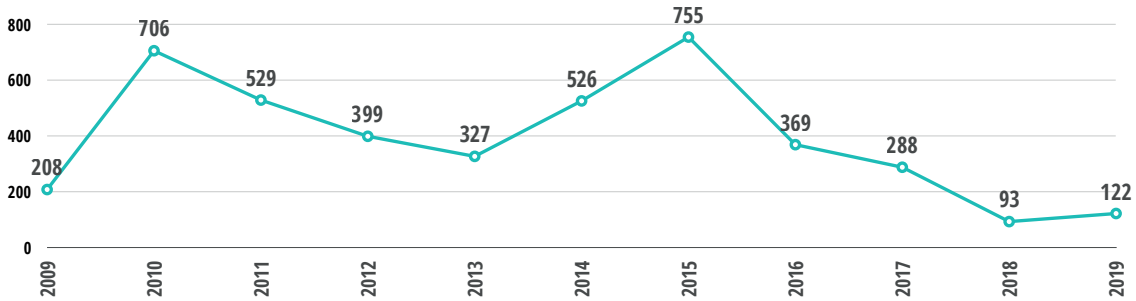
HARM REDUCTION INTERNATIONAL

The Death Penalty for Drug Offences: Global Overview 2019

Policy Briefing

At least **35** countries and territories worldwide maintain the death penalty for drug offences in law. Following an encouraging downward trend in executions for drug offences between 2015 and 2018, **2019 saw a 31 percent increase from the previous year with 122 confirmed executions** (excluding China and Vietnam).

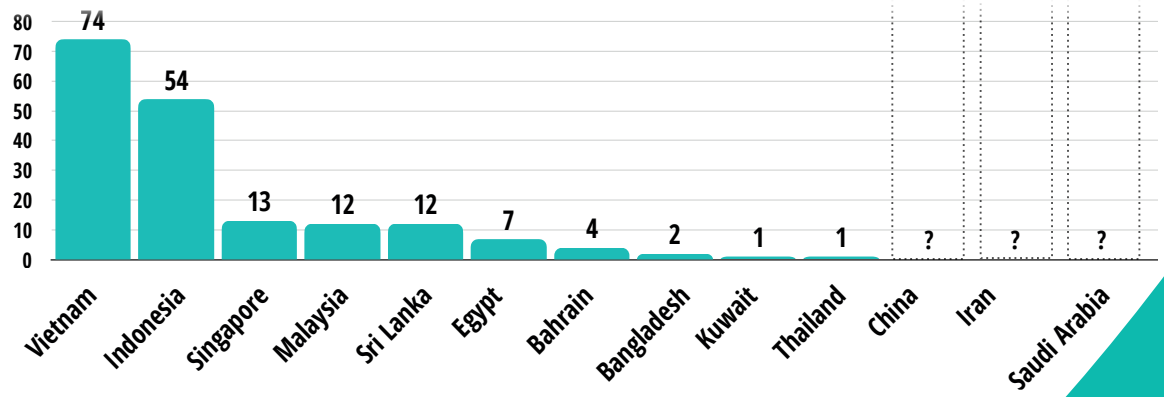
Chart 1: Global confirmed executions for drug offences, 2009 - 2019 (*excluding China)



Key findings from 2019

- **Executions for drug offences were carried out in China, Saudi Arabia, Iran and Singapore.** Executions for drug offences are also likely to have taken place in Vietnam, but this is impossible to confirm due to state secrecy around the practice.
- **At least 122 people were executed for drug offences in 2019** (excluding China and Vietnam). This accounts for 18 percent of known executions carried out around the world.
- At least **13 countries sentenced a minimum of 180 people to death for non-violent drug offences in 2019** - a large proportion of whom were sentenced following unfair trials.

Chart 2: Minimum confirmed death sentences for drug offences, 2019



Full report, *The Death Penalty for Drug Offences: Global Overview 2019*, available at: https://www.hri.global/death-penalty-drugs-2019

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The UN Human Rights Council[i] and the UN Office on Drugs and Crime[ii] once again reiterated that the death penalty can never be imposed for drug offences.

> **"The three international drug conventions, which form the foundation of the global drug control system that has been agreed by nearly every country in the world, cannot be used to justify the use of the death penalty for drug-related offences alone."**
> *- UNODC Spokesperson, 27 June 2019*

Fair trial violations in capital drug cases

The majority of people sentenced to death in 2019 in Indonesia, Malaysia, Singapore and Vietnam have been convicted of drug offences. In these and many other retentionist countries, violations of fair trial rights play a central role in the imposition of death sentences for drug offences. Flawed criminal justice systems greatly hinder the chances of people facing the death penalty for drug offences from receiving a fair trial, placing already vulnerable individuals at greater risk of receiving a death sentence and at greater risk of being executed.

Notable developments in 2019

- ☑ Two people were executed for drug offences in Singapore in 2019, representing a significant decline from the 11 persons executed for drugs in 2018.
- ☑ For the third consecutive year, Indonesia did not carry out executions.
- ☑ For the second consecutive year, Malaysia did not carry out executions.

- ☒ Despite important amendments to Iran's anti narcotic laws in 2017, known executions for drug offences increased from 23 in 2018 to 36 in 2019.
- ☒ In March 2019, just a few months after publicly committing to abolish the death penalty,[iii] the Malaysian government backtracked to only considering removing the mandatory death penalty; and only for a limited number of crimes. [iv,v]
- ☒ Saudi Arabia executed at least 84 people for drug offences in 2019 - a 42 percent increase from 2018. At least 47 of these people were foreign nationals.
- ☒ The political and public discourse over the resumption of executions in Sri Lanka intensified in 2019, specifically for those convicted of trafficking and selling drugs. If executions are resumed, it will mark the end of a 43-year moratorium on executions in the country.

Key recommendations

1. All states retaining the death penalty for drug offences should immediately halt executions, commute death sentences, and take steps to abolish the death penalty for drug offences as a first step towards full abolition
2. Retentionist states should respect international fair trial standards and urgently put in place important safeguards, including investing in robust legal aid systems and undertaking structural reforms to uphold the prohibition of torture and other ill-treatment and the right to be presumed innocent
3. The Commission on Narcotic Drugs should adopt a Resolution explicitly acknowledging the incompatibility of the death penalty for drug offences with international human rights law and international drug control law, also in line with the position of the UN Office on Drugs and Crime
4. The European Union should continue advocating for the abolition of the death penalty, including in multilateral fora and in its dialogues with retentionist countries; and ensure that legal and technical assistance does not contribute to the imposition of the death penalty for drug offences
5. All countries should take the necessary steps to ensure their own nationals at risk of capital punishment abroad are provided effective consular assistance

i. UN Human Rights Council (23 September 2019) Draft Resolution 42/24 on the Question of the Death Penalty, UN Doc. A/HRC/42/L.37
ii. UNODC (27 June 2019), Statement attributable to the UNODC spokesperson on the use of the death penalty. Available from: https://www.unodc.org/unodc/en/press/releases/2019/June/statement-attributable-to-the-unodc-spokesperson-on-the-use-of-the-death-penalty.html
iii. Among others, see Agence France-Presse (2018) 'Malaysia set to abolish death penalty, in move which could spare lives of women accused of Killing Kim Jong-Nam.' The Telegraph. Available at: https://www.telegraph.co.uk/news/2018/10/11/malaysia-set-abolish-deathpenalty-move-could-spare-lives-women/.
iv. Associated Press (14 March 2019) 'Malaysia backtrack on plans to abolish death penalty.' Bloomberg. Available at: https://www.bloomberg.com/news/articles/2019-03-14/malaysia-backtracks-on-plans-to-abolish-death-penalty.
v. Zahiid, SJ (17 June 2019) 'Putrajaya looks to Apex Court ruling for cue to repeal death sentence.' Malaymail. Available at: https://www.malaymail.com/news/malaysia/2019/06/17/putrajaya-looks-to-apex-court-ruling-for-cue-to-repeal-death-sentence/1763019.