEC meeting in Port Moresby?

Q: Yes.

A: No.

Q: Right, let me put it to you that one of the student leaders who came before the commission told the commission that one of the reasons why they had decided to act swiftly was because they believed they were under the impression that an issue - general issue, privatisation in particular, sale of PNGBC. The fate of the PNGBC was going to be decided by NEC on the 21st?

A: I do not know about that, I am sorry.

Q: All right. I have no other questions, commissioner.

THE COMMISSIONER: Yes, all right. Any questions, Mr Soi?

XXN: MR SOI

Q: Yes. You referred or in your statement you referred that - is it correct to say that students were representing the silent majority of Papua New Guineans? Did you say that or something to that effect?

[10.33 am] A: Yes.

Q: In your earlier statement?

A: I made that statement, yes.

Q: Who gave them the mandate to represent the silent majority?

A: Should they have a mandate to represent the silent majority or do they have a democratic right?

THE COMMISSIONER: I think the term she used was speaking up, I think.

MR SOI: Yes, for the silent majority.

THE COMMISSIONER: Well, what is the point of cross examining. I do not like cross examination necessarily in an inquiry like this and what is the point of this question? She said that and in her position she said it. You can point to me later maybe the relevance of that or the weight of it, one way or another. And there are other ways of representation, but I am not quite sure what your point is for the purpose of my inquiry.

MR SOI: It will lead on to the forums that she was conducting.

THE COMMISSIONER: Yes, I know that forums are very good. It is good to hear that people do forums.

MR SOI: These forums that you conducted, how many did you conduct at UPNG, series of forums, seminars?

A: There were a number of them, I cannot quite count. I was not the only one. There were other academics who were invited.

Q: Were these forums conducted before 18 June?

A: What is 18 June?

Q: That was when the students held their forum to conduct the referendum that you referred to whether to boycott classes or not?

A: Oh yes. They were conducted well before that.

Q: Is it correct to say that you are against privatisation? From the tone of your statement- - -

[10.36 am] THE COMMISSIONER: Well, from the tone of her statement she has reservations, and this could be critically analysed. I think a lot of people have said that and I do not think we have to go into that; that a lot of people are against it and that is it.

MR SOI: Well, I need to hear from- - -

A: Well, I do not support privatisation. Maybe somewhere down the line when PNG is ready, I would probably consider privatisation.

Q: Did you share your views with any other person?

A: Share my views?

Q: Your views on, say anti-privatisation - at this point in time to any other person; any prominent Papua New Guineans for instance?

A: I do not engage with any prominent Papua New Guineans. I am an academic. I operate around the university campus.

Q: Did you talk to Andrew Kandakasi before the 18th?

A: I never knew Andrew Kandakasi until that forum day.

Q: Did you talk to - share your views with Sukwianomb?

A: Sukwianomb is a colleague. I know him from before. So we always have a lot of intellectual discussions and stuff like that.

Q: Are you aware that those who share the same views as you - or are you aware that a group has been formed by certain Papua New Guineans called - this group is called anti-privatisation alliance?

A: I never heard of that group and I do not belong to that group.

Q: You said you also conducted some seminars in some parts of the highlands. Is that correct? Which part of the highlands have you conducted seminars?

A: Goroka and briefly in Hagen.

Q: Did you yourself go to Hagen or did you send some people to Hagen to conduct this awareness?

A: Well, I wanted to go there and there were students who were also doing their own awareness, they came along. So we all went together.

Q: So you went together?

A: Yes.

Q: How many students did you go with to the highlands?

A: About six students.

[10.39 am] Q: Did the president of SRC Mr Augustine Molonges go with you to the seminar?

A: Yes, he was there.

Q: Do you know the names of other students that went with you?

A: Is it really necessary?

Q: I think it is necessary.

THE COMMISSIONER: What is the problem with the seminars? There is no problem, I mean it is good to see that people are doing these things, is it not?

MR SOI: Yes, commissioner. It will flow on to my next question. The question is whether she paid for this- - -

THE COMMISSIONER: All right, you can ask that question, yes.

MR SOI: So I am trying to establish how many, because you have said six. Augustine was there, how many other - do you know the names of other students?

A: Well, there were six students and we all contributed. They contributed their own funding towards their ticket. I did my own. We all had a genuine concern.

Q: You do not want us to know the names of these other five members?

A: If it is important I will, but I do not see it important.

Q: Thank you. No further questions.

THE COMMISSIONER: Mr Sirae, any questions?

MR SIRAE: Yes. I have just two questions, commissioner.

XXN: MR SIRAE

Q: Dr Kaman, if I may ask you a question on the students' attitude at the time of the seminars. Could you just tell us how they felt, how they gave their response or feedback towards the seminars conducted, especially on these issues, the issues that were protested on?

A: It raised their awareness I think and also it gave them a different view to what or confirmed perhaps of what they had already read or heard or suspected. And so I think it was healthy in the sense that it gave them that balanced view.

Q: Did you at the time think that the students understood what the seminars were all about? Did they

comprehend what you were saying?

[10.42 am] A: If they did not, they would not be at the university.

Q: I am just asking this because we had Dr Kalinoe who came in yesterday and gave evidence that he thought that the students were not fully informed about the issues then. That is why I am asking you whether you think the students were informed fully before they went out on their protest.

A: I think the information they had or were exposed to were sufficient. But, I mean, to expect them to know more - perhaps I cannot say this - there are more issues that one could read further and understand. But, I think, what was given was sufficient for them, or what they heard and read about or obtained from the seminars was sufficient, I felt.

Q: Thank you. No questions.

THE COMMISSIONER: Ms Waide, any questions?

MS WAIDE: None.

THE COMMISSIONER: That is all. Thank you, witness, you can go now.

THE WITNESS: Thank you.

THE WITNESS WITHDREW

THE COMMISSIONER: Yes, Mr Yagi?

MR YAGI: Commissioner, the next witness that I had proposed is the mobile group commander, Mr Chanei, based in Mt Hagen. The problem is that I had not been able to secure his statement. I understand that it has been prepared but the logistics of having it available this morning is a problem. It has been arranged for photocopy. But I can skip him for the moment and see if we can move on to the next one down the command structure.

Commissioner, the next one which I understand is available is Mr Kiina. That is the surname. The first name is Jack.

[10.45am] **JACK KIINA, sworn:**

XN: MR YAGI

Q: Thank you, witness. Your full name is Jack Kiina and Kiina being spelt K-i-i-n-a. You are the squad commander of mobile squad 7 based in Mount Hagen.

A: That is correct.

Q: Your squad was deployed in the operation involving student demonstration as from Monday, 25 June 2001?

A: That is correct.

Q: You have been personally involved in that operation deployment?

A: Yes.

Q: I understand you have a statement which you have prepared in relation to what you did and what you saw on that day.

A: Yes, that is right.

Q: Thank you. Would you like to read that statement to the commission?

A: Sure.

Q: Thank you. You commence to read that statement.

A: On Sunday, 24 June 2001, I arrived in Port Moresby upon call-out to attend the sit-in protest led by UPNG students against the privatisation and land mobilisation issues. It had taken a week and it was Monday, 25 June 2001, the beginning of the second week when the Prime Minister, Sir Mekere Morauta felt safe to receive the protesters petition. Assurance was made that the response to the petition would be delivered within 24 hours. It was 1500 hours, 3 pm, that the petition was received and the protesters insisted that they remain at the scene was at the Pineapple Building till 1500 hours the next day so as to receive the response before the 24 hours lapsed before they could decide the next move if situations do not turn in their favour. This was despite attempts to advise them that due to no prior arrangements made before the protest it was then regarded as an illegal assembly or gathering.

At 10 pm as ordered by chief superintendent, Jeffrey Vaki and commander NCD Central, ACP Tom Kulunga, I took my squad down to Waigani offices, Sir John Guise drive to assist NCD units disperse protesters who were still sitting in at the Pineapple Building. The NCD task force units had taken ground when we arrived at the scene. They formed up in our normal riot control formation when we arrived. We formed an extended line at the rear and waited for the next order. Our fire power at that time was 29 comprising of one ultimax 100, one AR-10, one Sig-rifle, two SR-88, 15 AR A2, five shotguns, one .38 pistol and 2 gas guns plus gas canisters and light signals.

[10.48 am] I was armed with an AR15 A2 and was travelling in a blue Toyota land cruiser 10 seater registration being ZGA 822. All members were well aware of the safety requirements when in possession of firearms and the circumstances warranting the use of firearms. At about 10.45 pm, after being formally advised and cautioned the students and their supporters were dispersed with teargas and shots fired into the air. The whole scene was then swept through to see if there was any casualties, but there was none located. If there was any then it would have been from the gas or from bumping into each other or the nearby trees.

Police then camped at the Pineapple Building to ensure the protesters do not come back and for normal business to resume the next day. Constant motorised patrol was being conducted around Waigani offices whilst the whole situation around the city was being monitored through the police radio. There were reports of road blocks at the University and ADCOL area and that two government vehicles had been set on fire.

At 0300 hours the situation along the UPNG road was getting worse. Firearms were being used to fire at motorists along that part of the road. This prompted us to withdraw from Morauta House and drive to the University to reinforce Gerehu and Waigani units who were then unable to contain the escalating situation. In fear of shots being fired at motorists we decided to take the back road through Baruni to the University. As we approached the Gerehu roundabout we heard over the radio that Gerehu Big Rooster was on fire. Upon arrival at that location we could see the building on fire and according to the security guards the arsonists were then advancing towards Rainbow Service Station to also set it on fire.

We intervened and the students decamped into Port Moresby National High School through the Botanical Garden and into UPNG. We went on foot trying to apprehend the arsonists. At that time we heard gun shots from the Botanical Garden roundabout and from the gate to Port Moresby National High School other members of the squad plus other NCD units could see a lone motorist being assaulted by a large group of students.

[10.51 am] They then came to his rescue before the remainder of us arrived at the scene. We advanced further up to the main bus stop where we could see a vehicle completely burnt and was sitting in the middle of the road amongst other debris. Other debris were also used to completely block off the other lane of the road close to the main campus.

Members had to make their way through the barricade and position our vehicles on the other side of the road towards the Arts Faculty so as to avoid the missiles being thrown at us. Members extended on the other side of the road towards the faculty of Creative Arts from the main bus stop up towards the main sign board gate on the hill. The students continued throwing missiles and offensive language at us. Petrol bombs were also being used on the members who took post on the higher ground on the hill.

We remained at the scene dispersing them with gas into the campus. Every time they regrouped and attacked us. Shots were also being fired into the air when we saw that the gas was being ineffective. The whole idea was to keep them indoors so as to avoid further destruction to motorists and public properties.

At around 7000 hours the students regrouped and with petrol bombs, weapons, firearms, stones and sticks, charged at policemen posted at the main gate. The fence at the main bus stop and at the main gate was already pulled down prior to our deployment in those locations. So the students easily walked through, went onto the road. And when the police sensed the imminent danger, dispersed them with gas and shots fired into the air. The students retreated into the campus whilst the policemen advanced towards the fence to keep students away from throwing petrol bombs, stones, sticks and even firing firearms at us. This was the only time when the students ever came very close to us. However, there was no physical contact made with them. Gas and shots fired into the air were used to drive them back.

[10:54 am] Prior to that attack there was a commotion witnessed by members on the hill between the students themselves inside the campus in front of Luavi dormitory. Two groups of students were witnessed actually exchanging punches amongst themselves. When the students were driven back into the campus we could see that there was none falling or lying on the ground. The whole lot of them retreated towards the front of Luavi dorm. Soon after that we heard students crying and a university security vehicle loaded with students drove out on an emergency run. I was not aware of how many casualties on board or know how serious the injuries were. All I saw were students on the back and that it was on an emergency run. When the vehicle returned students formed up at the back of the vehicle and due to the large number of them we allowed them to pass through towards Waigani police station. This was where they teamed up with a large number of civilians and sat in at the Waigani traffic lights. Shortly after that it was broadcasted that the single police officers quarters at Morata was set on fire. My members plus other NCD units rushed down to attend to the fire. The protesters at Waigani roundabout had charged towards Mobil service station to set it on fire. The left over manpower at Waigani were unable to control the crowd at that time. As soon as we arrived at the scene, I could see that policemen were being stoned and a couple of police vehicles were already smashed. Some policemen also sustained injuries from the missiles being thrown at them. The crowd had invaded the service station when gas and warning shots fired into the air were used to disperse them. When the crowd had vacated the scene, my squad which had come on at 10 pm the previous night stood down leaving squad 5 to continue with other NCD units. This is my account of the whole situation."

Q: Thank you Mr Kiina. I would like to take you through in some details to clarify areas that needs to be clarified. In your opening statement you said you were on call out on Sunday, 24 June. You were on the orders for a call out issued by anyone?

[10:57 am] A: The call out order, I learnt from my group commander. I think further up the ranks, I did not know who issued the call out order but as far as I know, I was informed by my group commander at that time.

Q: Did your group commander brief you on the nature of the call out?

A: He did.

Q: What did he tell you?

A: He told me, we were on call out to Port Moresby to attend to the land mobilisation and privatisation issues.

Q: Did he set some kind of ground rules in terms of your rules of engagement in that operation?

A: We were in a rush so we did not have the time to get a detailed briefing on that.

Q: Did this particular occasion arise after that when you arrived in Port Moresby?

A: Can you say that again?

Q: Did you attend some kind of briefing on the nature of your operations, the ground rules, the rules of engagement in the operation after your departure from Mt Hagen?

A: Yes, we went through a short briefing at Macgregor before, but in fact there was not very much time for us to actually go through it in detail. But as far as we know, we were sure of the ground rules individually.

Q: And who conducted that briefing?

A: We did it ourselves.

Q: You did it?

A: Yes.

Q: Was that you yourself or your group commander that led the brief?

A: It was my group commander.

Q: And can you be specific on what the general instructions are, how would you go about in deploying your unit?

[11.00 am A: The instruction was, we were to all report to Morauta Haus. As I

have said earlier, there was not much time for a detailed briefing so we were just in a rush. So we came down to Morauta Haus.

Q: In respect of your chain of command, were you told who at the Morauta Haus would you be reporting or receiving your commands from?

A: We were advised to receive our commands from our acting director SSD.

Q: Is that Mr Dabiri?

A: That is right.

Q: When you got to the Morauta Haus, was Mr Dabiri there?

A: Yes, he was there.

Q: You told the commission that you were then prompted as a result of some reports about illegal activities along the Waigani/Gerehu area; you were prompted to go. Did someone give you instructions or orders to leave?

A: Yes, we were directed by our radio operations centre. We were directed to attend to these complaints down at that part of the road.

Q: Generally, in terms of your police engagement and manoeuvre, your area of deployment is Morauta Haus and your direct command would be from Mr Dabiri. Is that correct?

A: Yes.

Q: Why did you not obtain your instructions or command from Mr Dabiri before you moved out?

A: We acted upon those call out from Waigani. There was a situation there, so we had to attend to it. Because the manpower of police at that location could not contain the situation so we had to - as directed by our radio operator, we were directed to attend to these complaints down there.

Q: Is there some kind of appropriate authority for you or would you rely on the command from Mr Dabiri?

A: Well, our radio operator represents the commissioner in any directives that he gives, so we acted upon his command.

[11.03 am] Q: And is that a normal procedure that you are aware of in terms of deployment of your units?

A: Yes.

Q: How many men formed your squad:

A: There were 30.

Q: 30?

A: Yes.

Q: And just tell the commission what kind of weapons or police gear that is given to your unit?

A: I think it is contained in the statement.

Q: Yes, okay. What you provide is basically the fire power that is given to your unit. Other than that, what type of police gear in terms of batons, shields and that sort of thing, uniform and helmets.

A: I am not in a position to answer this question. My superiors can answer that for you.

Q: Yes. All right, for yourself, what did you have on you during the night of operation. What did you wear and what your other secondments wear?

A: We wore our standard riot uniforms, helmets, body armours and we had our weapons, allocated weapons with us.

Q: And in terms of the issue of firearms, are those weapons that you had on you are standard issue that you had all the time in your possession wherever you go?

A: That is correct.

Q: Did you in fact draw any additional fire power or weapons for that operation?

A: No. It was our normal issued firearms that we were armed with.

[11.06 am] Q: And tell the commission about the system that mobile force has in terms of obtaining weapons and the ammunitions and other gears from the quarter master, the people who look after the weaponry?

A: As far as I know every mobile personnel are issued with firearms upon their seniority, but other than that I do not have any knowledge about that.

Q: Yes. Okay, let us try and be more practical here. If you are issued, say, a magazine full of ammunition and you had been deployed in a certain operation and you need to restock. How would you go about in processing that kind of- - -

A: We fill in necessary forms. Firstly, we have to explain, then we fill in a requisition form for new supply.

Q: Yes. Okay, and so when does that process take place? Prior to engagement of operation or- - -

A: Every time, every monthly returns.

Q: Every monthly returns?

A: Yes. We account for whatever we expended during the month and the armory can look through our monthly returns and resupply us with - it is a one on one basis.

Q: Right. Okay, in terms of what we are talking about the June operation what was your last return made on that?

A: It was the month before we came here.

Q: All right. And that would have been done to who?

A: To the group commander who then forwards it to the director.

Q: All right. And that applies to each and every member of your squad?

A: We do it at a squad level.

Q: As a squad?

A: Yes.

Q: Okay. And you obviously do the final- - -

A: Yes.

Q: Okay. Did you do one of those procedures, process after the June operation?

A: Yes, we are still on operation so we still have no time to do it.

Q: You have not- - -

A: As soon as we withdraw from the operation then we count all our ammunitions and do just one for the whole operation. So we still have not done it yet.

[11.09am] Q: That is two months now.

A: Yes. The operation is still on so when we go back we - they make us, we count our ammunitions, arms and clean up and we submit the monthly return for the whole period.

Q: You say, the operation is still on, is it this operation here, talking about the June operation.

A: Yes, we are still.

Q: Still on.

A: Yes.

Q: When does - would you know when it will come to an end?

A: We are not sure when- - -

Q: It is indefinite.

A: Yes.

Q: Who makes decision as to when that operation should come to an end?

A: It is the commissioner.

Q: You mentioned that when you got to around Big Rooster, you noticed some things happening there including the burning down of the Big Rooster. You said you heard some gunshots, which direction was it coming from?

A: It was coming from the Botanical garden.

Q: Botanical garden.

A: Direction. That roundabout at the Botanical garden.

Q: Are you familiar with the type of noise or sound that is made by a number of weapons?

A: No.

Q: You do not know. Could you say that that sound would be similar to the weapons that you are using; the police is using?

A: Yes.

Q: Would you say it is a shotgun or automatic, high powered?

A: It was a single shot.

Q: Single shot.

A: There are a lot of weapons which fire single shot so I cannot differentiate whichever.

Q: How many shots were fired did you hear?

A: There was a single shot fired.

Q: Just one.

A: Yes.

Q: Did you notice if that shot reached certain targets?

A: No. I was inside, but according to the members on the road, after the shot when we came out there was this lone motorist who was assaulted by this group of people.

[11.12 am] Q: And for yourself you said you were actually in the area of - that you covered whilst at the university was at the gate where the university sign was?

A: No, the gate towards the Faculty of Creative Arts.

Q: Faculty of Creative Arts.

A: But my members were scattered along the road up that way.

Q: You said something like petrol bombs were thrown at you. Are you pretty sure that petrol bombs were used?

A: Yes, I think my group commander is in possession of some of these items. So when he comes in to give his evidence he can present that to you.

Q: Did you actually see something like that?

A: Yes, I saw it from the - he showed us, so we saw it.

Q: When did he show you?

A: After the riot at the university.

Q: Was it at the location where you were that night?

A: Yes. It was on the mountain.

Q: On the mountain?

A: Yes.

Q: And did you actually see one being thrown at you?

A: No.

Q: No.

A: It was thrown at the other policemen on the hill.

Q: Can you describe how the petrol bomb was made, apart from the one you saw?

A: From what I saw it was in a bottle. There was a wick and there was petrol inside. A petrol bomb can come in any shape. It is a home-made bomb. So from what I saw it was in a bottle; bottle-type. There

was petrol inside and there was a wick on top.

Q: In your statement - a number of areas you continued to mention that petrol bombs were being thrown. You did not see it but you actually saw one- - -

A: Yes.

Q: After the encounter?

A: Yes.

[11.15 am] Q: Did you see petrol bombs being thrown at other members of your squad?

A: No.

Q: No. Did you know what effect a petrol bomb can do?

A: Yes, it can cause tremendous effect and anybody there - that is targetted by this petrol bomb.

Q: Yes. And when it reaches its target or an object it sort of blows up?

A: It blows up and burns the target.

Q: Yes. Did you see something like that happening that night?

A: No. It did not fall on the - from the members who picked up the petrol it landed on the grass. Only if it landed on the concrete then it would have blown up.

Q: Okay. And what kind of bottles were - I mean the petrol were in what kind of bottles? Beer bottles or soft drink bottles or?

A: It was in a soft drink bottle.

Q: And did you at any time from the junction at the Creative Arts relocate yourself up to the area up at the gate where the university logo sign was at any time?

A: No.

Q: No. You remained - - -

A: I was with the members at the gate to the Faculty of Creative Arts.

Q: I see.

A: But we were deployed in sections so section commander for the section on the hill was in charge of those men up there.

Q: Okay. And do you know who that section commander is or was?

A: Yes.

Q: Could you tell us his name?

A: It was Constable Nungurum who was in charge of my men but there were other units - other officers I did not see but as for my men, it was Samson Nungurum who was in charge of my men. But amongst them there were other policemen from NCD plus other officers. Whoever was in charge of them I would not know.

Q: Okay. During your operation at the university campus, was there any order issued to men to discharge their firearm?

A: No.

Q: No.

A: We acted upon the situation. We acted upon the threats that was being faced so the students were advancing towards us so we had to disperse them with gas and firearms into inside the campus.

[11.18 am] Q: Is it not normal police standing order that commands are issued by a superior officer on the ground?

A: It is, but in that situation, there was no time to give command as members were scattered.

Q: Was there at any point prior to that situation that either yourself or the group commander or anyone in the superior generally issued some kind of defined rules of engagement that if you feel threatened in some way that the firearms should be discharged?

A: As I have said, the situation was continuous so we had no time to regroup the men and issue any orders. All we did was we used our commonsense whenever the situation arose.

Q: And did you yourself observe your men firing?

A: Yes, I was with the men. The group I was with, I observed them with us firing.

Q: Firing?

A: Yes.

Q: And can you describe how they were firing?

A: They were firing into the air.

Q: Into the air?

A: Yes.

Q: We had some students who told the commission of inquiry earlier that the police actually shot directly at them. What would you say?

A: What I would say about that is, we are trained policemen. We cannot risk people by firing at them. If we had fired directly at them then we would have killed a lot of them. So what we did was we fired into the air.

Q: You also said, there were times when the guns were fired, the students would retreat and then regroup and come up. How many times did this sort of thing happened?

A: There was a lot of times.

Q: A lot of times?

A: Yes. From 3 o'clock until morning.

Q: 3 o'clock until morning?

A: Yes, around 8 in the morning. 8, 9. Because they knew that we were not shooting at them so they would go back and come back. They did this continuously until morning.

Q: And it happened on that night as well that there were some nasty foul language abusers in some exchange?

A: Yes, they threw foul languages at us but I did not include it in my statement.

Q: Did you hear any policemen respond, retaliate with similar kind of abuses, foul language?

A: No.

[11.21 am] Q: Yourself, how did you feel about these abuses and insults?

A: We felt it was offending, I felt offended.

Q: Were you angry?

A: Yes, I did but I advised the members to stay cool. Even though we were angry we remained. We just wanted to keep them indoors, to avoid provoking them and getting them on this road again. Even though they threw lot of offensive languages at us, we remained, we just remained on the road.

Q: Did you notice your men or yourself actually moving beyond the fence line of the university campus?

A: No.

Q: You did not.

A: I did not see any members getting beyond the fence.

Q: And when you came back to Waigani service station, did you see any officer commanding that operation there at Waigani?

A: Yes, there were a lot of senior officers there.

Q: There was lots there. Any one in particular that you might recall?

A: I could only see Mr Huafofo, Mr Eviaina but Eviaina I did not get close but I went closer to Mr Huafofo.

Q: How long did you observe what was happening around the Waigani police station and - how long were you around there to observe what happened around there?

A: Less than one hour.

Q: Less than one hour.

A: Yes.

Q: Okay. About what time did you get there?

A: We got there around 9 o'clock. We stayed there until 10 o'clock and we left. Because we came at 10 o'clock in the night. We were supposed to knock off at 5 but due to the situation we stayed on until 10 o'clock.

Q: Okay. When you got there did you see any firearm being discharged, teargas?

[11.24 am] A: Not until these protesters started throwing stones and smashing police cars at the Mobil service station.

Q: Was your unit squad 7 involved in some discharge of firearm at Waigani of teargas?

A: By that time, the command was from Mr Huafofo. So there were a lot of policemen there at the time. Even when we were there, but I could not tell who fired the firearm at the time.

Q: Yes. My question is: was your squad involved in the discharge?

A: Yes, yes,.

Q: They were involved?

A: Firearms, my squad was involved.

Q: The command was given by Mr Huafofo?

A: Yes.

Q: Where or what direction did your squad discharge their firearm towards?

A: We all discharged to the air towards Waigani police station way.

Q: All right. There are some evidence before the commission that a number of people were shot dead and a few injured. As result of discharge, did you see anything like that happening there?

A: No.

Q: No other questions, commissioner.

THE COMMISSIONER: Mr Soronduo or Mr Soi?

MR SORONDUO: No questions from me. Thank you, commissioner.

THE COMMISSIONER: Okay.

XXN: MR SOI

Q: Just one. You said your vehicle was parked at the road leading to Creative Arts Faculty. Is that right?

A: That is right.

Q: Did you at any time leave this vehicle after you had parked.

A: No, I was in the vehicle. I was on the road and back to the vehicle. I was just around the vicinity of my vehicle.

Q: When you were there, did you observe any students on the other side where the basketball courts are?

A: Yes, they were at their dormitories next to the basketball side.

[11.27 am] Q: How many students would you say?

A: There were a lot of them. I could not tell how many of them.

Q: When you were there, did they say any insulting words to you and your men?

A: Yes.

Q: Do you know what they said?

A: They said in Pidgin - they were swearing at us in Pidgin. They said something like - I can say it in Pidgin. They said 'kaikai kan bilong prime minister, kaikai kok bilong prime minister, security bilong government, K5 policemen.' These are the sorts of abusive language they threw at us.

Q: Did you see them throw stones at you at the time?

A: Yes, they did. I saw them throwing stones.

Q: Did any of the stones hit your men?

A: I did not see any stones hitting my men because we kept them away from a throwing distance.

Q: And sticks being thrown at you?

A: Yes.

Q: Did you see petrol bombs being thrown at you when you were stationed there?

A: No. Not at where I was stationed but I heard that it was on the hill.

Q: While you and your men were there guarding that particular part of the campus, were any shots fired?

A: No.

Q: No further questions.

THE COMMISSIONER: As a matter of interest, you were in that area where the road comes in from the Creative Arts centre?

A: Yes.

Q: Did any students come from the Creative Arts centre to you and say, look, let us through because we want to go through?

A: Yes, that is right. It was in the morning. So we spoke with them and let them through.

Q: So some students came down and said, look, we want to go and have breakfast, let us through. And so they came down, asked you, you let them through?

A: Yes, we let them through.

Q: How did they get into the campus, through the gate or- - -

A: They went through where we were standing. We let them through the bus stop gate. They went through there and they turned - I do not know, maybe they joined the other students inside.

Q: So you let them through, but the other students were there throwing stones and abusing you and you let these other ones through?

A: Yes.

Q: Just like normal?

A: Yes.

Q: Mr Sirae, any questions?

XXN: MR SIRAE

Q: Yes, Commissioner. Just a question to clear students moving up from the campus area, from their residential area. Were you around at the time? Do you know where the top bus stop is, the first bus stop?

A: Yes.

Q: In the morning about 6 am to 7 am, were you there, present there?

A: I was still down at the campus - FCA gate.

Q: The last one?

A: Yes.

Q: Did you by any chance see students moving up towards the police?

A: Yes, from where we were standing we could see them on the hill moving up.

Q: How were the students moving up? They said they had their hands on their heads walking up. Is that true?

A: I did not see it.

Q: You did not see any?

A: No.

[11.30 am] Q: That means that you did not see any students arming themselves with sticks, stones?

A: No. But I saw students arming themselves at our side.

Q: At your side?

A: Yes.

Q: But not the front?

A: I did not see what they did on the hill.

Q: Thank you.

THE COMMISSIONER: Ms Waide, any questions?

MS WAIDE: Thank you commissioner, I have a couple of questions to ask the witness.

XXN: MS WAIDE

Q: Mr Kiina, you told the inquiry that you were stationed at the FCA bottom bus stop. During the time that you were there, there were no shots fired at you from inside the campus nor were there any petrol bombs thrown at you or your men and you were not aware of any policemen being hurt by stones being thrown by the students?

A: Yes.

Q: You say also that there was no time within which you went into the campus at that time?

A: Yes.

Q: There is evidence before this inquiry that the policemen shot at the locks of the gate and entered the premises of the university at the bottom bus stop and shot at the students within the campus. The police moved as far as the rain tree and shot at the students. What do you say?

A: I saw nothing of that happen.

Q: Let me also tell you that there was evidence given that locks were shot at and that there was a bullet embedded in the lock. What do you say?

A: I have nothing to say about that. I did not see it.

Q: You did not see it?

A: No.

Q: But they were your men and you were located at that area, would it not be that you would have seen them?

A: My men amongst other police units were there.

Q: Yes, but you did not see any of them?

A: I did not see any policemen shooting at the locks.

Q: At the locks, no?

A: No.

Q: But the gates were locked at that time?

A: No.

Q: There was also evidence given that- - -

THE COMMISSIONER: Can I just check something. You said some students came in to go down to the mess. How did they get through the fence, through the gate or?

A: Through the gate.

Q: The gate was just open?

A: It was open.

[11.33 am] MS WAIDE: The discharge of firearms at the place where you were, you said that the discharge of firearms only occurs when your life is in danger and in any operations you would appreciate that that should be the normal practice that firearms are exchanged when your life is in danger. How do you explain to the commission that the discharge of firearms into the campus when your lives were not in danger? How do you qualify; how do you justify that before the commission? Because there is evidence that shots were fired into the campus, into dormitories that a student got a bullet in his dormitory while he was asleep?

A: The students were advancing towards us with sticks and stones.

Q: Yes, but they did not use any fire power. That is the only justification under which policemen can discharge firearms into a crowd.

THE COMMISSIONER: Could I have an answer to the question.

A: Firearm was fired into the air not directly at the students to threaten the students to go back.

MS WAIDE: At what degree would that be?

A: At 75 degree angle.

Q: 75 degree?

A: Yes.

Q: But the dormitory would be less than 75 degrees from where you are standing. How is it that the bullet went through a student dormitory?

A: Did I say, we aimed at the dormitory?

Q: There is a bullet through the dormitory. Does not that qualify that it was shot at the dormitory?

MR SOI: I would object to that.

THE COMMISSIONER: She is asking him to explain how a bullet would have got into the dormitory. It could have been worded a bit better.

MR SOI: The shooting, the bullet was at Luavi. That is the evidence at the moment, not down at - - -

THE COMMISSIONER: Well, actually, I thought the bullet was at a different dormitory than where he was firing from.

MR SORONDUO: Yes.

MS WAIDE: Thank you. May I withdraw the question. So you were not anywhere near the top bus stop at that time?

A: No.

Q: So you would not be in a position to answer any questions in that regard to the top bus stop?

A: No.

Q: But where you were, there were no shots fired and no petrol bombs fired at you or your men?

A: No. There were sticks, stones and abusive languages only.

Q: But you would agree with me that sticks, stones and abuse are not reason enough to shoot at the students, would you not?

A: During the time they were throwing stones, they were advancing towards us so we fired into the air to disperse them back.

Q: Just answer yes or no. It is not qualified and not justified in using firearms on students that are unarmed by equal fire power?

[11:36 am] A: I would say yes but if we did not, we had not done that they would have come over the campus and onto the streets again.

Q: No further questions commissioner.

THE COMMISSIONER: Yes thank you witness, you can go now.

THE WITNESS WITHDREW

THE COMMISSIONER: Yes Mr Yagi.

MR YAGI: We really have no desire to call any other although I have statements, I would like Mr Chanei's statement to come in and then he will be called in so that we can see some kind of - - -

THE COMMISSIONER: You want to adjourn now until after lunch do you?

MR YAGI: Yes and I hope if my friends can give me some undertaking that his statement will be here by lunch.

THE COMMISSIONER: Well we do need those witnesses today.

MR YAGI: I certainly do have a bundle of statements from others and I am not sure whether they are available now.

THE COMMISSIONER: We cannot afford to be wasting time because we are running out of time for hearing witnesses. All right we will adjourn to 1.30. Please do not waste any more time because we are running out of time in which to hear witnesses.

LUNCHEON ADJOURNMENT

[1:46 pm] THE COMMISSIONER: Yes, Mr Yagi?

MR YAGI: Thank you commissioner. For this afternoon we are fortunate to have the presence of the vice chancellor of the university of PNG and the registrar and I wish to present them this afternoon. First of all let me introduce the vice chancellor.

LESLIE RAYMOND EASTCOTT, Sworn

XN: MR YAGI

Q: Thank you, would you be kind enough to tell the commission your full name and your current occupation?

A: Yes. My name is Leslie Raymond Eastcott and I am the vice chancellor of the university of PNG.

Q: Professor Eastcott you have been made aware of the work of the commission in relation to certain terms of reference?

A: I have.

Q: And in response to that term of reference you have prepared a statement that you wish to present to the commission?

A: With the commission's permission, yes.

Q: And you have that statement before you?

A: Yes.

Q: If you just explain what the documents you have before you and you can commence to read your statement as you have it before you?

A: Thank you. This statement has two main parts. First of all there is the statement and then associated with it is a number of documents. These documents are meant to clarify issues that are related to the statement. It would not be my intention to read those documents but rather to refer them to the commission for its consideration as part of my more brief statement.

Q: You may now commence to read your statement.

A: Thank you very much. These remarks are prefaced by the observation that it is a sad occasion when an inquiry is necessary into protests leading to the deaths of participating persons including two students and significant injuries to many others. I have on many occasions expressed my condolences to the bereaved and my concerns that the situation could arise where this could happen, regardless of the circumstances and the people involved and I repeat those concerns and condolences. I wish to talk to a number of headings if I might and the first heading I wish to talk to is whether or not this was solely a student protest and student unrest. Although the terms of the inquiry do not do so this event is being described commonly in the media and elsewhere as a student protest or student unrest and I wish to challenge that.

[1.49 pm] A: I do not challenge that it may have been a student initiated or student led. Any assumption or implication that this was a student protest or student unrest alone must be considered carefully in the context of the size of the protest numbers and the evidence available, that many students did not participate. For example, I refer to attachment 1 which relates to the number of meals that were accessed at the UPNG mess during the period of action.

These figures do not support the concept of all UPNG students either in the settlements conducting awareness campaigns or attending the protest sit in. During the awareness campaign PMV buses departed daily from campus. I estimate that they did not exceed 10 at any one time with a total capacity of no more than 350.

The pictures of the protest marchers sit in in my view were not predominated by students, but by members of the community at large. During the awareness campaign and in the week following whenever the University Library and Computing Center were open they attracted students. And in the case of the Computing Center operated at full capacity all the time. During the period of unrest the streets leading to the protest area from all directions, not only from the University, were more heavily populated than normal. And when the dispersed protesters fled along Waigani Drive on the night of Monday 25 June it is clear that many who were seeking entry into the University campus did not know where the gates were leading to the conclusion that many were not students. Only two, that is 50 per cent of the reported deaths were university students also supporting this conclusion.

This protest in my view was a protest of students, some academics and community members. It did not involve all UPNG students nor did it involve students alone. Students were not a majority of the protesters nor a majority of the marchers on many occasions. Acknowledgment of this is important because it provides a different perspective from which to consider issues of protest in Papua New Guinea. It is not a matter of dealing with students alone. To do so is to choose an easy way out.

It is instructive to look at the history of UPNG student involvement in protest actions, strikes et cetera over a period of 21 years commencing in 1980. Table 1 records those actions and I am not going to read table 1 out, but I can draw a number of conclusions from that table if I may and the associated documents.

First of all UPNG student action occurs regularly in Papua New Guinea. Indeed at least once every 2 years and sometimes more often.

[1:52 pm] Secondly, there is a depressing similarity about the actions. Strikes, boycotts, threats, harassment confrontation, non negotiable stances, violence and probably most important of all conspiracies of silence are common features of all the actions. Everybody seems to want to act, nobody seems to wish to take the responsibility for those actions. There is substantial disruption to the work and productivity of both students and staff at the university and in this particular case to the public at large. The decline in productivity is matched by an increase in trauma, stress levels and hostility and a decline in morale and loyalty to the institution. Fear predominates staff responses for some time. Almost always, but I hasten to add not in this case, there is significant damage to physical property both within and outside the university. Interestingly vice chancellors do not appear to be a determining factor. Boycotts, strikes, violence and harassment have occurred under national vice chancellors, expatriate vice chancellors, male vice chancellors, female chancellors, Sepik vice chancellors, highlands vice chancellors, Papuan vice chancellors and a vice chancellor from Manus region. A positive outcome is not always achieved from such action. At least you cannot find it. So much violence, vandalism, threats, loss of learning time, loss of productivity, stress and fear have often been virtually for nothing. It is evident that any succeeding group of students fails to abide by agreements reached by their predecessors with the university student administration in regard to student action and indeed in this documentation you will find one example where one particular group of boycotting students could not even maintain their own particular agreement with the administration for the period of a year. Often the students have not been held accountable for their actions with the university taking remedial action to address the negative consequences of student action. This history repeats itself over and over with little observable positive benefits to anyone and negative results to most.

Now in the commission's terms of reference the university administration is the only group at least implicitly accused of acting in an improper way. The specific item of reference that relates is 1(g) as to whether the university of PNG administration should have taken stands to contain student involvement in the demonstration. The history of disruption throws light on this issue.

Individual situations over 23 years are characterised by problem identification, rapid deterioration in relationships, confrontation in the context of non negotiable stances and eventually some form of threat, harassment and violence. Conspiracies of silence have made it impossible to identify many criminal offenders. Eventually the point is reached where concern for losing face predominates over reason and rationality. University files demonstrate that the matter of controlling such disruption has been the subject of regular internal inquiry and there are attachments to do that, determination, suspension of SRCs and SRC constitutions, government inquiry and I wish to emphasise that point, government inquiry has failed to solve this problem prior to this particular date as well. Legal determination, threatened jailing of students, threatened exclusion of students from the environs of Port Moresby, court injunctions, restraining orders, abandonment of the academic year, threatened abandonment of the academic year. Prime Ministers, ministers of education, university councils, vice chancellors, academic boards have tried and failed. Nothing appears to work beyond the resolution of the immediate problem and in this we believe that this administration has done as well if not better than any other.

The student techniques of protest disruption and response to administrator's rejection of the techniques do not reflect what normally is regarded as behaviour appropriate to a university culture although it may be appropriate to the culture of particular provincial groups.

[1.55pm] It is in this context that the implication in the reference of 1(g) is totally rejected by the university. The university through wise counsel negotiation had already worked with students in overcoming a potentially major crisis relating to the Defence Forces issue, although this has never been publicly recognised by either the government or the media.

The events leading up to the protest included the following. An overall summary report to the chief of security is attached at attachment 7. And commissioner, that is worth reading I believe. A student union day to discuss a number of issues relevant to the university. The administration was given late and inadequate notice of this event being advised on 14 June of the day to be held on 15 June. The students were advised at the forum in a manner not in accord with the SRC constitution and the student notice also included an item of which the administration was not formally advised, viz also the UPNG students awareness campaign 2000 and beyond will be launched on this day. And attachments 8 and 9 refer and those particular differences can be noted.

A further illegal forum was held at 2 am on Monday, 18 June. It has been alleged that some students were literally hauled from their beds to attend. What created such an urgent need

for a late night forum is unknown but I would suggest worthy of investigation. And I understand that it occurred soon after the return of the student president from Mount Hagen where I believe there was a meeting of the NEC being conducted.

An awareness programme was conducted by students in the settlements from Monday, 18 June to Wednesday, 20 June inclusive. Associated with this, a boycott of classes commenced on Monday, 18 June and was supported by threat, harassment and abuse by roving bands of students attempting to coerce both staff and students.

[1.58 pm] The first the administration knew of the boycott was the observation by the vice chancellor of an attempt to stop cars entering the main part of Waigani campus on the morning of Monday 18 June.

A referendum was held on the afternoon/evening of Tuesday 19 June. I received several allegations regarding that referendum. These include the requirement to write the student voter's name on the vote in this secret vote, and the claim that much of the referendum was conducted in dim light. The former of these allegations of course is the most significant, together with the fact that the referendum was held two academic class days after the boycott had actually been in force and enforced.

A letter was received notifying the administration of the boycott on 19 June and I responded on 19 June. This letter was obviously written prior to the referendum, therefore, and was received before the referendum was conducted.

A march and protest sit-in commenced on Thursday 21 June. I do not know if all the State legalities associated with this were addressed by students.

Throughout this period my own administration took the view that neither confrontation nor acquiescence to student wilful action would work. We attempted an educational approach emphasising rights, responsibilities, and support for legal and appropriate action and absolutely no support for action based on threat coercion, harassment or physical abuse.

I was supported by some students representing up to 35 per cent of the student body who on Thursday 21 June and Friday 22 June privately and confidentially requested that I implement a return to class even if this required the support of the police. The SRC supported a return to class on Monday June 25 and a gradual return of students occurred. However, the events of Monday evening 25 June, Tuesday morning 26 June negated these arrangements.

Nevertheless, further negotiations resulted in a peaceful return to class the following Monday 2 July and this was assisted by four factors: an increasingly vocal group of students wanted to return to class, an arrangement by academics to facilitate the completion of term 2, a threat to close the university in the face of any further disruption, and a subdued and somewhat chastened SRC executive.

Now, there can be no denying the activities leading up to the protest and the consequent events under discussion did catch the university by surprise and I do not think there were any of us who would not admit to that.

The protest period to Monday evening was in my view peaceful off campus, but on campus was characterised by harassment of students and staff. Over the whole period of unrest damage at the university was minor and mainly the result of actions by non-university community members and by those discharging firearms.

[2.01 pm] This was very different to the students protests of the past where damage caused by students has been substantial. This protest boycott was also very different to student protests of the past in that it was limited to one week of class disruption. It was the events following the deaths that extended the disruption for a further week. The SRC Constitution in attachment 12 is silent on the specific matter of boycotts, although implicitly allowable after a referendum and I do not believe I should bore everybody by reading the constitution but noting it is there. However, it is worth noting that justification of forums constitutionally leading to and during the period of the protest would require establishment of the forums as urgent and the rights of the president to act on matters of urgency. This may in my view, be hard to sustain on a matter such as privatisation which has been under discussion for sometime. In protesting, it is clear that the SRC at least implicitly had this right under their constitution. And part II (8) of the Constitution which is attached refers.

A specific revised reference to boycotts in a proposed revised constitution was referred to the SRC council at the beginning of the year. It is rumoured but I cannot prove it for reasons you will discover in a minute, that the reference was approved by the SRC council for referral to the university council. However, that referral to the university council never took place despite requests from the pro-vice chancellor and the registrar. And attachment 13 refers. The administration given the events that have occurred have assumed that the referral to the university council was deliberately withheld. A draft copy of the proposed amendment is attached together with an E-mail from the pro-vice chancellor ASA which indicates that the president of the SRC had told him that the amendment has been passed by the SRC. Attachment 14. The amendment purports to support boycotts under referendum conditions whereby two thirds of eligible students must vote and two thirds of those voting must vote in favour.

A belated referendum was held on Tuesday, 19 June, two academic class days after classes ceased. Table 2 indicates the results of that referendum together with the comparative required votes of the apparently approved referendum, had it been forwarded to and approved by the university council. This table shows that under the apparent amendment, the boycott could not have progressed. Under the more general referendum clause where traditionally in other protests and boycotts, 75 per cent of those voting has been set as the bench mark and there is an attachment associated with that. The figure required to vote in favour of the boycott would have been 1,064, this was still not achieved, although missing by only 6 votes.

Consequently, regardless of which constitutional requirement prevailed the boycott of class protest, neither had the requisite support under the constitution.

[2.04 pm] And that is ignoring the fact that the referendum was conducted two days after the boycott started.

The campus based confrontation: During the night, I could only hear the confrontation from my residence as it seemed to move up and down Waigani Drive and sporadically in and out and across the campus. I cannot be sure because I could not see. However, I viewed parts of the confrontation between students after dawn on the morning of Tuesday 26 June. I was not in the location to see some of what other witnesses have claimed to have seen. I could not for example from the location of my residence see the roundabouts. I was in a position to have an uninterrupted view of much of the action standing above Waigani Drive looking down to the police location and across to the Waigani campus. I saw mass confusion with thrust and parry movement back and forth across the campus, first at one point then at another. I saw a group of police well armed located on Waigani Drive but grossly outnumbered by students who sallied forth in a series of rushes up the campus hill towards Waigani Drive.

Students and possibly others, and I want to emphasise that at this point because I am not convinced that it was only students but identification was impossible, throwing stones at police. Police retaliating and charging across the campus in pursuit of students and then returning and re-grouping on Waigani Drive.

Students and possibly others acting like a frenzied mob. I am not convinced that many of the students and possibly others even really knew what they were doing. It seemed as if the mob ruled and a mob psychology prevailed. And indeed I did see some students trying to climb the fence out of the campus to get on to Waigani Drive.

The intensity of the battle and especially the gun fire seemingly increased when several Molotov cocktails albeit poorly made were thrown over the fence at the police. I saw police discharge teargas into the charging crowd of students and students pick up the gas canisters and hurl them back. What I believe to be shotguns discharged by police and heard what appeared to be high velocity rifles discharging. In the smoke confusion, and I might add despair, I did not see whether the firearms were discharged into the air, the ground, or at students. I would observe however that given the student numbers with the specific attention to kill and armed with a high velocity automatic or semi automatic weapon, the body count would have been much higher than that which resulted from a battle that waxed and waned over a period of five to six hours if there had been an intention to kill.

[2.07 pm] I saw students waving their arms, beating their chests, running and screaming at the police. I heard the noise of the battle interspersed by silence except for a female on a loud speaker harangued, demeaned and abused police non stop for a period of approximately two hours. And I saw

students provoking police with taunts, a variety of epithets, crudities and extremely offensive and demeaning statements. I might add that it gives me no joy to make any part of that statement.

Having observed student police confrontation in more than one country I would comment that such behaviour in such situations is not restricted to Papua New Guinea. The intensity of the occasion, the emotion, the frenzy, the fury, the lack of judgment from a weariness of up to ten hours including initial dispersal of the protest, non stop physical and emotional and energy sapping activity in my opinion all contributed to this situation of mayhem and confusion and that both sides contributed.

Let me move off that for moment if I may. There is a tendency for the community in general not to understand what a university is. The term "the students" seems to be used to describe an unruly mob of youths, still wet behind the ears, spoilt, ungrateful and lacking any knowledge of the real world. There seems to be a belief also that a university is something like a big boarding school where the activities of the inmates can be controlled and dictated simply through direction by the administration. This is far from the case. We have students ranging in age from 18 to 50 years of age. The deputy president male of the SRC is approximately 39 years of age and the president is also I believe to be in his 30s. Many have come direct from school. But we also have ex kiaps, policemen, soldiers who have fought at Bougainville, security officers, school teachers, magistrates, public servants, artists and the like. We have married men and women and single mothers. These are adults. Grown men and women living together in a community more populous than many towns in Papua New Guinea. They bring with them a wide range of worldly experiences, expectations, understanding, suspicions and cynicisms. They are not at university to be suppressed nor should they be or could they be. Universities are about education, extension of knowledge and understanding, the development of critical and analytical abilities, the capacity to take information, dissect it, synthesise it into new and insightful ideas and concepts.

[2.10 pm] When the government of whatever persuasion determines to fund and establish a university, it puts in place a group of people trained to think, to challenge, to reject compliance and complacency. It is through abrasion, discussion and disagreement that new ideas emerge, that the unthinkable is thought and the impossible is resolved.

Fundamental to this are the basic rights of freedom of speech, the protection of law, freedom of expression and freedom of movement. It is not without good reason that these are enshrined in the Papua New Guinean Constitution. They must be allowed to apply equally to university students as to anyone else. That is why in the historical material reviewed, almost every vice-chancellor while protesting some student actions, confirms the right of student freedom of speech.

With such responsibilities comes responsibilities of students, not the least of which are the rights of all students to these freedoms. And there can be little argument that in the event being discussed, this concern has not been evident and not just in the behaviour of students. Government, politicians, the community, the legal profession, the judiciary and the police might all pause for a moment to consider the role they might play in maintaining and supporting the rights enshrined in the Constitution. The community might like to consider the role they played in this tragedy, and I do not exclude from that individuals working in the vicinity of the protest claiming, and complaining and pressurising the government and the police to normalise things quickly.

This country has moved forward often because of the roles of student leaders have either learned or played as members of the university and its SRC. There are, and have been, prime ministers, government ministers, provincial governors, members of parliament, leaders of political parties, senior public servants including departmental secretaries who were student leaders, members of UPNG SRC and, in many cases, who were heavily involved in the type of disruption described in the brief historical section of this paper. It might embarrass some of them to reveal what the files say about their behaviour, but it is worth remembering that many Papua New Guinean careers began with SRC involvements which were often fraught with student protest and disruption.

Involvement of the police. A misguided belief exists that police are not allowed to come onto a university campus and specifically at UPNG have not done so in the past. It has

been traditional for centuries and worldwide that there is a separation of university and community and that universities will be responsible for the discipline of members of their own community. At UPNG we address disciplinary issues under the UPNG Act and associated statutes. At UPNG we have attempted to promote concepts of self-discipline and peer group discipline in a variety of ways. Both are particularly challenging culturally. It is difficult to convince students the ways of the village, the clan, the ethnic or the tribal group are not and should not be automatically transferred to life in a university community.

[2.13 pm] With a changing society everywhere, however, Vice Chancellors are inviting police onto campuses more and more to deal with otherwise uncontrollable situations. This was not the case in this PNG situation. The police were not invited on. However, history shows that the police have in the past been regularly invited onto UPNG campus to deal with uncontrollable situations. And that in some cases considerable force was used.

In one case a battle plan was prepared in anticipation of the likelihood of an invitation. The precedent has long been established and attachments 16 and 17 refer. The difference this time is that actual death followed. As surely as it had to eventually in a country which seems to have accepted regular and almost ritualised student unrest, violence and harassment and consequent oppression as the norm often justified because it is the Melanesian way.

It is also clear to me that the police were neither properly trained nor equipped to appropriately deal with the dispersal of a mob. I doubt that either the tactics or the equipment used was appropriate. This may not be the fault of the participating police. This was not a matter of dispersing warring armed hill-tribes. While police may have had every right to feel frightened for their lives, the fact remains that the majority of students and community were unarmed. Weaponry such as riot shields, gas masks, rubber truncheons and protective head gear would have been more appropriate together with the use of well known tactics for encouraging fear and flight. A loaded high velocity weapon will invariably end up being fired and invariably someone will end up being hit. This is particularly so in the environment described earlier. I do not condone what happened, but I can see why and how and I do not believe the answer to be as simple and uncomplicated as often implied.

Funding the protest: The issue of the protest has been raised in a number of quarters. The SRC has access to some student funds which must be spent according to a budget approved by the University Council and that is at attachment 18, an accessed using approved university processes.

[2.16 pm] The university has no record of abnormal expenditure at this time. I am also aware that until recently the SRC has been under pressure to pay the PMV owners for the buses as part of the awareness program. This pressure seems to have abated lately. If the bus owners were paid, it was not by the university. This maybe worth further investigation.

The university is also in receipt of a further request for funds and attachment relates in the aftermath of the protest and its consequences. The university declined to pay. The statement of SRC accounts is attached and this statement confirms my view that the protest was not funded from SRC funds, if indeed it was funded at all.

My role. The university was clearly excluded from any information flow from Friday 15 June onwards, either by design or incompetence. The only exception was a written advice referred to earlier of 19 June.

Other than those communications referred to earlier, the SRC failed to keep regular contact with the university administration for the period of the original boycott to the morning of Monday 25. This was despite attempts by both the registrar and I to initiate discussion. On the morning of Monday 25 we made contact with the deputy president, female. Among other things of having seen the Sunday night TV reports of the arrival of the Mt Hagen tactical response group, we specifically warned her against continuing the protest, particularly on Monday night. Our advice was ignored with the fateful consequences that followed.

I observed the return of the students and in my view non-students after the initial dispersal of the protest. In discussion with the registrar it was agreed that I should remain in the vice chancellor's residence and he would go to the security to facilitate the return of students to the campus and the halls of residence. This we did, remaining in contact by telephone. When we believed the situation was under control, we retired in the belief the females had returned to their rooms and the males had calmed down.

However, later in the night and consequent upon incidents that I have no knowledge of, the students, other community members and the police entered into further confrontation. If students had remained in the halls of residence after their return from the dispersed protest, the events and fatal outcomes that followed would not have occurred. I do not know why or if the students were ordered or led back out.

In the morning of Tuesday 26 June and after witnessing some of the confrontation I was able to contact both the SRC deputy president, male, and the deputy commissioner of police to arrange a truce. The deputy president agreed to take the students to breakfast and not return for two hours. The deputy commissioner of police agreed - and I must say that maybe the assistant commissioner of police, my memory fails me - agreed to halt fire.

Regrettably, almost immediately following the cease-fire, a group of students took the opportunity to charge out along Waigani Drive towards Waigani.

[2.19pm] From where I was I observed that the police to their credit kept their part of the bargain and at that point did not open fire. Sometime later on in the morning, I was asked to approve opening of the Waigani gate to allow the return of students fleeing further police dispersal action at the Waigani intersection. This I did. Consequent upon the incidents, a critical incident team was formed to manage the situation over the following weeks and this team contributed substantially to restricting the length of the period of unrest.

Communication. External communication proved very difficult during this period, although it was possible and contact was kept with the Assistant Commissioner of Police once it had been made. During this trying and stressful time, I am grateful for the supportive comments made and the personal telephone calls from the Prime Minister, the Speaker of the House, the British High Commissioner and personal comment made by the Japanese and the French ambassadors but disappointing that my own Australian High Commissioner saw fit to make no contact with me at all, if only from the point of view of concern for the welfare of an Australian citizen holding a senior post in Papua New Guinea.

It is important to remember that far reaching personal and individual impacts of and the consequence for those personally involved but not by choice. I did not organise this protest but had to manage the university through it and cope with the consequences. And I am making that statement because it draws to the attention of everybody that we must not forget the importance of the sorts of welfare, counselling and support that are necessary for all participants following activities like this one. I include police, I include students, I include university administrators, whoever might have had an involvement.

I have to say that it was also disappointing that the Prime Minister who was clearly distressed in his phone call to me by the events and the deaths had not been neither well briefed nor accurately briefed by his advisers at the time of his phone call to me. And I gathered that information by the questions he asked and the comments he made. This left him at a disadvantage during this whole sorry episode in my personal view.

Student disruption is always a concern for a university. It focuses attention away from the core business of the institution, diverts funds, work effort and commitment from institutional purposes. This maybe justified in cases of urgent national need or urgent needs relating to health, welfare and education of students. However, where disruption involves suppression of freedom of speech, action through harassment, threat, violence, vandalism where intellectual discourse is discouraged rather than promoted and where culprits hide behind a conspiracy of silence created by threat then such disruption has no place in a university.

Ensuring circumstances where intellectual discourse prevails is not easy in a country like PNG. Although the motto 'Unity Through Diversity' is often promoted, the reality is that diversity may often be impeding upon and sometimes be promoted at the expense of unity.

[2:22 pm] Universities worldwide are supposed to be places of calm and peace. Places where teaching, learning and thinking and contemplation go on regardless of or at least inconjunction with the world around it. An ethos and morality exist in universities acknowledging equality and the rights of all with no place for ethnic differences governing how the organisation will run. The university culture is a culture of knowledge and ideas of negotiation, consultation, communication, willingness to abide by group decisions even when an individual may disagree. Where men and women of great diversity of origins come to learn and live together side by side according to a set of rules which transcend culture

and other differences. A staff member or student comfortable in one university will recognise in many familiarities in another. And here now commissioner come the tough words.

PNG and UPNG is at a cross roads. And as an expatriate vice chancellor it is not my right to determine which turn the country wishes the university to take. However, if cultural diversity and cultural practices as presently implied in the university are regarded as appropriate action to take then I would suggest the immediate abandonment of this and further inquiries and acceptance of the fact that disruption within and external to the university led by university students will continue pretty much in the same form and in the same regularity as it has for the last 25 years or so. Practice of values through harassment, violence, suppression and solution of problems through use of threat and confrontation will continue unabated. In this model intellectual discourse will become more and more an irrelevancy. Academic merit and excellence will give way to mediocracy as those who use threat, violence and confrontation and suppression as a way of achieving their goals gain ascendancy. Alternatively, PNG and UPNG may chose to regard the university as a place which practices common goals and aspirations based on the commonly accepted set of values related to academic merit, excellence, intellectual discourse, freedom of speech and expression and disciplined behaviour defined by a commonly accepted set of rules of behaviour.

[2:25 pm] In such an environment the individual and academic performance take precedence over provincial membership and accepted traditional practices. The consequences are radical for government, politicians, students and the university and require radical changes in expectations and actions. And I would like to lists some of the things I suggest we need.

The disbandment of provincial groups within the university and in particular the practise and sometimes abuse of cultural values antithetical to the peaceful operations of the university. The removal of present approaches to provincial funding of some provincial groups within the university. Instead of funding all their provincial students or provincial social groups in particular, provincial governments might like to consider fewer, more valuable individual scholarships based initially on academic merit with continuing receipt based on annual academic performance and meritorious behaviour that contributes to the quality of university life rather than to disharmony and disruption.

The reorganisation of student governance in a manner that fosters representation on the basis of academic and professional groups. Allow students as individuals to decided whether or not they wish to participate in or even be a member of a student based political association. Allow student fees to be extended on matters that benefit all students and which address issues such as student health, welfare, recreation and education. Facilitate intellectual discourse.

We need support including initially protection for university staff in demonstrating that threat and confrontation have no impact and achieve no outcome when practised in a university setting either in cases of protest or in academic matters. At the moment staff have no protection and appear to be able to get no protection from anywhere within the society. Support from provincial governors in insisting that their funded students abide by the common rules and sets of values of the university and support for the removal of those who do not. Acceptance at the university as a learning ground for students rather than a field to be harvested for the benefit of particular political interests. In this context I have been authorised by my senior executive to write to the speaker of the house and the chief secretary to prevail upon members of the house and the public service to comply with accepted protocol on matters relating to the university and university forums and to involve themselves with university students only in ways which promote acceptable intellectual discourse freely participated in by students as an act of free choice rather than as a response to an inducement or harassment.

[2.28 pm] This will become particularly relevant as the next election approaches. And I appeal to all would-be politicians, do not rely on university students, do not use them. Rely on the quality of your own intellectual and political argument.

Commissioner, in making that statement I know I am doing the proverbial into a 100 mile an hour gale.

There are many things UPNG can do and we are doing these. We are reviewing university demographics with a view to adjusting the student population to one of greater gender balance, greater academic ability and greater behavioural discipline. In this we need the support of the high schools in providing accurate assessments of ability and reliable commentary on behaviour. We also believe it is time for government to consider educational alternatives for some secondary school graduates other than university.

We are addressing issues of the physical environment which encourage and support the promotion of student unrest and harassment of staff and other students. The physical environment is a major contributing factor fostering and facilitating unrest and disruption. But to address it, we require significant financial support from government.

We are attempting to restrict university access to unwanted and illegal visitors. We require more support from the judiciary and the council on this one. We are reviewing the nature of student governance to ensure greater constitutional compliance and the rights of freedom for all students. This has the support of the university council and requires the support of students.

We are enforcing more strictly university disciplinary rules. We expect more referrals directly to the police, but we need a more timely and effective response from the criminal investigations branch. We also need support from the legal profession and judiciary in dealing with frivolous claims of failure to apply principles of natural justice in response to the application of university disciplinary procedures.

We are enforcing the application of rules of academic progression more strongly and supporting those staff under threatening pressure to inflate grades and to admit unqualified students. As noted earlier, we are reviewing how the concept of forum will be applied in the future. We are trying to educate students that you do not need to boycott classes to organise an appropriate form of protest, and that a boycott is a penalty imposed not on the university but on the students themselves. We are trying to educate them that the practices of confrontation, non-negotiable stances, et cetera, et cetera, are ways of the past and that there are better, more effective and more telling and positive ways of expressing an dissenting viewpoint.

And the final thing - and this is a fairly radical one in the University of Papua New Guinea I believe. We are trying to institutionalise the concept of responsibility for behaviour, such that students come to understand that while the universities stand for freedom of speech and expression, they are not there to protect students as adults against the consequences of the decisions they take. And I think having read through the history of the university and the university unrest, this is the one point where this university administration differs from earlier administrations.

This is an educational process that will take some time. It will not be successful without the support of those external to UPNG. It will not be successful if people wish to behave in the way they always have. It will not be successful if the needs of UPNG and the nation are over-ridden by the personal agenda of individuals both within and without the university. It will not be successful if we try for a few months and then forget about it. It needs the help of all PNG, but most of all it needs people willing to accept that things should not always be the way they used to be.

Finally, commissioner, I reiterate that the university insists that freedom of speech and the responsibility that goes with it are paramount in a democracy and should remain so. We would hope that any recommendations this inquiry makes or the action the government determines is mindful of that. Commissioner, I apologise for the lengthy presentation, but I felt it was appropriate to say it.

[2.31 pm] THE COMMISSIONER: Do not worry.

MR YAGI: Thank you Professor Eastcott. For the records commissioner, at this stage, may I tender the document as part of your commission document.

THE COMMISSIONER: Have you got a copy for me there so I can just go through it and see what is there. Do we have actually a list of the documents or is there actually a list or we just gather one after the other?

MR YAGI: No, there is no index.

THE COMMISSIONER: That is all right.

A: I can arrange for one, if that is okay with you.

Q: No, he can sort one out for me. So we have got the SRC accounts, we have got something here, that request for funds that you referred to.

A: Yes, they are 18, 19 and 20.

Q: That is your example of the previous police involvement.

A: Yes, example of previous police involvement and then it goes to - I believe it is - - -

Q: You have got the SRC Constitution. That is interesting because, I mentioned the other day, I was surprised, the SRC themselves did not present it to me but I thought they did not want me to see it. But we have got it anyway. I would presume someone was going to draw my attention to the - I think, you have explained the relationship, because that was one of my concerns. By what rights can students have a referendum to boycott classes which is sort of something to do with the by-laws of the university, and I want to see that connection. You have explained that in part of what you said.

A: That is right.

Q: And I am sure counsel will clarify it for me in due course.

A: And it is expanded in the students constitution.

Q: And the other thing is, I was very surprised that the SRC did not provide the figures for the referendum for obvious reasons, because you have now provided them to show that with the appropriate comments. The history cards as well.

A: Attachment 7 may also be quite a relevant one. That is the report of security officers.

Q: Yes, I was wondering about that and I mean, I am satisfied with that. I was wondering if the security people were going to be brought in as witnesses but if there is a report here, from their view point, that may satisfy that unless anyone thinks that they should be brought in separately, because I was wondering whether there would be anything from the security staff at the university.

Yes, all right, well the whole statement with the annexures I think will have to be marked as the document number 28 I think we are up to. Yes, document 28.

Yes, well I think you have given a fairly good general coverage from your point of view as vice chancellor together with the relevant documentation that I was interested to see. Mr Yagi, anything?

MR YAGI: Commissioner, the document I think according to my list would become number 29. The last 28 being the department documents, that is Department of Police documents, handling of emergency procedures.

THE COMMISSIONER: No, I think we have- - -

MR YAGI: That is the list I am going by, what associated- - -

THE COMMISSIONER: No, there are two sides, actually I - there is something wrong with the numbering further on but- - -

MR YAGI: All right, we can organise that.

THE COMMISSIONER: We call it document 28. There was something - we had an early problem about a week or two ago with one of the early documents.

MR YAGI: Okay. Thank you. I have a few questions for you, Professor. Essentially what the terms of

reference as you pointed out earlier in your statement relates to what actions the university should have taken in a practical way to try and contain the student demonstration. And obviously what we have seen from your own statement and other witnesses before is that it started off with some kind of a forum which commenced about 17 or 18 June. There was a witness who came, one of the student leaders who put before the commission that a forum was held whereby you were invited to speak. And the evidence as it is suggests that you gave some kind of approval for the students to stage some forums in relation to what the issues they were covering.

A: I was invited to speak at the, and I might add at the last moment, to the forum that was held, and I am sorry I am scraping for the date but I believe it is the Friday that was June - - -

THE COMMISSIONER: 15th, Friday the 15th.

A: And that was to do - when I was invited to speak at that, that was to do with the students, as I understood it, with the student union day as described in this letter. What I said at that meeting as far as I can recall was that it was the responsibility for the university to query and question issues that related to what was going on in the university. Because you see, I had been told that the student union day was about investigating and receiving comment from groups from each of the schools about the quality or lack of quality of lectures that were going on. And indeed I think I would have to find it, I would have to look for it, but one of the attachments in here relates to that, in that I include a statement I made to academic staff warning them that as a result of that forum they may find themselves under criticisms, under fire from students regarding academic performance.

[2.38 pm] I also indicated to the students that it was unfortunate that they held the forum on an academic day and that it would be more appropriate in future if they wished to have a particular time set aside to discuss matters of an academic nature within the university to request the university council to formalise that as an annual thing. But there was no - as far as I am concerned on my behalf, there was no commitment to any action of the sort of action that took place in the following weeks. My responses were in response to a forum that I understood was part of an analysis of the academic performance of academic staff at the university at that time and my response in terms of encouraging them to think about these things was to think about them over a longer term period, and ask the university council for the right to conduct this as part of the regular calendar of events.

Q: Thank you. The other aspect that I wish to touch on is the question of the validity or legitimacy of the ballot, and as you put it in your statement there are some doubt about the validity arising from the results of the ballot. How would, yes, in the circumstances where clearly the ballot does not support the illegal action or unauthorised action if you like of boycott of classes, what would be the stand point by the university administration in circumstances of that kind?

[2.41pm] A: The stand point of the university is reflected again in attachments here and the stand point of the university was an indication that classes would continue and that students were expected to go to those classes or were expected to allow other students to go those classes. The stand point of the university has always been that a student can choose not to attend a class if they wish to participate in some sort of protest activity. But the stand point has also been that a student cannot choose to stop other people from going to that class even if they do not wish to. So, the university has not insisted that students go to class but what it has insisted is that classes must be conducted and students who wish to go to those classes must be allowed to go to those classes.

Now, I believe when you read some of the attachments here you will find that there are included in those attachments some e-mails and written statements to both staff and students. Some of those I have not included them all because of the volume but some of those e-mails were to staff indicating to them each day that classes will continue, that they must attend and even if no students attend they must be there at the starting time for the year for the class and indicating on a regular basis to students that it is inappropriate to harass and to stop other students from going to class.

So, my view is, if I can summarise it, if students choose not to go to class, that is their right but it is not their right to stop others from going to class. If they choose not to go to class, it is also their right to accept the responsibilities that come with that.

Q: Let me also touch on one other aspect which you have vaguely touched on in your statement but that may through some significance in the way things developed at a later time.

A: Sure.

Q: That is in relation to the petrol bombs. I think some part of your statement relate to some forced entry into the petrol yard by some elements- - -

A: Yes.

Q: Some people and people had access to those petroleum products. Has the university done some investigation and what are the results of the finding?

A: In the security records - for the security records for 26 June 2001, Tuesday, 200 hours, it says, uniform 1 reporting pool, has been broken into and students taking fuel from parked cars in the pool. Security is alerted to assist and stop this. The gate is locked temporarily and then there are other statements but the security indicated that it happened. There is some conflict to where the petrol came from and nobody knows whether it was students or others. I asked the bursar about this question in terms of my preparation for today and I have here a memo from the bursar which you may wish to have of 10/9/2001, theft of petrol from physical facilities maintenance. I have received confirmation from my maintenance personnel that the theft of petrol from the physical facilities maintenance compound occurred on the night of Monday, 25 June 2001, the exact time being uncertain but certainly during that night. Access was gained through a partial demolition of the fence near the compound entry and a subsequent smashing of the lock on the petrol pump.

[2.44 pm] Q: Yes. Was there a security personnel stationed at that depot?

A: At that stage we did not have a security person at that point, no. We now have a security dog.

Q: Now, going back in terms of history, I notice in your attachment use of petrol bombs and that sort of thing. It is not part of the student phenomena, if you like, in demonstrations and that sort of thing?

A: I could find no reference to the use of petrol bombs at any time up to this particular confrontation, no.

Q: There has been suggested in this inquiry that probably - probably, I say - that students may have some kind of fire power weapons. Is the university aware of this?

A: Previous things that have happened on the university campus, in fact about a month before, would suggest that, yes, there are weapons on the campus; and in that, I refer in fact to another issue where shooting occurred where it appeared that shooting occurred using two forms of weapon.

Q: That is involving students within the campus?

A: They were involving students within the campus.

Q: Are you able to describe the type of weapons that were used?

A: It would appear that one was a pistol and one was a home-made shotgun. We were unable to pursue that one any further. It was referred to the police but we have received no further feed back on it. We had intended in fact to conduct our own search of all the dormitories as a surprise activity as a result of that particular activity, but we could not do that on our own. We required the help of the police. Unfortunately, all these other things that have since happened, made it inappropriate for us to pursue that. But you would have to assume from that that we had assumptions that there are firearms on campus.

Q: What has university done insofar as curbing or trying to address that problem of weapons being possessed within the campus area?

[2:47 pm] A: Well until such time as you can conduct some sort of raid or otherwise to attempt to catch people with firearms and that would be more difficult than it would sound, I can assure you there is very little that it can do and in my view at this point, there are other more important issues in terms of maintaining the progress of the university and maintaining the rights of the students to progress to the end of the academic year and if we can successfully achieve that then that puts us in a position to set in place a number of procedures for the commencement of next year which become more strict in terms of you know trying to maintain and control the potential involvement of firearms on campus. Can I just make another point however here if I may. There are over 2000 students on the campus. Now when you go have got that many people, you are looking at something that is equivalent of a community. And it is important that we do not, because somebody on that campus may have a firearm

and somebody might have even been stupid enough to fire a firearm. I have no evidence either way but that should be no reason to tar all students with that same brush. If we went out to any community of 2000 in PNG we would probably find somebody with a firearm.

THE COMMISSIONER: I think we have to accept the fact that a university is just like a big town and there is a lot of individuals, supposed adult individuals who are responsible and like any town there will be some people who will behave badly and it is up to their neighbours to assist the administration like it is up to the general public to assist the police in the ordinary outside world.

MR YAGI: There has been some suggestion in the evidence so far that there are some outsiders may have been housed by certain students within the university, is the administration aware of this?

A: The administration is aware of this. The administration spends quite a deal of its time working through its wardens and sub-wardens trying to ensure that the only people who are housed in residential accommodation at the university, both student and staff, I hasten to add are what we would call legal residents but to be specific, it would be impossible. We are aware that there are people who reside on campus. We are aware that there are people who are brought on campus for short periods of time for a variety of reasons and we have a set of rules that ban that and where we find, where we catch people in this set of circumstances the person in the residence who has a legal right to that room is expelled from the residential complex.

[2.50 pm] Q: I have no other questions, commissioner.

THE COMMISSIONER: Dr Nonggorr, any questions, anything further that you should - - -

DR NONGGORR: Commissioner, may I go last after questions have been asked?

THE COMMISSIONER: Okay, all right. Just thought, yes, I was thinking of the initial point of view but all right, you can ask. Yes, Mr Soi.

XXN: MR SOI

Q: Yes, I have some questions. Professor Eastcott, you talked about meals and the report indicated that most of the students attended the mess and had their meals during that period. Now, we have some students saying, telling this commission that meals were brought over from the mess to Morauta Haus where they were campaigning. What do you say to that?

A: Thank you. What I would say to that is that if that happened it was against the specific directions of the university and if we refer again to one of the security reports, you will find and I am sure you will rely on me, trust me to refer it. There is a statement there - - -

THE COMMISSIONER: Yes, there are two nights when mess staff were asked to prepare 500 pre-packaged dinners.

A: That is right. And in actual fact, it was more than that. What happened was that the students issued an instruction that the mess was to close down. We discovered that instruction and we countermanded it. We indicated to Urist who were running it that they had a legal contractual responsibility to the university, that the only person who could countermand that was the bursar. And the actual report says on Friday 22 June at 1600 pm, the bursar put up a memo that no food would be taken on campus, every student to eat in the mess because taking food out of the campus will breach the contract agreement between Urist and the university. So, if there were pre-packaged meals dispatched, they were not dispatched with the permission of the university.

[2.53 pm] MR SOI: You also spoke about PMVs picking up students at the campus. You said that the SRC budget does not - bills have been submitted but no payments made?

A: Well, I do not know whether bills have been submitted, but the SRC accounts show that there have been no amounts paid for PMVs.

Q: You spoke about harassment of students in your statement?

A: Yes.

Q: In that report, is there any evidence from a particular student or a particular staff that were

harassed; threats issued not to go to class or not to conduct lectures?

A: Not in this particular report, but I believe, if necessary, I can produce those sorts of statements, but allow me to tell you the sorts of things that happened. I will start off in the library. The instruction was that the library remain open. The librarian was approached by a group of students that insisted that he close it. He rang for my advice and I told him, it must stay open. There was then an attempt for him to close the library. There was an attempt to do the same thing with computing laboratories. Classes were - people were discouraged from going to classes in one area by a group of students who would hide behind trees and throw stones at students who were attempting to go to classes.

There were instances of clearly organised student groups who with pads were recording the names of students who were attempting to go about their authorised legal business. And I believe, there is a report somewhere in here, if my memory corrects me, serves me well, where it is stated that, first year students, particularly young first year students who knew no better were in fact told that it was a requirement that they boycott their classes by senior students. There is also some evidence that I believe that can be adduced which shows that there were regular movements against the rules of the university, I hasten to add, through residences at night and at other times to ensure that rules were followed and to ensure that there was attendance at forums to discuss matters.

[2.56pm] Q: On the morning of the 26th from observation; when you were observing the altercation between the police and the students, from where you were standing, were you able to see two groups of students exchanging punches at each other?

A: No.

Q: No further questions.

THE COMMISSIONER: Mr Makail?

XXN: MR MAKAIL

Q: Yes, Mr Commissioner. Professor Eastcott, between the periods, 18 June until 25 June, did you have any conversation or telephone contact with any members of the police force or did they visa versa contact you?

A: They contacted me, yes.

Q: Who in particular?

A: I could not tell you their names but I believe it was an inspector and a chief inspector or it might have been an inspector and a senior inspector.

Q: Do you know what date it was?

A: It was whatever date, it was a Sunday.

Q: Can you tell us - - ?

A: So that must be - - -

THE COMMISSIONER: Sunday the 24th or - - -

A: Sunday the 24th, yes.

MR MAKAIL: Can you tell us what you discussed with him?

A: I did not discuss anything with him. I can tell you what he came to raise with me.

Q: Can you tell us?

A: Yes. He came to raise the issue of the sit-in. They first came to the security to find out if I was available and security rang me and I said, yes, I was willing to see them. They came to discuss the sit-in and my views about the sit-in and my views about whether or not the protest should be allowed to continue or not. I guess that would be a- - -

Q: Can I just stop you there? Can you tell us also what you told them about your views about the sit-in protest, to be more precise?

A: Certainly I can tell you what I told them about my views about the sit-in. My views about what the sit-in were that, I was an expatriate vice-chancellor and I was a professional vice-chancellor, that political issues were not my business, that political issues outside the campus in particular are not my business and how they are resolved is not my business. I also indicated to that group, however, that I was under extreme pressure from a significant number of students to return to classes. And indeed I indicated to them that I had had a visit by the presidents of a large group of students, one student membership association on the Friday night indicating that desire and I indicated to them that on - - - I believe that it was a Thursday that I had a visit from a leader of the group of senior class students asking that students return to class.

[2.59 pm] Q: Thank you Professor. Did any of the policemen that you had this conversation with invite you to ask them to invite them to the campus to address the students on the protest?

A: I cannot answer that question because I really - at that point in time I did not realise that things were going to blow out and think that there was going to be an inquiry like this one. So I cannot respond to the question.

Q: No further questions.

THE COMMISSIONER: All right. Yes, Dr Nonggorr?

XXN: DR NONGGORR

Q: Thank you, Commissioner. I will just ask you a few questions. Can you just explain to the commission how the SRC is structured and how it has constituted itself?

A: The SRC - would you mind if I refer to the constitution?

Q: Just how the membership of the SRC is.

A: Essentially the SRC is made up of an executive, a representative elected by the student body of the university council, a representative elected by students - that is right, to the university - presidents or representatives of the provincial groups in the country and presidents or representatives of any professional groups affiliated with the council, the president or representative of the Pacific Islands Students Association Union, a female student representative not being a female vice president, six representatives of religious groups, a part-time student representative and a post-graduate student representative. And in addition to that the executive.

Q: Just one question in relation to that. In your statement you referred to the regional biased divisions within the university.

A: Yes.

Q: Would there be a need for that provision to be changed?

A: There would be a need for that provision to be changed, yes.

Q: Are there any steps being taken, any proposal to do that?

A: There are steps being taken to consider the consideration - the nature of SRC structures. But at this stage there is no specific decision on what might be the composition of a future SRC council.

[3.02 pm] Q: Any disciplinary action has arisen from this whole incident, any student been charged or any action been taken by - - -

A: There have been a number of student disciplinary actions been taken. Some of them relate to actions and activities and behaviours during this period of time, but I would refute some of the statements I have heard on the radio which seem to imply relating only to this period of time. I am happy to share with you what some of these are if you would like.

All the SRC executives were charged with violating SRC Constitution and in particular 8(a) the objectives and aims of the SRC shall include the following, to afford a recognised means of communication between students and university authorities and we claim that they did not do that. And to foster good order and discipline among the student body and we claimed that they did not do that. Another one, the next one. They violated section 10(c), the council should cause the minutes of its meetings to be kept and forward copies of the minutes to the university administration. And at a meeting of the executive the executive shall cause minutes to be kept of its meetings of which copies shall be forwarded to the university administration. There has been none forwarded since March 2001. And even now we have the PVCASA asking for the receipt of those minutes.

There were charges of violation 34 whereby amendments or repeal of parts of the constitution are passed then it shall be the duty of the secretary of the council within 7 days to forward the resolutions to the registrar of the university for submission to University Council. In other words we are saying that, we believe that the amended constitution was passed, but the minutes were not forwarded to the university within 7 days for referral to the University Council.

There were violations in regard to the conduct of forums. There were violations during the conduct of the referendum, these are the charges, right, violations of the conduct of the forums. There were also charges that did relate specifically to the boycott and these were charges based upon vicarious responsibility and I think I can say to you that they were not accepted by the student disciplinary committee. But they were nevertheless charges that were put forward. They related to the theft and destruction of the property and the seizure and burning of three vehicles, harassment and threatening of students by recording the names of those entering the library and refusing to participate in the protest at Morauta House. Harassment and threatening of students when they attempted to go to the library, illegal stopping in the university from repairing fences throughout the period.

[3:05 pm] Causing imprisonment through the locking of the campus gates by protesters, illegal action in stopping the university mess, invasion of privacy by waking students, illegal action in stopping cars and telling people that classes were cancelled, harassment of staff and students and staff still holding classes by roaming bands of students, harassment and threatening of students and staff attempting to hold an exam in the main lecture theatre. That happened afterwards. That was not part of it. That was later on. And destruction of a window and so on but each of those were charges of a vicarious nature on the grounds that the senior executive had initiated the boycott and the protest and therefore vicariously were responsible for these things the student disciplinary committee did not accept. There are some other charges that were also levied. There was alleged, a student was alleged - a mentally ill man was incited to destroy university property and to harass UPNG staff and students. There was one - and there was another one - there was an alleged interference with the university conducting its work and students being harassed and threatened and that was a separate one. Since that time there have been two further charges leading to the exclusion of students. Those charges were not directly related to the activities to which they refer but probably sort of were an end result, a sort of a flow over of that.

Q: How many students altogether have been charged?

A: An estimate would be a dozen.

[3:08 am] Q: Would you agree that more students might have participated in some of the illegal behaviour?

A: Very definitely. For example, there were students who participated in the burning of motor cars. We have never been able to - the problem is not identifying the offence. The problem is identifying the offender in any way that allows us to bring a disciplinary case that will stand up to test either in a criminal court or either within the University Disciplinary Code.

Q: Can you just elaborate on what that problem is, the problem of identifying?

A: The problem of identifying students is simply one of you develop -the students enter into, and almost as I think I used the word in my presentation, a 'conspiracy of silence' and it is impossible to break that conspiracy of silence and the only time you can move forward in these disciplinary actions is when you get an actual specific identification or where you get an actual photograph of the perpetrator of the event, otherwise it is very difficult.

Q: Have you received any reports on any specific identity of police involved in the demonstrations during - either acting against the students?

A: You mean the names of police?

Q: Yes.

A: No, I received no identification of the names of police who acted against the students.

Q: All right, thank you. I have no further questions.

THE COMMISSIONER: Thank you very much, vice chancellor.

THE WITNESS WITHDREW

THE COMMISSIONER: Yes, Mr Yagi?

MR YAGI: The next, commissioner, is Mr Malaibe, the registrar of the university. Basically his statement encompasses his personal encounter and also the efforts done by the administration in his capacity as the registrar.

[3.11 pm] **VINCENT MALAIBE, sworn:**

MR YAGI: Before I commence with this witness, commissioner, I wish to hand up a copy of his statement. There has been some attachment that he has appended to the statement which basically will give some insight into the appreciation of the statement that he will be providing. I make that available to the commissioner.

XN: MR YAGI

Q: Witness, your full name is Vincent Malaibe and you are currently the registrar of the University of Papua New Guinea, Waigani campus?

A: Yes.

Q: And you have some information and knowledge about the events that occurred at the university campus on the night of the 25th and the early hours of the 26th June 2001?

A: Yes.

Q: And you have in your capacity both as a citizen and the registrar attended to some of those events?

A: Yes.

Q: And you have related that in a written form?

A: Yes.

Q: Do you have that statement before you?

A: Yes.

Q: Thank you. Are you prepared to read that statement to the commission?

A: Yes.

Q: Thank you. If you will now commence to read that statement.

A: In my statement, I have attached a map to that so that it is important to know where I was at this point of time. And it is also important to appreciate the area we are dealing with and the university as you would know is the biggest landowner in Moresby and the area is huge. And I say that at the beginning so that you are aware, because there were questions raised in relation to whether you know that the arms are going in, you cannot control everywhere, because you can access the university from all sorts of directions. I shall now begin on my statement.

The recent student led protest resulted in the loss of four lives and many casualties. Of the four who lost their lives, two were students of the University of Papua New Guinea. It appears that this outcome has prompted the prime minister to set up the commission of inquiry to inquire amongst others as to whether the University of Papua New Guinea administration should have taken steps to contain students involvement in the demonstration. The above quoted statement is one of the terms of reference. Namely, terms of reference 1(g) of the Commission of Inquiry. This term of reference implies that there is something the UPNG administration should have done which it did not do. Given the serious implications of these terms of reference, my statement will give an account of what I saw as an eye witness on the night of the shooting, actions of the administration leading up to the night of shooting and students responses to actions taken by the administration. For comparative purposes, my statement will also include some historical data on past boycotts or strikes by students and actions taken by UPNG administration at that time.

[3.14pm] On the morning of June 26 2001, the vice president female and some students came to talk to the vice chancellor and myself. We advised them against protesting at night because of the possible police reaction. This advice was prompted by the information that a police unit from Mount Hagen had arrived in the city to take control of the situation caused by the student led protest.

On the night of June 25 2001, my wife and I were still sitting outside our house which I marked location A in the map when I heard what appears to be gunshots at about 11 pm. I immediately left my wife at the house and drove out of the staff residence area towards the security base and I marked location B on the map. I parked my car just before the road junction near the tennis court which, is marked C on the map. I walked around amongst the crowd and talked to those I met to get back inside the campus and stay away from the main road. I have learnt that the crowd of protesters were dispersed by police from the Waigani government building area and were returning to the UPNG campus. I drove back to the house and called the vice chancellor to brief him on the situation. The vc and I agreed that he would remain at his residence, which I marked location D while I would return and monitor the situation and if need be, call him.

By the time I returned, at about 11.50 pm, a car had been set on fire by whom, I do not know. What I observed was that there were school age children and non students amongst the crowd of protesters. While the reason or reasons for setting the car on fire may never be made known, I heard from the crowd that a student had been shot by the police somewhere near the bus stop directly in front of the vice chancellor's residence, and I have marked it E on the map. While there I walked down from the roundabout to the security base and talked to Luke Rubuni, the male student warden. Mr Pupang Manda, the UPNG public relations officer, later joined us.

Between 1.15 am and 2 am of June 26 2001, the crowd began to walk away from the main road and I returned to my residence and phoned the vice chancellor to brief him on that situation and I went to sleep. However, between 3 am and 3.30 am of June 26 2001, I drove to the vice chancellor's residence on 15 street for a meeting and this was done because I had received a call to attend that urgent meeting which was called by the vc.

[3.18 pm] I was escorted by a security vehicle and on my way I saw armed policemen near the roundabout of the Waigani main road directly above the tennis court. And I mark it F on the map.

When I returned from the VC's residence between 5 am and 5.30 am on June 26, armed policemen stopped me and surrounded my car. I stopped, opened the car windows and advised them that I was the registrar of the university and that I was returning from a meeting at the VC's house with the VC and I was returning to my residence. I was allowed to pass through.

On the morning of June 26 2001 I learned that a number of students had been shot by the police and were in critical condition at the Port Moresby General Hospital. I also learned that someone or a group of persons gained entry into the university transport pool on the night of June 25 2001 and emptied the petrol tanks from our pool vehicles. What had happened was that they had taken below the tank and undid it and took the petrol because they could not gain access to the main petrol tank. So they emptied the petrol tanks in cars that were there.

Events prior to June 25 2001. Late on June 14 2001 I was asked by the VC to attend a

meeting arranged for that afternoon between the SRC and the VC to discuss the decision of the SRC to cancel classes on June 15 2001 for the purpose of having a student union day. And attachment 1, there is a copy of that letter.

At the meeting the student representatives were advised that the SRC has no authority to cancel classes on June 15 2001 and classes will be conducted as normal. Those students who had classes must be allowed to attend classes and participate in the union day activities at times they were free.

[3.21 pm] A suggestion was made for the students to organise their student union day activities on a Saturday to avoid disruption of classes. This suggestion was not considered adequately for unknown reasons.

On June 15 2001, the VC advised staff to conduct normal classes scheduled for that day and that is on attachment 2. On June 19 2001, I was again asked by the VC to attend another meeting of students representatives to discuss the SRC decision to cancel classes from June 19 2001 to June 22 2001. That is on attachment 3. The students representatives were again advised that the SRC has no authority to cancel classes and that classes will be conducted as scheduled.

The VC formally advised the SRC executives of the university's position on the same day and this is on attachment 4. I would like to make several observations:

1. At the time the boycott started both pro vice chancellors were overseas so that left in the executive team, the vice chancellor, myself and the bursar.
2. Management agreed to monitor the situation daily to ensure that classes were being conducted and students who wished to attend classes did so. Except for the vice chancellor specific teaching areas were assigned to staff to check on the hour whether every classes were being conducted or not. And whether students were allowed to enter the library and computer labs or not. The security around the academic area was stepped up.
3. For purposes of control, management agreed that all correspondence relating to the boycott of classes ought to be released by the vice chancellor.
4. Communications between the SRC and management proved difficult despite attempts to establish dialogue with the SRC.

[3.24 pm] 5. Some correspondence released from the SRC was signed on behalf of the office holders, maybe without their knowledge. This observation is important because it may explain why notices to the university were always late, why not all the SRC executives were present at any meeting held between the university and the SRC prior to the events of June 26, and why it was difficult to contact the SRC executives, particularly the president.

6. The boycott of classes continued on June 25 despite the SRC's undertaking to end the boycott by June 22.

I will now speak on the events after June 26. Given the events of June 26, the boycott of classes continued. Time was spent to monitor the situation, establish the details on the casualties, the actual number of casualties at the hospital and deaths, where they were from and their respective study programs. Meetings with the SRC and other student groups became regular. This was not the case before the shooting. Sometimes these meetings were held at odd times, after hours at the vice chancellor's residence. Meetings were also held with the relatives of the deceased students. A few classes were held on July 2 2001 with full classes returning to normalcy on July 3 2001.

Strategies were put in place to manage the remainder of 2001 academic year inclusive of plans on what staff would do if the 2001 academic year was terminated. Some elements of the student body tried to continue the boycott of classes after the funeral service but were unsuccessful. Records of the university, this is now on the historical data show that students led protest, strikes, boycott of classes over the last twenty years have not been free from intimidation, harassment, blockage of university roads, arson, looting, assault and all acts that interfered with individual rights.

Records of the university also show what strategies were taken by the university to control the situation at different points in time. These strategies include allowing police to enter campus, court orders to restrain students from interfering with the rights of the university, its staff and the majority of students, suspension of SRC constitution, disciplinary proceedings against those alleged to have committed violent acts and termination of the academic year with coverage of lost time.

[3.27 pm] Observations:

1. Boycott of classes and strikes have been part of UPNG's corporate life and culture. Strategies taken by administration at each point in time, have not provided a long term solution to solving student-led protests and strikes.
2. Intimidation, harassment, threat and other violent acts are part and parcel of student-led protests, strikes et cetera.
3. Silence by the majority of students is a problem as disciplinary action cannot be taken against troublemakers without formal complaints being laid by witnesses or victims.
4. The recent student-led protest was peaceful resulting in no major damage to university properties; however, violent acts remain part of the protest.

An alternative approach taken by this administration. This administration under Vice-Chancellor Professor Leslie Eastcott took the strategy to develop a new culture based on values that promote academic discourse, academic excellence, respect for the rights of the university to perform the statutory obligation to PNG and its people, respect the rights of students to attend classes and use other facilities of the university, respect the rights of staff to perform their legal obligations to the university, and respect the rights of the public to conduct business with the university and have access to the library and other facilities of the university.

The message that is being sent to students by the actions of the vice-chancellor is that acts of harassment, intimidation, threats, non-compliance, assault and abuse have no place at UPNG. Those students found guilty of committing any such offence, will be dealt with by the VC as prescribed under the Student Disciplinary Statute.

Unfortunately, as usually is the situation, the decision of the majority of the students to remain silent and not report any troublemakers has prevented the vice-chancellor from taking action against any student offenders in a number of situations encountered this year.

[3:30 pm] The future. It is clear that with the passage of time strategies that have been taken in the past have not worked to our satisfaction. This may mean that the root causes of student behaviour may not have been identified which may explain the temporary nature of past solutions. It is our belief that changing students' behaviour is a way forward. This administration had started this process and we observe some positive outcomes.

Some suggestions that I have on the way forward:

1. The future of UPNG lies in creating a new culture that promotes freedom of speech and expression, freedom of movement, academic discourse, the right of an individual to choose and take responsibility for the outcomes of personal choices.

This means that intimidation, harassment, threat and other forms of violent behaviour must not be accepted to be the norm at UPNG. The majority must stand up and be counted and trouble makers must be reported to the university authorities and be dealt with in a timely manner.

2. Membership of the SRC should be based on professional academic groupings. It should no longer be based on provincial groupings as each student has been admitted to the university on his or her own right. Provincial groupings re-inforce regionalism and threaten unity in PNG.
3. Candidates who are contesting the position of president, vice president of SRC must meet certain criteria one of which must be academic performance with a grade point average of at least 2.5.

4. Government sponsorship should be based on good character references from principals of schools and a GPA of at least 2.

5. Entry requirements must be tightened and a student should be required to maintain the minimum GPA entry or improve it during his or her tenure as a student.

6. Successful candidates to SRC executive positions should apply for leave from studies for a period of one year to run the affairs of the SRC. Re-enrolment will depend on performance of each executive. The university reserves the right to reject an application for re-enrolment within the limits of existing rules at that time.

I end my statement with a remark. Violent acts of harassment, intimidation, threats and non compliance by protesters of the recent student led protest should not be seen in isolation to other similar acts of violence committed by Papua New Guineans.

[3.33 pm] A: There is a worrying trend in PNG that those responsible for ensuring good governance of state institutions consistent with constitutional rules and procedures, policies by laws are often abused, threatened and harassed on a regular basis. And the community condones such acts by remaining silent resulting in the conclusion that solutions to conflicts can only be achieved through such violent acts. It is this very logic that has got PNG to where it is today and if this is not changed soon, we can all forget about hoping for a better future for ourselves and the future generations for Papua New Guineans. Thank you.

Q: Thank you Mr Malaibe. You talked about certain gunshots and the events under the subject matter of events of the 25th and the 26th, when you first heard the gunshots were you able to determine at what direction these gunshots were coming from?

A: No.

Q: No. Right and you observed a group of school aged children who were basically hanging around amongst the crowd of student protesters at about 11.50pm. Are you able to tell us whether they are community school students, high school students, what are their general age groups?

A: It should be community.

Q: Very young - - -

A: Yes, very young. The reason I knew that because they were beginning to dismantle the fence at the University. This is the chicken wire one and I stopped them and they said, no, they were opening it up in case the police come. So that they have access out into the campus.

Q: Yes. Did you have some kind of closer discussion with them?

A: No. I just told them to leave it and then they left.

Q: Right. All right, whilst you were at the vice chancellor's residence and exchanging some discussions there, did you hear any gunshots around that time?

A: No.

Q: And when you were driving back to the University round around did you hear any gunshots?

A: No.

Q: No. You made reference and said in your observations in your statement, particularly item No.2, page 3 about the administration conducting some kind of monitoring exercise about the progress of classes. Were those investigations in a form of a report?

A: No. But we would gather together every morning after every hour and check whether in a particular classroom, if there was a class to be held, was it held? Was the staff there. As we have said earlier, we had wanted to ensure that the students did not attend the class just because the staff was not there. And so we made sure of that and staff did attend to their duties by turning up where they were supposed to teach.

[3.36 pm] Q: All right, so from that exercise what are the conclusions that you reached? Were there staff there and students?

A: Yes, I think what happened was that on the 15th there were classes held and remember 15th was the day that the students had agreed to have the forum - student union day. That event occurred but there were still classes - majority of students went to classes.

Q: All right, thank you. Finally, I have one question to put. It strikes me that in one of the suggested way that you are trying to address the problem about getting the right kind of people in the student leadership, people with some kind of quality and one of the qualities you look at is the academic quality and you seem to try and put some kind of a level, roughly about 2.5 and that sort of thing. Is it based on some kind of a study that you are drawing your experiences from?

A: Let me explain. The university under the restructure have introduced what is called a grade point average and I put GPA. Now, you can attain a score between 1 and 4. If you get an A you will get 4 points for it. If you get a B, you will get 3, a C 2 and D 1 and you add all those and you divide it by the total number of points and so you get that number there. That number will always be between 1 and 4. It cannot go outside that. So basically what I am suggesting is that we are looking for a C average student. A grade point average of 2 corresponds to letter grade C.

Q: Thank you. What I am trying to get is some kind of idea from you, is there a study which suggests that people with 2.4 and above are likely to be a very good leader? Are you basing it on some kind of study or some - - -

A: No, I think it goes on that definition. The university had defined what a grade A means, what a grade B means and what a grade C means and a grade D means. And so I am saying and if you recall in the old times, a student who gets a natschol, the government did not even bother whether you got a D, an A or a B or a C, you all got scholarships. I am saying, no we are looking for - the university is all about academic excellence.

[3.39 pm] We are looking to improve the university standing amongst the international community. So a C would be about there that a student that you output would have certain skills with them. Research skills, you should be able to analyse information, dissect and this which is missing. And so I am saying, university should start looking and say, it is not a place for certain category of students. Perhaps university is the wrong place for you. Perhaps you need to go somewhere and it might be - these group of students that may be causing problems because a non performer academically stands to gain more from not going to class because there is a reason for you to say, that is why I did not perform because I went to this, no. A guy who is good and he knows why he is there will go to class.

Q: Thank you. May be I did not put my question that may create some kind of misunderstanding. What I am talking about is you have determined in a way suggested by you that membership to SRC, you know membership to SRC means about leading the SRC. Some one with some leadership quality and you are trying to associate leadership quality with academic performance and what I am trying to get from you is, is there a study which suggests that people with very good academic qualification are likely to be possessing better quality in leadership?

A: No. I am just trying to look for not just leadership skills but they must have some academic performance in them because otherwise if they are not good performers they will lead the students elsewhere and forget about the reason why they are there.

Q: Thank you. I have no other questions.

THE COMMISSIONER: Yes, Mr Soi any questions?

MR SOI: Yes.

XXN: MR SOI

Q: Mr Malaibe, you talked about - you said someone from the SRC was requesting cancellation of classes. Whereas they were asking whether or not they were going to boycott classes? Obviously, you were saying cancellation then is illegal. They cannot ask. They are not the authority.

[3.42 pm] A: Yes.

Q: But it would be correct to say they can boycott classes?

A: If they choose to individually.

Q: Yes. Now and you have been talking about or for the purpose of this commission previous experience has shown that students have boycott classes, attending to demonstrations. Now, this commission is here to establish some kind of evidence whereby or where future demonstrations can be prevented. Now obviously it is the way university controls itself or administers as far as demonstration is concerned. Now, one of the things you said was you would like to discourage provincial groups. Would that also apply to regional groups?

A: Yes.

Q: See, you have a provincial group and then a regional group.

A: Yes, my own personal view is that there was a point in time when the university was developing - that provincial grouping was the way forward because you have to realise, at that time most of the Papua New Guineans came from the rural areas and came to the city and for the first time. They needed that support they had always had and so the easiest way was to associate with those who come from the same area. But the university has moved with time. There are now Papua New Guineans who do not grow up in villages. They are in towns and our children are amongst that category and so, that thing - the concept that you need to be based on provincial groupings in my view just continued to disunite the country and that is why you just talk about people breaking away and that sort of thing. And the university is a place where you can begin to make people realise that they must think Papua New Guinean and they must not think that he or she is a New Irelander or I belong to New Guinea Islands. That is a thing of the past. You must begin to think that you are a Papua New Guinean and rather than I come from here. And I made reference in particular when I said that we all forget very quickly that each student was accepted to UPNG. They are accepted on their own merits. Not because he is a Sepik, not because he is a New Irelander and so forth.

[3.45 pm] Q: Now, would you in relation to this current demonstration which is the subject of this inquiry, students attended and conducted a referendum. They suggested some kind of secret ballot was conducted.

A: Yes.

Q: Okay, now would you think it would be better if instead of referendum or some secret ballot, a petition should whereby those who in favour of boycotting classes or demonstrations should sign out. A petition saying that they are in favour of a demonstration because you will know from there that in black and white, who is for and against whereas the referendum, it will not indicate very well how many students voted for or how many students - - -

A: Yes. On one hand I will agree for the reason you have stated. On the other hand, that same list that you mentioned could end up with the wrong hands and that will be used to harass and threaten others.

Q: But if you agree, should the obligation be now shifted on the students to the university administration to administer the petition, signing of the petition? So that you clearly know who is in favour of the students conducting themselves?

A: We could do that or better still, like what currently is the situation. When the students elect their SRC leaders, the electoral commission conducts it. University arranges for it.

Q: That is a referendum. So should it be - do you agree that the Electoral Commission conduct the petition, signing of the petition?

A: Yes.

[3.48 pm] Q: In case of harassment and threats of two students or two lecturers do you think police should be immediately called in and have the matter investigated rather than wait, referring to the security personnel and the administration?

A: I do not think that should be the case. What should happen is that until management through the office of Vice Chancellor assess the situation and if it warrants the police to be called, then that should be left with the Vice Chancellor to decide.

Q: Final question Mr Malaibe, are you aware that a month earlier, in the month of May 2001 there was a student or two students were shot at by some students or a student on campus?

A: Yes, I am aware.

Q: What action have you taken or the administration taken?

A: Yes, I think VC alluded to that case. I think they were charged. There were students charged and I was involved in the interview and disciplinary action was taken against those students. But unfortunately as in the case we would not find out who actually is the offender who pulled the trigger or whether there were guns at the campus at that time as VC said. But we had planned for a raid. Unfortunately, we were not able to do it on time before the events of June 26.

Q: Have you got any plans or has the administration got any plans in place whereby you can monitor, administration can monitor flow of outsiders?

A: Yes.

Q: Into campus and which means monitor the flow of guns being brought into campus?

A: You will now find that it is difficult now to get to Uni than before because you now have to pass through security but as I have said earlier, if you see them there you will see that you are talking about a vast area that you have to police and we have now built a fence completely around the campus but as we speak, we do not know that maybe a panel has been broken through Morata area and that happened on the night of June 26. They broke the fence at the side close to Morata and they came in through there.

[3.51 pm] Q: No further questions.

THE COMMISSIONER: Mr Makail, any questions.

MR MAKAIL: Yes, some certain matters for clarification.

XXN: MR MAKAIL

Q: First of all, Mr Malaibe can you tell us what is your role as the registrar of the University of Papua New Guinea?

A: My role basically is that the registrar is a custodian who basically keeps the records of the university and in brief, my role is to ensure compliance of university procedures, rules and policies.

Q: Does your role or your duty or one of your function extends to organising of any public debates on certain issues affecting the nation as a whole?

A: Well, it just depends on what the topic is. If they are on administrative matters and not for students but on matters within the staffing areas, yes. The way things are organised is that there is a pro VC academic and the pro VC academic runs the student affairs and academic matters of the university.

Q: I take your mind back, you said there was the fence being cut. Could you tell us where in particular was the fence being cut?

A: No, I did not say cut.

Q: No.

A: What happened is that if you recall the chicken fence, - - -

Q: Yes, where was there, where is the chicken fence?

A: It is around - it is on the map. The roundabout leading down to the university you will see a fence there.

Q: We talking about the roundabout just above the tennis courts.

A: Yes.

Q: You are not able to tell us who cut the fence?

A: No, you mean identify them?

Q: Yes.

A: No, I do not know by name, by face but I know that there were student - the school.

Q: Certainly not UPNG students?

A: No.

[3.54 pm] Q: Thank you, Mr Commissioner.

THE COMMISSIONER: Dr Nonggorr?

XXN: DR NONGGORR

Q: Just one question. There were a number of vehicles that were burnt on the night of the 25th and 26th. Have you received any claims for compensation, anything from anyone?

A: No. I think the Vice-Chancellor has received a letter from the PNGIPA Director basically advising the University of the number of cars that had been burnt, of the institute, and the claim.

Q: Have you got any views on who should pay for this sort of damage that has been done?

A: My views are consistent with my statement that you take decisions, you are responsible for the consequences. And therefore if students did burn and it can be established that they burnt it, they must pay for it.

Q: Is there anywhere within the students' funds that can meet that sort of expense?

A: No. Because if I recall it is around I think for two cars, this is about K95,000. They have put a claim on it, K95,000 plus some other costs. Students do not have that kind of money.

Q: Not even the SRC?

A: Not even the SRC. That is what I meant.

Q: Thank you. I have no further questions.

THE COMMISSIONER: So you have a full fence all around the campus there, all around the university grounds now.

A: Yes.

Q: So I cannot run over the hill from Morata and around the university like I used to do 20 years ago.

A: No. Unless there is an opening.

Q: There are probably some holes been put in there already. Yes, that is all thank you.

MR YAGI: Mr Commissioner, I have one other witness but he is not the only one. He is Mr Chanei. Before I introduce him, Mr Commissioner, I realise that we are going up to 4.00 p.m. and I understand that the transcription service may not be available after 4.00 p.m. but if we can squeeze in a few minutes, I would like to get him to come and register and we can adjourn for- - -

THE COMMISSIONER: Is he here now, is he?

MR YAGI: Yes.

THE COMMISSIONER: Yes, all right, you just do that. You just get the beginning anyway.

By the way we have some attachments here and this map which we will mark 29.

NELSON CHANEI, Sworn

XN: MR YAGI

Q: Your full name is Nelson Chanei. Chanei is spelt C-h-a-n-e-i, and you are currently the acting group commander of the Highlands Mobile Squad based in Mt Hagen?

A: That is correct.

Q: Could you please tell the commission your rank within the PNG police force?

A: I hold a substantive rank of inspector.

Q: Inspector, you have been involved in some operation with your mobile units from Mt Hagen in Port Moresby for the period round about 24, 25 and 26 June 2001?

A: That is correct.

Q: And in the course of that police mobile squad deployment you and your men have been involved with some activity, confrontation with the students in the demonstration?

A: Yes.

Q: You have prepared a statement in relation to those incidents?

A: Yes, that is correct.

Q: You have that report there?

A: Yes.

Q: Can you read that report to the commission, please?

A: I am the abovementioned policeman who is the acting group commander of Highlands Mobile Squad. I can recall on Friday 22 June 2001 at about 2.30 pm I was informed by the operations room at Mt Hagen that the office of the DCP operations and ACP operations required two mobile squads from Mt Hagen comprising of thirty men each for deployment to Port Moresby, and needs to be furnished before 4.06pm.

[4.00 pm] This information was later confirmed by the staff officer to DCP operations and also the staff officer to ACP operations over the telephone. I was later informed the 60 mobile personnel should be ready to deploy the following day to assist in containing students and members of the public protesting the government's alleged policy on privatisation and land mobilisation. Due to the urgency of the callout mobile squads five under the command of Acting Squad Commander Sergeant Murray Benjamin and mobile squad seven under inspector Jack Kiina based in Mount Hagen were identified to be deployed. Members from mobile squad 6 and the group headquarters were called in to make up the numbers. On Monday 25 June, 2001 at about 10.00 am I as the acting group commander departed Mount Hagen on the Air Niugini flight PX 181 with 15 men. I was met at the Jackson's airport by Inspector Kiina before we proceeded to MacGregor police barracks to be further briefed by my acting director of Special Services Division. I was met by the divisional clerk at MacGregor who informed me that the acting director and the group commander of Southern Mobile Group were attending a briefing. After settling in the troops, I was later informed to have men deployed to Morauta Haus at Waigani. I informed the squad commanders of Mobile squad 5 and 7 about this tasking and we all proceeded to that location at about 3 pm where the Prime Minister was to receive the protesters' petition. I proceeded with my men and met up with my acting director and the group commander Southern Mobile group. Whilst there at the scene of the gathering with the two officers we were verbally informed by the DCP operations in an inappropriate manner as to why it was taking us too long to disperse the crowds. Later I was informed by the acting director and the group commander of Southern Mobile group not to be offended by the DCP's remarks. I was not offended as I was used to

the DCP's manner in issuing instructions. This all happened after the Prime Minister had received the petition from the students.

Later at about 6.00 pm I was informed to attend a briefing at the Boroko police station. I was later informed that one of my squads was to be deployed in the night to the Morauta building as informed by Chief Superintendent Jeffrey Vaki.

Mobile squad 7 was then tasked to be deployed to the scene of the illegal gathering at the Sir John Guise Drive near the Morauta building with other NCD police units.

At about 7.30 pm after informing the squad commander of Mobile Squad 7 I picked up constable William Tamunot to have him accompany me on my visit to the scene at Waigani and other areas of attention. However, while still at the 5 mile ridge area I heard over the police radio that the illegal gathering at the Morauta Haus was dispersed by police units in the area.

[4.03 pm] I then proceeded straight to the scene at about 11 pm and I saw that the crowd had been dispersed. So I continued to drive towards the Waigani police station and continued towards the Papua New Guinea Institute of Public Administration. I could see that the road was filled with debris and obstacles including tree branches, rocks and a burning object just past the administrative college.

I positioned the vehicle near the admin college roundabout and observed the group of people numbering about 100 to 200 manning some sort of barricade. Not long after I was approached by an expatriate white male asking if he could pass through the university road. I advised him against the idea but he did not have enough fuel to take the back road to Gerehu. He proceeded to the road block area where the group of people assaulted him and damaged his vehicle by smashing the window on the driver's side. I advised him to report at the Waigani police station but he refused stating no action would be taken against the culprits.

About half an hour later I was approached by two people on foot where one who claimed to be the driver of a government vehicle belonging to the Department of Environment and Conservation reported the vehicle he was driving was set ablaze by the students at the UPNG vicinity.

I informed the driver and a second person whose names I do not know that I will help them to the Waigani police station where they can report the arson. I then picked the two men and proceeded to the Waigani police station to drop them off. I then proceeded to the MacGregor police barracks at about 11.55 pm to drop off constable William Tamono before retiring to bed at the Bomana police college.

On Tuesday 26 June 2001 at about 3.45 am I proceeded to the MacGregor barracks with inspector Kiina to inform the members of mobile squad 5 about their timings to relieve members of mobile squad 7.

On my way to MacGregor I heard over the police radio that the Big Rooster outlet in Rainbow was burnt down. I arrived at the UPNG security gate at about 6 am where the commander of mobile squad 5 and his men were. I then turned the vehicle around near the security gate and proceeded back up the road to see inspector Kiina and his men positioned along the Waigani Drive.

I was informed that the rowdy students were being kept inside and several warnings had been given by discharging shots into the air. I further advised against unnecessary discharge of firearms.

[4.06 pm] At about 8 am I was deployed to the University of Papua New Guinea main campus along the Waigani Drive. I was there in my capacity as the Acting Highlands Mobile group commander. There were about 60 highlands mobile personnel deployed along the portion of road with other police units from the NCD and Central command. These NCD units include the CID, Dog, Police Moresby Police Station, Waigani Police Station, NCD Task Force and others under the command of their respective section heads. I was not briefed by my superiors as to why my two squads were being deployed and assisted by other NCD units at the road near the entrances to the Waigani campus.

I was not able to brief my men. I could see that my men were scattered by section strength which is

about 9 from the main drive in gate to the gate near the Botanical Gardens and the crossing from the Faculty of Creative Arts. The NCD units were also placed among the group of my police personnel. Prior to my arrival at the location where my men were they together with the NCD units had dispersed the unruly and rowdy students on a number of occasions by firing warning shots into the air and discharging gas canisters.

In the process the students who were very provocative threw stones, sticks and petrol bombs every time they approached the police personnel on the road before the police personnel could disperse them by firing warning shots in the air and gas canisters into the campus. Upon realising the warning shots were not aimed at the students, they decided to mobilise and advance towards the police personnel on the road. I was standing about 200 metres to the right of the advancing students, but I could see the police personnel with gas guns directly in front of the students load their weapons to disperse the advancing mob.

At about 50 metres from the road gas canisters were fired at random by some NCD police units before the police mobile units positioned directly in front of the advancing mob discharged their canisters including tossing over gas grenades. I noticed some of the mobs with petrol bombs who were positioned among the group rushed up towards the road while others picked up the gas grenades tossed by the police personnel and threw it back at the police personnel. I noticed several police personnel in front of the advancing mobs running away from the petrol bombs that fell and burst into flames near them. I also saw that the smoke from the gas grenades thrown back at the police personnel were building up and the advancing mob did not look like withdrawing, but continued towards the police personnel even when warning shots were fired into the air.

[4.09 pm] I realised from where I was standing that the students were probably trying to harass the police personnel and pull out their weapons. By then the first mob of students had broken down the perimeter fence and rushed onto the road knowing well that the smoke from the gas grenade and the petrol bombs had caused the police personnel to break their formation. I heard an increase in the volume of gunshots coming from all along the road. My vision was at times blocked by the smoke screen but police personnel realised they were in danger of being overrun by the unruly mobs and their weapons confiscated and used against them. I was not able to establish complete control of the two Highlands mobile squads due to the staggered deployments by the squads at sections strength as well as the involvement of the NCD units under their respective section heads. The logical thing to do would be to regroup at some distance and reform so that command and control is maintained. Under these circumstances where the policemen's lives were in imminent danger of death or serious injury, members can resort to the use of firearms instinctively. Due to the large number of mobile police personnel at the scene, it is easy to allege that most of the shooting may have been done by the mobile personnel. However, this is not the case as it was the involvement of all police personnel who were scattered along the road since the circumstances would not allow for a briefing and redeployment of all police units involved given the imminent threat and danger the police personnel faced at that time. It is easy to maintain command and control if all members are located at one location and not scattered and that they belong to one unit so that instructions can be carried out with ease except when the threat does not stop and the threat is real and about to happen.

There was no doubt the students were going to rush the police personnel, jump the perimeter fence and rushing onto the road where the police personnel were. Their intention was obvious regrettably, so to speak. Some of the students were dispersed back into the perimeter fence. I could see the university security vehicles rushing out of the campus. The students then reformed including women and children from inside the campus with their hands on their heads and began walking out towards the police personnel on the road. I then ran to where the roundabout into the university campus was and ordered my men to reform with all gas guns put in front to disperse the crowd. However, seeing that there were women and children among the group who all had their hands on their heads I decided not to use force and I spoke to one of the students representatives and assured me he will be responsible for ensuring the group is orderly and even supplied his name and address. My men then stood back and watched the group towards the Waigani police station where I later found out the group was further dispersed after turning violent.

[4.12 pm] My men were then withdrawn from the university campus when I realised all other NCD units had withdrawn. I was then handed an unexploded petrol bomb and a buck shot which is not issued to the highlands squads after the situation at Waigani was quiet.

Q: Thank you. Perhaps, it might be appropriate to adjourn, Commissioner.

THE COMMISSIONER: All right, we will adjourn now and we will need you for some questions tomorrow morning at 9.30.

THE WITNESS WITHDREW

MR YAGI: Thank you.

THE COMMISSIONER: All right, well we will adjourn until tomorrow. I will just fill you in for the timetable. We are getting near the end of the time allowed for this inquiry, so I hope we can finish witnesses by the end of next week, if not beginning of the following week. And then that will give that week of the 24th - no, those days of that week for people to address me who need to. So that is what I am aiming for that we can finish with the witnesses by the 24th, if not before, and then have addresses by the end of that week, Friday 28. So I assume that you are preparing the points that you make as the evidence comes through. Adjourn to 9.30 tomorrow morning.

AT 4.13 PM THE COMMISSION OF INQUIRY ADJOURNED UNTIL THURSDAY, 13 SEPTEMBER 2001 AT 9.30 AM.

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