

Report to the UN Secretary-General on implementation of resolution 77/222 on a “moratorium on the use of the death penalty”

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Reporting organisation:



Harm Reduction International (HRI) envisions a world where drug policies uphold dignity, health and rights. HRI uses data and advocacy to promote harm reduction and drug policy reform. Since 2007, HRI has been at the forefront of advocating for the abolition of the death penalty for drug-related offences worldwide, including via the [Death Penalty for drug offences: Global Overview](#) series.

HRI is an NGO in Special Consultative Status with the Economic and Social Council of United Nation.

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Introduction

Harm Reduction International (HRI) welcomes the opportunity to comment on crucial issues and developments concerning the use of the death penalty; and urges the Secretary-General to continue prioritising this issue. We further reaffirm the call for a moratorium on the death penalty as a step towards its definitive abolition worldwide.

This submission will provide information on developments related to the implementation of Resolution 77/222 from 15 December 2022, with a focus on drug offences. Because of a widespread lack of transparency on the phenomenon, all reported figures are minimum confirmed figures and they are likely to represent only a fraction of actual death sentences, executions, and death row populations.

Unless specified, all information is from HRI's *The Death Penalty for Drug Offences: Global Overview 2023*.¹

A. Global trends

As of March 2024, 34² countries and territories prescribe the death penalty as a punishment for drug offences in their legislation, in violation of international human rights and drug control standards; including Safeguard (1) of the Safeguards guaranteeing protection of the rights of those facing the death penalty (annex to ECOSOC Resolution 1984/50). In 12 countries, death remains the mandatory punishment for at least certain drug offences.³

In contrast with the spirit of the Resolution, the number of confirmed drug-related executions continued to rise. 2023 saw a 44% increase in executions from the previous year, with at least 467 people executed for drug offences in five countries, namely Iran, China, Kuwait, Singapore and Saudi Arabia. Executions are believed to have also taken place in Vietnam and North Korea, but this cannot be confirmed due to state secrecy and censorship. Overall, drug executions were responsible for roughly 42% (almost 1 in 2) of known global executions, the highest confirmed figure since 2016. This suggests that **drug control effectively drives use of the death penalty globally**.

Of those executed in 2023, at least 59 people belonged to ethnic minority groups (in Iran and in Singapore), 13 individuals were foreign nationals, and six were women.

HRI has also observed a steady increase in the number of known drug-related death sentences. At least 375 people were sentenced to death for drug offences in 2023 (roughly 20% more than in 2022). Drug offences were responsible for 94% of known death sentences in Indonesia, and 100% in the United Arab Emirates. Because of lack of disaggregated data, many, if not most, drug-related death sentences remain unknown. Foreign nationals are also overrepresented among people sentenced to death for drug offences, although lack of comprehensive and disaggregated data prevents from providing a full picture.

¹ Girelli, Jofré and Larasati (2024) 'The Death Penalty for Drug Offences: Global Overview 2023' *Harm Reduction International* London. Doi, <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2023/>.

² Bahrain, Bangladesh, Brunei Darussalam, China, Cuba, Egypt, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lao PDR, Libya, Mauritania, Malaysia, Myanmar, North Korea, Oman, Palestine, Qatar, Saudi Arabia, Singapore, South Korea, South Sudan, Sri Lanka, Sudan, Syria, Taiwan, Thailand, United Arab Emirates, United States of America, Vietnam, Yemen

³ Brunei Darussalam, Iran, Jordan, Kuwait, Lao PDR, Malaysia, Myanmar, Oman, Singapore, Sudan, United Arab Emirates, Yemen.

At least 3000 people – likely thousands more - are believed to be on death row for drug offences in at least 19 countries.⁴ Drug offences are the main crime for which people are known to be on death row in several countries. As of 2023, 52% of people on death row are sentenced for drug offences in Indonesia, about 55% in Malaysia, 95% in Singapore, and 61% in Thailand. In the latter, the figure skyrockets to 92% when only looking at women on death row.

Resolution 77/222 requires all states to make available disaggregated information on the use of capital punishment. In contrast with this, available information on the use of the death penalty for drug offences is extremely limited, due to pervasive **lack of transparency**, often coupled with censorship and closed civic space. Among others, information on use of the death penalty is subject to state secret in China and Vietnam, while in Iran 95% of drug-related executions were not announced by official sources.⁵ Lack of data disaggregated by both crime and other characteristics, such as gender, age and nationality, remains a key obstacle in fully assessing the phenomenon. Of the 19 countries where people are believed to be on death row for drug offences, only three provide regularly updated and somewhat disaggregated information on the death row population (Malaysia, Sri Lanka, Thailand).

B. Other national developments on implementation of the resolution

a. Progressive steps

In 2023:

- **Indonesia's** President Widodo granted clemency for the first time during his mandate to a person sentenced to death for drug offences. Merri Utami, who spent over twenty years on death row for drug trafficking despite evidence that she had been tricked into carrying drugs across borders, had her death sentence commuted to life imprisonment.
- **Malaysia** adopted an important reform to its death penalty legislation. Among others, death was removed as *mandatory* punishment for the 12 offences that retained it, including drug trafficking. People on death row (the majority of which have been convicted of drug trafficking) were allowed to apply for resentencing and may have their sentence commuted.
- **Pakistan** took the landmark decision of removing death as a possible punishment for offences in its Control of Narcotic Substances Act (CNSA). Roll-out is proving slow, as media sources indicate that lower courts were still sentencing people to death for drug crimes as of January 2024.

b. Retrogressive steps

In 2017, **Iran** had taken a significant step towards reducing use of the death penalty by reviewing the definition of death-eligible drug crimes, in line with what is required by the resolution. As a result, the number of executions in the country had shrunk significantly.⁶ This trend started to reverse in 2021: HRI recorded a 92% increase in drug-related executions between 2021 and 2022, and a further +79% between 2022 and 2023. According to figures by the Abdorrahman Boroumand Centre for Human

⁴ Bahrain, Bangladesh, China, Egypt, Indonesia, Iran, Iraq, Kuwait, Lao PDR, Malaysia, Pakistan, State of Palestine, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates, Vietnam, Yemen.

⁵ https://iranhr.net/media/files/Iran_Human_Rights-Annual_Report_2023.pdf

⁶ For more details on the reform, see: 'The Death Penalty for Drug Offences: Global Overview 2018' (London: Harm Reduction International, 2019), https://www.hri.global/files/2019/02/22/HRI_DeathPenaltyReport_2019.pdf, p. 10-11.

Rights in Iran, at least 459 people were executed for drug offences in 2023, accounting for 55% of total known executions.

Kuwait ended a 15 years' unofficial moratorium on drug-related executions in 2023, by executing one person – a Sri Lankan national – for drug trafficking.

The moratorium on drug-related executions announced in early 2020 in **Saudi Arabia** abruptly ended in November 2022, and by the end of the year, 57 people had been executed for drug offences. In a worrying departure from previous practice, over 30 drug executions were carried out in secret and were not announced by official media; with additional executions confirmed by the Saudi National Human Rights Commission to Amnesty International. At least two more drug-related executions were carried out in 2023, but the figure may be partial.

Singapore had also resumed drug-related executions after a brief hiatus in March 2022. This continued in 2023, with five executions carried out in the country, all for drug offences. Among them was Saridewi Djamani, the first woman executed in Singapore in 20 years. In 2023, a total of nine people were confirmed to have been sentenced to death in Singapore; all for drug offences. At least three of them are foreign nationals, three are persons over 65 years' old, at least three had claimed possession for personal use, and at least one person had a history of mental health issues.

An upward trend in *known* drug-related death sentences continues to be recorded in several countries, including **Iraq** (19 in 2023, a 533% increase from 2022); and in **Vietnam** (188 in 2023, a 111% increase from 2022).

C. Concluding remarks

Following a significant drop in drug-related executions from 2017 to 2020, the upward trend witnessed since 2021 has continued and is accelerating, insomuch that drug control is now driving the use of the death penalty in many countries, and at the global level.

Retention and application of the death penalty for drug offences runs counter the objective, spirit, and text of the Resolution; both in itself – as drug offences are not 'most serious crimes' as defined by the 1984 safeguards; and in its practical implementation. Its use is shrouded in secrecy, individuals from marginalised backgrounds (including ethnic minorities and people living in poverty) are disproportionately impacted, and many trials raise fair trial concerns (of a systemic nature in countries, such as Iran, where special courts have jurisdiction on drug-related crimes).

Accordingly, we recommend that the Secretary General condemns this practice, and calls upon all States as well as other relevant stakeholders – including UN agencies – to take concrete and urgent action towards a moratorium on the use of the death penalty as a tool of drug control; pending its abolition.