

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

17 April 2014

Index: ASA 15/001/2014

Brunei Darussalam: Authorities must immediately revoke new Penal Code

Amnesty International calls on the authorities in Brunei Darussalam to immediately revoke a new Penal Code that is due to enter in to force next week.

The new Code, which is scheduled to come into force on 22 April 2014, is a deeply flawed piece of legislation containing a range of provisions that violate key human rights. It must be amended immediately and brought into line with international human rights law and standards before it can become law. If implemented, the Code would signal a major regression for human rights in Brunei Darussalam.

Amnesty International is particularly concerned about provisions that impose the death penalty for a number of offences that do not meet the threshold of the “most serious crimes” under international law. These include robbery and rape, and acts that should not be considered crimes such as adultery and consensual sex between people of the same gender. Furthermore, the new Code allows for the imposition of the death penalty against defendants who were below 18-years of age when the crimes were committed.

Amnesty International considers the death penalty to be a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, and opposes its use in all cases and without exception, regardless of the nature of the crime.

The new Penal Code also contains a range of provisions that violate the absolute prohibition of torture and other cruel, inhuman or degrading punishment. These include whipping for offences such as drinking liquor or other intoxicating drinks, and the amputation of the right hand and left foot in cases of theft.

Amnesty International is further concerned about provisions that restrict the right to freedom of thought, conscience and religion, which criminalize abortion, and which discriminate against women in other ways.

The organization urges UN member states to raise concerns about the new Penal Code ahead of and during the Universal Periodic Review (UPR) of Brunei Darussalam, which will take place at the UN Human Rights Council in Geneva on 2 May 2014.

In particular, Amnesty International urges UN member states to make specific recommendations to Brunei Darussalam calling on the authorities to revoke the new Penal Code and ensure that the country’s penal code is in strict compliance with international human rights standards.