

Second Reading Speech by the Minister for Justice on the Criminal Code (Amendment) Bill 2022

Thank you, Mr. Speaker, for giving me this opportunity to present to this Honorable House and the people of Papua New Guinea, this important Bill to amend the *Criminal Code* entitled “*Criminal Code (Amendment) Bill 2022*”.

Mr. Speaker, there were 14 prisoners, two of which have escaped, who have been imposed the death penalty. These prisoners on death row are awaiting the State, through the Government, to make the necessary decision, and to put in place the Administrative Mechanisms and Infrastructure to implement the death penalty. There were nine other prisoners who were sentenced to death since the reintroduction of the death penalty into our criminal justice system in 1991. However, some of these prisoners have died awaiting execution while others have successfully appealed or reviewed their sentences by the Supreme Court.

Mr. Speaker, one of the main reasons for our inability to implement the death penalty is the lack of necessary administrative mechanisms and infrastructure to implement the law. This was largely attributed to the difficulty presented by a single method of implementation and administration of the death penalty in the past which was to be done by hanging. Issues were raised as to whether it was the most humane way to do so.

Mr. Speaker, it was in view of this, that the Parliament amended Section 614 of the *Criminal Code Act* which was intended to give greater flexibility and capability to enable the State to implement the death penalty. It provided a range of Methods of Execution of the prisoners for the Government to choose from depending on the government’s preparedness and availability of administrative mechanisms and infrastructure suitable to that particular Method of Execution.

Mr. Speaker, in 2013, the National Executive Council (NEC) tasked the Chief Secretary then to inquire into the feasibility of implementation of the death penalty and to report back to Government by end of that year. The Chief Secretary put together a Technical Team comprising of officials from the relevant Government agencies and the Team went on a fact-finding tour to the United States of America (USA), Thailand, Singapore, Malaysia, and Indonesia and upon their return, submitted a Report titled: *Implementing the Death Penalty in Papua New Guinea*.

Mr. Speaker, following the presentation of that Report, the NEC endorsed and approved the *Guidelines for Implementation of the Death Penalty* which set out the process and procedure for three Methods of Execution (*Execution Procedures for Lethal Injection; Manual on Execution by Firing Squad; and Manual on Execution by Hanging*).

Mr. Speaker, as stated earlier, the 2013 amendment to the *Criminal Code Act* provided three methods of execution for the Executive Government to choose from, and the government had also, approved the *Guidelines for Implementation of the Death Penalty*. Despite all the steps taken to implement the death penalty, over the years, the government has not used any of these methods to implement the death penalty. According to the Report, it would be practically difficult to implement all three methods of execution. Each method would require different protocols and equipment to be used efficiently. As such, the government does not have the Administrative Mechanisms and the Infrastructure to implement the death penalty.

Mr. Speaker, as a way forward, the *Criminal Code Act* was reviewed to amend all offences that carry the penalty of death as a sentence to be repealed and replaced with the penalty of life imprisonment either without parole or with eligibility for parole after 30 years. The following offences will be amended to reflect this change:

Criminal Code Provision	Offence	Amended Penalty
Section 37	Treason	Life Imprisonment. No parole.
Section 81	Punishment of Piracy	Life Imprisonment. Parole after 30 years.
Section 82	Attempted Piracy with Personal Violence	Life Imprisonment. Parole after 30 years.
Section 299	Willful Murder	Life Imprisonment. No parole.
Section 299A	Willful Murder of a Person on Account of Sorcery	Life Imprisonment. Parole after 30 years.
Section 347C	Aggravated Rape	Life Imprisonment. No parole.
Section 386	Robbery with Violence	Life Imprisonment. Parole after 30 years.

These alternate penalties whilst addressing the lack of necessary administrative mechanisms and infrastructure, also remain proportionate to the gravity of the crimes, thus, maintaining the status quo for severe offences.

With that, I now commend the *Criminal Code (Amendment) Bill 2022* to this honorable House.

Hon. Bryan Kramer, MP
Minister for Justice