

EXTERNAL

AI Index: ASA 34/02/96

15 April 1996

Further information (1) on UA 44/95 (ASA 34/03/95, 20 February 1995) -
Death Penalty

PAPUA NEW GUINEA (PNG)

Charles Ombusu

On 2 April 1996, the Supreme Court announced that the death sentence against Charles Ombusu was to be lifted, following the overturning of his conviction for wilful murder and rape. He remains in detention pending a decision from the Supreme Court on a retrial and a decision on whether the two cases should be heard separately.

Charles Ombusu had been sentenced by the PNG National Court in Popondetta, northwest of PNG's capital, Port Moresby, on 20 February 1995 and was the first person to be sentenced since the reintroduction of the death penalty for wilful murder in 1991. The judges concluded that "...*the joint trial of a charge of wilful murder with that of rape was irregular and occasioned a miscarriage of justice.*"

BACKGROUND INFORMATION

The reintroduction of the death penalty for wilful murder was in response to an escalation in violent crime in PNG. Since 1991 there have been a growing number of calls for its use from politicians although some members of the judiciary remain opposed to its use.

Amnesty International is opposed to the death penalty under any circumstances. The organization considers the death penalty to be the ultimate form of cruel punishment and a violation of the most basic of human rights, the right to life. Many governments argue that the death penalty deters violent criminals, but evidence indicates that this is not the case. Crime rates in countries where the death penalty is in force do not fall and those who are executed are all too frequently the poor or members of disadvantaged minorities.

In February 1996, Amnesty International issued a report - *The Death Penalty: Not the Solution* (ASA 34/01/96) - in which the organization called on the PNG Government to abolish the death penalty for all crimes.

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

- welcoming the decision to quash Charles Ombusu's death sentence;
- recognizing the need to combat the high crime rate in Papua New Guinea, but emphasizing that no form of execution can ever be considered humane;
- pointing out that evidence suggests that the death penalty is not an effective deterrent against crime;
- urging the authorities to abolish the death penalty.

APPEALS TO:

Prime Minister, and Minister for Foreign Affairs and Trade

The Rt. Hon. Sir Julius Chan GCMG, KBE, MP
Office of the Prime Minister

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PO Box 6605, Boroko, NCD, PAPUA NEW GUINEA
Telegrams: Prime Minister, Papua New Guinea
Faxes: + 675 3 277 328
Salutation: Dear Prime Minister

Minister for Justice

Hon. Arnold Marsipal, MP
Ministry of Justice
Central Government Offices
Kumul Avenue, Waigani, PAPUA NEW GUINEA
Telegrams: Justice Minister, Waigani, Papua New Guinea
Faxes: + 675 259 265 / 252 512
Salutation: Dear Minister Marsipal

COPIES TO:

Chief Justice of the Supreme Court

Arnold Amet
PO Box 7018
Boroko, NCD, PAPUA NEW GUINEA
Faxes: +675 257 732

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 27 May 1996.