



# UPR PAPUA NEW GUINEA

## Sorcery Accusation and Vi- olence

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## **Sorcery Accusation and Violence**

1. Despite the repeal of the Sorcery Act of 1971 in Papua New Guinea (PNG), people, particularly women continue to be accused of sorcery, and many are subjected to violence including torture and killing. These cases receive minimal attention from law enforcement agencies and the courts. Legislative and administrative support for measures to counter sorcery accusations and violence are largely left to individuals, Non-governmental Organisation (NGO) and Faith-based Organisation (FBO) groups, with little active involvement of the PNG government.

### **A description of the current situation**

2. Belief in sorcery and witchcraft is widespread across Papua New Guinea (PNG). Beliefs vary across the country but they all stem from the fundamental understanding that misfortune and death are caused deliberately by persons using supernatural powers. People do not easily accept natural causes of illness, sickness or death, and commonly dismiss medical reasons that explain them. If they do accept natural causes, they will ask why this person and not another person.

3. The real extent of sorcery-related violence is difficult to estimate because many cases go unreported. Cases that are reported appear to be concentrated in the Highlands Region. This is possibly due to socio-cultural factors that have a bearing on respect for equal rights and the status of women. Both men and women, and even children, have been accused of sorcery and have been subjected to violence including torture and killing. Yet the number of women subjected to such violence is much higher than that of men and, particularly in some parts of the Highlands, women live in fear of being accused of sorcery. Sorcery accusation related violence is commonly perpetrated against widows or women with no male kin living nearby to defend them. Women have lost land, homes, produce and livestock, and in many cases have been exiled from their communities. Most of this violence involves vicious sexual assault. Young men or boys, acting with the sanction of other members of the community commonly lead the attacks. In some cases, those accused of sorcery are not killed but banished from the communities.

4. Fear seems to be embedded in the community and people are afraid to intervene lest the attackers turn on them, accusing them also of sorcery. People also are afraid to report to the police lest members of the community retaliate for perceived disloyalty. Police inaction is also linked with the police's own lack of skills and resources.

5. The Government of PNG has repealed the Sorcery Act of 1971 and has been party to the development of a draft Sorcery National Action Plan. However, that plan must still be approved by the National Executive Council (NEC), and the government has not yet made a commitment to fund it, meaning that the required legislative and administrative implementation lags far behind. Efforts to counter sorcery accusations and violence are largely left to individuals, NGO and FBO groups such as Human Rights Defenders and some of the churches, with little active involvement of the Government of PNG.

### **International Observations<sup>1</sup>**

6. At the previous UPR in 2011 several recommendations relevant to sorcery were made.<sup>2</sup> They were 79.27 from Thailand, 29.45 from the Czech Republic, and 79.46 from the United Kingdom. All three were recommending that the Government of PNG takes immediate measures to address the issue of sorcery-related killings and to ensure that perpetrators are brought to justice. All three recommendations

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<sup>1</sup> CEDAW recommendations call for "immediate and effective measures to investigate the incidences of torture and killings of women and girls, especially old women, based on accusations of witchcraft or sorcery, to prosecute and punish the perpetrators of such acts and to prevent their reoccurrence in the future". Also, that the PNG government "accelerate its review of the law on sorcery and sorcery-related killings and to strengthen the enforcement of relevant legislation" CEDAW/C/PNG/CO/3 (CEDAW 2010).

<sup>2</sup> Human Rights Council, eighteenth session, Agenda item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review, Papua New Guinea, 30<sup>th</sup> September 2011. A/HRC/18/18/Add.1

were accepted by the Government of PNG.

7. In 2012 the Special Rapporteur on Violence against Women, Ms Rashida Manjoo, visited PNG. In her report to UN Human Rights Council she notes that, “The Government has undertaken a number of legal and institutional initiatives to meet its human rights obligations and address the situation of women and girls in the country. However, these have not translated into concrete improvements in the lives of the majority of women who remain marginalized, discriminated against and at high risk of being subjected to violence.”<sup>3</sup>

8. The Special Rapporteur recommended that the Government “Entirely repeal the Sorcery Act of 1971, as recommended by the Constitutional and Law Reform Commission, and ensure that all cases of assault or murder based on sorcery accusations are treated swiftly and effectively by the National Court “ (par. 89.j). The Sorcery Act has been repealed. However, cases of assault or murder based on sorcery accusations have received minimal attention by law enforcement agencies and the courts.

### **Example of cases in the past four years in the PNG Highlands**

9. The murder of Angeline Kepari Leniata from Paiela in the Enga Province, made headlines around the world. On 6<sup>th</sup> February 2013 she was accused of killing a young man through sorcery (known as “sanguma” in PNG), tortured and burned alive in a settlement in Mt Hagen. To date no one has been charged with her murder.<sup>4</sup>

10. In February 2013 Kathy Kipiane of Yaramanda in the Enga Province was accused of killing a man through sorcery (*sanguma*). She was brutally assaulted and tortured, but was fortunate to be taken by relatives to a hospital in another province. In his report on 22 April 2013, Dr McCoy writes: She “was 7 months pregnant at the time of this assault. Her baby died and was delivered on the following day. The baby’s body also suffered burns even while still in the uterus.” “The incident was one of the more cruel and inhuman acts I have witnessed in 35 years of medical practice, 17 years of which I have served in the Highlands of Papua New Guinea. Outrage seems appropriate, justice is necessary, and change is required.”<sup>5</sup> Another woman tortured with her died of her injuries. None of those who assaulted them have been apprehended.

11. On 3<sup>rd</sup> August 2012 Christina Pakoma of Mendi was accused of killing a man through sorcery (*sanguma*). She was stripped naked, strung up in public and burned with heated iron rods and knives over much of her body.<sup>6</sup> She was treated and cared for by the Catholic sisters and secretly evacuated for medical attention to another province where she now resides as an exile. None of those who assaulted her have been apprehended.

12. On 28<sup>th</sup> September 2012 Regina Arre of Goroka was accused of killing a man through sorcery (*sanguma*). She was assaulted and had heated iron rods thrust into her anus. Fortunately her husband helped rescue her and she spent months in Goroka hospital. She has been fitted with a colostomy and is currently seeking ways to have medical attention in Australia so as to have her normal bowel function restored. None of those who assaulted her have been apprehended.

13. On 31 January 2015 Josephine Taitus of the Enga Province was kidnapped, raped, and severely assaulted in Mt Hagen. She escaped from the rapists but ended up in the hands of another group of men who were watching over the grave of a male relative. She was tortured during the night and fortunately rescued the next day by members of an NGO group. She spent several weeks receiving treatment in Hagen hospital. Her brother has intervened and one of those suspected of raping her was apprehended by the po-

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3 Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum, Mission to Papua New Guinea, reported at the 23<sup>rd</sup> session of the Human Rights Council, 18<sup>th</sup> March 2013, A/HRC/23/49/Add. 2

4 <http://www.dailymail.co.uk/news/article-2274821/Accused-witch-Kepari-Leniata-burned-alive-pile-tyres-Papua-New-Guinea.html>. Cases 1-3 and 6-7 are referred to in the EMTV program “Olsem Wanem,” that can be viewed on Youtube at

<http://www.emtv.com.pg/article.aspx?slug=Olsem-Wanem-Episode-16-2015&>

5 Letter from Dr McCoy of Nazarene Hospital Kudjip, Jiwaka Province, PNG, dated 22 April, 2013. Letter held by Kathy Kipiane.

6 An image of Christina being tortured may be viewed at [http://www.whrin.org/wp-content/uploads/2013/05/sorcery\\_PNG\\_03.jpg](http://www.whrin.org/wp-content/uploads/2013/05/sorcery_PNG_03.jpg)

lice. He has since been released from police detention. None of those who tortured her have been identified or apprehended.

15. In late November 2014, four women and their families were accused of being *pisai-sanguma* in the village of Fiyawena in the Hewa area of the Enga Province. Up to ten women were suspected of being responsible for the deaths that coincided with a measles outbreak. Unable to decide which of the ten ought to die and, hoping to clear their loved ones' names, the leaders at Fiyawena pooled money from the suspects and arranged for a sorcery expert to conduct an investigation to 'properly' identify which of the ten possible women were, in fact, sorcerers. Thus, women and their families – seventeen people – were effectively placed under a death sentence. On 17th January 2015, Deputy Provincial Police Commander Enga, Epenes Nili, went to the Hewa villages with a team accompanied by current missionaries to the Hewa. He tried to convince people not to kill those accused. However one of the women, Mifila was murdered by men with axes on 18<sup>th</sup> May 2015. So far no one has been apprehended.

16. On 18<sup>th</sup> April 2015 Julianne Luka and Elte Dokta were accused and tortured at Kaiwe village near Mount Hagen in the Western Highlands. Local church workers intervened and Julianne's brother has put in a complaint to the police. The police have not been able to make arrests as the suspects have run away. Julianne's brother is under intense pressure from the community to drop the case.

17. The cases related above are only a very small sample of the many accusations resulting in torture assault and other violence that are occurring in PNG, particularly in the Highlands. These cases are selected not from news items, but based on the personal experience and involvement of the writer of this report. To date no one has been arrested or convicted for such crimes.

### **Attempts to intervene**

18. Several groups have sought to intervene such as the Highlands Human Rights Defenders Network, including "Voice for Change" and "Kup Women for Peace", Oxfam, the Family and Sexual Violence Action Committee's networks, and church organisation networks.

19. A team from Australian National University with concerned people from PNG arranged two multidisciplinary conferences in 2013, one in Australia and one in Papua New Guinea, focusing on the negative social consequences of belief in sorcery and witchcraft in Melanesia. Both conferences involved academics, policymakers, human rights activists, church organisations, NGOs, international organisations and aid donors.<sup>7</sup> As a follow-up to the conferences a National Action Plan is being presented now to the National Executive Council (NEC) of the Government of PNG. This plan, once approved by the NEC will require a wide variety of stakeholders to put the plan into action.

20. The Catholic and Lutheran churches, which are the largest Christian churches in the PNG Highlands, have been active in interventions. Catholic Bishops have issued strong statements to support awareness efforts.<sup>8</sup>

21. In 2014, Justice Kassman of the National Court initiated an enquiry into the killing of Angeline Kepari Leniata under section 57(1) of the Constitution, which allows the Supreme and National Court to enforce rights under the Constitution on their own initiative.<sup>9</sup> There is no public report on this to date.

22. Police and law enforcement agencies have a mixed record in responding to sorcery accusations. Often requests for assistance are met with claims that the police have no fuel for their vehicle or that the police vehicle is engaged elsewhere. Local village courts are often at the frontline of dealing with sorcery accusations. However, they lack crucial guidance and support from the State and superior courts, and have

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7 A selection of papers from the conferences is available at <http://press.anu.edu.au/wp-content/uploads/2015/05/whole.pdf>.

8 <http://tokstret.com/2013/07/27/social-concerns-notes-july-2013/> (last entry)

<http://seedstheatre.org/archbishop-douglas-young-denounces-growing-belief-in-sorcery/>

<http://www.breitbart.com/national-security/2014/12/31/catholic-bishop-declares-war-on-witch-hunters-in-papua-new-guinea/>

9 See <http://www.stopsorceryviolence.org/justice-kassman-disappointed-on-case-of-kepari-leniata/>

received mixed messages regarding the limits of their jurisdiction in sorcery cases as a result of the recent legislative changes.

### **23. Recommendations**

- 1. That the Government of PNG should adopt the Sorcery National Action Plan and make every possible means available for its implementation including adequate financial support.**
- 2. That the Government of PNG should include modules on the issue of sorcery and related issues in initial training and in-service training for all police and security personnel.**
- 3. That the Justice Department of PNG provide, as a matter of urgency, effective training for magistrates, particularly at the Village Court level so as to eliminate any confusion as a result of the repeal of the Sorcery Act 1971.**
- 4. That the Justice Department and law enforcement bodies in PNG make provision for the prompt arrest and conviction of persons involved in sorcery accusations, especially those that lead to violence against those accused.**
- 5. That all those who provide incentives to accuse others of sorcery, be investigated for their part in incitement to violence, including perpetrators and diviners or “glasman.”**
- 6. That the Government of PNG implements the recommendations of the Special Rapporteur on Violence against Women, particularly those recommendations pertaining to violence related to sorcery accusations.**
- 7. That the Government of PNG finance and prepare an awareness programme about the negative impacts of sorcery and that this programme be disseminated through schools and community groups.**