

PAPUA NEW GUINEA

The death penalty: Not the solution

Introduction

In 1991, the death penalty for wilful murder was re-introduced in Papua New Guinea (PNG) as an amendment to the Criminal Code. The move was in response to a worsening law and order problem including a rising rate of violent crime, in particular rape and murder. The last person to be executed in PNG was in 1954, but Amnesty International now fears that executions could recommence in the country. Charles Ombusu, a young man convicted of wilful murder and rape, was sentenced to death in February 1995. An appeal against the conviction is currently before the PNG Supreme Court and a decision is expected in late February.¹

Amnesty International opposed the re-introduction of the death penalty for wilful murder in PNG and continues to call on the government to consider other ways to address law and order problems. The organization is particularly concerned that the decision to apply the death penalty to those found guilty of wilful murder was an impulsive reaction to public anger over violent crime and to pressure from major donors and investors to take action on law and order. It did not take into account strong and prominent opposition within PNG against the death penalty or evidence that the death penalty does not have a unique deterrent effect when compared with other forms of punishment. The organization is also concerned that the death penalty in PNG does not provide sufficient guarantees to ensure that juvenile offenders will not be at risk of execution.

Amnesty International opposes the death penalty in all cases on the grounds that it is a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights, and that it is the ultimate cruel, inhuman or degrading treatment or punishment. The death penalty is qualitatively different from other forms of punishment, such as imprisonment, in that it is irrevocable. The death penalty has not been proven to be more effective as a deterrent than other forms of punishment, does not leave room for correction and reform of the offender, and is morally as unjustifiable as the acts it purports to punish.

Amnesty International deeply regrets the decision by the PNG Parliament to extend the use of the death penalty. Now, as the possible implementation of capital punishment

¹ On 24 February 1995, the Supreme Court declared that the case and the death sentence against Charles Ombusu were sub-judice and that “...all persons, individuals and corporations are to refrain from publishing opinions or comments in relation to this case and the “death penalty” imposed in this case ... until the appeal is heard and a decision announced by the Supreme Court”.

appears more possible, there is continuing debate within the country about whether it should be imposed. Those involved in the debate include PNG Prime Minister, Sir Julius Chan, who has publicly expressed his opposition to the death penalty. Amnesty International is again calling on the PNG Government to abolish the death penalty. The organization is also urging the government to ensure that prior to the abolition of the death penalty no executions be carried out.

The death penalty in PNG

On 28 August 1991, the PNG Parliament voted for an amendment to the Criminal Code to restore the death penalty for wilful murder. The death penalty for wilful murder had been abolished in 1970 but was retained for treason and piracy with use of force. Although never formally abolished the death penalty had not been implemented since 1954 when the last hanging took place. Exact figures on the number of people executed prior to that are not available, although it is known that 67 people were executed by hanging under the Australian colonial administration of PNG between the two world wars. The last person to be publicly executed was Karo Araua, a convicted murderer, who was hung in 1938.

The restoration of the death penalty for murder, rape and other violent crimes had been under discussion for several years in PNG prior to the vote by parliament. Its restoration was justified by the government on the grounds that it would prove an effective deterrent to the rising rate of violent crime. As far back as 1989, then Prime Minister Rabbie Namaliu referred to the need for capital punishment to deter criminals. In June 1990, Prime Minister Namaliu announced that the Cabinet had given approval for the drafting of legislation to restore the death penalty. In October 1991, the then Minister for Home Affairs and Youth, the Hon Mathew Bendumb stated that the government was "simply introducing [the legislation] with no ultimate intention or motive for soliciting support on this particular piece of legislation".²

On the day of the parliamentary vote to extend the death penalty, 48 members of parliament voted in favour of the amendment and 19 voted against. However, 42 members were absent for the vote, including the current Prime Minister Sir Julius Chan. The decision stated that the imposition of the death penalty for wilful murder should not be mandatory but should be at the discretion of the judge. It was not until two years later, in 1993, that guidelines to judges on the imposition of the death penalty in cases of wilful murder were introduced by the Public Prosecutor.

² Letter to Amnesty International member from the Minister for Home Affairs and Youth, the Hon Mathew Bendumb, MP, 17 October 1991.

Individuals sentenced to death in PNG have the right of appeal. The first avenue of appeal is to the Supreme Court to which an application must be submitted within 40 days of sentencing. If this application is unsuccessful, an appeal can be made to the Advisory Committee on the Power of Mercy. The Committee, appointed by the Minister of Justice, comprises a church minister, a lawyer, a community worker, a medical practitioner with experience in psychiatry and a Member of Parliament. After considering an application, the Committee makes a recommendation to the National Executive Council (NEC) - PNG's Cabinet, chaired by the Prime Minister - as to whether or not mercy should be granted in a particular case. The recommendation is then passed to the Head of State, the Governor General, with whom the final decision rests. Should the death sentence be upheld, the Head of State, acting on the advice of the NEC will fix the time and date of execution.

Opposition to the death penalty in PNG

The re-introduction of the death penalty in PNG has been justified on the grounds that it has popular support. In 1991, PNG Minister for Justice, Bernard Narakobi, who is himself opposed to the death penalty, stated that the move to reintroduce capital punishment "reflected the community's outrage and disgust" at violent crime.³ However, Amnesty International is concerned that the notion of popular support for the death penalty is often used by governments to justify the use of capital punishment. In any event, any human rights violation, including the death penalty, can never be justified even if there is popular support. Moreover, when gauged by opinion polls public opinion on the death penalty is often based on an incomplete understanding of the relevant facts, and the results of such polls can vary according to the way questions are asked and what options for answers are provided. For example, a poll which asks the question "Do you support the death penalty?" will frequently result in a strong "yes". But studies that present issues in full and offer alternatives to the death penalty have produced different results.

Amnesty International is also concerned that the opinions of many people opposing the death penalty in PNG were not taken into account. Despite public statements in support of the death penalty in 1991, many Papua New Guineans were opposed to its reintroduction. Former Chief Justice, the late Sir Buri Kidu, stated his opposition to the death penalty in August 1990. Deputy Chief Justice, Sir Mari Kapi, when asked what he would do if faced with the legal necessity of sentencing someone to death, said "I would have to seriously consider resigning my position as a judge". In 1991, Josepha Kanawi,

³ The Canberra Times, 25 March 1991.

then secretary of the Law Reform Commission and head of the Women and Law Committee, stated:

*The death penalty could lead rapists to kill their victims and any witnesses...And relatives of those hanged will be bound to seek 'payback' on the judicial system.*⁴

Catholic Bishop David Hand also stated that "Christian leaders must speak out against it".⁵

After the vote restoring the death penalty, United Church Minister Rev Cago Morea said that the death penalty was "unchristian".⁶ In 1991, the National Council of Women conducted a survey of women throughout PNG's provincial councils which found that the women surveyed considered the death penalty was not the solution to the problem of violent crime:

*...many of the women objected on religious grounds, while others argued that the death penalty in itself was murder in the gravest form of retaliation. Instead they have recommended the suggestion to sentence criminals to life imprisonment.*⁷

PNG newspaper, the Post Courier, conducted a street poll in March 1991 asking people whether they agreed with the government's plan to reintroduce the death penalty. Almost half of those quizzed by the paper said that they disagreed with the view that the death penalty would deter crime.⁸

In 1990 the current PNG Prime Minister, Sir Julius Chan, then Deputy Leader of the Opposition, stated that he was opposed to the death penalty and would continue to campaign against its reintroduction.⁹ At the time of the reintroduction, then Foreign Affairs Minister, Sir Michael Somare said that "we have to be prepared to make decisions

⁴ Time Australia, 25 March 1991.

⁵ PNG Times, 18 April 1991.

⁶ PNG Times, 29 August 1991.

⁷ Post Courier, 20 March 1991 and PNG Times, 21 March 1991.

⁸ Post Courier, 13 March 1991.

⁹ Letter to Amnesty International member from Julius Chan, Deputy Leader of the Opposition, 28 June 1990.

where we will be unpopular. If we want capital punishment, then let it be so."¹⁰ Five months earlier, however, Sir Michael Somare had been quoted as saying that capital punishment was not the answer.¹¹

Continuing domestic opposition to the death penalty

Four years after its restoration, opposition to the death penalty continues to be strong. On 27 February 1995, Prime Minister Sir Julius Chan publicly stated his opposition to capital punishment during a judicial conference in Port Moresby, the capital of PNG:

It is time we imposed sentences that do not stand against human rights, but still conform with the need of a society to deal out harsh penalties...

I oppose the death penalty on some very basic grounds: Firstly, I do not believe that it acts as a deterrent, and secondly, I believe it flouts a basic Christian principle of the sanctity of life. Too often the calls for the gallows are nothing more than an unleashing of society's anger. Well, the roots of justice are not to be found in anger or revenge. The day we allow the death penalty to be viewed as legalised 'payback' is the day we have reduced the moral status of our country. I believe there are better ways for a society to deal with its criminal element.¹²

Since the reintroduction of the death penalty for wilful murder, there have been two changes of government. In July 1992, Paias Wingti became the Prime Minister but he was removed from power after a parliamentary vote of no-confidence in August 1994 following which Sir Julius Chan became the Prime Minister. During the 1991 parliamentary vote on the death penalty, Wingti opposed the extension of the death penalty. Chan was absent for the vote. However neither the Chan or the Wingti Governments moved to repeal the legislation despite the personnel opposition of the two Prime Ministers to the death penalty. While Amnesty International welcomes Prime Minister Sir Julius Chan's strong

¹⁰ Post Courier, August 28 1991.

¹¹ PNG Times, 21 March 1991.

¹² Speech delivered by the Prime Minister on 27 February 1995 in opening the 1995 Judicial Conference in Port Moresby, PNG.

opposition to the death penalty, the organization is concerned that the government does not appear to have taken effective measures to work towards its abolition in PNG so far.

Other sectors of PNG society have made strong calls against capital punishment. Reverend Leva Kila, General Secretary of the Papua New Guinea Council of Churches, stated that he opposed the death penalty because it would not solve the roots causes of law and order problems, suggesting that other solutions should be sought.¹³ Bill Skate, acting Leader of the Opposition, and John Paska, PNG Trade Union Congress General Secretary, have both voiced their opposition to the death penalty, arguing that capital punishment would not deter criminals, but that policy decisions on employment and education may ease the crime problem.¹⁴ Sister Cecil Daot, President of the Conference of Women's Religious Groups of PNG and the Solomon Islands, recently said "Jesus Christ would not do that - he would forgive".¹⁵

¹³ The National, 22 February 1995.

¹⁴ The National, 22 February 1995.

¹⁵ The National, 22 February 1995.

Public notice against the death penalty which appeared in the Post Courier on 19 April 1990. Pious Kerepia was murdered; however his family remained opposed to the death penalty.

The Catholic Commission for Justice, Peace and Development (CCJPD) continues to oppose the death penalty. Ludger Mond of the CCJPD said "When we accept violence in any form as common place, our sensitivities become dulled. When we accept violence, war itself can be taken for granted".¹⁶ Explicit in all of these recent opinions is an acknowledgement that the PNG Government has to take some action to curb violent crime. However, that action must be accompanied by full and public debate about appropriate measures to be taken and should not be an impulsive reaction. The lack of detailed debate in PNG at the time of the re-introduction of the death penalty resulted in a failure to properly consider alternative responses to the problem of crime. Indeed the government continues to be subjected to criticism for its apparent unwillingness to consider measures to tackle the root causes of the crime problem.

Critics of the death penalty in PNG argue that there is a lack of public awareness of its existence. According to one report:

...when the new extension on the death penalty in Papua New Guinea was accepted by Parliament very few people heard about it. Field work in some urban centres, parts of Simbu Province and visits to the correctional Institution at Bomana revealed that the people did not even know what it was all about. After the concept had been explained there was only one reaction that followed. Everybody agreed that the implementation of the death penalty would lead to an increase in violence as one would make sure that all possible witnesses would be terminated.¹⁷

Some critics have expressed concern that because of PNG's traditional system of "payback" killings - whereby the clan, tribe or group believed to be

¹⁶ PNG Times, PNG, 6 April 1995.

¹⁷ Anou Borrey, "Capital Punishment for People without Capital?", 1995.

responsible for the death or injury of an individual is liable to counter-attack by the victim's family, clan or tribe - raises specific concerns about whether those who impose or carry out the death sentence will be at risk of payback.

Why the death penalty is wrong

Amnesty International recognizes the need for effective measures to combat violent crime, including murder and rape. The organization considers however that the death penalty is qualitatively different from other forms of punishment such as imprisonment in that it is irrevocable. There are other ways of preventing offenders from repeating their crimes. The death penalty does not leave room for correction or reform of the offender.

International human rights standards

Amnesty International believes that the death penalty is incompatible with fundamental human rights enshrined both in PNG's own Constitution and in international instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). PNG's Constitution 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*".¹⁸ Article 3 of the UDHR states that "*[e]veryone has the right to life, liberty and security of person*". The ICCPR similarly states that "*[e]very human being has the inherent right to life. This right shall be protected by law...*".¹⁹ The UN General Assembly has affirmed that in countries where the death penalty has not yet been abolished, in order to fully guarantee the right to life, "*the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries*".

The Human Rights Committee, which supervises the implementation of the ICCPR, has stated that "*...all measures of abolition should be considered as progress in the enjoyment of the right to life ...*".²⁰ It also says "*the right to life...is the supreme right*

¹⁸ Constitution of Papua New Guinea, Part III, Division 3, Subdivision B, Section 36, "Freedom from inhuman treatment".

¹⁹ International Covenant on Civil and Political Rights (ICCPR), Article 6.1.

²⁰ General comment on Article 6 of the International Covenant on Civil and Political Rights (ICCPR), adopted at the 378th meeting (16th Session), of the Human Rights Committee (set up under the ICCPR), 27 July 1982.

from which no derogation is permitted even in time of public emergency ... It is a right which should not be interpreted narrowly". In December 1989 the General Assembly adopted the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty. The protocol requires states parties to take all necessary measures to abolish the death penalty within their jurisdiction stating *"that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights"*. PNG has not ratified the ICCPR or its Second Optional Protocol.

The death penalty as a deterrent

The PNG Government is not alone in justifying the restoration of capital punishment on the grounds that it will deter further crime. The argument that it is necessary to kill an offender to dissuade other people from committing the same kind of crime is the most commonly employed argument by states which use the death penalty. However, there is no evidence to show that the death penalty has a unique deterrent effect when compared with other forms of punishment. Indeed existing research suggests that the death penalty is in fact no more effective as a deterrent to crime than other forms of punishment and that its application is subject to misuse. Its use also may prevent societies from seeking more effective means to combat the real causes of crime.

This conclusion is corroborated by studies conducted in a wide variety of cultural, social and political settings, including the South Pacific. In 1980, the report of the Fiji Royal Commission on the Treatment of Offenders recommended that the death penalty should not be re-introduced for murder, stating that criminal statistics from Fiji and elsewhere did not support the argument that capital punishment has a greater deterrent effect than life imprisonment. In Singapore, a 1981 study found that there was no meaningful correlation between the number of executions for murder and the number of murders committed over a 20 year period.

Another study in which a legal expert compared statistics on murders and judicial executions in Nigeria between 1967 and 1985 concluded that "murder incidents have consistently increased during most of this period" despite being punishable by death. Armed robbery, also punishable by death, was shown to have increased. The study

concluded that "no efficacy can be shown for the operation of the death penalty" for murder and armed robbery in Nigeria.²¹

A study by a Japanese prison psychiatrist of 145 convicted murderers between 1955 and 1957 found that none remembered thinking they might be sentenced to death before committing murder. "Despite their knowledge of the existence of the death penalty, the prisoners were incapable because of their impulsiveness and their inability to live except in the present, of being inhibited by the thought of capital punishment".²² In 1988, a survey on the relation between the death penalty and homicide rates, conducted for the UN, concluded that:

*This research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis.*²³

Not only is there no proof that the death penalty acts as a unique deterrent to crime, but there is also considerable doubt that even the worst criminal offenders would necessarily repeat their crimes if allowed to live. In a brief submitted by the American Psychiatric Association to the US Supreme Court in 1982 for a case involving the use of psychiatric testimony, it was stated that "the large body of research indicates that even under the best of conditions, psychiatric predictions of long-term future dangerousness are wrong in at least two out of every three cases".²⁴ The United Kingdom Royal Commission on Capital Punishment, conducted from 1949 to 1953, obtained information on 129 male prisoners in England and Wales sentenced to death for murder but later reprieved and

²¹ A. A. Adeyemi, "Death penalty: criminological perspectives; the Nigerian situation", in The Death Penalty, Travaux de la Conférence Internationale tenue à l'Institut Supérieur International de Sciences Criminelles, Syracuse-Italie. 17 au 22 mai 1987, Revue Internationale de Droit Pénal, vol. 58 N° 3 abd 4(1987), Erés, Paris, 1988, pages 489-494.

²² Sadataka Kogi, "Etude criminologic et psycho-pathologique de condamnés a mort ou aux travaux forcés a perpetuité au Japon", Annales Medico-Psychologiques, Vol 117, N° 2, part 3, October 1959.

²³ United Nations, "The question of the death penalty and the new contributions of the criminal sciences to the matter", a report to the United Nations Committee on Crime Prevention and Control, United Nations Social Affairs Division, Crime Prevention and Criminal Justice Branch, Vienna, 1988, page 110.

²⁴ Amicus curiae brief submitted to the US Supreme Court in 1982 in the case of Barefoot v. Estelle.

released between 1934 and 1948. Of these prisoners, only one was reconvicted of murder.²⁵

Risk of executing the innocent

In examining how the death penalty actually works in practice, no criminal justice system has shown itself capable of selecting consistently and fairly who should live and who should die. Those sentenced to death are not always guilty of committing the most heinous crimes, but those who have less skilled lawyers to defend them, or whose social class or ethnic origin make them vulnerable to unfair conviction by imperfect legal systems. The risk of a miscarriage of justice and the execution of innocent people is inherent in the use of the death penalty.

Case studies reveal that many poor defendants are inadequately represented by lawyers untrained in capital punishment law, or that poorly paid lawyers often fail to investigate the defendants' backgrounds or raise relevant mitigating evidence at the sentencing hearing. In the US, many of those scheduled for execution during 1994 received ineffective legal assistance. In the Philippines, of the 84 people who have been executed since 1904, only three were in a position to afford expensive legal counsel. Philippines Senator Francisco Tatad believes that "capital punishment is biased against the poor". Rogciano Nebres, 62, on death row in the Philippines, agrees with the Senator; "I am here because I was too poor to hire a lawyer".²⁶ Amnesty International is concerned that in PNG, those unable to afford private legal assistance could be at risk of facing the death penalty. PNG's public solicitors are underfunded and have not yet had experience in defending death penalty cases.

Execution of juvenile offenders

Children and adolescents are widely recognized as being less responsible for their actions than adults, and more responsive to rehabilitation. International standards on the death penalty are unanimous in prohibiting the imposition of death sentences on those under 18 years of age at the time of the offence. The ICCPR, Article 6, and the United Nations (UN) Convention on the Rights of the Child (Article 37) also prohibit the execution of people who were under 18 years old at the time of the crime. PNG does not appear to have any constitutional or legal provisions preventing the execution of juveniles and Amnesty

²⁵ The shadow of the gallows, Viscount Templewood, Gollancz, London, 1951, pages 95,96.

²⁶ Asiaweek, 16 March 1994.

International urges the government to ensure that there is such legislative protection against the execution of juvenile offenders.

Even with such legislative protection however, Amnesty International is concerned that juvenile offenders may be at risk of execution. Many people in PNG do not have birth certificates, resulting in uncertainty about their precise age. Ages are frequently determined by recalling events that occurred both locally and nationally at the time of an individual's birth. This can present particular problems for the courts. When there is uncertainty, the age of a defendant is determined by judges after seeking the views of relatives and friends about the possible age of the individual.

While Amnesty International is sensitive to the difficulties of accurately recording dates of births in PNG, the organization is concerned that this may lead to uncertainty about ages of offenders. It is therefore not beyond the realms of possibility that an individual who may have been a juvenile offender could face the death penalty. PNG is a party to the Convention on the Rights of the Child and therefore is obliged to abide by its provisions. The execution of juvenile offenders in PNG would be in contravention of the government's commitments to this convention.

The costs of the death penalty

Contrary to popular perceptions, the death penalty is often more costly than long-term imprisonment. A 1982 study in the American state of New York found that the average capital trial and first stage of the appeals process alone cost the taxpayer about \$ 1.8 million, more than twice as much as it would cost to keep a person in prison for life.²⁷ The death penalty in the United States is extremely expensive, both in monetary terms and in the amount of court time that must be spent on judicial review of the cases. It costs between \$US2 and \$US3 million on average to execute one prisoner; three times as much as it would take to keep that individual in prison for 40 years. A study by Duke University, in the United States, concluded that adjudicating capital cases in North Carolina, US, cost at least an extra \$2.16 million per execution, compared to the costs of adjudicating

²⁷ "Capital losses: the price of the death penalty for New York State", a report from the New York State Defence Association to the Senate Finance Committee and other sections of the legislature, April 1982.

life-without-parole cases.²⁸ While it is not yet possible to determine how much the death penalty will cost in PNG, it is clear that it will at least involve the costs of judicial appeals.

International moves towards abolition

The acceptance of the abolitionist arguments are gaining ground internationally. Many governments have recognized that the death penalty cannot be reconciled with respect for human rights. Up to January 1995, 55 countries had abolished the death penalty for all crimes, 15 had abolished it for all but exceptional crimes such as wartime atrocities, and 27 countries and territories were abolitionist de facto in that, while retaining the death penalty in law, they have not executed anyone for at least 10 years. Nearly half of all countries are now abolitionist in either law or practice, while 97 retain and use the death penalty.

Moves to expand the death penalty legislation in PNG are also out of step with neighbouring countries. PNG is one of the few countries in the South Pacific to retain the death penalty. Fiji retains the death penalty for treason, genocide and instigating foreigners to invade, but the country is abolitionist in practice. Nauru still has a mandatory death penalty for murder but is also abolitionist in practice. Western Samoa also retains the death penalty for treason and murder but there have been no executions since 1962.

Since 1989 a total of 21 countries have abolished the death penalty for ordinary crimes or for all crimes. These countries include Namibia, Mozambique, Gambia, Guinea-Bissau, South Africa, Paraguay, Cambodia, Nepal, Slovenia, Hungary, Croatia, Romania, the Czech and Slovak Republics, Greece, Italy, Switzerland and New Zealand. In 1995, South Africa abolished the death penalty for murder, by a ruling of the Constitutional Court. At the time the decision was handed down by the court, President Mandela said that it was in line with "civilised norms". Arthur Chaskalson, the President of the Constitutional Court in South Africa, stated:

²⁸ Millions Misspent: What Politicians Don't Say about the Death Penalty, published by the Death Penalty Information Centre, 1606 20th Street, NW, Washington, DC 20009, USA.

Everyone, including the most abominable of human beings, has a right to life, and capital punishment is therefore unconstitutional ... Retribution cannot be accorded the same weight under our Constitution as the right to life and dignity. It has not been shown that the death sentence would be materially more effective to deter or prevent murder than the alternative sentence of life imprisonment would be.²⁹

Campaigning against the death penalty in the USA.

Conclusions and Recommendations

Amnesty International urges the PNG Government to consider the evidence and arguments presented in this report. The organization believes that were the public fully informed about how the death penalty is applied in practice, its lack of deterrent effect and of the availability of alternative measures to protect society, support for the death penalty in PNG would diminish dramatically.

Amnesty International urges the PNG Government to:

- Commute any death sentences;
- Abolish the death penalty for all offences.

Pending this, Amnesty International urges the government to:

- Conduct comprehensive public education about capital punishment, including its lack of a proven unique deterrent effect, and about alternative methods of dealing with law and order which are consistent with human rights as the basis for a genuine public debate on this issue;

²⁹ The New York Times, 7 June 1995.

- Ensure that there are legislative provisions which protect juvenile offenders from the death penalty;
- Ensure that those facing the death penalty receive fair trials in accordance with international standards, including the right to legal representation of their choice;
- Introduce automatic reviews of all death sentences by the head of state.