

**AMNESTY
INTERNATIONAL**



April 1, 2019

His Excellency Ambassador Dato Paduka Haji Serbini bin Haji Ali
Embassy of Brunei
3520 International Ct. NW
Washington, DC 20008

Dear Ambassador Serbini,

RE: IMPLEMENTATION OF THE BRUNEI DARUSSALAM SYARIAH PENAL CODE WILL VIOLATE HUMAN RIGHTS

I am writing to express Amnesty International's grave concern regarding provisions in the Brunei Darussalam Syariah Penal Code due to come into force next week, which allow for inhuman punishments such as death by stoning for same-sex sexual acts and amputation for robbery. We are calling on the Government of Brunei Darussalam to immediately halt its plans to implement these provisions and revise its Penal Code in compliance with its human rights obligations.

New sections of the Penal Code scheduled for implementation beginning 3 April 2019 permit punishments that should not be legalized, such as stoning and amputation - including for children. Several of the potential 'offences' should not be deemed crimes at all, including consensual sex between adults of the same sex. In addition to imposing inhuman punishments, the Penal Code blatantly restricts the rights to freedom of expression, religion, and belief, and codifies discrimination against women and girls.

Under international human rights law, corporal punishment in all its forms, such as stoning, amputation or whipping, constitutes torture or other cruel, inhuman or degrading punishment, is not allowed in any circumstances. Acts of torture and other ill-treatment are absolutely prohibited under international human rights law. This prohibition is also recognized as a peremptory rule of customary international law, meaning that every state is bound by it even if they are not party to a relevant human rights treaty. All acts of torture constitute crimes under international law.

Apart from ensuring that the Penal Code is in compliance with human rights law, we call on the Government of Brunei Darussalam to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to ratify the International Covenant on Civil and Political Rights and its Optional Protocols, as well as other core human rights instruments.

Pending full abolition of the death penalty, we also call on the Government of Brunei Darussalam to:



- Immediately establish an official moratorium on executions with a view to abolishing the death penalty as provided by seven UN General Assembly resolutions adopted since 2007, including most recently resolution 73/175 of 17 December 2018;
- Commute without delay all death sentences to terms of imprisonment;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trial;
- Immediately remove all provisions in national law which are in breach of international human rights law, in particular:
 - By restricting the imposition of the death penalty to only the most serious crimes, including by removing it for drug-related offences;
 - By abolishing all provisions which provide for mandatory death sentences.

We would appreciate your attention to the above recommendations and would welcome receiving your response on this matter.

Sincerely,

Margaret Huang
Executive Director
Amnesty International USA