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National
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ANU-UPNG SEMINAR

2024 OCTOBER



**Topic: Factors influencing Papua New Guinea
not to implement the death penalty**

Date: 25 October, 2024

Venue: UPNG-SBPP MBA Suite (Crawford, ANU & Online)

Time: 12:30PM – 01:30PM

Presenter: Moses Sakai, Research Fellow, PNG National
Research Institute

Outline

- Introduction
- Objectives of the study
- Methodology
- Review of the literature (summary)
- A brief history of death penalty in PNG
- Findings and discussion
- Conclusion
- References

Introduction

- **Death penalty by way of definition:**

Capital punishment or death penalty is the ultimate form of punishment imposed by the state on its citizens who have committed prescribed capital offenses in the penal/criminal codes (Hood, 2021).

Introduction... *Conti...*

- Death penalty existed in PNG before and after independence
- The Criminal Code Act 1974 provides the provisions for death penalty (capital offenses)
- The Criminal Code Act has been amended several times on death penalty in terms of abolition and reinstatement of the capital provisions
- Death penalty was applied once before independence in PNG
- Currently, no death penalty provisions in the 2022 amended Criminal Code Act but there is a possibility of its reintroduction by the parliament through the amendment of the Criminal Code
- Despite abolition and reinstatement, death penalty has not been implemented in PNG after independence

Objectives of the study

- To identify factors that influence PNG not to implement the death penalty on its convicted death row inmates
- To determine ways in which the issue of death penalty can be addressed given that PNG has already abolished the death penalty

Methodology

- Qualitative approach was employed in this study
- Semi-structured interviews (more exploratory in nature)
- Open-ended questions were designed and asked during the interviews
- Interviews were conducted physically and online
- Descriptive analysis – reflexive thematic analysis (Braun and Clark, 2021)
- Identifying key themes – eg: Christian values, payback through participants responses
- Study conducted between October 2021 and January 2022

Brief review of literature

- Lack of deterrence on violent crimes including capital crimes (Chad, 2013; Caldwell, 1952; Nagin and Pepper, 2012; Manski and Pepper 2013; Donohue and Wolfers 2005; Fagan, 2006 & Radelet and Borg, 2000).
- International law and human rights (Hudson, 2000; Scobell, 1988; Flanders, 2013; Kim, 2015; Mathias, 2013 & Hood and Hoyle, 2009).
- Political systems (Nice, 1992; Killias, 1986; Greenberg and West, 2008; Neumayer, 2008; Pascoe and Novak, 2022 & Radelet and Bedau, 1998).
- Religion and culture (Damient, 2004; Artz, 1990; Alarid and Wang, 2001 & Mathias, 2013).

Brief history of death penalty in PNG

- Death penalty formally introduced in 1902 through the adoption of Queensland Criminal Code
- Capital offenses: wilful murder, treason, piracy, attempted piracy and aggravated rape
- Last execution by hanging in 1954
- Findings of the Law Reform Committee established in 1973
- Death penalty abolished in 1976
- Death penalty reintroduced in 1991
- 2013 attempts by the PNG gov't to implement the death penalty
- Death penalty abolished in 2022

Brief history of death penalty in PNG..Conti..

Death penalty status	Year and classification	Reasons for abolition and reintroduction
Abolition	1976 'Abolitionist for all crimes'	<ol style="list-style-type: none">1. Lack of deterrence to violent crimes2. Extenuating circumstances (LRC Report, 1975)
Reintroduction	1991 'Abolitionist in practice'	<ol style="list-style-type: none">1. Deterrence to violent crimes2. Retribution (Amnesty International, 1996)
Abolition	2022 'Abolitionist for all crimes'	<ol style="list-style-type: none">1. Lack of deterrence to violent crimes2. Lack of infrastructure and administrative mechanism to implement death penalty3. Christianity (Nangoi, 2022)

Results and findings

- No. of participants interviewed: 67 (5 in person and 62 online)
- Male: 58, Female: 8 and 1 decided not to reveal his/her identity

Regions	# of participants
Momase	29
Highlands	22
NGI	11
Southern	5

- Participants were from all provinces except Sandaun, Madang, Oro, Western, Milne Bay and NCD.

Results and findings

Age range	# of participants
26-35	38
36-46	14
18-25	8
46-55	4
55 and above	3

Religious denominations	# of participants
Catholic	12
Seventh Day Adventist	12
Lutheran	10
Pentecostals	16
Anglican	1
Others (minor churches)	10

- All participants were tertiary students, graduates actively seeking for jobs and those who are employed in the public and private sector.

Results and findings

Table indicating factors that influence PNG not to implement the death penalty

Factors	No. of participants
Christian values	37
Lack of administrative mechanism and infrastructure	23
Culture through payback	22
Lack of political and bureaucratic support	10
Lack of prior research and consultation	7
High cost of implementing the death penalty	3

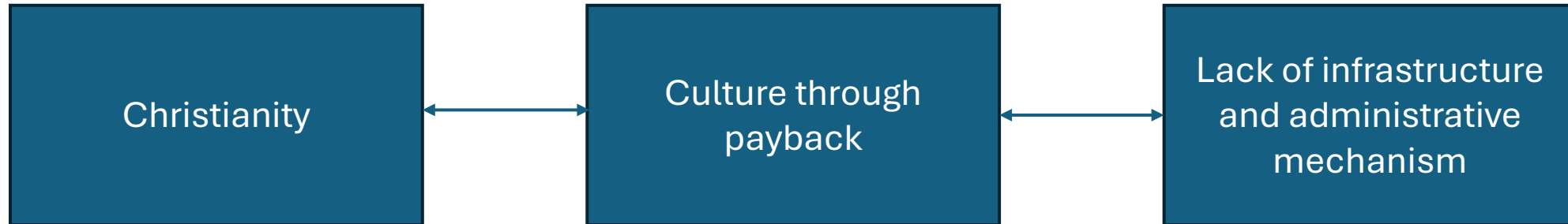
Results and findings

More than half of the participants argued that PNG is a Christian country and implement death penalty would be unbiblical.. One participant stated:

“I have not read the details about the death penalty but generally from my own understanding and as a believer of Jesus Christ, I dislike the death penalty. Everyone should be given a second chance in order to be transformed and become a good citizens. The crimes they have committed including the heinous ones does not necessarily guarantee the state and the law enforcement to impose capital punishment on them and take away their lives through the use of the death penalty. As Christians, we know only God alone take away lives” (Public servant, online interview, December 20, 2021).

Results and findings

Three main factors are inter-connected



Findings and discussion

- Participants from Highlands and Momase – pro-death penalty – meaning the state should ensure infrastructure and administer the death penalty to act as deterrence to violent crimes but they tend to oppose it based on Christianity and payback regardless of their denominations and occupations. Age range: 40 and above
- Participants from NGI and Southern, oppose the implementation of death penalty on Christian values and fear of payback regardless of their denominations and occupations. Age range: 18 to their mid-30s
- All participants stated that state should instead use life imprisonment as a form of punishment for the convicted capital offenders

General conclusions

- Death penalty can be reintroduced but will not be implemented in PNG
- Death penalty is unsuitable to be used due to cultural and religious (Christianity) reasons. In other words, death penalty is not (difficult) but impossible to be implemented in PNG.
- Life imprisonment is the best measure of punishment for capital offenders

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