



## AMNESTY INTERNATIONAL PUBLIC STATEMENT

### South Sudan: High Court releases man who was sentenced to death when he was a child

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Amnesty International welcomes the decision by the High Court in Eastern Equatoria State in southern South Sudan to release [Magai Matiop Ngong](#) on 22 March 2022.

Magai Matiop Ngong was a 15-year-old secondary school student when he was sentenced to death by hanging on 14 November 2017 after being convicted of murder, which he claims was an accident.<sup>1</sup> He spent two years and eight months on death row, two years and one month of that when he was still a child.

The sentencing and Magai Matiop Ngong's presence on death row when he was still a child constituted a clear violation of South Sudan's obligations under South Sudanese law and international human rights law.

Article 37(a) of the Convention on the Rights of a Child, to which South Sudan is a state 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".<sup>2</sup> Article 21(2) of South Sudan's 2011 Constitution prohibits the imposition of the death penalty "on a person under the age of eighteen".<sup>3</sup>

On 29 July 2020, the Court of Appeal quashed his death sentence on grounds that he was a child at the time of his crime in 2017.<sup>4</sup> The family of the deceased

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<sup>1</sup> Amnesty International, "I told the judge I was 15": The use of the death penalty in South Sudan (Index: AFR/65/9496/2018), 7 December 2018, [www.amnesty.org/en/documents/afr65/9496/2018/en/](http://www.amnesty.org/en/documents/afr65/9496/2018/en/)

<sup>2</sup> South Sudan became a state 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](http://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en)

<sup>3</sup> Article 21(2) of South Sudan's 2011 Constitution, [www.constituteproject.org/constitution/South\\_Sudan\\_2011.pdf](http://www.constituteproject.org/constitution/South_Sudan_2011.pdf)

<sup>4</sup> Amnesty International, "Quashing of teenager's death sentence must lead to abolition of the death penalty", 29 July 2020, [www.amnesty.org/en/latest/news/2020/07/south-sudan-quashing-of-teenagers-death-sentence-must-lead-to-abolition-of-the-death-penalty/](http://www.amnesty.org/en/latest/news/2020/07/south-sudan-quashing-of-teenagers-death-sentence-must-lead-to-abolition-of-the-death-penalty/)

appealed the decision before the Supreme Court. On 12 February 2021, the Supreme Court upheld the Court of Appeal's decision and ordered an age assessment and retrial. During the retrial, the High Court in Eastern Equatoria State found Magai Matiop Ngong was still a child at the time of his crime, sentenced him to five years imprisonment from 7 May 2017, fined him 500,000 South Sudanese pounds (the equivalent of \$1200), and ordered him to pay 51 heads of cattle as compensation to the family of the deceased.

Magai Matiop Ngong's case is not the first where the death penalty has been used against a child in South Sudan. In 2017, two people were executed for crimes committed when they were under 18 years of age.<sup>5</sup> In 2018, at least one person who was a child at the time of the crime was hung in Wau Central Prison.<sup>6</sup> On 30 September 2019, authorities executed a man by hanging in Wau Central Prison who had been convicted by the High Court in Lakes State had convicted for murder and sentenced to death on 10 September 2015 when he was about 17.<sup>7</sup>

All states have a right and an obligation to prevent, stop and punish serious crimes, not least those resulting in the loss of life. However, when a state kills prisoners, who no longer pose a threat to anyone, it chooses to join and widen the cycle of needless violence instead of addressing society's economic, social, cultural, civil and political rights issues that are often the underlying causes of crime.

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 a 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.

Amnesty International calls on South Sudan to:

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty;
- Commute all death sentences to terms of imprisonment;
- Pending abolition, ensure full compliance with international law and

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<sup>5</sup> Amnesty International, Death Sentences and Executions 2017 (Index: ACT/50/7955/2018), 12 April 2018, [www.amnesty.org/en/documents/act50/7955/2018/en/](http://www.amnesty.org/en/documents/act50/7955/2018/en/)

<sup>6</sup> Amnesty International, "I told the judge I was 15": The use of the death penalty in South Sudan (Index: AFR/65/9496/2018), 7 December 2018, [www.amnesty.org/en/documents/afr65/9496/2018/en/](http://www.amnesty.org/en/documents/afr65/9496/2018/en/)

<sup>7</sup> Amnesty International, South Sudan: Execution spree continues as four people hanged in September (Index: AFR/65/1179/2019), 10 October 2019, [www.amnesty.org/en/documents/afr65/1179/2019/en/](http://www.amnesty.org/en/documents/afr65/1179/2019/en/)

standards on the use of the death penalty, including the absolute prohibition on the use of the death penalty against persons below 18 years of age at the time of the commission of the crime.

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