

**HR2** | HARM REDUCTION & HUMAN RIGHTS

A PROGRAMME OF THE INTERNATIONAL HARM REDUCTION ASSOCIATION

# The Death Penalty for Drug Offences: A violation of international human rights law

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Recalibrating the Regime: Drug Control, Health and Human Rights

Commission on Narcotic Drugs, 51<sup>st</sup> session

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## Status of the Death Penalty Worldwide

- 133 states have abolished capital punishment in law or in practice
  - 64 “retentionist” states
  - Approximately half of retentionist states apply the death penalty for drug-related offences
  - Majority being in the Middle East, North Africa and the Asia Pacific regions
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# Capital Punishment and Drugs

- Executions for drugs carried out in
  - China
  - Egypt
  - Indonesia
  - Kuwait
  - Malaysia
  - Saudi Arabia
  - Singapore
  - Thailand
  - Viet Nam
- 2005 — 94% of all known executions took place in China, Iran, Saudi Arabia and the USA

## Capital Punishment and Drugs

- **Malaysia** (July 2004 — July 2005): **36 of 52** executions were for drug trafficking
- **Saudi Arabia** (2003): **26 of 50** executions were for drug-related offences; in 2004 **at least 33** executions were carried out for drugs
- **Viet Nam** (2003): Government reported to the UN that “the death penalty has been **mostly given** to persons engaged in drug trafficking.”
- **Singapore** (1994 — 1999): **76% of all executions** were for drug-related offences

## Capital Punishment and Drugs

### **China:** UN International Day Against Drug Abuse and Illicit Drug Trafficking

- 2001 — **Over 50** people were convicted and publicly executed for drug crimes at a mass rallies, at least one which was broadcast on State television
- 2002 — **64** public executions in rallies across the country
  - Chongqing: **24** people shot

# Capital Punishment and the International Covenant on Civil and Political Rights

Art 6(2): “In countries which have not abolished the death penalty, sentence of death may be imposed only for the **most serious crimes.**”

## Threshold necessary to satisfy the requirements of Article 6(2)

1. “Most serious crimes” should be interpreted in the most restrictive and exceptional manner possible
2. The death penalty should only be considered in cases where the crime is intentional, and results in lethal or extremely grave consequences
3. States should repeal legislation allowing capital punishment for economic, non-violent or victimless offences

# Capital Punishment for Drugs in Domestic Legislation

UN Secretary-General (1995) noted the threshold for capital drug offences ranged from the possession of **2g** to the possession of **25,000g** of heroin



# Domestic Narcotics Legislation



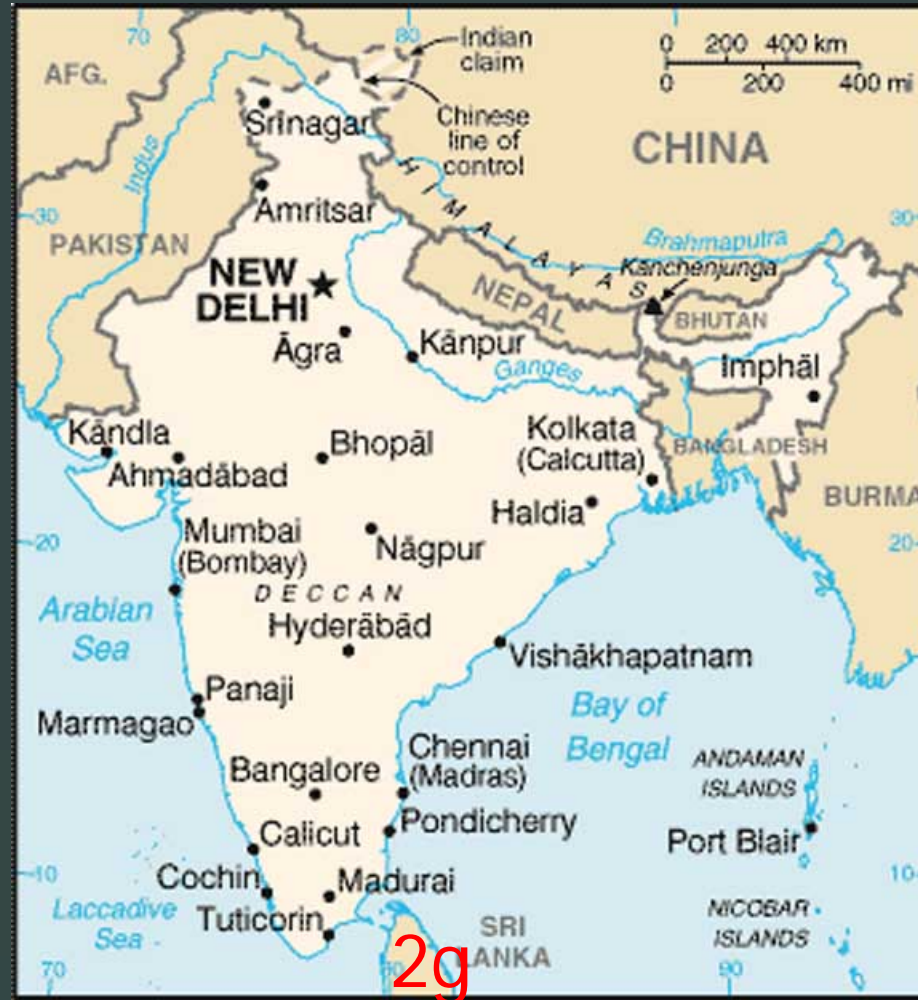
# Domestic Narcotics Legislation

Death  
Penalty:  
**Heroin**



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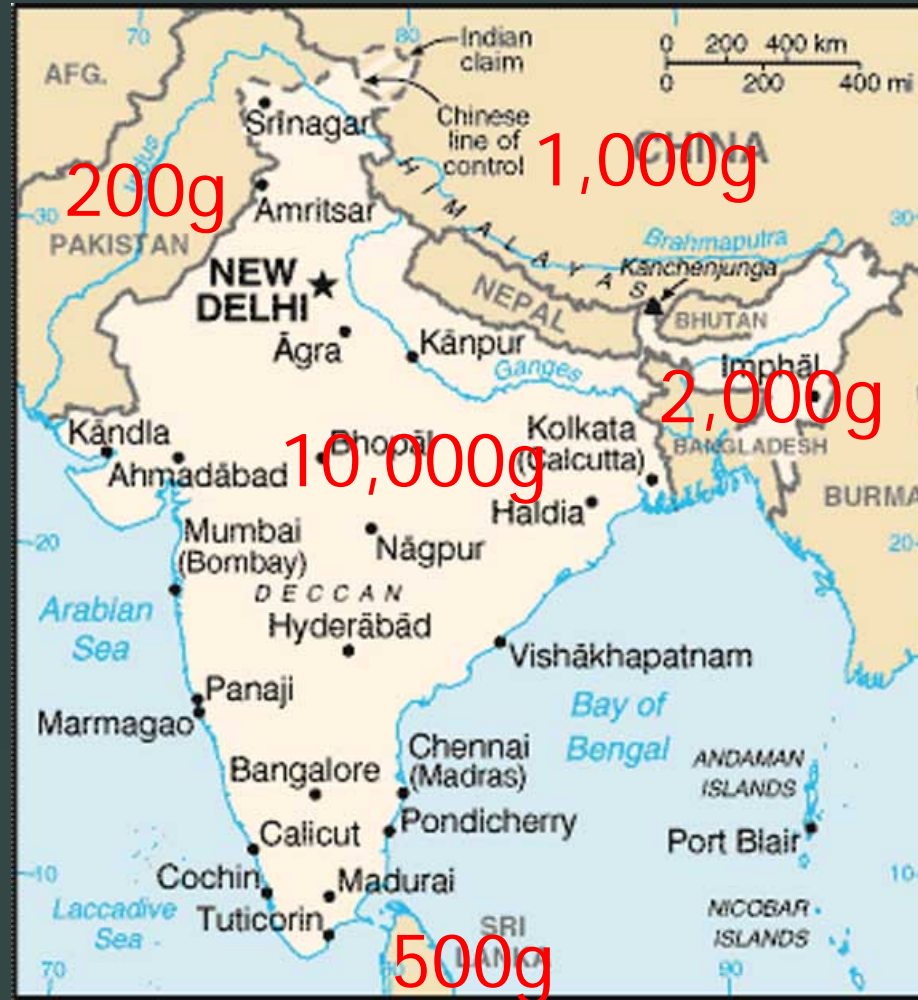
# Domestic Narcotics Legislation

Death  
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# Domestic Narcotics Legislation

Death  
Penalty:  
Opium





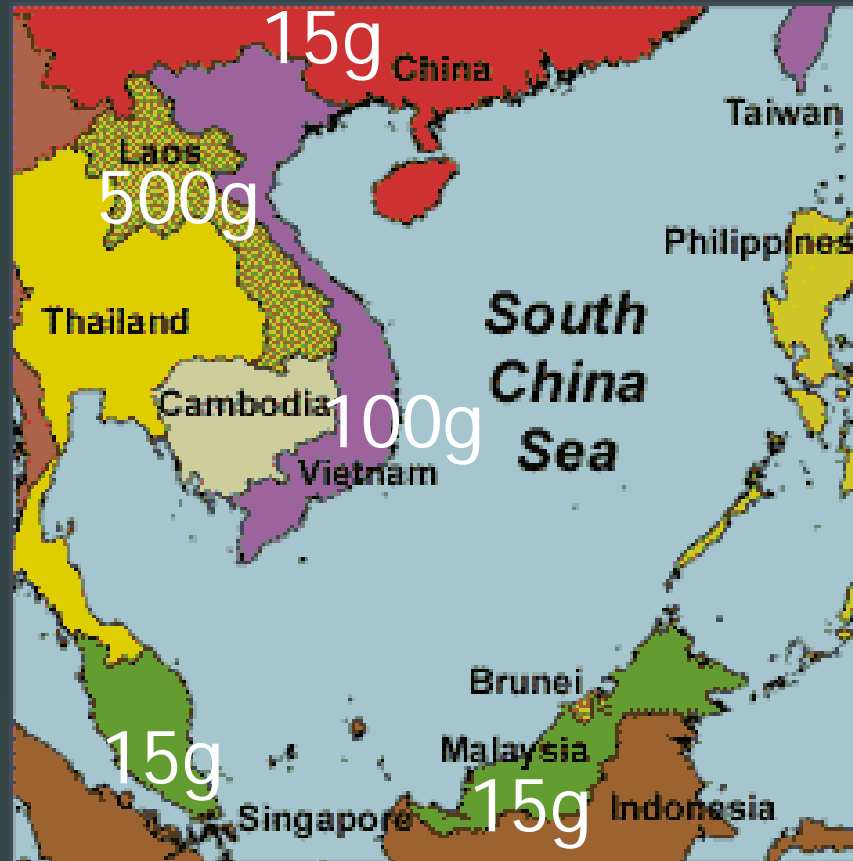
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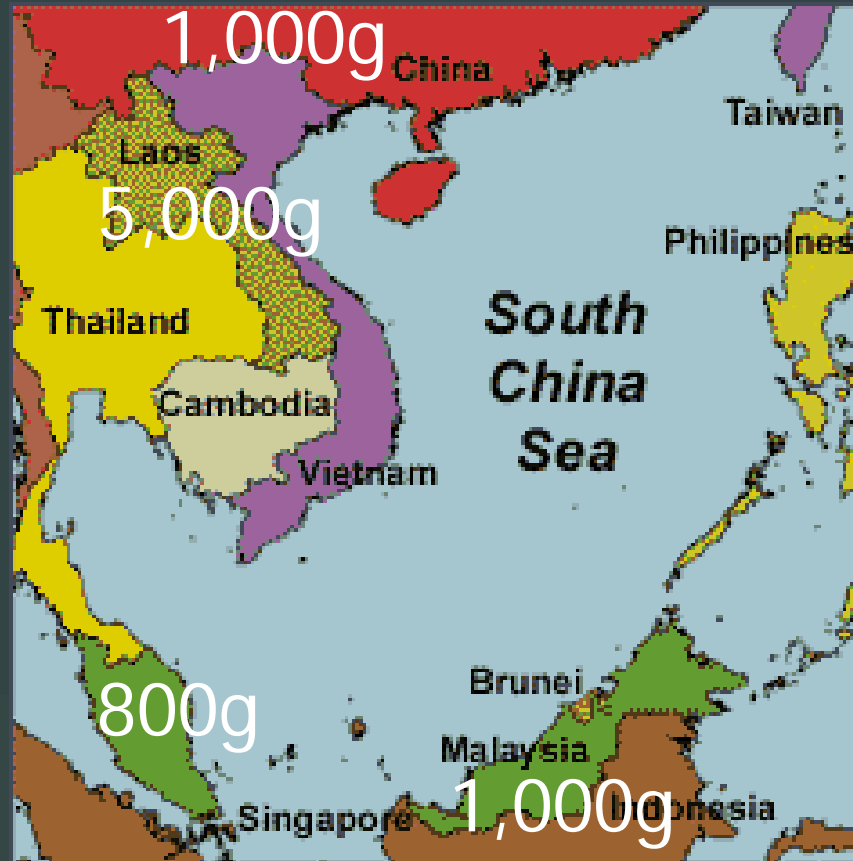
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# Domestic Narcotics Legislation

Death  
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# International Human Rights Law

UN Special Rapporteur on Extrajudicial,  
Summary or Arbitrary Executions (1996)

“[T]he death penalty should be eliminated for crimes such as economic crimes and drug-related offences.”

*Special Rapporteur restated this conclusion in his 2006 Annual Report*



# International Human Rights Law

## Human Rights Committee

- **Sri Lanka** (1995) “drug-related offences” listed among those that “do not appear to be the most serious offences under article 6 of the Covenant.”
- **Kuwait** (2000) “serious concern over the large number of offences for which the death penalty can be imposed, including very vague categories of offences relating to internal and external security as well as drug-related crimes.”
- **Thailand** (2005) HRC states definitively for the first time that capital punishment for drug offences is in violation of Art. 6(2) of the ICCPR

Drug related offences do not meet  
the threshold of “most serious  
crimes” under International  
Human Rights Law



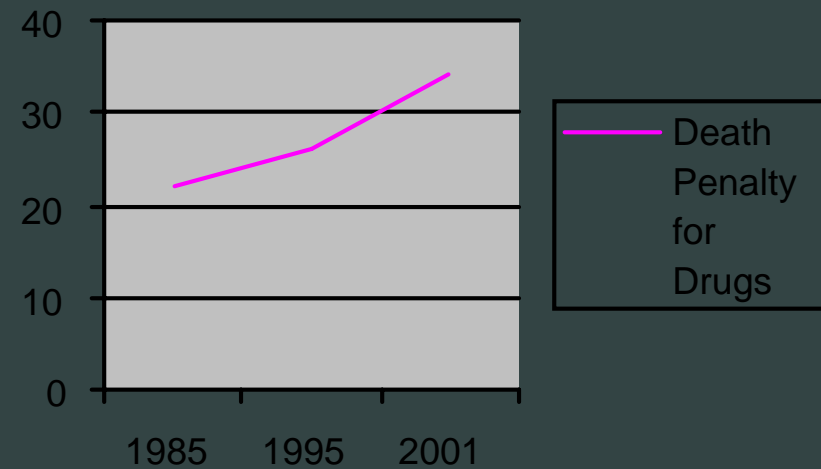
Although drugs kill,  
I don't believe we  
need to kill because  
of drugs.

Antonio Maria Costa  
10 March 2008





# Capital Punishment as an indicator of growing human rights abuses



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