

Capital punishment in Papua New Guinea: a review



PNG Correctional Service headquarters in Port Moresby (Credit: Moses Sakai)

by Moses Sakai

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Capital punishment is a sensitive issue in Papua New Guinea (PNG). While laws have been put in place to introduce the death penalty, they have not been used. In July 2019, Prime Minister James Marape **said** the PNG Parliament would continue to debate whether the death penalty is maintained in the Criminal Code. This post provides a review of the legislation, and makes some recommendations.

The last execution in PNG was carried out in **1954**. In **1970**, the Australian Government completely abolished the death penalty in the Territory of Papua and New Guinea.

The death penalty was reintroduced in Parliament on **28 August 1991** as an amendment to the Criminal Code 1974 (**Consolidated to No 12 of 1993**), specifically for wilful murder. This was in response to worsening law and order problems, including a high rate of violent crimes particularly rape and murder. Despite opposition to the death penalty and the bill introduced by then Prime Minister Sir Rabbie Namaliu, then Justice Minister the late Sir Bernard Narokobi and a few other parliamentary leaders, it **passed** into law with 48 members of the parliament voting in favour and 19 against; 42 members were absent.

In 2013, the government amended the Criminal Code Act (**Amendment No 6 of 2013**) by introducing three additional forms of serious crimes punishable by death, namely killings related to accusations of sorcery (section 299A), aggravated rape (section 347C), and robbery (section 386). The amendments were made in response to rising levels of crimes in these categories. One incident in particular prompted the government to act: the brutal murder of young **Leniata Kepari**, who was tortured and burned alive after being accused of killing a six-year-old child through sorcery. This made headlines worldwide, went viral on social media, and was widely condemned.

Despite these amendments, no executions have actually been carried out in PNG. In fact, PNG has been given the status of "**abolitionist de facto**", a **definition** adopted by the United Nations for countries that retain the death penalty but have not carried

out executions during the past ten years.

However, in 2015 it was **reported** that Cabinet had endorsed guidelines for the implementation of the death penalty. Internationally, PNG has consistently **voted against or abstained** from UN General Assembly resolutions calling for a moratorium on the use of the death penalty.

Currently, there are **16 people** on death row in PNG. There is pressure from **international organisations** for Papua New Guinea to abolish the death penalty. Amnesty International has repeatedly urged the PNG Government to abolish the death penalty and to look for other measures to deter violent crimes. It has argued that the implementation of the death penalty contradicts section 36 of the **PNG Constitution** which states that, “No person shall be submitted to torture ... or to treatment or punishment that is cruel or otherwise inhuman, or is inconsistent with respect for the inherent dignity of the human person”.

The death penalty is in violation of international treaties to which PNG is a signatory such as **article 6** of International Covenant on Civil and Political Rights, as well as the Universal Declaration of Human Rights which is articulated in section 39 of the **Constitution**. Back in **2003**, PNG was one of 75 countries that supported the UN Commission on Human Rights in passing a resolution encouraging all countries to abolish the death penalty and establish a moratorium on executions.

The PNG Council of Churches has stated that the death penalty **is not a solution** and other means must be considered by the government to deter crimes. Churches have argued that PNG is a Christian country, and such laws are against biblical principles.

It has also been **argued** that any execution would put the executioner(s) at a high risk of death themselves and could even lead to more violence as part of PNG's “payback” culture.

It is unclear if and when the government will ever implement capital punishment. Work has been undertaken on implementation, but does not appear to be complete. Some senior politicians still appear to have reservations about the issue.

Overall, despite several attempts, PNG has been unsuccessful in implementing the death penalty. Whatever one's views on capital punishment, experience suggests that the death penalty is not a real option in PNG. It can be introduced on paper, but not in reality. Other ways need to be found to deter serious crimes.

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