Application of the death penalty in PNG: Will it reduce the escalating law and order problems in the country or not?

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AFTER ALMOST 44 YEARS OF INDEPENDENCE,

A PNG WOMAN WAS BURNT ALIVE IN 2013 AFTER BLAMING FOR SORCERY
LAW & ORDER CHALLENGES IN PNG

THESE 4 CHILDREN WERE KILLED BY THE MOTHER: 06.07.09 – NATIONAL
Crime in PNG as seen by the international community

- Most dangerous country not at war (www.lonelyplanent.com)
- POM 5th murder capitals of the whole world (http://foreignpolicy.advererve.com)
- Apart from Baghdad, POM is the most dangerous city in the whole planet (www.worstcity.com)
- POM is rated as one of the most dangerous cities in the whole world (www.placesonline.com)
THE THREE-PRONGED ATTACK

TRANSNATIONAL CRIME

WHITE-COLLAR CRIME

LAW & ORDER PROBLEMS
Public pressure on elected leaders and Parliament to act

Public pressure on the National Government to act
THE REINTRODUCTION OF CAPITAL PUNISHMENT IN 1991 IS IN RESPONSE TO THE RISING LAW AND ORDER PROBLEMS IN PAPUA NEW GUINEA
Emotions and Logics

- When our emotions interfere with logic, our correct and objective reasoning ability diminishes.
- Capital punishment is usually an agenda for emotional debate especially when somebody is raped or wilfully murdered by another person.
GLOBAL TREND

Although there are tireless efforts to oppose and abolish death penalty, the passing of execution laws and their implementation continues worldwide.
This map indicates the general locations of boundaries and jurisdictions and should not be interpreted as Amnesty International's view on disputed territories.

The 13 countries numbered on the map have persistently executed in the past five years (2014-2018). + indicates that the figure that Amnesty International has calculated is a maximum. Where + is not preceded by a number, this means Amnesty International is confident that there was more than one execution but it was not possible to establish a figure. Judicial executions may have taken place in Syria. However, Amnesty International was unable to confirm any figures due to the internal armed conflict.

1. CHINA
Continued to be the world's top executioner. Figures remained a state secret.

2. IRAN
Lowest number of executions recorded since 2002; seven juvenile offenders among those executed.

3. SAUDI ARABIA
Majority of those executed were foreign nationals.

4. VIETNAM
Rare official figures showed the extent of its resort to the death penalty, placing it among top executioners.

5. EGYPT
Executions increased with a spike in death sentences.

6. IRAQ
Executions carried out despite flagrant violations of legal due process and sometimes in response to terrorism-related violence.

7. USA
Executions and death sentences increased for the second year but remained within historically low trends.

8. JAPAN
Highest number of executions since 2008.

9. PAKISTAN
Known executions decreased by 77%.

10. SINGAPORE
Number of executions reached double figures for the first time since 2003.

11. SOMALIA
46% decrease in recorded executions. All executions carried out by firing squad for murder and terrorism-related offences.

12. AFGHANISTAN
Three executions carried out in one day, but new government initiative to review all death sentences.

13. NORTH KOREA
Amnesty International believes executions continued after unfair trials but impossible to verify information.

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Facts on Death Penalty in PNG

- 1954 first execution in PNG
- 1970 PNG abolished death penalty for wilful murder.
- 1975 capital punishment for treason, piracy and attempted piracy
- 1991 PNG re-introduced death penalty for wilful murder.
- In May 2013 PNG amended the criminal code to include capital punishment for aggravated rape and robbery with violence and sorcery related killings
PNG: People on death row

- PNG is abolitionist in practice since 1950: although it retains the death penalty in law, no execution has taken place since 1954. In 2018, 9 death sentences were imposed and 20 people remained on death row.

- Source: https://www.pgaction.org/ilhr/adp/png.html
Implementation

• Although the law to execute the alleged offenders are in place, the implementation strategies are yet to be developed and put in place.
Current Govt’s view:

- PM James Marape responded to NCD Governor Powes Parkop’s questions about 10 prisoners on death row for over 10 years.
- Marape said he will allow the deputy Prime Minister and Attorney-General Davis Steven to have views on this and whether the Parliament will still maintain the death penalty or to shift away and maintain life imprisonment.
- Steven said death penalty is applicable to crimes that warrant extreme penalties and Parliament is entitled to include that in the penalty provisions.

https://www.thenational.com.pg/death-penalty/
Executions can be by:

1. Electrocution
2. Hanging
3. Lethal injection
4. Suffocation
5. Firing squad

Lethal injection is preferred in PNG.
THREE REASONS WHY CP

1. Incapacitation
2. Retribution
3. Deterrence
Incapacitation

• The death penalty permanently removes the criminal away from the community thus criminal act is removed.
Retribution

The offender is responsible for the serious crime and the perpetrator must be punished in proportion to the enormity of the crime.
Deterrence

The fear or threat of death sentence will remove serious crime and other crimes thus reduces the escalating trend of crime PNG.
CP/DP is challenged on the following grounds:

- Human rights
- Religious grounds
- Miscarriage of justice
- Fuelling a cycle of violence
- Failure of the deterrence theory
- Misconception of the incapacitation notion
- Those who do not have the capital gets the capital punishment
Against Human Rights

• The death penalty is a violation of a fundamental human right: the right to life. It is also the ultimate cruel, inhuman and degrading punishment. It is irrevocable once carried out. There is a risk of error which can lead to the execution of an innocent person.
Religious grounds

- PNG is mostly a Christian country.
- A central part of this teaching is that God is author of life and God alone takes life.
- No one person should terminate life of another person.
Miscarriage of justice

- Mistaken identity
- Faulty investigations
- Unfair prosecution
- Fabricated evidence
- Inexperience & incompetent defence council
- Community pressure
Fuelling a cycle violence

- PNG is entangled in a spider-web like cultural system where revenge and paybacks are part of the culture.
- CP is not based on the internalised sets of values of people and it may prove to be less effective.
Fuelling a cycle of violence:

- Capital punishment is a recipe for retaliation, hatred, disappointment, & frustration. It creates more law & order problems, demanding further increases in resources.
Misconception of the incapacitation notion

- Crime is by-product of a disorganized & confused society.
- One does not eliminate one criminal to remove crime.
- If the production system producing and recruiting more criminals is active then where is the guarantee of a reduction of crime?
Failure of the deterrence theory

- The death penalty has never stopped homicides.
- There are no success stories from those countries that have implemented
- The world trend is to abolish CP
- See figure below:
Murder rates in US states that apply the death penalty are higher than the rates in other states:

(Murder rates per 100,000 from FBI’s “Crime in the United States”)

2006 Murder Rate of the Top 12 Executing States

- Texas
- Virginia
- Oklahoma
- Missouri
- Florida
- North Carolina
- Georgia
- South Carolina
- Alabama
- Louisiana
- Arkansas
- Arizona

2006 Murder Rate of Non-Death Penalty States

- Michigan
- Alaska
- West Virginia
- Wisconsin
- Minnesota
- Vermont
- Rhode Island
- Massachusetts
- North Dakota
- Hawaii
- Iowa
- Maine
Those who do not have the capital gets the capital punishment

- Poor, vulnerable, powerless, special groups, disadvantaged, lower class, less educated and etc are the ones likely to get the capital punishment.
Application of the death penalty in PNG: Will it reduce the escalating law and order problems in the country or not?

My Answer is no for the reasons given above and instead the current Govt should do the following:
Conclusion 1

• The bottom line, those countries which have implemented death penalty have not prevented crimes but keep on executing. And so, what is the guarantee in PNG that our crime rates will be reduced significantly or stopped?
Conclusion 2

• Death penalty should be repealed and abolished entirely because retribution, deterrence, and incapacitation reasons given in its support have flaws in their arguments and thus have little weight.
Conclusion 3

- PNG Government needs to address the real issues on law and order rather than resorting to this repressive and draconian approach.
Conclusion 4:

- Crime is multi-faceted and complex in character in the context of cause factors.
- We needed to address issues one by one: inefficiency in the criminal justice system; white-collar crime; inefficient delivery of services; school squeeze out, rural-urban drift; poverty & unemployment and so on.
The Government should focus on conducting a thorough and impartial investigation and prosecuting those responsible. Ensuring a robust legal system in which suspects receive a fair trial is the best way to bring justice to the victims.
"If my biological son is murdered by a criminal in my own house in front of myself and my other family members, I am faced with two critical concerns: the death of my child and the crime itself. At such heart-breaking times, my family needs support to deal with our sorrows and pains of losing one close and dear to us to heal our hearts and restore our lives. Past experiences show us that retaliation and payback actions are not an answer. The answer lies in preventing and minimising the crime, and not creating more deaths with more grieving families like us. It is critically important to support us as we strive to cope up with the tragic loss of our dear son rather than taking another life and it is not something that we as a family would like to see” (Sali, 2015).
POLITICAL WILL AND COMMITMENT IS NEEDED: ATTITUDE GAP
OUR DREAM OF SAFE & SECURE SOCIETY