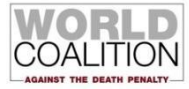


Brunei Darussalam



Death Penalty: April 2019 Update

Submitted by: The Advocates for Human Rights and the World Coalition Against the Death Penalty

MECHANISM

Universal Periodic Review (UPR)

SESSION

Thirty-third session of the Working Group on the UPR

DATE OF REVIEW

10 May 2019

Summary: On 3 April 2019, Brunei Darussalam enacted phase 3 of the Syariah Penal Code Order, 2013. This phase of the code authorizes death by stoning for sex between men, adultery, sodomy, abortion, rape, blasphemy, and other offenses. This phase builds on already-existing laws that authorize death penalty by hanging for other crimes that do not entail an intentional killing, in violation of international principles. Brunei's Foreign Minister asserts that the new punishments aim "to educate, deter, rehabilitate and nurture rather than to punish."

Syariah Penal Code Phase 3 expands the death penalty and authorizes torture

- Phase 3 authorizes death by stoning for sex between men, extramarital sex, sodomy, abortion, rape, apostasy, blasphemy, and insulting Islam.
- Phase 3 calls for amputation as punishment for theft and whipping as punishment for sex between women.

The Syariah Penal Code targets children and non-Muslims

- The Syariah Penal Code authorizes death by stoning for children who have reached puberty.
- This code violates the right to freedom of expression and belief by criminalizing publications against Islamic belief for Muslims and non-Muslims alike.

Recommendations

- Repeal Phase 3 of the Syariah Penal Code Order, 2013 and amend the Code to bring it in line with the Convention Against Torture and Article 6 of the International Covenant on Civil and Political Rights.
- Prohibit imposition of the death penalty for any crime in which the person accused is not proven to have committed an intentional killing, consistent with international human rights standards.
- Ensure that no person may be sentenced to death for a crime committed when under the age of 18.
- Impose an immediate moratorium on amputation and stoning as punishment.