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## Perception of the public on the law as a deterrent to sorcery accusation related violence, Madang Province, PNG

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### Abstract

This paper examines a recent case of sorcery accusation related violence (SARV) in Madang Province, Papua New Guinea (PNG), with a particular focus on the state legal response. Following sorcery accusations and the destruction of property and murder of seven people, *The State v Kakiwi & Ors* verdict sentenced 89 men to life imprisonment, while eight were given the death penalty. One issue now is how, or in what ways, the verdict may act as a deterrent to sorcery related violence or killings in PNG. Drawing on qualitative interviews and focus group discussions with 24 participants, comprising police officers, students and teachers on the aforementioned SARV case in Madang, the research finds that life imprisonment and capital punishment as applied in *The State v Kakiwi & Ors* is seen as unlikely to act as a deterrent to future SARV. This is primarily attributed to the limited public knowledge of the incident, the sentencing, and state laws relevant to SARV and associated killings. We also identify limited support among participants for the death penalty in PNG more broadly, primarily due to the importance of Christian values in PNG society.

Keywords: Sorcery accusation related violence; witchcraft; death penalty; life imprisonment; policing; punishment

### Introduction

Sorcery or witchcraft has been practiced historically in many cultures around the world. While information on Africa dominates the literature, sorcery remains a contemporary issue for a range of countries across Asia (e.g. Indonesia and Cambodia), the Middle East (e.g. Saudi Arabia and Egypt), and Latin America (e.g. Bolivia) (Schnoebelan, 2009, p.6). Although sorcery or witchcraft has become regarded as a primitive or medieval idea, particularly in academic circles (Eves & Forsyth, 2015), the belief in sorcery in some countries is thought to be almost as alive as the people who believe in it (Schwarz, 2013, p.4-9; Jacobs, 2013). The belief in sorcery is often associated with strong negative emotions, which can give rise to violence and the loss of human life (Hutton, 2017; Herriman, 2014; Forsyth & Eves, 2015). This paper examines a recent case of sorcery accusation related violence (SARV) in Madang Province, Papua New Guinea (PNG), with a particular focus on the state legal response. Following sorcery accusations and the destruction of

property and murder of seven people, *The State v Kakiwi & Ors* verdict sentenced 89 men to life imprisonment, while eight were given the death penalty. Our focus in this paper is on public and police perceptions as to whether these sentences might act as a deterrent to future SARV cases.

Governments worldwide prohibit certain actions and impose consequences on those who commit an offence. In countries such as PNG, specific legal provisions have been developed in an effort to prevent SARV. In 2013, the PNG Criminal Code was amended to extend capital punishment, or the death penalty, to cover crimes of aggravated rape, robbery, and SARV (O'Caroll, 2014). Capital punishment was previously only applicable to treason, willful murder, piracy and attempted piracy with violence. Despite these amendments, it is observed that incarceration is the predominant form of punishment given to offenders in PNG, where the death penalty has not been implemented since the 1950s (Buchanan, 2015; Amnesty International, 2004).

There is ongoing debate among academics and non-government organisations as to whether capital punishment is an effective method to deter crimes such as, SARV. One study on the deterrent effect of capital punishment on murder for example, found that "capital punishment has a strong deterrent effect; each execution results, on average, in 18 fewer murders" (Rubin, Dezhbakhsh & Shepherd, 2003, p.2). On the other hand, Amnesty International (2019) argues that "the death penalty has no deterrent effect" and opposes capital punishment in all circumstances. While Amnesty International strongly opposes PNG's stance on capital punishment, former Justice Minister, Kerenga Kua (cited in O'Caroll, 2014), argues that critics should present a workable solution that the country can adopt, instead of simply criticizing the death penalty.

The general claim of proponents of the death penalty is that it will prevent these types of crimes from happening again. But there is a lack of data and analysis to understand whether this is the case, including on the extent to which the death penalty has been imposed. For example, there are existing records on PNG in the Pacific Islands Legal Information Institute (PACLII) showing that prisoners have been sentenced to death; however, there is no information as to whether these sentences have been enacted. Explaining the prolonging of the execution of the death penalty, the PNG Correctional Services Commissioner in 2018, Michael Waipo, reportedly stated (in Yowat, 2018), that

...it is a long process in relation to death row... you need to have facilities, followed by the training of our staff who will be responsible (for carrying out the execution). The law part of it is in order. It is only the infrastructure, the set up and the capacity building of the staff to be able to deliver these arrangements...

Hence, the aim of this paper is to further understand public and police perceptions of capital punishment and life imprisonment as a response to SARV in PNG in terms of it being a deterrent to future cases. Drawing on qualitative interviews and focus group discussions (FGD) with 24 participants, comprising police officers, students and teachers on the aforementioned SARV

case in Madang, the research finds that life imprisonment and capital punishment as applied in *The State v Kakiwi & Ors* is seen as unlikely to act as a deterrent to future SARV. This is primarily attributed to the limited public knowledge of the incident, the sentencing, and state laws relevant to SARV and associated killings. We also identify limited support among participants for the death penalty in PNG more broadly, primarily due to the importance of Christian values in PNG society. The paper begins with an introduction to sorcery and SARV internationally, followed by a review of literature surrounding SARV in PNG. The paper then outlines the case of *The State v Kakiwi & Ors*, the method adopted for this study and a discussion of findings.

### **Background: Sorcery and witchcraft internationally**

Historically across Europe, sorcerers have been feared because of their knowledge of the occult and their use of poison. In the early and high middle ages in Europe, there were trials for witchcraft involving deaths attributed to witchcraft or malevolent magic (Hutton, 2017, p.152-176). Most of the widespread hysteria in Europe in the early modern era was due to the perception that it ran contrary to Christianity and it was the cause of unexplained deaths, illnesses and misfortune (Hutton, 2017). According to Hutton (2017, p.148), the use of magic or sorcery presented a challenge to Christianity where “the miracles credited by them to their Messiah and His apostles could look like those promised by, or attributed to, ceremonial magicians”. Hence, as a response, Christians throughout the middle ages concluded that the acts of magicians were accomplished with the aid of demons, while the miracles by Christians were executed by the intervention of the one true God (Hutton, 2017).

In the 21<sup>st</sup> Century, the belief in the supernatural still exists. There are people in the world who proudly proclaim their status as witches, wizards or sorcerers and practice openly. However, due to instances where people have been defrauded by self-proclaimed witches and sorcerers (Levinson-King, 2018; Asadullah, 2018), others may not take them seriously. In some countries such as PNG, the accusation, even without evidence, of a person practicing sorcery or witchcraft will often mean violence against that person, and lead to serious injuries, or death (Schwarz, 2013). The case of *The State v Kakiwi & Ors* is an example of this. However, it is important to note that this phenomenon is not unique to PNG but is rather a “growing global phenomenon, with new pockets of what has been termed an ‘epidemic’ appearing in many diaspora communities worldwide, and developing in new and troubling directions in many parts of Africa and Latin America” (Forsyth & Eves, 2015, p.10).

### **Terminology**

On most occasions, the terms sorcery and witchcraft are used interchangeably. However, it is argued that these terms are very different. Sorcery, as defined by Moro (2018, p.8), is “a pragmatic, conscious practice, involving acts of magic and leading to personal power for the practitioner”. It requires special understanding and knowledge of texts, practices, rituals or other parts of magic

as understood in each culture. However, it is sometimes viewed as “suspicious, fearful, or prohibited behavior or a powerful means to right social wrongs and resolve conflicts” (Moro, 2018, p.8). Witchcraft on the other hand is somewhat complex to define (Lewis & Russell, 2016). Different cultures in the world do not show agreement or coherence in the definition of this term. For instance, in non-Western societies, it is defined as a practice involving inherent supernatural powers such as, the Zande people of North Central Africa. According to Evans-Pritchard (1976), the Zande people of North Central Africa, define witchcraft as a psychic act, and it is seen as an inherent quality within the body of the witch. They believe that “a witch performs no rite, utters no spell, and possess no medicines” (Evans-Pritchard, 1976, p.1). In contrast, it is generally believed in Western countries that it is an ordinary person’s free choice to learn and practice magic with the help of the supernatural (Singh-Kurtz & Kopf, 2018). Differentiating between sorcery and witchcraft, Singh (2019, p.3) argues that:

Sorcerers are people who use magic for malicious ends – that is, people who use sorcery. Witches, on the other hand, exhibit up to three sets of characteristics: (1) They are existentially threatening, (2) they have supernatural powers, and (3) they are morally repugnant. Some practitioners qualify as both sorcerers and witches, such as those believed to both use magic and engage in activities like graveyard conspiracies and cannibalism.

The terms sorcery and witchcraft are both relevant in PNG, however, in the context of this paper the term sorcery will be utilised as this is the term that was originally used in *The State v Kakiwi & Ors* verdict given by Judge David Cannings.

### **Sorcery in PNG**

Sorcery in PNG is given different names including, *puri puri*, *mura mura dikana*, *vada*, *mea mea*, *sanguma*, *kumo*, *yama* or *malira*. Regardless of age and gender, it is commonly understood that a majority believe in the existence of sorcery and is part of PNG’s “...noble culture and sacred tradition that is observed in many different ways by the different ethnic groups” (Auka, Gore & Koralyo, 2015). It is acknowledged however, that obtaining empirical evidence on SARV in PNG is difficult due to incomplete and potentially misleading official records (Forsyth, Putt, Bouhours & Bouhours, 2017). New empirical research conducted in Enga, Bougainville and Port Moresby suggest that SARV “is characterised by peaks and ebbs in different geographical regions over time” (Forsyth et al., 2019, p.5). While there is some evidence to suggest that the number of reported killings may be dropping, there are limitations in the data due to the secrecy in which SARV often occurs, and in contexts with widespread community support (Forsyth et al., 2019, p.4). For these reasons, it is not possible to say whether SARV is an increasing problem nation-wide (Forsyth et al., 2019, p.4). Forsyth et al. (2019, p.5) argue however, “it is very clear that in some places it is entering new geographical areas, and expanding to new classes of victims, such as children”.

In PNG, it is believed that there is ‘good magic’ and ‘bad magic’ or, as it is generally referred to, ‘white magic’ and ‘black magic’. The good/white magic is associated with healing and improving life, while the bad/black magic is associated with death, jealousy and causing harm. Put simply, sorcery in PNG refers to practices that are used to influence the outcome of events and explain causes of events. It can also be used to harm others or be used as a form of punishment (Schwarz, 2013; Eves, 2013, p.3).

The fear of sorcery itself and it being passed down through generations, provokes people to react in a violent way. The belief in sorcery in PNG is diverse and is different in each province. Due to the strong belief in spirits and the supernatural, sorcery is seen as the cause of misfortunes, deaths or illnesses that cannot be explained by the community. “Sorcery often plays the role of answering the “why me?” question about misfortune in PNG: it is a way of making sense of seemingly random events (sickness, death, drought, business failure etc.) and does so through allocating blame or responsibility to sorcery” (Forsyth et al., 2019, p.2). Although this lack of understanding can now be illuminated with modern medicine, technology and science, rural communities across PNG are likely to lack this knowledge and information due to poor service delivery and awareness (Macintyre, 2019; Duncan & Banga, 2018; Reilly, Brown & Flower, 2014).

In some aspects of contemporary PNG, the aim of sorcery was, and continues to be, for prosperity and survival in everyday life such as in fishing, gardening and harvesting good food, healing and finding love. It is seen as a gift or sacred knowledge passed down through generations (Onagi, 2015). However, in other instances, sorcery is closely associated with jealousy, greed and revenge (Evenhuis, 2015, p.265). Additionally, sorcery has been used in PNG as protection and a weapon against enemies (Farrer, n.d.), and some sorcerers are equated to ‘hired killers’ to injure or kill people (Onagi, 2015, p.9).

Women are more likely than men to be accused of practicing sorcery or witchcraft in PNG (Forsyth & Eves, 2015) and this is supported in data collected by Police and health services from the Highlands. According to the Kundiawa police (2000–2007), hospital (1996–2005) and surgical ward (1992–2006) records, the majority of the victims tortured and killed due to sorcery accusation related violence were women (Gibbs, 2012). Widows and women who have separated from their husbands are particularly associated with sorcery or witchcraft (Schwarz, 2013). Forsyth (2018) notes however, that the victims of sorcery related accusation and violence or killing could be men or women, children or old people, and wealthy people or poor people. It depends on the area, the context, and how the sorcery is perceived to be passed on.

### **Legal responses**

There are national laws in place in PNG to prevent and respond to sorcery accusation related violence in PNG. Yet across Melanesia, state action on SARV “is generally only galvanized when the violence becomes extreme, for

example leading to public murder” (Forsyth, 2013, p.1). However, sorcery as a crime is almost impossible to prove (Auka, Gore & Koralyo, 2015, pp.242-243). An additional problem is that “only a few cases of sorcery-related violence have come to the court and even fewer cases of a person being accused of being a sorcerer have come to court” (Auka, Gore & Koralyo, 2015, p.243). Drawing on data collected from 26 reported National Court judgements taken from the Pacific Islands Legal Information Institute databases, Auka, Gore and Koralyo (2015, p.245) found that only 25 cases were reported from 1980-2012.

Although the PNG national court had earlier seen sorcery as a major mitigating factor in sentencing, this view has shifted over time and the courts are now imposing harsher penalties (Auka, Gore & Koralyo, 2015, p.246). A significant moment in legal responses to SARV in PNG was the 2013 repeal of the *Sorcery Act 1971* and the decision to revive the death penalty for witchcraft and sorcery related murders (Forsyth, 2013, p.2). The repeal followed a high-profile SARV case in 2013 involving a young woman, Kepari Leniata, whom was tortured and burned to death after she was accused of witchcraft (Davidson, 2017). While the *Sorcery Act 1971* criminalised the practice of SARV, these provisions were rarely used in practice in courts above the village court level (Forsyth, 2015). One explanation provided by the PNG Government on the decision to repeal the *Sorcery Act 1971*, is that it also provided a partial defense for SARV (Davidson, 2017), although this defense too has been rarely used and “almost never in the past two decades” (Forsyth, 2015).

As an attempt to address the international publicity of violence and killings attributed to sorcery accusations in PNG, the Government amended the Criminal Code Act on 28 May 2013, through the introduction of s299A “that created a specific offence of willful murder of a person on account of accusation of sorcery” (Forsyth et al., 2019, p.14). This was seen as a symbolic indication of the Government’s stance against sorcery-related killings “and shows that such acts will not be tolerated” (Auka, Gore & Koralyo, 2015, p.250). Yet research conducted by Forsyth et al. (2019, p. 14) reveal “widespread confusion about the state law currently in force regarding both sorcery and SARV”, particularly following the 2013 repeal of the *Sorcery Act 1971*. Moreover, brutal cases of sorcery related killings, like the case in Madang, challenge the establishment and implementation of these laws to punish offenders and deter these kinds of crimes from happening again. Therefore, although these laws exist, the citizens overlook them and, in some cases, police officers may be too afraid to intervene for fear of retaliation by the community.

This situation is made worse by the broader under resourcing of the police in PNG (Auka, Gore & Koralyo, 2015, p.246), an issue also highlighted by police participants in interviews conducted for this study. The police-to-population ratio is small by regional and national standards. In 2013, data shows that the police population was 5,387, and in 2017, it was estimated to be around 7,000 (Dinnen, 2017). According to a police review report conducted by the Institute of National Affairs (INA) in 2004, the ratio of police to population was

1:1,121, while the United Nations recommended police-population ratio is 1:450. Both Dinnen (2017) and INA (2004) agree that police resourcing in PNG is inadequate and needs to be improved to maintain law and order and protect citizens.

### **The State v Kakiwi & Ors. Case**

On the morning of April 14, 2014, a group called the *Hausman*, comprised of at least 189 males (120 adults and 69 juveniles) from Ranara Village, West of Ramu town, walked to Sakiko village in Ramu District, Madang Province. They marched with the intent of killing those who were suspected of being sorcerers and were believed to have been the cause of deaths in and around the area. Before arriving at the village, the group came into contact with an employee of Ramu Agri Industries Ltd (RAIL), who was on his way to work when they stopped him and killed him. His murder was unrelated to the sorcery accusations. Upon arriving at the village, the *Hausman* group began destroying property and food gardens, and then some members of the group proceeded to attack and eventually kill six village residents, among whom were two children, a five-year-old boy and a three-year-old boy.

On April 15, 2014, 189 members of the group were charged under the *Summary Offences Act* with offences under Sections 7(a) (*provoking a breach of the peace*) and 12(1) (*carrying offensive weapons*). For these crimes, the 189 members pleaded guilty at the hearing at Ramu Police Station, conducted by a Magistrate from Madang District Court, his Worship Robert Teko. However, in 2017, 97 members of the group were arraigned on seven counts of willful murder and they each pleaded not guilty (after originally pleading guilty). During the joint trial (*The State v Kakiwi & Ors*, 2018), 14 witnesses gave oral evidence for the State, nine of whom were village residents. As stated above, the Justice Cannings verdict sentenced 89 men to life imprisonment, while eight men who were identified to have actually murdered the seven deceased, were given the death penalty. The case was significant “in being the first SARV case where those who aided and abetted the crime by their presence and shared criminal intent were convicted of murder along with the principal offenders” (Forsyth et al., 2019, p. 18).

One issue now is how, or in what ways, the Justice Cannings verdict may act as a deterrent to sorcery related violence or killings in PNG. The effectiveness of the penalty of crimes like this may be measured by how much of a deterrent it is or how much it can restrain people from similar behavior in the future. Understanding whether this decision was effective in deterring the crime or not, will enable lawmakers and policy makers to evaluate current policies and perhaps explore other avenues that can be a deterrent of sorcery related violence or killing.

### **Method**

In total, 24 participants were involved in the study through 13 individual interviews and two FGDs:

- 5 police officers based in Madang town (all male)
- 13 primary and secondary school teachers from two schools located in Madang (8 female, 5 male)
- 6 students of Divine Word University born and raised in Madang (3 males, 3 females).

Two sets of questions were posed to two different groups, the public (represented in this research by teachers and university students) and police officers.

For this study, teachers, university students and police officers were purposely chosen because of the knowledge that they may possess regarding the case, their authority in PNG society as knowledgeable individuals and persons in power. Only participants representing the views of the public from Madang are included because the incident happened in Madang Province, and it is expected that the people from Madang will better understand this case and the factors associated with it. In contrast, Police officers involved in the study are from a range of provinces as they were selected based on their involvement and/or relevance of their position to the case. Understanding the sensitivity of the topic, this study did not directly involve victims or perpetrators, but rather the public who have only perhaps read or heard about the case, and police officers, some of whom were involved in the case and whose involvement is public knowledge.

## **Findings**

### **Police officers**

#### ***1. Confusion regarding public awareness of the incident and the court decision***

Police officers involved in this study highlighted public awareness as crucial if the death sentence is to act as a deterrent to future SARV incidents. As one informant states, “if awareness had been made, it should have a deterrent effect... If people don’t know, it will continue”, (Police informant 1). However, Police officers in Madang hold inconsistent views regarding the extent to which members of the general public are aware of the Judge Cannings verdict. Two police officers feel confident that the public do know about the case, stating “they knew about it all over PNG. They heard about it” (Police informant 3) and “the public would know through the newspaper. As far as I know, they know”, (Police informant 5). Others are doubtful that people outside of Madang town would know about the case, due to limited access to television and newspapers in rural and remote areas. As one informant said, “But how many people in the village know who don’t have access to these things [media]?” (Police informant 1). Another stated, “they know about it but maybe not people in the village, high up in the mountains. Some may be continuing to practice [sorcery] in the mountains. Doing awareness can reach them”, (Police informant 2).



Newspapers and provincial radio broadcasts were the main channels used to disseminate information on the sentencing to the public. This is considered particularly effective in reaching the people in provinces outside of Madang. As one informant said,

It was put in the mass media. Someone called me from the Southern Highlands. He said I saw media [coverage of the case] about your Province. It's very good news because we have sorcery problems in our Province. He is a human rights defender who rescued people accused of sorcery. He said the sentencing was good news" (Police informant 1).

Some informants however, noted limitations in relying upon the media as a communications strategy, highlighting instead the need for "awareness through talking", (Police informant 2).

## ***2. Those sentenced may have escaped from prison***

Each of the five Police officers involved in this study raised the possibility that a number of individuals sentenced in the Judge Cannings verdict have escaped from prison. As the following quotes illustrate:

Some of the people sentenced have escaped CSI [Correctional Service Institution] – find out if these people are still in prison. If not, what impact will it have? (Police informant 1).

Some have escaped from Bion. The judge told them not to. I'm not sure how many are in there and how many have escaped (Police informant 4).

During remand at Bion, a few ran away. About 6 of them (Police informant 2).

The Police officers believe that relatives of the prisoners are likely to be hiding them in their villages due to the severity of the punishment.

## ***3. Pride in the arresting officers and the strategies used***

Among the Police officers involved in this study, there is a degree of pride in the arresting officers involved in the case, particularly the actions of Chief Sergeant Peter Gorek, who was the first responding officer. Informants placed special emphasis on the arresting officers as unarmed. As one informant said,

Peter Gorek in Community Policing didn't use arms [when he intervened]. He used his words. He prayed. He's one of those Christian men and he took 200 people. No arms were used. If arms were used I don't think people would have come [and surrendered] (Police informant 2).

Two informants also believe the number of people arrested is significant as it demonstrates Police capacity to respond to SARV. As the following quote illustrates:

I personally thank the guys who did this [the arresting officers] because it is unusual to make this number of arrests. The technique they used to keep them in place for so long after being held. I said to [Peter] Gorek, you have done a very good job (Police informant 1).

#### ***4. Mixed perspectives on the death penalty as an appropriate response to SARV***

Two of the five police officers involved in this study expressed support for the death penalty and considered it an appropriate means to respond to SARV. The two respondents said:

I think it [the death penalty] is fair and just because the lives are gone. For those 8 guys who took the lives as well – they are praying (Police informant 4).

It's about time we apply the death penalty because innocent people are being harmed (Police informant 5).

The remaining police officers are opposed to the death penalty, primarily due to the Christian values underpinning PNG society as well as their own personal ethics. As one informant explains, "PNG is a Christian country. To take another one's life is not right" (Police informant 5). The importance of Christianity in PNG is also seen as the main reason that the death penalty exists in law in PNG but has never been enforced. This is reflected in the following quote:

The Government has given the decision [on the death penalty] but the question is who is going to do it [the executions]. PNG is a Christian county – people think about life after this life. The government is still looking for someone to kill these people (Police informant 1).

Aside from the influence of Christian values, two police officers also noted a lack of agreement among lawmakers on the execution method. As one informant said, "the death penalty is imposed but no one is dead so far – we're waiting for how to impose it – like electric chair or hanging. What method? The question is still hanging and those committed are still waiting" (Police informant 1).

### **5. Stronger support for life imprisonment**

In contrast to the death penalty, police officers involved in this study hold stronger support for life imprisonment as a strategy to prevent SARV. As one participant said:

Life sentencing will assist – will make people feel afraid of their lives and think twice about it and that will save the life of other people. Currently there is nothing to be afraid of so they continue (Police informant 3).

In supporting life imprisonment over the death penalty, participants noted the challenge involved in proving individuals guilty 'beyond reasonable doubt'. As the following quote illustrates,

My personal perspective is the life sentence is OK. If you take someone's life you deserve it; you deserve to be punished. It could be very good. The death penalty could be good as well, but I always question if we are sure the court makes the ruling beyond reasonable doubt. Can cases be proven beyond reasonable doubt? I'm concerned about human error. We're all human beings. Everything must be very clear (Police informant 1).

### **6. Lack of Police resources and incentives**

Among the challenges experienced by police officers in the sentencing of offenders, a lack of basic resources is seen as the primary obstacle. Despite this, the police participants did acknowledge the positive partnerships they were able to establish with local businesses and international non-government organisations to prepare for the case. As one participant states,

A lack of resources – a photocopier and funds to conduct a record of the interview. We had an arrangement with Oxfam who provided assistance for accommodation and MCC Ramu Nico assisted with accommodation too. It was a total of 7 weeks to prepare the case. Fuel as well and members' allowances. We managed to go through the court because of the support of business houses. MCC, Madang Star, and Remington assisted with a photocopier (Police informant 4).

Police also acknowledge their own commitment as important to overcoming a lack of resources.

There was a lack of resources and money to put it through the court. But we were very interested in the case and wanted to protect the public. We sought assistance from the business houses and some helped. Then it went to court (Police informant 5).

The same officer went on to explain his disappointment in the lack of personal rewards for Police officers involved in the case - both in regard to progressing

the court case and the actions of the arresting officers on the day of the incident. As the informant explains:

...what I learnt is that this mass arrest and conviction is a first of its kind in PNG. That's like a history moment in PNG. I'm happy about this too because I made the arrest. But at the back of it, we should be given a "job well-done" – like a promotion for this by management. We were unhappy about that [not receiving a personal reward]. We felt down about this because we did our best and struggled to get this through court. There was no job well-done. Me and my investigators were disappointed (Police informant 5).

## **Teachers**

### ***1. Few are aware of the incident and court case***

Only four of the thirteen teachers involved in this study had heard about the incident and court case. Further, the teachers believe that it is unlikely that knowledge of the case is widespread, particularly at the village level. As one teacher said, "The bulk of people wouldn't know [about the case] they have no radio, TV. Only a few have access to social media" (Teacher, FGD 2). Without awareness of the death penalty and life imprisonment at the village level, participants feel the laws will have little impact as a deterrent to SARV killings.

### ***2. Awareness of the case came through personal connections rather than the media***

In contrast to the police officers whom highlighted the media as the main communication channel for reaching the public, those teachers that knew about the case heard about it through personal connections. In one focus group, a participant had heard from a policeman. Another had heard from her father who used to teach there [at the village where the incident occurred]. Another had learned about it from a student at a different school. Another used to teach near there and he had visited the burned village after what he calls the "massacre". No one mentioned any form of media. It was all person to person (FGD 1).

It is not surprising therefore, that participants involved in both FGDs highlighted the need for awareness strategies beyond newspapers, radio and television. Particular emphasis is placed on the need for awareness strategies that target schools, churches and social media. Other suggestions include:

Disseminating information on sorcery violence could be done through posters and MPs going bush during elections. They can put sign boards. Digicel are building houses in their brand paint – they could do something like that or get a car painted. That would remind people about the laws (FGD 2).

They should widely use churches and give resources and power to do awareness as pastoral work (FGD 2).

Village court awareness at the village level (FGD 2).

Participants also noted the need for support to other sectors to prevent SARV, especially the health sector, to compliment awareness raising on the laws. As one participant explains:

...most SARV came from people who get sick and die and send relatives to kill them [the alleged sorcerer/cause of illness]. It's hard to tell if it was the cause of death. PNG is still developing – they need health facilities. They suspect the sorcerer [when there could be a medical explanation]. We need those things [health facilities] developed and then those two laws can be put in place. We need development first (FGD 2).

### **3. *Mixed support for the death penalty***

Some teachers involved in this study are supportive of the death penalty but there is no clear majority in the data collected. Those who are supportive of capital punishment see the need for punitive measures to mirror the severity of the crime. As one participant said, “It's about time the legal system came down hard on this [SARV]. When they kill someone, they know they will be killed” (FGD 2). Another participant argued that while the death penalty is contrary to his Christian values, the severity of the problem permits this method of punishment:

It's [the death penalty] not Christian but if it is for a good cause, the country should take drastic steps (FGD 2).

Other participants however, argued against the death penalty in all circumstances. Akin to the police officers, this stance is primarily attributed to PNG's identity as a Christian nation and concerns for the morality of those employed as executioners. As the following quote illustrates:

See, the death penalty, we are a Christian country. Imposing the death penalty wouldn't present a good picture of our society. It's killing the killers. I don't think it will work – to tell them not to kill and then we kill (FGD 2).

Another participant reflected on the potential for payback violence against the executioners by the offender's relatives:

People should be clear our ancestors had an 'eye for an eye' process. But we should leave punitive practices out – the payback- the court should deal with it. I observe there would be implications. If I were a relative of the person sent through the court system to death penalty I'd have to go after them (FGD 2).

#### **4. Stronger support for life imprisonment**

Similar to the Police officers, teachers involved in this study appear to hold stronger support for life imprisonment in contrast to the death penalty. Reasons for this are diverse, including, for example:

- Life imprisonment is equivalent to the death penalty
- Allows the opportunity for prisoner rehabilitation
- Concerns about incorrect rulings

Some participants noted however, that the resourcing and capacity of prison facilities in PNG is an obstacle to imposing life imprisonment. As one teacher asked during an FGD:

...look at the prison facility – how can they look after the people if the government don't give it money? (FGD 2).

Aside from capital punishment and life imprisonment, customary compensation was raised by one participant in a FGD discussion as a possible alternative. Most of the group thought that it is possible to follow both the law and custom – to go to the court but also to claim compensation. Participants in focus group 1 felt that relatives of the victim should at least get something and not be left empty-handed [no compensation]. However, another said that custom [compensation] may help but to really settle the issue we need to pursue the law.

### **Students**

#### **1. Awareness of incident and case**

Out of the six student participants, two had not heard anything about the case nor the incident. One student only heard about the sentencing through rumors, while three others had only just recently heard about it. The mode of communication through which they received news of the case and the sentencing were rumors, online media and print media (newspaper). The news that they received regarded the mass sentencing and death penalty given to the eight men, however, they did not seem to have any knowledge of the incident that occurred at Ramu, which led to the court's decision. This can be seen in the response given by the following student:

I read about the sentence online regarding the 89+ sentenced to life imprisonment last year – the Justice Cannings decision. That was last year. I didn't hear about the incident in Ramu" (Student participant 4).

## 2. *Perception of death penalty*

Almost all the student participants agreed that the death penalty should not be imposed. Though appearing to be frustrated and upset about the incident, the students argued against the sentence that was given. Akin to the Police officers, the most recurring reason given for this is that PNG is a Christian nation, and thus should uphold Christian values and principles, one of which is to not take another person's life. Such an act is seen to deviate from the Christian faith. As one student passionately expresses:

I was really angry and, what came into my mind was just kill them the way they killed the innocent child and the others. But, then, going back to our Christian background and all that, it's like, the only person that could judge them is God Himself – not us or the judge to impose the death penalty and go with killing them. But, my first impression was, I was really angry (Student participant 4).

Another common concern among the participants is the idea and practice of 'payback' or 'revenge' killings when a person is sentenced to death. When one person is sentenced to death, it may be that the person that reported the incident may be in danger of being attacked by the guilty person's relatives or tribe. It may stir up conflict among different groups in the village or community, and thus cause more serious problems, such as tribal fights. This is supported by student participant 6, who states,

It's not a good judgement [the sentencing]. What I've experienced is if you kill someone from another tribe, there is normally payback.

## 3. *Alternative approaches in dealing with sorcery-related crimes*

It was observed by the researchers that all student participants involved in this study see awareness as crucial to avoiding crimes concerning SARV. They appear to strongly believe that doing awareness will help change the mindset of people, and help them realize and understand the penalties in place for such crimes. As student participant 1 says, "I think it would be better to make awareness to change the mindset of the people; go the other way around, instead of punishing people and killing people – I mean, the death penalty". It is believed that awareness can actually prevent issues like these, "awareness is the key to stop this kind of issue" (Student participant 4).

Additional to awareness, the student participants also recommended adequate skills and knowledge-based training for police officers to be better equipped to deal with such crimes. It was obvious at this point, that the student participants do not support the police officers, as well as the court justice system's decision on imposing the death penalty. This is because they believe a better way can be identified and implemented for the good of the people.

An alternative approach that was repeated by all student participants was the life sentence instead of the death penalty. It appears that students support

harsher penalties for SARV, but nothing as severe as the death penalty. Student participant 3 sees the life imprisonment as an opportunity for those sentenced, to change and do something good for the community. He expresses:

One of the ways of punishment instead of death penalty is giving them life sentence or send them to prison for a good number of years. Some people, when they're in prison, their experience there and situations there may change them so when they come out they are changed and become good people in the community. So, what they've learnt they can inform others and inspire them to avoid making the same bad choices (Student participant 3).

Another factor the students took into account when considering the death penalty, was the implications it would have in the PNG culture. Student participant 3 best described this:

Personally I don't think death penalty is a deterrent to crimes like this. I think it would trigger other crimes to occur. What I mean is, if we do compensation, in our culture, then it prevents death; because if we pay death for a death, then we are not really stopping it... the problem would still continue... if you kill one of my people, then I'll kill one of yours. They may blame the other group for sending their family member to prison and for being sentenced to death penalty (Student participant 3).

Although an overwhelming majority of the student participants agreed that the death penalty is not a deterrent to crimes like SARV or killings, student participant 4 argues otherwise. She strongly stated:

I think the death penalty can be a deterrent to crimes like this in the future. Imposing the death penalty can definitely prevent these kind of crimes because people will be afraid, they might get their necks chopped off and all that; that's for us, Madang people specifically (Student participant 4).

Other alternatives mentioned by the student participants were customary compensations and identifying the sorcerers using traditional knowledge and practices. This, they believe, can prevent killings, disunity and conflict in the community/villages.

## **Discussion**

The findings from the interviews with the police officers, teachers and students were somewhat similar. Four themes were identified from these findings.

### ***1. Awareness and knowledge on court decision***

The common avenue through which information was retrieved regarding the case, was rumors or by 'word of mouth'. This indicates that the effective use of



media is lacking in Madang Province, especially in the rural areas. It seems that newspapers, radio and television are only accessible to those in the town area, and those who can afford them. However, the most rural areas in Madang – as in other parts of the country too – do not have access to these media outlets, and thus are not informed and are not fully aware of the changes and/or developments taking place in their province and country.

Several police participants believe that the people are aware of the incident and on the judgment given, however, this view is not shared by the student and teacher participants. This may indicate a lack of dialogue between the law enforcement authorities and the communities.

The participants placed emphasis on awareness surrounding three things. Firstly, that there should be awareness on the laws, changes in laws, and laws dealing with SARV; secondly, awareness on SARV itself, to inform the people on what it is and how misfortune or death is not always caused by sorcery; and finally, there should be awareness on court sentences and judgments, especially those resulting in the death penalty sentence. It is believed that if there is no proper awareness, the death penalty will fail to act as a deterrent to crimes like SARV and killings.

## **2. *Police: Arrests and strategies***

It is believed that among the 97 individuals sentenced to prison, some have escaped. This is not so surprising given the limitations in PNG's law enforcement capabilities (*Justice Services and Stability for Development*, 2015). Yet despite being outnumbered, the police officers that made the arrest managed to take in the 120 men that were involved in the incident. This was done peacefully and without the use of force, violence or firearms. This is seen as a success and an augmentation in the morale and pride of the Royal PNG Constabulary (RPNGC) in the province and country.

Further expressed in the interviews was the lack of incentives and resources, which pose a challenge for police officers to execute their duties effectively. This became very visible when pursuing this case. Without proper incentives, support and rewards, police officers may lose the motivation to continue serving the community and the state effectively.

## **3. *Perspectives on death penalty***

There has been ongoing debate on the implementation of the death penalty in PNG. Most participants involved in this study disagree with the death penalty on the basis that PNG is a Christian country, and this implementing and approach to punishment is against Christian principles and values. Furthermore, it is thought that most people would refuse to conduct the execution because they are afraid of the judgement that will come from God, and also from retaliation from the accused person's family.

Others argue however, that the death penalty will help to prevent major crimes by impressing fear into the public's minds. Some participants believe it is a fair response to the victims and their families, if the perpetrator receives the death penalty. Moreover, some justified that the method of punishment is legitimized by the severity of the crime. It is also believed that implementing the death penalty may spark conflict and tribal fights between communities or villages due to the continued belief, practice and emphasis of 'payback' in contemporary PNG society.

#### **4. *Alternative approaches to death penalty***

While not supporting the death penalty, there appears to be strong support for life imprisonment as a response to major crimes like SARV and killing. It is believed that life imprisonment is the next best option since it does not counter Christian values, and it also provides an opportunity for rehabilitation. It offers a second chance for the accused to better their life and give back to their community as a productive member of society (Smit and Appleton, 2019).

Life imprisonment can also be seen as an equivalent punishment to the death penalty, and may even be deemed as the worse of the two. This is expressed explicitly by a prisoner serving life without parole, in Reade (2018):

Life in prison is a slow, torturous death. Maybe it would have been better if they had just given me the electric chair and ended my life instead of a life sentence, letting me rot away in jail. It serves no purpose. It becomes a burden on everybody (Reade, 2018).

Furthermore, customary compensation was mentioned by the teacher and student participants as an alternative approach to punishment. Customarily, it is expected that compensation is paid to the victim's people, so that there will be peace. Compensation is used to "rehabilitate the victim from the suffering sustained in an incident" (Mogish 2017, in Tien 2017). Awareness can also be used to inform the public on SARV and the current laws and policies in place. Through awareness, the public are informed on the issues in their province and country. When the people are informed, they are in a better position to make decisions that will benefit themselves and their community.

#### **Conclusion**

The belief in sorcery is not a new phenomenon in the world nor in PNG. It was practiced in the past and in some parts of the world it is still being practiced today. Although in some cultures it was used for bringing good fortune and health, it was also a form of weapon to use against other people to curse, harm or kill them. As a result, this practice brings fear and acting upon that fear, people are injured and even killed. This is very evident in PNG as sorcery accusation related violence and killing has become a key concern. Although there appears to be support within the community for strong legal responses to match the severity of SARV, there is little agreement that the death penalty will act as a deterrence to future cases. In addition to the limited public awareness

of the death penalty in PNG, the death penalty is perceived to be at odds with PNG 'as a Christian country' and could also risk payback violence for those involved in the execution of offenders. There appears to be much stronger support for life imprisonment as a response and potential deterrent to future SARV. Yet participants also point to the challenges to imposing life sentences given the resourcing limitations of PNG's law and justice sector. It is important to recognize however, that this paper reflects on the perspectives of a very small sample of the community. Nonetheless, it provides useful insights into community perspectives of legal responses to SARV and highlights a desire within the community for more awareness on how it can best be prevented.

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