

UA 48/97

Death Penalty

10 February 1997

PAPUA NEW GUINEA (PNG) Steven Loke  
Greg Kavoa  
Charles Kaona

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On 10 February 1997 Steven Loke, Greg Kavoa and Charles Kaona were sentenced to death by Justice Robert Woods after a trial at the Kimbe National Court in West New Britain. This is only the second time that the death penalty has been handed down since 1991 when the punishment was reintroduced in PNG for the crime of wilful murder.

The three men were convicted of murdering Agnes Banovo in December 1995. They had reportedly abducted her from her village when they were looking for her son who they claimed had murdered someone from their village. Agnes Banovo refused to reveal her son's whereabouts and the three men reportedly raped her and then stabbed her to death.

The death sentences come amid a period of national reflection on the use of capital punishment following several recent, brutal murders. Amnesty International recognises the need for effective measures to combat violent crime in PNG, including murder and rape. However there is no evidence to show that the death penalty has a unique deterrent effect when compared with other forms of punishment. It may also prevent societies from seeking more effective means to combat the real causes of crime.

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.

**BACKGROUND INFORMATION**

In 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 this crime 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. It is believed 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. 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.

Critics of the death penalty in PNG have expressed concern that PNG's traditional system of "payback" or revenge killings - whereby the clan tribe or group believed to be responsible for the death or injury of an individual is liable to counter-attack by the victim's family, clan or tribe - raises specific fears about whether those who impose or carry out the death sentence will be at risk of payback. Significantly neither of the two judges who have so far imposed the death penalty are Papua New Guineans.

In February 1995, Charles Ombusu became the first person to be sentenced to death since the re-introduction of the death penalty for wilful murder. His sentence was quashed on appeal to the Supreme Court in April 1996.

Immediately following the imposition of the death penalty against Charles Ombusu, the PNG Prime Minister, Sir Julius Chan, publicly stated his opposition to the death penalty. Amnesty International is concerned, however, that despite his opposition, the government does not so far appear to have taken effective measures to work towards its abolition in PNG.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:**

- expressing concern that Steven Loke, Greg Kavoa and Charles Kaona have been sentenced to death and urging the authorities to commute their sentences;
- acknowledging the need for effective measures to combat violent crime in PNG, including rape and murder, but urging the authorities to consider other ways to deal with the problem of law and order in PNG;
- urging the PNG Government to abolish the death penalty and expressing opposition to the death penalty as the ultimate form of cruel punishment and a violation of the most basic of human rights - the right to life.

**APPEALS TO:**

**Prime Minister**

The Rt. Hon. Sir Julius Chan GCMG, KBE, MP  
Office of the Prime Minister  
PO Box 6605  
Boroko, NCD  
Papua New Guinea

**Telegrams: Prime Minister, Waigani, Papua New Guinea**

**Fax: +675 327 6540**

**Salutation: Dear Prime Minister Chan**

**COPIES TO:**

**Minister for Justice**

Hon. Arnold Marsipal, MP  
Department of Justice  
Central Government Offices  
Kumul Avenue, Waigani  
Papua New Guinea

**Fax: +675 325 2512**

and to diplomatic representatives of Papua New Guinea accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 March 1997.