



'I TOLD THE JUDGE I WAS 15':
THE USE OF THE DEATH
PENALTY IN SOUTH SUDAN

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Cover photo: Child in shackles on death row

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1. EXECUTIVE SUMMARY

Amnesty International has gathered credible evidence that at least seven people – including at least one person who was a child at the time of the crime – have been executed since May 2018. The organisation is also deeply concerned that the transfer of 135 death row prisoners – including at least one child and a mother caring for a young child – from prisons across the country to central prisons, where executions are carried out, may lead to further judicial executions.

The findings are based on interviews with legal professionals and government officials working in the justice sector in South Sudan as well as desk-based research.

The executions and transfers represent an escalation of South Sudan's use of the death penalty since its independence in 2011. In that time at least 140 people have been sentenced to death and at least 32 executed, and at least 342 people currently remain under sentence of death. During that time, South Sudan has also voted against the UN General Assembly resolution on a moratorium on the use of the death penalty in 2016, despite voting in favour of it in 2012 and 2014 and rejected recommendations to abolish the death penalty during its Universal Periodic Review in 2016/2017.

In response to the concerns expressed by Amnesty International, a government official stated that South Sudan's laws governing the use of the death penalty and the prohibition of imposing a death sentence on persons below 18 are clear. However, this briefing demonstrates that South Sudan has violated its own laws and international human rights law and standards by imposing death sentences on and executing persons who were below the age of 18 at the time of the crime, and that in practice children are not protected against the death penalty in the country.

The continued presence of at least one child – a boy of just 16 years old – on death row also clearly contravenes South Sudanese law and international human rights law and standards, as would the execution of the mother of a young child.

Amnesty calls on the Government of the Republic of South Sudan (GoSS) to immediately establish an official moratorium on executions with a view to abolishing the death penalty, immediately put in place measures that will ensure the death penalty is not used against persons below 18 years of age at the time of the crime; and commute all death sentences to terms of imprisonment.

Amnesty International opposes the death penalty in all cases without exception because it violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

2. CONTEXT

“The death penalty has no place in the 21st century.”

--António Guterres, United Nations (UN) Secretary General



Map: The Republic of South Sudan.¹

South Sudan gained independence from Sudan in July 2011, becoming the world’s newest sovereign state. This came six years after the Comprehensive Peace Agreement (CPA) ended the two decades-long armed conflict between the Government of Sudan and the Sudan People Liberation Army/Movement (SPLA/M). The conflict cost more than two million lives.² However, independence did not mark the end of conflict in South Sudan and the new country returned to internal hostilities two and a half years later.

On 15 December 2013, an armed confrontation erupted at the military barracks in the capital city, Juba. The crisis was sparked by a political dispute within the ruling SPLM party that had been brewing between President Salva Kiir and the then Vice-President Riek Machar Teny. Within 24 hours, fighting spread to residential areas with government forces deliberately targeting mainly Nuer civilians based on their ethnicity and perceived political affiliations. Riek Machar formed and continues to lead an armed opposition group known as the SPLM/A-In Opposition (SPLM/A-IO). Just days after the eruption, violence spilled over to other areas of the country including Jonglei, Upper Nile and Unity States. Both government and opposition forces have deliberately targeted

¹ United Nations Department of Field Support, October 2011. The use of this map does not imply that Amnesty International takes a position on disputed borders.

² United States Committee for Refugees, “Crisis in Sudan”, 2001, [web.archive.org/web/20041210024759/http://www.refugees.org/news/crisis/sudan.htm](http://www.refugees.org/news/crisis/sudan.htm)

civilians based on their ethnicity.

Months of peace negotiations led by the Inter-Governmental Authority on Development (IGAD) culminated in the August 2015 signing of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). The ARCSS foresaw a Transitional Government of National Unity (TGoNU) that was established in April 2016 when Riek Machar returned to Juba as First Vice President. Tensions remained high and only three months into the transitional period, violence erupted again in Juba. After five days of heavy fighting, Machar and members of the SPLM/A-IO fled to the Democratic Republic of Congo (DRC). On 25 July, President Kiir appointed Taban Deng Gai as First Vice President in Machar's stead.³ Since July 2016, the number of armed groups has increased, and violence has spread, engulfing previously peaceful areas of the country.

Led by regional governments, the warring parties came together under an IGAD peace initiative, the High-Level Revitalization Forum (HLRF), which sought to revitalize the collapsed ARCSS. Two ceasefires were signed in December 2017 and June 2018, but both were violated almost immediately. In September 2018, the parties signed the Revitalized ARCSS (R-ARCSS) that is set to see Riek Machar return to South Sudan again as the First Vice President.

Civilians have borne the brunt of the violence. At least tens of thousands of people have died because of the fighting that started almost five years ago.⁴ Over 1.8 million people are internally displaced,⁵ many have been displaced multiple times, and around 85% of these are women and children.⁶ Close to 200,000 have sought protection in 'Protection of Civilians' sites on the bases of the UN peacekeeping mission in South Sudan (UNMISS).⁷ The violence has forced over 2.4 million South Sudanese, of which 63% are children, to seek refuge in neighbouring countries, with more than half fleeing since the renewed fighting in July 2016.

More than six million people, 59% of the estimated population, are food insecure and need assistance and protection as hunger and malnutrition have reached unprecedented levels.⁸ Localized famine was declared in areas of the country in February 2017⁹ and again looms on the horizon.¹⁰ Continued conflict, coupled with deliberate obstruction of humanitarian assistance by warring parties and the use of food as a weapon of war by both government and opposition forces has caused this. A lack of health facilities and targeted destruction of the few that exist by both government and opposition forces leave South Sudanese continuing to die of preventable diseases.

³ Republican Decree No. 289/2016 for the Appointment of the First Vice President of the Republic of South Sudan, 2016 A.D. RSS/RD/3/289/2016, 25 July 2016

⁴ Council on Foreign Relations, Civil War in South Sudan, *Global Conflict Tracker*, www.cfr.org/interactives/global-conflict-tracker#!/conflict/civil-war-in-south-sudan. A study by the London School of Hygiene and Tropical Medical attributes 190,000 violent deaths to the conflict and 383,000 deaths as the result of indirect causes related to the conflict. See, Francesco Checchi, Adrienne Testa, Abdihamid Warsame, Le Quach, Racher Burns, Estimates of crisis-attributable mortality in South Sudan, December 2013 – April 2018: A Statistical Analysis, London School of Hygiene & Tropical Medicine, crises.lshtm.ac.uk/2018/09/25/south-sudan/

⁵ UNOCHA, Humanitarian Bulletin South Sudan, 16 July 2018, Issue 6, reliefweb.int/sites/reliefweb.int/files/resources/20180716_OCHA_SouthSudan_Humanitarian_Bulletin%236.pdf

⁶ United Nations, Humanitarian Needs Overview South Sudan 2018, November 2017, reliefweb.int/sites/reliefweb.int/files/resources/South_Sudan_2018_Humanitarian_Needs_Overview.pdf

⁷ UNMISS, UNMISS PoC sites Update No. 208, 27 August 2018, unmiss.unmissions.org/sites/default/files/20182708_-_poc_update.pdf

⁸ World Food Programme (WFP), South Sudan Country Brief, September 2018, reliefweb.int/sites/reliefweb.int/files/resources/WFP%20South%20Sudan%20Country%20Brief%2C%20September%202018.pdf

⁹ United Nations, Famine declared in region of South Sudan – UN, 20 February 2017, news.un.org/en/story/2017/02/551812-famine-declared-region-south-sudan-

¹⁰ UNOCHA, Humanitarian Bulletin South Sudan, 16 July 2018, Issue 6, reliefweb.int/sites/reliefweb.int/files/resources/20180716_OCHA_SouthSudan_Humanitarian_Bulletin%236.pdf

3. JUDICIAL EXECUTIONS AND DEATH ROW TRANSFERS

“To take a life when a life has been lost is revenge, not justice”.

--Desmond Tutu

JUDICIAL EXECUTIONS AND THE MASS TRANSFER OF DEATH ROW PRISONERS

Since independence in 2011, South Sudan has remained one of the few countries in Sub-Saharan Africa to continue to carry out judicial executions, and Amnesty International has gathered credible evidence of a significant escalation of executions since May 2018, including of at least one person who was a child¹¹ at the time of the crime, and a heightened risk of further judicial executions on the horizon.

The findings are based on interviews with legal professionals and government officials working in the justice sector in South Sudan as well as desk-based research.

In South Sudan, the 2008 Penal Code provides for the use of the death penalty for murder; bearing false witness resulting in an innocent person’s execution or for fabricating such evidence or using as true evidence known to be false; terrorism (or banditry, insurgency or sabotage) resulting in death; aggravated drug trafficking; and treason.¹² Hanging is the method of execution provided for in the Code of Criminal Procedure.¹³ Before a person sentenced to death can be executed, the Supreme Court and the President must confirm the death sentence.¹⁴ Section 21 of the Transitional Constitution of South Sudan (TCSS) protects persons under the age of 18 from being sentenced to death and women caring for a child below two years old from execution.¹⁵

Between May and October 2018, according to multiple independent sources, the South Sudanese authorities have executed at least seven people including at least one who was a child at the time of the crime. Four of these executions, including the individual known to have been under the age of 18 at the time of the crime, were carried out in Wau Central Prison between May and October 2018, and at least three people are known to have been executed in Juba between July and October 2018. The person below the age of 18 at the time of the crime was executed in Wau the day after he was transferred to the prison.

In addition to these seven executions – the highest number since South Sudan’s independence in 2011 – Amnesty International is also concerned that other prisoners under the sentence of death may be at heightened risk of execution. On 26 April 2018 the Director-General of the National Prison Service of South Sudan (NPSSS) issued a letter (Circular

¹¹ Under the United Nations (UN) Convention on the Rights of the Child (CRC), ratified by South Sudan in 2015, a child means every human being below the age of eighteen years.

¹² Penal Code Act 2008, Sections 206, 131(2), 67(2), 383, 64

¹³ South Sudan Code of Criminal Procedure, Article 275

¹⁴ South Sudan Code of Criminal Procedure, Article 276

¹⁵ Transitional Constitution of the Republic of South Sudan, 2011, Article 21(2) and Article 21(3).

number 3/2018) directing the transfer of all death row prisoners from county and state prisons in Bahr el Ghazal region in the north-western part of the country to Wau Central Prison and those in the Equatoria region in the southern part of the country to Juba Central Prison. No official reason was given, however the Director-General “observed with great concern” that death row prisoners were being held in state and county prisons. Wau Central Prison and Juba Central Prison are the prisons where executions are carried out.

Following the directive, in May 2018 alone, a total of 98 death row prisoners were transferred from Kuajok, Tonj, Rumbek and Aweil State Prisons to Wau Central Prison. According to credible information received by Amnesty International, a further 34 death row prisoners were also transferred from Torit State Prison to Juba Central Prison in September 2018 and another three, one of whom is possibly a child, from Kapoeta State Prison to Juba Central Prison in November 2018. The three death row prisoners transferred from Kapoeta State Prison to Juba Central Prison were sentenced to death in August and September 2018. The death row prisoners moved to Juba Central Prison from Torit State Prison include one child, 31 men, and two women including a lactating mother.

In response to the concerns expressed by Amnesty International, a government official stated that South Sudan’s laws governing the use of the death penalty and the prohibition of imposing a death sentence on persons below 18 are clear. However, this briefing demonstrates that South Sudan has violated its own laws and international human rights law and standards by imposing death sentences on and executing persons who were below the age of 18 at the time of the crime, and that in practice children are not protected against the death penalty in the country.

CHILD ON DEATH ROW

Philip Deng (pseudonym), a student in secondary school, was sentenced to death by hanging on 14 November 2017 after being convicted of murder, which he claims was an accident. He was 15 years of age at the time of the incident and conviction. He did not have legal representation during the trial. He finally gained access to a lawyer who appealed the court’s decision on 27 December 2017. He was transferred from Torit State Prison to Juba Central Prison on 9 September 2018 where he still languishes in prison waiting for his appeal to be heard. Philip will turn 17 in December 2018.

VIOLATIONS OF NATIONAL AND INTERNATIONAL LAW AND STANDARDS

“I told the judge that I was 15 years old.”

--16-year-old prisoner on death row in South Sudan.

The execution of at least one person who was a child at the time of the commission of the crime constitutes a clear violation of South Sudan’s obligations under South Sudanese law and international human rights law and standards, as does the presence of at least one other child on death row. The execution of a mother caring for a young child would also contravene South Sudanese law and international human rights law and standards.

Persons below 18 years of age at the time of the commission of the crime may not be sentenced to death, let alone be executed, regardless of their age at the time of trial or sentencing. The use of the death penalty against such people is strictly prohibited under international human rights law as well as by South Sudan’s 2011 Transitional Constitution. Article 37(a) of the Convention on the Rights of a Child, to which South Sudan is a party, stipulates that ‘neither capital punishment nor life imprisonment without possibility of release

shall be imposed for offences committed by persons below eighteen years of age'.¹⁶

If there is doubt about whether an individual was under 18 at the time of the offence, the individual should be presumed to be a child, unless the prosecution proves otherwise.¹⁷

The Human Rights Committee and other international human rights bodies consider the prohibition on executing children a peremptory norm of customary international law, binding on all states without derogations.¹⁸

This would not be the first such violation committed by South Sudan. According to credible information received by Amnesty International, of the four people executed in South Sudan in 2017, two were children at the time of the crime.¹⁹

National and international law and standards are also clear regarding mothers of young children.²⁰ Article 21(3) of the 2011 Transitional Constitution of the Republic of South Sudan protects pregnant or breastfeeding women less than two years after the birth from being executed. In addition, the Special Rapporteur on extrajudicial, summary or arbitrary executions has emphasized that the imposition of death sentences on pregnant women and recent mothers is prohibited.²¹ Paragraph 3 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty provides that the death sentence shall not be carried out on new mothers. Most recently, the UN Human Rights Committee, in its General Comment No. 36 on the right to life, stated that States “should also refrain from executing ... parents to very young or dependent children”.²²

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to execute the prisoner. The death penalty - the premeditated and cold-blooded killing of a human being by the state in the name of justice - is the most fundamental denial of human rights. It violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

There is no justification for the judicial execution of a human being by the state. An execution is an extreme physical and mental assault on an individual. The physical pain caused by the action of killing a human being and the psychological suffering caused by foreknowledge of death at the hands of the state cannot be quantified.

¹⁶ South Sudan became a party to the Convention on the Rights of a Child in 2015. United Nations Treaty Depository, treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en

¹⁷ Human Rights Council resolution 19/37, §55; HRC General Comment 36, §48, African Charter on Human and Peoples' Rights General Comment No. 3, §24

¹⁸ HRC General Comment 24, §8; Amnesty International, *The exclusion of child offenders from the death penalty under general international law*, Index: ACT/50/004/2003. Inter-American Commission on Human Rights, *Michael Domingues v. United States* (12.285), Report 62/02, 22 October 2002, paras 84, 85.

¹⁹ Amnesty International, *Death Sentence and Executions 2017*, Amnesty International Global Report, 2018, www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF

²⁰ Paragraph 3 of the Death Penalty Safeguards, Article 4(2) of the Protocol to the African Charter on the Rights of Women in Africa, African Charter on Human and Peoples' Rights General Comment No. 3, Article 7(2) of the Arab Charter on Human Rights, Section N(9)(c) of the Principles on Fair Trial in Africa, Article 76(3) of Protocol I, Article 6(4) of Protocol II.

²¹ Special Rapporteur on extrajudicial executions, UN Doc. A/51/457 (1996) §115.

²² Human Rights Council General Comment 36, §49.

"The feeling is not good at all because no-one like[s] to die. To be informed that you are going to die, I am not happy for that."

-16-year-old prisoner on death row in South Sudan.



Photo: Child on death row.

4. SOUTH SUDAN'S STANCE ON THE DEATH PENALTY

"Can the state, which represents the whole of society and has the duty of protecting society, fulfil that duty by lowering itself to the level of the murderer, and treating him as he treated others? The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process."

--Kofi Annan, former UN Secretary General

The executions and transfers represent an escalation of South Sudan's use of the death penalty since its independence in 2011. In that time at least 140 people have been sentenced to death and at least 32 executed, and 342 remain under sentence of death. During that time, South Sudan has voted against the UN General Assembly resolution on a moratorium on the use of the death penalty in 2016, despite voting in favour of it in 2012 and 2014 and rejected recommendations to abolish the death penalty during its Universal Periodic Review (UPR) in 2016/2017.

USE OF THE DEATH PENALTY SINCE INDEPENDENCE

When it became independent in 2011, South Sudan had the opportunity to break with the abhorrent practice of imposing death sentences and executing people which is prevalent in Sudan. However, since 2011 at least 140 people have been sentenced to death and at least 32 executed. By 28 November 2018, at least 342 people were known to be on death row. The country has carried out executions every year since independence except for 2014 when Amnesty International did not record any execution in the country. Given the lack of transparency on the use of the death penalty in South Sudan, this does not mean that no executions took place in 2014. Between 2013 and October 2018, South Sudan's military justice system imposed 79 death sentences. Within the same period many death sentences have been imposed by civilian courts. Due to South Sudan's lack of transparency on its use of the death penalty, the exact number of executions carried out and death sentences imposed since independence is difficult to ascertain.²³ Amnesty International's death penalty data on South Sudan are minimum figures, the true figures are likely to be higher.

South Sudan is one of sub-Saharan Africa's most prolific users of the death penalty. This bucks the regional trend with a growing number of countries abolishing the death penalty and refraining from carrying out executions.²⁴ For instance, in 2017, South Sudan and Somalia were the only two countries in the region that carried out executions.

²³ Since 2011 Amnesty International has written annually to the authorities of South Sudan to provide information on its use of the death penalty, no response was received.

²⁴ Twenty countries in sub-Saharan Africa have abolished the death penalty for all crimes, and one country – Burkina Faso – has abolished the punishment for ordinary crimes. The twenty abolitionist countries are: Angola, Benin, Burundi, Cape Verde, Congo (Republic of the), Côte d'Ivoire, Djibouti, Gabon, Guinea, Guinea-Bissau, Madagascar, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Senegal, Seychelles, South Africa and Togo.

SOUTH SUDAN'S USE OF THE DEATH PENALTY SINCE INDEPENDENCE²⁵

YEAR	RECORDED EXECUTIONS	RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH
2011	5	1	150
2012	5+	+	200+
2013	4+	16+	212+
2014	0	+	300+
2015	5+	17+	305+
2016	+	+	+
2017	4+	16+	+
2018	7+ (as at 31 October 2018)	5+	342+ (as at 22 November 2018)

DEATH SENTENCES FOR SPLM/A-IN OPPOSITION MEMBERS

The Government of South Sudan has resorted to the death penalty in relation to individuals involved in the conflict. For instance, **James Gatdet Dak**, former spokesperson for the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO), was sentenced to death by hanging on 12 February 2018 after being convicted of treason. Gatdet was unlawfully transferred from Kenya to South Sudan in November 2016. He spent over seven months in solitary confinement before being charged with abetment, treason, publishing or communicating false statement prejudicial to South Sudan, and undermining the authority of or insulting the President. **William Endley**, a South African national and former adviser to Riek Machar, Chairman and Commander in Chief of the SPLM/A-IO, was on 23 February 2018 convicted and sentenced to death for conspiracy to overthrow the government under the National Security Service Act of 2014. Endley was arrested in 2016 after a peace deal between South Sudan's president Salva Kiir and Riek Machar collapsed.

Both Gatdet and Endley were pardoned by President Salva Kiir on 31 October 2018, as the country held celebrations to mark the latest agreement to end almost five years of armed conflict in the country. They were released two days later on 2 November 2018.

²⁵ In the table, where "+" appears after a figure it means that Amnesty International confirmed the number of executions, death sentences or persons under sentence of death stated but believes that there were more than the number stated. Where "+" appears without a figure, it means that Amnesty International had corroborated executions, death sentences or persons under sentence of death (more than one) but had insufficient information to provide a credible minimum figure. When calculating the totals, "+" has been counted as 2.

²⁶ These are death sentences imposed by South Sudan's military courts between 2013 and 2018 and recorded by Amnesty International in November 2018. It is unclear whether these are included in the total number of prisoners on death row as at 28 November 2018.

DEATH PENALTY ENGAGEMENT AT THE UN

South Sudan is not a party to the UN's main treaty against the death penalty – the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2). Moreover, in its engagement on the death penalty at the UN, South Sudan has entrenched its position as a retentionist country, despite initially making positive commitments.

In 2012 and 2014, South Sudan voted in favour of UN General Assembly Resolutions 67/176 and 69/186 on a moratorium on the use of the death penalty.²⁷ These resolutions called for a moratorium on executions *with a view to abolishing the death penalty*. They describe different steps states can take towards abolishing the death penalty. Despite voting in favour of the 2012 and 2014 resolutions, South Sudan continues to use the death penalty and failed to establish a moratorium on executions. In 2016, South Sudan voted against the UN General Assembly's sixth resolution on a moratorium on the use of the death penalty (Resolution 71/187).

Following its UPR in November 2016, South Sudan also rejected recommendations to ratify ICCPR-OP2, establish an official moratorium on executions, and consider abolishing the death penalty. Justifying rejection of the recommendations it stated: "These recommendations did not enjoy TGoNU [Transitional Government of National Unity] support because they conflict with national laws and policies. South Sudan does not impose death penalty except under rare situations after exhaustion of all steps laid down by the Constitution and not on the persons under 18, over 70 years. Therefore, abolition of death penalty is not a priority. Also, South Sudan has Supreme Court which protects human rights stipulated in the Transitional Constitution, 2011 and International Conventions to which South Sudan is party. Finally, death penalty is still part of the domestic law punishment policy in accordance with South Sudan current penal laws."²⁸

²⁷ The UN General Assembly has adopted six resolutions on a moratorium on the use of the death penalty: Resolution 62/149 (2007), Resolution 63/168 (2008), Resolution 65/206 (2010), Resolution 67/176 (2012), Resolution 69/186 (2014), Resolution 71/187 (2016).

²⁸ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, South Sudan, Addendum, UN doc. A/HRC/34/13/Add.1, 8 March 2017, documents-dds-ny.un.org/doc/UNDOC/GEN/G17/053/65/PDF/G1705365.pdf?OpenElement

5. CONCLUSION AND RECOMMENDATIONS

“If we believe that murder is wrong and not admissible in our society, then it has to be wrong for everyone, not just individuals but governments as well.”

— Sister Helen Prejean

This briefing has highlighted shocking use of the death penalty by South Sudan. South Sudanese authorities have executed at least 7 people since May 2018. These include at least one person who was a child at the time of the crime. This constitutes violations of South Sudan’s own laws and its obligations under international law. The transfer of 135 prisoners, including at least one child and a breastfeeding mother on death row, to prisons where executions take place is cause for alarm. The authorities of South Sudan should now take immediate steps to address these concerns.

South Sudan should halt any plans to carry out executions and ensure that people below 18 years of age at the time of the commission of the crime are not subjected to the death penalty. There is no credible evidence that the death penalty has a greater deterrent effect on crime than prison terms. The finality and cruelty inherent in the death penalty renders it incompatible with contemporary norms. The punishment is an inappropriate and unacceptable response to violent crime. The Government of South Sudan should deal with crime and its causes without recourse to the death penalty.

The world, including sub-Saharan Africa, is moving away from the death penalty. 106 countries, a majority in the world, have abolished the death penalty for all crimes. Countries that continue to use the death penalty are in the minority and have become increasingly isolated. South Sudan was one of only two countries in sub-Saharan Africa that carried out judicial executions in 2017. South Sudan should not lag behind the rest of the region, it is time for the country to consign the ultimate cruel punishment to history and join the majority of countries in the world in fully respecting the right to life.

Amnesty International makes the following recommendations:

To the Government of the Republic of South Sudan:

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty;
- Commute all death sentences to terms of imprisonment;
- Collaborate with the United Nations and civil society in taking steps towards abolition;
- Abolish the death penalty for all crimes;
- Accede, without reservations, to the International Covenant on Civil and Political Rights, and its Second Optional Protocol aiming at abolition of the death penalty;
- Be transparent about the use of the death penalty by publicizing, on an annual basis, comprehensive statistics on the death penalty and facts around the administration of justice in death penalty cases;
- Ensure full compliance with international law and standards on the use of the death penalty, including the prohibition on the use of the death penalty against persons below 18 years of age at the time of the commission of the crime, and pregnant women or women caring for a child;
- Immediately put in place measures that will ensure the death penalty is not used against persons below 18 years of age at the time of the commission of the crime, pregnant or nursing women and all existing laws protecting these categories of

- persons are fully respected and implemented.
- Ensure that trials for crimes carrying the death penalty must comply with the most rigorous internationally recognized standards for fair trial. Where that has not been the case, the individual must be given a re-trial in proceedings which comply with these standards, and without recourse to the death penalty;

To the President of South Sudan:

- Do not confirm any more death sentences or approve any more executions;
- Make a public commitment to take steps to abolish the death penalty.

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The findings are based on interviews with legal professionals and government officials working in the justice sector in South Sudan as well as desk-based research.

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