

His Majesty, Sultan Hassanal Bolkiah
Prime Minister of Brunei
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12 April 2019

His Majesty Bolkiah,

On behalf of the Bar Human Rights Committee of England and Wales (BHRC), I write to express deep concern regarding the introduction of new laws in Brunei, which came into effect on 3 April 2019, in particular relating to the death penalty for consensual homosexual acts and adultery. BHRC strongly condemns the use of the cruel and inhuman punishments contained within the revised penal code under any circumstances. The imposition of stoning to death as a punishment for practising homosexuality or acts of adultery is abhorrent and has no place in any modern society. We deplore the discriminatory use of such inhuman punishments to target those in the LGBT+ community and women in particular.

BHRC is against the death penalty in every case. International legal standards permit its use only for the most serious crimes. A *de facto* moratorium on the death penalty has operated in Brunei since 1957, a period during which the whole of Europe has ended the use of capital punishment, and far beyond, there is a growing consensus to stop its use, as evidenced by the recent UN General Assembly vote of 121 countries against, 35 in favour of a moratorium (17 December 2018). The return to this practice after a pause of more than sixty years, against the tide of opinion in the international community, is therefore regressive and will undoubtedly harm Brunei's standing in the world.

The new provisions fail to respect the human rights, equality and dignity of LGBT+ individuals in Brunei and are likely to weigh heavily on women. Consensual sexual acts, whether same sex or not, and adultery, should not constitute crimes at all, and such an approach places Brunei firmly at odds with basic international norms in relation to human rights and equality. Criminalising homosexuality plainly discriminates against a potentially vulnerable section of any society, at a time when decriminalisation is taking place in many countries around the world. Crimes of adultery are often and invariably invoked only against women. Brunei acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 24 May 2006.

The use of stoning and whipping, whether to death or not, plainly constitutes cruel, inhuman and degrading punishment and therefore in violation of basic international standards, including the UN Convention Against Torture, to which Brunei is a signatory.

BHRC calls on the government of Brunei to revoke these oppressive and discriminatory laws immediately and comply with international human rights obligations.

Yours,



Schona Jolly QC

Chair, Bar Human Rights Committee of England and Wales

The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council of England and Wales.