

A joint statement by Capital Punishment Justice Project, Eleos Justice and Anti-Death Penalty Asia Network upon the occasion of the repeal of the death penalty by the Parliament of Papua New Guinea

Sydney, Australia, and Kuala Lumpur, Malaysia on 24 January 2022

Capital Punishment Justice Project (CPJP), Eleos Justice and Anti-Death Penalty Asia Network (ADPAN) commend the decision on 21 January 2022 by the Parliament of Papua New Guinea (PNG) to repeal the death penalty. This is a moment of historical importance for the global anti-death penalty movement, and it is also a significant victory for human rights in the Asia Pacific region.

The repeal of the death penalty ends months of uncertainty and concern that executions may resume in PNG, following the 30 July 2021 judgment of the Supreme Court of Papua New Guinea, which paved the way for the possibility that the near 70-year moratorium on executions would end.

Despite the Supreme Court having quashed the National Court's temporary stay of executions for all people sentenced to death, and despite the reintroduction of the death penalty in 1991, PNG's government has decided that there is a different and better way to forge ahead and that **the death penalty is both inhumane and is not effective as a deterrent for serious crime**. We endorse Prime Minister James Marape's statement, that made reference to 'other global trends and studies', noting that the death penalty 'is not an effective deterrent to serious crime and offences'. We also endorse the statement of PNG's Justice Minister Bryan Kramer who noted that it was not possible for PNG to carry out the death penalty in a humane way.

CPJP, Eleos Justice and ADPAN now call on PNG to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) in order to make a firm commitment that abolition will hold, noting that this is not the first time that PNG has abolished the death penalty, but that we have confidence it will be the last. We also call on PNG to ensure that the 40 prisoners that reportedly on death row at present are given the opportunity to have a resentencing hearing, noting that there may be new evidence or



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compelling arguments that may make it appropriate that their sentences not be automatically converted to life sentences. We note that the PNG Department of Justice and Attorney General have established a new quasi-judicial Advisory Committee on the Power of Mercy (ACPM) which appears to be an appropriate mechanism to conduct such reviews.

We also encourage the last remaining vestige of the death penalty in the Pacific - the nation of Tonga - to follow the example of PNG and to repeal the death penalty, thereby bringing it into line with the other Pacific nations which are at the forefront of the abolitionist movement. While every nation grapples with different criminal justice issues against the backdrop of the pandemic, there continues to be overwhelming evidence that the death penalty is cruel, inhumane and degrading, that it disproportionately affects the disadvantaged and marginalised, and that its existence does not deter the commission of death eligible offences. We are pleased to see abolitionist states such as Australia taking steps to implement their policy commitment to advocate for abolition globally, through their bilateral discussions with retentionist states.

To learn more about the organisations issuing this statement, go to:

<https://cpjp.org.au>

<https://adpan.org>

<https://www.monash.edu/law/research/eleos>