



# Commonwealth Lawyers Association

## Statement on Atrocities in Papua New Guinea

The CLA notes with grave concern a Statement from the Papua New Guinea Law Society condemning what they described as recent barbaric killings in the Angoram District of East Sepik.

The CLA joins with the Papua New Guinea Law Society in stating that such heinous acts are utterly unacceptable and a gross violation of human rights.

The oldest and simplest justification for government is as protector: protecting citizens from violence. The CLA agrees with the PNG Law Society that the rule of law must prevail to protect the people of Papua New Guinea and their human rights.

It is noted that the Constitution of the Independent State of Papua New Guinea (the PNG Constitution) provides in its Preamble a section on Basic Rights where it states:

*“all persons in our country are entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever their race, tribe, places of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the legitimate public interest, to each of the following:– (a) life, liberty, security of the person and the protection of the law;”*

The PNG Constitution also contains Section 37 which provides:

*“Every person has the right to the full protection of the law”,* and Section 55 which states:

*“Subject to this Constitution, all citizens have the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.”*

The PNG Constitution further provides at Section 197, in relation to the police, that:

*“The primary functions of the Police Force are, in accordance with the Constitutional Laws and Acts of the Parliament– (a) to preserve peace and good order in the country;”*

Appropriate application of the rule of law ensures resourcing and improved functioning of the police and those responsible for law and order.

The Commonwealth Charter, which forms part of the fundamental values of the Commonwealth, of which Papua New Guinea is a member, contains provisions and commitments regarding Human Rights and the Rule of law as follows:

### HUMAN RIGHTS

*We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights,..... We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively. We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief, or other grounds.*

## *RULE OF LAW*

*We believe in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government. In particular we support an independent, impartial, honest and competent judiciary and recognise that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice.*

The 2005 UN World Summit Outcome is a General Assembly resolution adopted at the level of Heads of State and Government. Paragraph 138 represents an important political commitment by Member States and provides:

*138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it.*

Noting the PNG Constitution, and the international obligations of UN member states, and the Commonwealth Charter commitments of members of the Commonwealth, the CLA:

1. Calls upon the Government of Papua New Guinea to ensure adequate protection is provided to all its citizens;
2. Urges swift action by law enforcement agencies, such as the police, to bring perpetrators to justice;
3. Supports the Papua New Guinea Law Society in its calls for justice to be delivered through working collectively to ensure communities can live securely without fear of violence and
4. Commends that all necessary steps are taken to ensure the rule of law is respected and prevails.

### **Commonwealth Lawyers Association (CLA)**

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The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [commonwealthlawyers.com](http://commonwealthlawyers.com)