

**THE
DEATH
PENALTY
DOESN'T
STOP DRUG
CRIMES**

WORLD DAY AGAINST THE DEATH PENALTY

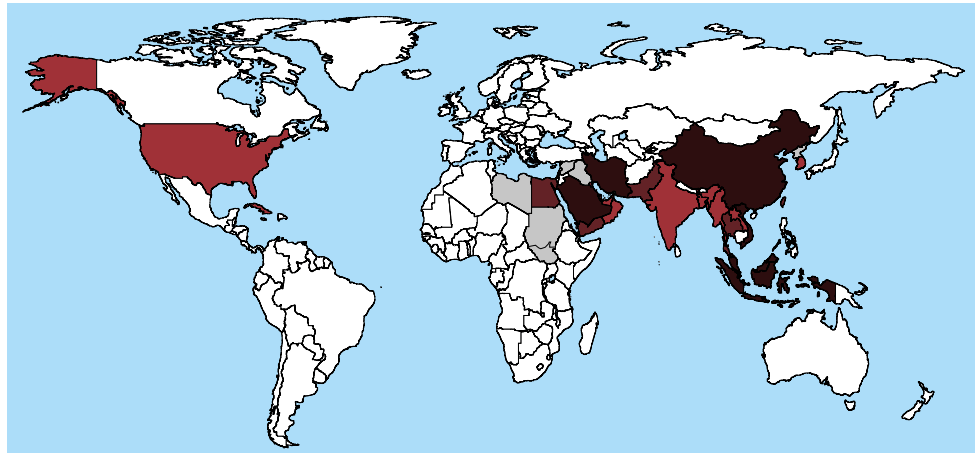
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**WORLD
COALITION**
AGAINST THE DEATH PENALTY

10 OCTOBER 2015 13TH WORLD DAY AGAINST THE DEATH PENALTY *The death penalty does not stop drug crimes*

Map of the **33 countries** that have the death penalty for drug related offenses in their legislation



High application states:

China
Indonesia
Iran
Malaysia
Saudi Arabia
Singapore
Viet Nam

Low application states:

Egypt
Kuwait
Pakistan
Taiwan
Thailand
Yemen

Symbolic application states:

Bahrain
Bangladesh
Brunei-Darussalam
Cuba
Gaza
India
Laos
Myanmar
Oman
Qatar
South Korea
Sri Lanka
United Arab Emirates
USA

Insufficient data:

Iraq
Libya
North Korea
South Sudan
Sudan
Syria

In the 1980s and 1990s, a trend emerged toward abolition of the death penalty as countries eliminated laws allowing capital punishment or simply ceased to execute in practice. According to Amnesty International, in 1977 only 16 countries had abolished the death penalty in law or practice. Today, there are 140.

During the same period, because of the so-called war on drugs, an increasing number of countries enacted laws permitting the death penalty for drug-related offences. In 1979, approximately 10 countries prescribed the death penalty for such crimes. This number rose to 36 in 2000 and stands at 33 today.

In the midst of this escalation, the United Nations and Member States were drafting, adopting and ratifying the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the third UN drug treaty, which established state obligations under international law to enact harsh penal provisions for drug offences at the domestic level.

THE DEATH PENALTY IN PRACTICE:

- 100 countries have abolished the death penalty for all crimes
- 6 countries have abolished the death penalty for ordinary crimes
- 34 countries are abolitionist in practice
- 58 countries and territories are retentionist
- 22 countries carried out executions in 2014
- 33 countries and territories retain the death penalty for drug offences:

- 13 of the 33 countries have carried out an execution for drug offences in the past five years
- 12 of the 33 countries retain a mandatory death penalty for certain categories of drug offences
- 5 of the 33 countries are abolitionist in practice

KEYWORDS:

Death penalty for drug-related offences:

Legislation allowing for a sentence of death solely for drug offences. It does not address capital punishment for complicity in another's death where drugs may have been a factor. (Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2010*)

High application states:

Countries that have made the sentencing of those convicted of drug offences to death and/or carrying out executions a regular part of their criminal justice system. (Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2012*)

Abolitionist in practice:

Countries where the death penalty is still provided for in legislation but no executions have been carried out for at least ten years and there is an established practice not to carry out executions. (Amnesty International)

Mandatory death penalty:

The imposition of a death sentence is automatic upon conviction of a particular crime. The court (or other sentencing authority) retains no discretion to take into account the facts of the offense or the characteristics of each individual offender; instead, each offender is sentenced to death regardless of any mitigating circumstances that may apply. (Death Penalty Worldwide)

Drug-related deaths:

The definition varies among UN Member States but includes all or some of the following: fatal drug overdoses, deaths due to HIV acquired through injecting drug use, suicide, and unintentional deaths and trauma, due to drug use. (UNODC, *World Drug Report 2014*).

Drug trafficking:

Global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws. (UNODC)

THE DEATH PENALTY DOES NOT SOLVE THE WORLD DRUG PROBLEM

Contrary to the main arguments retentionist countries use to maintain the death penalty for drug-related offenses, imposing or allowing the death penalty for such crimes does not deter drug abuse or drug trafficking.

THE DEATH PENALTY DOES NOT PROTECT PEOPLE FROM DRUG ABUSE

In the World Drug Report 2014, the UN Office on Drugs and Crime (UNODC) estimates that in 2012, there were 183,000 drug-related deaths worldwide. Drug overdose is the primary contributor to the global number of drug-related deaths, and opioids (heroin and the non-medical use of prescription opioids) are the main drug categories implicated in those deaths.

The death penalty, however, hasn't been proven to reduce drug consumption. According to the UNODC, during the period 2003-2012, the estimated number of drug users (as a percentage of the population in the 15-64 age bracket) has remained fairly stable.

Moreover, although opioids are the main source of overdoses, marijuana traffickers make up a large number or in some countries even a majority of drug-related offenders sentenced to die. For example, according to Harm Reduction International (HRI), in Malaysia, most of drug-related offenders sentenced to death were convicted of offences related to marijuana or hashish.

THE DEATH PENALTY DOESN'T DETER DRUG TRAFFICKING

After many years of the practice of sentencing drug-related offenders to death, empirical evidence shows that the death penalty doesn't reduce drug trafficking.

Many of offenders who are sentenced to death and executed are mere bit players in the illicit drug trade. The majority of people facing the death penalty for drug-related offences are not people at the apex of the trafficking hierarchy. They are, for the most part, poor and vulnerable people, ripe for exploitation by more senior figures.

Singapore is a compelling example of how even harsh laws against state's drug-related crimes are ineffective in reducing trafficking. Singapore has had draconian laws for drug-related offences since 1973, and it has been one of the world's notorious leaders in imposing the death penalty for such crimes. However, according to the European Institute for Crime Prevention and Control in 2010, Singapore's drug-related crime rate is far worse than other countries such as Costa Rica and Turkey. The number of drugs seizures in Singapore has continued to increase in recent years. The Central Narcotics Bureau of Singapore reported record numbers of seizures in 2012. The estimated street value of the drugs seized was S\$18.3 million, 14% higher than in 2011. The escalating rate of drug trafficking in Singapore shows that harsh laws are ineffective in deterring drug trafficking and access to drugs.

Ayatollah Sadegh Larijani, the head of Iran's judiciary, said during a meeting of judiciary officials in December 2014:

"On the issue of drugs and trafficking, it feels necessary that we need a change in the legislation because the ultimate goal of the law should be implementing justice, while in reality, this goal is often not realized." According to the conservative Etelaat newspaper, Sadegh Larijani did not advocate for lenient treatment of drug smugglers. He said that drug smugglers need to be "dealt with seriously" but conceded, "Unfortunately, today, with respect to drugs and drug-related laws, we see that these laws have no impact."

Governments and the international community have developed a number of strategies to address the world drug problem in a comprehensive way, including:

- Demand-reduction and harm-reduction programmes (prevention, treatment, education)
- Supply-reduction interventions (drug interdiction, dismantlement of drug trafficking organizations, alternative development programmes, eradication, control of precursor chemicals)
- Efforts to control illicit financial flows.

THE REALITY OF THE DEATH PENALTY FOR DRUG-RELATED OFFENSES

Unfair trials

According to Harm Reduction International, advocates and independent human rights bodies have raised concerns over trial standards in numerous countries where the death penalty is imposed for drug-related offences. They have made allegations of confessions extracted under coercion or torture in China, Egypt, Indonesia, Thailand, Saudi Arabia, Sudan and others. They have raised significant additional concerns over trial standards in Cuba, Iraq, Myanmar, North Korea and Syria to name just a few.

Foreigners

Drug trafficking is by nature a transnational crime. Foreign nationals, it follows, comprise a portion, and perhaps even a substantial proportion, of people prosecuted for drug-related offences. Some countries, however, appear to impose capital punishment for drug-related offences disproportionately against non-nationals.

In 2007, of 40 people executed in Saudi Arabia for drug-related offences, 36 were foreigners, including nationals of Afghanistan, India, Iraq, Nigeria, Pakistan and Thailand. In 2008, when Saudi Arabia executed at least 23 people for drug-related offences, at least 17 were non-nationals, including citizens of India, Iraq, Nigeria, Pakistan and Syria.

Indonesia has executed 18 people for drug-related offences since 2008: two Nigerians in 2008, a Malaysian and an Indonesian in 2013, two Australians, two Brazilians, one Dutch, one Malawian, five Nigerians, one Vietnamese and two Indonesians in 2015.

Women

Women are also victims, as drug traffickers think women can cross borders unnoticed. In the Philippines, «[o]f the 710 arrested, 265 (37%) are males while 445 (63%) are females. Women are usually targeted by syndicates because they generally attract mild suspicion from the inspectors,» according to a member of the country's Drug Enforcement Agency. Women either swallow the drugs, have them inserted into their body in minor surgery, or hide the drugs in luggage and handbags. Traffickers recruit pregnant women to work as drug carriers because they will garner sympathy and sometimes lesser punishments in some countries.

INTERNATIONAL HUMAN RIGHTS STANDARDS:

International Covenant on Civil and Political Rights, Article 6(2):

“In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes”

UN Special Rapporteur on extrajudicial, arbitrary or summary executions:

“There is no consensus among States to support the death penalty for crimes that do not involve lethal intent and that do not result in death, such as drug-related offences”

United Nations Office on Drugs and Crime:

“As an entity of the United Nations system, UNODC advocates the abolition of the death penalty and calls upon Member States to follow international standards concerning prohibition of the death penalty for offences of a drug-related or purely economic nature”

UN International Narcotics Control Board (INCB)

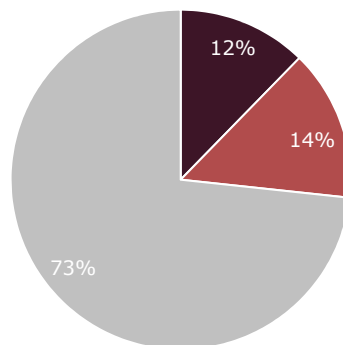
“The INCB, taking into account the relevant international conventions on human rights, the various protocols, the various resolutions of the General Assembly, of the ECOSOC, and of UN human rights bodies concerning the death penalty, we encourage state parties, part of the conventions, that still provide for the death penalty for drug-related offences in their national legislation and practice it, to consider the abolishing of the death penalty for drug-related offences.”

EU Guidelines on Death Penalty:

“The death penalty must not be imposed for non-violent acts such as financial or economic crimes, or because of political offences or rivalries. It shall also not be imposed for drug-related crimes, it also being understood that scope should never go beyond the most serious intentional crimes”

Death penalty for drugs in Asia and MENA States

- Mass Executions for drugs
- Rare executions for drugs
- No executions for drugs



10 REASONS TO END THE USE OF THE DEATH PENALTY

- 1 No state** should have the power to take a person's life.
- 2 It is irrevocable.** No justice system is safe from judicial error and innocent people are likely to be sentenced to death.
- 3 It does not keep society safe.** It has never been shown that the death penalty deters crimes more effectively than other punishments.
- 4 It is unfair.** The death penalty is discriminatory and is often used disproportionately against people who are poor, mentally ill, and from racial and ethnic minorities. In some places, the imposition of the death penalty is rooted in discrimination on the basis of sexual orientation or religion.
- 5 Not all murder victims' families want the death penalty.** A large and growing number of victims' families worldwide reject the death penalty and are speaking out against it, saying it does not bring back or honor their murdered family member, does not heal the pain of the murder, and violates their ethical and religious beliefs.
- 6 It creates more pain.** The death penalty inflicts pain on the families of people on death row and causes great pain to the family members of people who have been executed.
- 7 It is inhuman, cruel and degrading.** The conditions on death row inflict extreme psychological suffering, and execution is a physical and mental assault.
- 8 It is applied overwhelmingly in violation of international standards.** It breaches the principles of the 1948 Universal Declaration of Human Rights, which states that everyone has the right to life and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. On four occasions, the United Nations General Assembly has called for the establishment of a moratorium on the use of the death penalty (resolutions 62/149, 63/168, 65/206, 67/176 69/186 and adopted in December 2007, 2008, 2010, 2012 and 2014).
- 9 It is inefficient.** Time and money are diverted from other more efficient law enforcement measures.
- 10 It denies any possibility of rehabilitation to the criminal.**

10 THINGS YOU CAN DO TO END THE DEATH PENALTY

- 1** Organize a public debate and a movie screening with exonerees, murder victims' families, and experts, to raise awareness on the reality of the death penalty.
- 2** Organize an art exhibition (photographs, drawings, posters) or a theatre performance.
- 3** Organize a demonstration, a sit-in, a 'die-in', or a flash mob.
- 4** Join events prepared for the abolition of the death penalty worldwide.
- 5** Sign petitions against the death penalty and encourage others to sign.
- 6** Write to a prisoner on death row.
- 7** Donate to the World Coalition against the Death Penalty or another group working to end the death penalty.
- 8** Follow the social media campaign on Facebook and Twitter: **#nodeathpenalty**
- 9** Mobilize the media to raise awareness on the issue of the death penalty.
- 10** Participate in "Cities Against the Death Penalty/Cities for Life" on November 30, 2015.

To find out more:

Find out everything about World Day against the Death Penalty at www.worldcoalition.org/worldday, including:

- The 2015 World Day poster
- The mobilisation kit
- Detailed factsheets on the death penalty around the world
- The 2014 World Day Report
- A pedagogical guide

The World Coalition Against the Death Penalty created the World Day against the Death Penalty in 2003 to help activists worldwide rally to oppose the death penalty and unite behind the struggle for universal abolition.



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The World Coalition Against the Death Penalty is an alliance of more than 150 NGOs, bar associations, local authorities and unions. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. The World Coalition gives a global dimension to the sometimes isolated action taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.

This document was produced with the financial support of the European Union. The contents of this document are the sole responsibility of the World Coalition Against the Death Penalty and should in no way be considered to reflect the position of the European Union.

