

The Death Penalty for Drug Offences: Global Overview 2015

The Extreme Fringe of Global Drug Policy

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HARM REDUCTION
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Harm Reduction International is a leading non-governmental organisation working to promote and expand support for harm reduction. With over 8,000 members worldwide, Harm Reduction International is the largest membership-based global harm reduction association.

We work to reduce the negative health, social and human rights impacts of drug use and drug policy – such as the increased vulnerability to HIV and hepatitis infection among people who inject drugs – by promoting evidence-based public health policies and practices, and human rights based approaches to drug policy.

We are an influential global source of research, policy/legal analysis and advocacy on drug use, health and human rights issues.

The organisation is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

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Executive Summary

Hundreds of people are executed every year for contravening drug laws around the world. Many of those killed are low level couriers, duped or coerced into carrying drugs across international borders, or forced by economic necessity into taking risks. Some experience violent interrogations, are subject to flawed trials, given penalties condemned by human rights authorities and then hanged, shot, beheaded or killed via a lethal injection in violation of international law.

This report looks at the death penalty for drugs in law and practice. It also considers critical developments on the issue. Among its findings are:

- > There are at least **33 countries and territories that prescribe the death penalty for drugs in law.**
- > At least **10 countries have the death penalty for drugs as a mandatory sanction.**¹
- > **In 2013, around 549 people were believed to have been executed for drugs.** This is an estimate using figures provided by human rights monitors but it cannot be considered comprehensive and it is likely there are more executions than those recorded.²
- > If the estimates for China are accurate and remained constant for 2014, then there would have been at least **600 executions for drugs in 2014.** The actual figure is also likely to be higher when countries like North Korea, for which there is no reliable data, are included.
- > **Executions for drugs took place in at least seven countries since 2010.**³ This number is possibly higher⁴ but not by much. Very few countries in the world actually execute drug offenders with any frequency.
- > **As of 2015, there are believed to be almost 900 people on death row for drugs in Malaysia, Indonesia, Thailand and Pakistan, and many hundreds more in China, Iran and Vietnam.**

While this report notes that there still are a troubling number of governments with capital drug laws in law very few states actually execute people for drugs. The number of people killed for drug-related offences is high but only because China, Iran and Saudi Arabia are aggressive executioners. The reality is that those governments that kill for drugs are an extreme fringe of the international community.

One of the major developments in recent years on the death penalty for drugs, however, is that the international community is no longer standing idly by. The death penalty for drugs is distinct from many other capital offences as drug control is not confined to the borders of a particular country. The investigation, capture and prosecution of those who are executed may require assistance from partners around the world, including agencies based in countries that are opposed to the death penalty. After all, international drug control is a collective endeavour formalised by international agreements. The 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances promotes cross-border information-sharing between national agencies, joint trainings, technical and financial assistance between a variety of States Parties.⁵

The 1988 Convention formalised transnational cooperation in drug control and essentially 'internationalised' the war on drugs.⁶ In practice, this means a border control program between Iran and Pakistan could involve European Union donors, German police trainers, French equipment and British intelligence delivered

in partnerships coordinated by the United Nations.⁷ Thus what happens in Iran is influenced by decisions made in Brussels, to say nothing of the international bodies interposed in this arrangement. When hundreds of people are executed for drugs in Iran—a country that receives millions in drug control aid— every year, it becomes impossible to dismiss these events as incidental ‘unintended consequences’ of drug control because so many parties are engaged in the context. The death penalty is not ‘unintended’ in Iran, and executions implicate the government’s international counterparts.

This is the fifth report of its kind by Harm Reduction International. When the organisation first began tracking the issue in 2007, it noted that there was a normative evolution among human rights bodies on the death penalty for drugs while little action was being taken by Member States and international agencies like UN Office on Drugs and Crime (UNODC). Now both UNODC and governments are increasing pressure on those rogue states that carry out executions in violation of international law. In recent years, a number of governments implemented guidelines that potentially limit cooperation with drug control agencies in countries that carry out illegal executions. Even more importantly, several states have withdrawn drug control aid over death penalty concerns, illustrating how seriously the issue is being taken.

The Extreme Fringe: New Developments

The Rise of Capital Drugs Laws

Starting in the late 1970s, a revolutionary period for anti-capital punishment campaigners began that saw an unprecedented movement to abolish the death penalty. According to Amnesty International, only 16 countries had abolished the death penalty in 1977. This number has now risen to 140.⁸

This era was also marked by hysteria about the threat that drugs presented to society. The so-called 'war on drugs' was launched in the United States⁹ and, at the international level, existing drug control agreements were consolidated into a treaty regime that was more punitively prohibitionist than anything that had previously existed.¹⁰ These developments, along with fierce international pressure, spurred the introduction of harsh national drug laws including those allowing for the death penalty.¹¹ The number of countries or territories that prescribe the death penalty for drugs increased from around ten in 1979 to 36 in 2000.¹²

In addition, the view that drug offences were somehow exceptional or presented such a profound threat to society led to a number of associated human rights concerns including specialist courts for drug offenders that do not honour due process,¹³ mandatory death sentences for small amounts of drugs¹⁴ and the disproportionate application of the death penalty for drugs against foreigners,¹⁵ among other concerns.

This dynamic generated one of the bitter ironies of the death penalty for drugs. While many capital drug laws coincided with international agreements and were coupled with foreign pressure for 'zero tolerance' laws, these statutes are now frequently cited as a cultural norm inherent to Asian and Middle Eastern countries.¹⁶ A review of the history of these laws exposes this assertion to be false.

Most of the dozen States that actively execute drug offenders adopted these statutes from the 1980s onwards.¹⁷ China and Iran, which have had capital punishment for drug offences since the 1940s and 1950s respectively, have capital drug laws that precede the modern international drug control treaty regime. The laws of Malaysia, Singapore and Thailand do predate the drafting process of the 1988 drug control treaty, but even then came in the era of the United States' 'drug war', and at a time when the international community prioritised drug suppression.¹⁸

The 'culture' defence for capital drug laws is an obvious tactic to divert responsibility from the authorities implementing their chosen policies.

The Normative Development Against the Death Penalty for Drugs

The rise of countries imposing the death penalty for drugs attracted the notice of human rights bodies. Multilateral human rights treaties establish a number of limitations to the lawful imposition of capital punishment. One significant restriction is enshrined in Article 6(2) of the International Covenant on Civil and Political Rights, which states that the death penalty may only be applied for what the treaty terms 'most serious crimes'.¹⁹ This threshold is reaffirmed in numerous statements of UN political bodies. For example, a 1984 resolution of the Economic and Social Council of the United Nations (ECOSOC) upholds the nine safeguards on the application of the death penalty, the first of which states that capital punishment should be used 'only for the most serious crimes'.²⁰ The 'most serious crimes' threshold was clarified to mean that such offences were limited to those 'with lethal or other extremely grave consequences'.²¹ The safeguards were later endorsed by the UN General Assembly.²²

Over time, authorities have asserted that ‘most serious crimes’ refer to ‘cases where it can be shown that there was an intention to kill which resulted in the loss of life’.²³ For decades, human rights bodies have affirmed that drug offences do not meet the threshold of a ‘most serious crime.’ For example, the UN Human Rights Committee, the body of independent experts mandated with monitoring the implementation and interpretation of the Covenant, concluded that drug trafficking was an offence that ‘cannot be characterized as the most serious’.²⁴ This view has been supported by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions²⁵; the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment²⁶; UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,²⁷ among others. The European Union’s Guidelines on Death Penalty specifically state that minimum standards reflect that the death penalty ‘shall also not be imposed for drug-related crimes’.²⁸

In recent years, international drug control bodies are also supporting the view that capital drug laws violate international law. The UN Office on Drugs and Crime stated, ‘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.’²⁹

The International Narcotics Control Board (INCB)—a conservative body that has often been criticised for being out of step on human rights issues³⁰—also spoke out against capital drug laws in 2014. The then-President of the INCB, Raymond Yans, said, ‘Member states are encouraged to consider abolishing the death penalty for drug-related offences’.³¹ This

appeal was restated by the subsequent Board President, Lochlan Naidoo, at the 2015 session of the UN Commission on Narcotic Drugs in Vienna.³²

This position is also increasingly supported by State practice. While the number of countries with the death penalty for drugs increased throughout the 1980s and 1990s, in the 2000s that trend started to reverse, as noted by Harm Reduction International in 2010.³³ Several states abolished their capital drug laws beginning at the start of the new millennium.³⁴ In addition, among those governments that retained the death penalty for drugs, many simply stopped executing. In fact, it is now a very small number of countries that have capital punishment for drugs in law and carry out executions with any frequency. In 2012, the Special Rapporteur on Extrajudicial, summary or arbitrary executions noted,

As measured by State practice, however, 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 or economic crimes. In reality, many of these death-eligible crimes are not prosecuted by retentionist States as capital offences and/or death sentences are not handed down for them. Even fewer States actually carry out executions for these offences.³⁵

In other words, even among those countries that still have the death penalty for any crime, the vast majority don’t apply it for drugs. Among those that have the death penalty for drugs on the books, the sanction is not carried out. Overall, as this report shows, only about 5 percent of countries apply the death penalty for drugs. The Special Rapporteur’s report adds, ‘Inasmuch as an international standard

is meant to reflect international consensus, it is noteworthy that several States are questioning the appropriateness of using the criminal law model for drug control.¹³⁶

The Death Penalty for Drugs in Practice

For the sake of this report, Harm Reduction International divides jurisdictions with the death penalty for drugs into several categories.³⁷ ‘High Application States’ are those countries in which the sentencing of people convicted of drug offences to death and/or carrying out executions are routine and mainstreamed part of the criminal justice system.

‘Low Application States’ are those countries where executions for drug offences are an exceptional occurrence. Although executions for drug offences may have been carried out in recent years, in practice such penalties are relatively rare, especially when compared with the small handful of high application countries.

‘Symbolic Application States’ are those countries that have the death penalty for drug offences within their legislation but do not carry out executions, or at least there has not been any record of executions for drug-related offences. Most of these countries are retentionist, which, according to Amnesty International, means that they retain the death penalty for ordinary crimes. However, some are what Amnesty terms abolitionist in practice, meaning ‘executions have not taken place for 10 years’ or a formal moratorium has been issued.³⁸ Some of these countries may occasionally pass death sentences, but there is little or no chance that such a sentence will be carried out.

A fourth category, ‘insufficient data’, is used to denote instances where there is simply not enough information to classify the country accurately.

What data from these countries show is that a very small number of States now account for the vast majority of executions for drugs.

- > Of the approximately 549 executions for drugs believed to have taken place in 2013, 546 were carried out in China, Iran and Saudi Arabia.
- > At least 12 countries or territories that prescribe the death penalty for drugs in law are not known to have ever executed a single person for a drug offence.³⁹
- > Six countries that prescribe the death penalty for drugs in law are ‘abolitionist in practice’ meaning ‘executions have not taken place for 10 years’ or a formal moratorium has been issued.⁴⁰

A Wedge Issue in International Drug Control

The international drug control system is not limited to a single actor. It engages a number of parties and, in many instances, is mediated by the United Nations itself.

Funds, trainings, supplies and information all move efficiently across borders and legal contexts. If someone is caught, illegally sentenced to death and executed by a government utilising financial and technical materials from abolitionist states, it potentially raises concerns about the latter’s complicity.⁴¹ Moreover, there are even instances in which a government that opposes the death penalty has provided assistance that led to the arrest and subsequent death sentence of its own nationals.⁴²

Even those governments that apply the death penalty for drug offences are deeply disturbed to see their own nationals convicted and sentenced to death. For instance, the Malaysian government appealed to Singapore for mercy

on behalf of a teenaged drug smuggler, who was clearly little more than a minor figure likely to have been exploited by more experienced drug gangs.⁴³ However, it is worth noting that both Singapore and Malaysia have capital drug laws that bear considerable similarities.

In the case of governments that oppose the death penalty, these appeals can be much more fractious. Countries that oppose the death penalty in Asia, Africa, Latin America and Europe have all appealed for mercy on behalf of their citizens, often unsuccessfully. This has resulted in public censure against the executing governments and tense diplomatic standoffs. After a spate of executions in Indonesia in 2015 that included a Brazilian and a Dutch national, both governments withdrew their ambassadors from Indonesia.⁴⁴

These instances are taxing the drug control system. For example, in 2014, UN Member States attempted to develop a joint statement on international cooperation to combat illegal drugs.⁴⁵ Opposition to the death penalty was added to early drafts—eliciting fierce opposition from retentionist States—which resulted in protracted, fractious debates that nearly made a consensus document impossible to agree upon.⁴⁶

Efforts are now underway to create national and international human rights standards on drug control cooperation. UN Secretary General Ban Ki-moon wrote in 2012:

‘[C]ooperative assistance – such as technical or financial aid, provision of materials, intelligence-sharing and mutual legal assistance – could facilitate the apprehension of alleged drug offenders, who may be subject to the death penalty in violation of international human rights law. There

has been developing recognition of the need to systematize international law enforcement efforts to ensure that cross-border cooperation does not lead to penalties that would violate international human rights law. Donor States and international organizations that provide support to drug-control projects in retentionist States need to ensure that such assistance does not facilitate and legitimize the use of the death penalty in cases that would not be acceptable in accordance with international standards and safeguards.’⁴⁷

Governments and international agencies have launched efforts to do just that. For example, the UN Office on Drugs and Crime has issued its own position paper on human rights. The agency states that if political interventions fail to limit the application of capital punishment, ‘UNODC may have no choice but to employ a temporary freeze or withdrawal of support.’⁴⁸ Similar threats have been levelled by the European Union.⁴⁹

These are reinforced with national level guidance for both bilateral and multilateral aid. The UK Foreign and Commonwealth Office has implemented an Overseas Security and Justice Assistance guidance document, which applies to drug control, to prevent ‘legal, policy or reputational risks’ for the British government.⁵⁰ The guidance establishes a process that includes an assessment of contextual human rights risk prior to providing assistance, an identification of legal risks associated with a project and steps to mitigate the risk or to decide whether to proceed at all. The document adds, ‘The Guidance applies to both case specific assistance and broader, often longer term capacity building assistance.’⁵¹ The death penalty is included as a thematic issue to be considered in the assessment.

At the national level, governments are operationalizing their guidelines. The UK, Denmark and Ireland have all pulled funding from Iran's drug control program due to concerns about the death penalty.⁵² There is also mounting pressure to suspend aid to drug control programs in Vietnam⁵³ and Pakistan.⁵⁴ Although unrelated to drug control, Germany's Bundesbank had claimed it excludes Chinese and Vietnamese banking officials from anti-counterfeiting seminars because of their use of the death penalty for serious cases of forgery.⁵⁵

Conclusion: The death penalty for drugs is a rarity among states and is carried out by an extreme fringe

The death penalty for drugs is both distressingly common (in terms of the overall number of people killed) while also incredibly rare (in terms of the number of States that carry out the sentence). Hundreds of people are executed every year for drugs, the overwhelming majority of them in just a few countries. Thousands more are sentenced to death.

Those few countries that execute people for drugs represent an extreme fringe of the international community. However, there are consequences to belonging to this notorious faction. Issues related to capital punishment, especially for drugs, are becoming increasingly fractious within multilateral forums. European and Latin American States, among others, are more forcefully urging the abolition of the death penalty, both within their own capitals and in multilateral settings such as the UN Commission on Narcotic Drugs. That shows no signs of waning, especially as the entire drug control system is eliciting more dissent than ever before.⁵⁶

is movement against the worst excesses of a criminal justice-oriented approach to drugs. The death penalty has long been viewed as one of the most extreme sanctions for drug offenders, and it is one that is no longer being tolerated.

This growing opposition should alarm those few High Application States that are on the extreme fringe of capital punishment policy. These few governments that execute drug offenders in large numbers represent not only a tiny minority of retentionist States, they even represent a small minority of States with the death penalty for drugs.

Very few governments actually execute in high numbers. They are a small identifiable group, and they are becoming more isolated, as partners choose not to cooperate in their version of the international drug war.

While substantive reforms at the international level may leave many advocates wanting, there

Global Overview: Death Penalty for Drugs 2015

Below is a State-by-State analysis of those countries that have capital drug laws, including relevant figures describing how these laws are enforced in practice. The information presented here updates and builds upon the data presented in previous editions of the Global Overview.

Methodology

This Global Overview was compiled by examining relevant death penalty laws and State practices, pulling together data and information from a variety of sources.

Some governments make their laws available on official websites or willingly share current legislation when requested. The United Nations Office on Drugs and Crime (UNODC) also maintains an online database of relevant national drug laws for most countries.⁵⁷ Unfortunately this information is not always up to date, and the laws are frequently incomplete. For this report, every effort has been made to identify the most current legislation. In a few instances, the report relies on credible secondary sources.

There is not always absolute clarity with respect to legal codes, thus there is some variation between this report and past Global Overviews, in particular with respect to mandatory death penalty laws. Harm Reduction International has done its best to cross-check as much past information as possible with (relatively) new available resources, such as the web site Death Penalty Worldwide.⁵⁸

With respect to data on death sentences and executions, the margin for error is even greater. Mostly the figures cited in this report on executions and death sentences cannot be considered comprehensive. Rather, they are broadly illustrative of how capital punishment is carried out for drug-related offences. Where information is incomplete, we have attempted

to identify the gaps. For example, human rights groups have documented numerous executions in Iran that were not reported in the media. In some countries, information on the application of the death penalty remains a State secret.

The numbers that have been included here are drawn from, and cross-checked against; NGO reports and databases, UN documents, media reports, scholarly books and articles, local death penalty abolitionist groups and, in some cases, the governments themselves. Every effort has been taken to minimise inaccuracies but there is always the potential for error. Harm Reduction International welcomes being alerted to any additional data not included here.

CATEGORIES

Harm Reduction International identifies 33 countries and territories that retain the death penalty for drug offences.

However, it is important to put this number of in context. Very few of these countries actually carry out executions for drugs on a regular basis. In fact, six of those states are abolitionist in practice or de facto abolitionist, meaning they have essentially stopped carrying out executions for any crime. Others have never actually executed someone for a drug offence.

In order to demonstrate the differences between law and practice among States with the death penalty for drug offences, Harm Reduction International categorises countries into high application, low application or symbolic application states.

High Application States are those in which the sentencing of those convicted of drug offences to death and/or carrying out executions a regular and mainstreamed part of the criminal justice system.

Low Application States are those countries where executions for drug offences are an exceptional occurrence. Although executions for drug offences may have been recently carried out, in practice such penalties are relatively rare, especially when compared with the small handful of high application countries.

Symbolic Application States are those countries that have the death penalty for drug offences within their legislation but do not carry out executions, or at least there has not been any record of executions for drug-related offences. Most of these countries are retentionist, which, according to Amnesty International, means that they retain the death penalty for ordinary crimes. However a few are what Amnesty terms 'abolitionist in practice'. Some of these countries may occasionally pass death sentences, but there is little or no chance that such a sentence will be carried out.

A fourth category, **insufficient data**, is used to denote instances where there is simply not enough information to classify the country accurately.

HIGH APPLICATION STATES

China: State Secret		
Laws in effect: Criminal Law of the People's Republic of China, art. 347, Jul. 1, 1979		
Year	Total Executions	Executions for Drugs
2013	2,400 ⁵⁹	190 ⁶⁰
2012	3,000 ⁶¹	240
Mandatory death penalty for drug offences: No		

It has long been believed that the Chinese government reduced the number of executions in the country in recent years. The Dui Hua Foundation estimates that in 2007 there were

around 6,500 people executed. The Foundation believes this number came down to 5,000 in 2008, 2009 and 2010. However, any figures on China are drawn from very rough estimates based on fragmented reports of how capital punishment is carried out in the country. Some estimates place the percentage of drug offenders among this group at around eight percent,⁶² although like all figures on the death penalty in China they are 'impossible to corroborate.'⁶³

Despite carrying out a high number of executions, the Chinese government continues to debate the use of the death penalty and the reduction of its application.⁶⁴

Iran ⁶⁵		
Laws in effect: 2010 Anti-Narcotics Law of the Islamic Republic of Iran (amended the 1997 Law)		
Year	Total Executions	Executions for Drugs
2014	753	367
2013	687	331
2012	580	439
Mandatory death penalty for drug offences: Yes		

Drug offences have long comprised the majority of executions in Iran. While executions for murder appeared to be growing in recent years, Iran Human Rights' latest report notes that in the first six months of 2015 there were an estimated 570 executions, of which 394 people (69 percent) were drug offenders.⁶⁶

Saudi Arabia⁶⁷

Laws in effect: Article 37 (1) of Royal Decree No. 39 of 10 August 2005.

Year	Total Executions	Executions for Drugs
2014	90	41
2013	93	25
2012	84	22
Mandatory death penalty for drug offences: No		

Saudi Arabia has been an inconsistent executioner in recent years. Capital punishment for drugs and other offences will drop considerably one year, only to increase greatly in a subsequent year. In 2010, only one person was executed for a drug offence, with similarly low numbers in 2009. However, in 2007 and 2008, Saudi Arabia executed 40 and 24 people for drugs respectively. In the past three years, Saudi Arabia has resumed executing dozens of people for drug-related crimes annually. In the first six months of 2015, the country has executed 102 people for all crimes, around half of them for drugs.⁶⁸

Malaysia⁶⁹

Laws in effect: Dangerous Drugs Act 1952, Act 234

Year	Total Executions	Executions for Drugs
2014	2 ⁷⁰	Unknown
2013	2 ⁷¹	1
2012	0 ⁷²	0
Year	Death Row Total	Death Row Drugs
2015 ⁷³	1,043	480
Mandatory death penalty for drug offences: Yes		

At least 229 people have been hanged for drugs since 1960⁷⁴ however the government is believed to have reduced its use of capital punishment in recent years.⁷⁵ Nevertheless, Malaysia remains a difficult country to assess accurately. Its death penalty policies are fraught with secrecy. While the numbers of executions for drugs that become public are relatively few, no figures can be seen as comprehensive. The Malaysian government must increase transparency on its use of the death penalty. Singapore's recent transparency on the death penalty could be instructive. While executions remain troubling, the scale is now much better understood. Malaysia's status as a High Application state may not be deserved but what it is known makes the government impossible to reclassify. This is especially true since capital sentences for drug offenders are handed down with troubling frequency. The government openly debates its own policy and strikes a reformist posture. However, meaningful action has not been taken.

Singapore⁷⁶

Laws in effect: Misuse of Drugs Act 1973

Year	Total Executions	Executions for Drugs
2014	2	2
2013	0	0
2012	0	0
Mandatory death penalty for drug offences: Yes		

Once one of the world's most prolific executioners, Singapore has recently reduced its application of the death penalty for drugs. This is an important development. The government executed 110 people for drug-related crimes between 1999 and 2003. In addition to reducing the number of people executed, Singapore has created some flexibility in its notoriously

stringent laws for those who can prove they were mere couriers and who cooperate with the authorities. Nevertheless, its decision to resume executions in 2014 is a deep disappointment to human rights campaigners both domestically and internationally.

Vietnam: State Secret		
Laws in effect: Article 193 of Vietnam's Penal Code		
Year	Total Death Sentences	Death Sentences for Drugs
2014	At least 72 ⁷⁷	At least 45 ⁷⁸
2013	At least 148 ⁷⁹	At least 24 ⁸⁰
2012	At least 86 ⁸¹	At least 11 ⁸²
Year	Total Executions	Executions for Drugs
2014	3 known	Unknown
2013	2 known	Unknown
2012	0	0
Mandatory death penalty for drug offences: No		

The numbers here can only be taken as anecdotal and not comprehensive. Vietnam treats the death penalty as a State secret, which makes any complete analysis nearly impossible. The report only includes the sentences that have been reported in State media and tracked by human rights organisations.

What is known is that Vietnam has traditionally executed high numbers of people, in particular for drug crimes. Throughout the early 2000s, executions were believed to number between 80 and 100 annually, most for drugs. That number is believed to have fallen in recent years. In 2011, the UK Foreign Office reported that 17 people had been executed, and that 'all of these people had either been convicted of murder or drug trafficking.'⁸³

Indonesia		
Laws in effect: Chapter XV, Law of the Republic of Indonesia No. 35 of 2009 regarding Narcotics		
Year	Total Executions	Executions for Drugs
Mid-2015	14	14
2014	0	0
2013	5	2 ⁸⁴
2012	0	0
Year	Death Row Total	Death Row Drugs
2014 (as of Dec.)	136	64 ⁸⁵
Mandatory death penalty for drug offences: No		

Indonesia has traditionally been categorised as a 'Low Application' state by Harm Reduction International. Although there were many drug offenders on death row, the government rarely carried out executions. Between 2007 through 2012, two drug offenders had been executed. That changed in 2013 when the government executed five people, two of whom were convicted of drug offences. Campaigners in the country and abroad had hoped that this was a rare occurrence. Unfortunately, that was not the case as in 2015 the government carried out mass executions of drug offenders, including those who allegedly made confessions under torture.⁸⁶

LOW APPLICATION STATES

Thailand		
Laws in effect: Section 66 of Narcotics Act 1979		
Year	Death Row Total	Death Row Drugs
2014 (As of Oct.31) ⁸⁷	609	252 (including 39 women)
Last known execution for drug offences: 2009		
Mandatory death penalty for drug offences: No		

The Thai government continues to openly debate the death penalty for all offences. The government allegedly drafted a national human rights plan, which aims for eventual abolition.⁸⁸ The government has abstained on the UN General Assembly resolution calling for an international moratorium on the use of the death penalty.

Kuwait		
Laws in effect: Ministerial Decree No. 259/81 Of 28 July 1981 regarding the Reorganisation of the Importation and Circulation of Psychotropic Substances in Kuwait, and amendments 1984/30, 1984/31, 1984/32, and 1984/33.		
Year	Total Death Sentences	Death Sentences for Drugs
2014	At least 4 ⁸⁹	0
2013	At least 8 ⁹⁰	0
2012	At least 5 ⁹¹	0
Year	Total Executions	Executions for Drugs
2014	0 ⁹²	0
2013	5 ⁹³	0
2012	0 ⁹⁴	0
Mandatory death penalty for drug offences: Yes		

After a spate of executions in the late 1990s and early 2000s for drugs (14 between 1998 and 2007) the Kuwaiti government has limited its application of the death penalty for drugs in recent years.

Pakistan		
Laws in effect: Section 9 of Control of Narcotics Substances Act (CNSA) 1997, 175 Sections 13 and 14 of Dangerous Drugs Act 1930		
Year	Total Executions	Executions for Drugs
2014	7 ⁹⁵	0 ⁹⁶
2013	0 ⁹⁷	0 ⁹⁸
2012	1 ⁹⁹	0 ¹⁰⁰
Year	Death Row Total	Death Row Drugs
2014	8,000	+100 ¹⁰¹
Last known execution for drug offences: 2007		
Mandatory death penalty for drug offences: No		

It must be said that Pakistan has gone on a virtual killing spree since in 2015, executing more than 160 people in the first six months of the year. However, it appears that most of those killed were convicted of violent offences.¹⁰² In March 2014 media reported that 444 people in Pakistan were being tried in cases of drug offences punishable with death.¹⁰³

Taiwan¹⁰⁴

Laws in effect: Articles 4, 6 and 15 of Drug Control Act

Year	Total Executions	Executions for Drugs
2014	5	0
2013	6	0
2012	6	0

Last known executions for drug offences: 2002

Mandatory death penalty for drug offences: No

Between 2001 and 2010 Taiwan executed 13 people for a drug-related crime. In recent years, executions have mainly been carried out for violent offences.¹⁰⁵

Egypt

Laws in effect: The Anti-Drug Law No. 182 of 1960 and its amendment by Law No. 22 of 1989.

Year	Total Executions	Executions for Drugs
2014	At least 15 ¹⁰⁶	None known ¹⁰⁷
2013	0	0
2012	0	0

Mandatory death penalty for drug offences: No¹⁰⁸

With mass death sentences and secrecy around executions, Egypt is not an easy country to categorise. At least five people were sentenced to death for drugs (two in absentia) in 2013¹⁰⁹ However, where executions are reported, they appear to have been for non-drug-related offences.

SYMBOLIC APPLICATION STATES**Oman**

Laws in effect: Law on the Control of Narcotic Drugs and Psychotropic Substances, 2000, Art. 43

Last known execution for drug offences: 2001

Executions for drugs 2000-2001: 4

Mandatory death penalty for drugs: No¹¹⁰

Qatar

Laws in effect: Article 34, Law No. 9, 1987, to Control Narcotic Drugs and Dangerous Psychotropic Substances and to Regulate Their Use and Trade therein

Last known execution for any crime: 2003

Last known death sentence for drugs: 2013¹¹¹

Mandatory death penalty for drugs: No

India

Laws in effect: 1989 Amendment to the Narcotics and Psychotropic Substances Act

Year	Total Executions	Executions for Drugs
2014	0	0
2013	1	0
2012	1	0

Last known execution for drugs: Never

Mandatory death penalty for drugs: No

As of 2012, India was estimated to have around 477 people on death row, with several people on death row for drugs.

Bangladesh

The Intoxicant Control Act, 1990

Year	Total Executions	Executions for Drugs
2014	0	0
2013	2	0
2012	1	0
Last known execution for a drug offence: Unknown		
Last known death sentence for drugs: 2009		
Mandatory death penalty for drugs: No		

United Arab Emirates

Laws in effect: Countermeasures Against Narcotic Drugs and Psychotropic Substances, Federal Law No. 14 of 1995

Year	Total Executions	Executions for Drugs
2014	1	0
2013	0	0
2012	0	0
Last known execution for drugs: Not known if ever		
Mandatory death penalty for drugs: No ¹¹²		

The United Arab Emirates does continue to sentence people to death for drugs, including at least nine people in 2012. However, in practice those sentences are usually commuted to prison terms.

Sri Lanka: Abolitionist in practice

Laws in effect: Poisons, Opium and Dangerous Drugs Ordinance

Year	Total Death Sentences	Death Sentences for Drugs
2014	At least 6 ¹¹³	At least 5 ¹¹⁴
2013	At least 13 ¹¹⁵	At least 1 ¹¹⁶
2012	At least 7 ¹¹⁷	At least 6 ¹¹⁸
Last known judicial executions: 1976		
Last known executions for drug offences: Not known		
Mandatory death penalty for drug offences: No		

It should be stated that Sri Lanka's figures cannot be seen as comprehensive. However, in cases of drug offenders receiving death sentences, many are soon commuted according to media reports. Nevertheless, media consistently report incidents of people being sentenced to death for as little as a few grams of heroin.¹¹⁹

Bahrain

Laws in effect: Decretal Law No. 10 of 1984 on the Amendment of the First Article of Decretal Law No. 15 of 1983 on the Amendment of Articles 23 and 24 of Decretal Law No. 4 of 1973 on Controlling the Use and Circulation of Narcotic Substances and Preparations

Year	Total Death Sentences	Death Sentences for Drugs
2014	3	None known
2013	1	None known
2012	1	None known
Last known executions for any offence: 2010		
Last known executions for drug offences: Not known if ever		
Mandatory death penalty for drug offences: No		

United States of America

Laws in effect: 18 USC § 3591(b)

Year	Total Death Sentences ¹²⁰	Death Sentences for Drugs
2014	73	0
2013	80	0
2012	77	0
Year	Total Executions ¹²¹	Executions for Drugs
2014	35	0
2013	39	0
2012	43	0
Last known executions for drug offences: Never		
Mandatory death penalty for drugs: No		

Palestinian Authority

Laws in effect: Egyptian Law 19 (to be enforced as of 2010)

Year	Total Executions	Executions for Drugs
2014	27 ¹²²	0
2013	At least 3	0
2012	13 ¹²³	0
Last known executions or death sentences for drug offences: Unknown if ever		
Mandatory death penalty for drugs: No		

South Sudan

Laws in effect: South Sudan Penal Code, art. 383, Act No. 9 of 2008

Year	Total Executions	Executions for Drugs
2014	0 ¹²⁴	0
2013	At least 4 ¹²⁵	None known ¹²⁶
2012	At least 5 ¹²⁷	None known
Mandatory death penalty for drugs: No		

There is some absence of data for South Sudan. However, most reported executions and death sentences are for violent crimes.

South Korea: Abolitionist in Practice

Laws in effect: Act on Special Cases concerning the Prevention of Illegal Trafficking in Narcotics, Psychotropic Substances and Hemp as amended on 31 December 1997

Last known executions for drug offences: Not known if ever
Mandatory death penalty for drug offences: No

Myanmar: Abolitionist in Practice

Laws in effect: Narcotic Drugs and Psychotropic Substances Law, 27 January 1993; The State Law and Order Restoration Council Law No. 1/93

Last known judicial executions: 1989
Last known executions for drug offences: Not known if ever
Mandatory death penalty for drug offences: Yes

All death sentences were commuted to life in prison in January 2014. However, the government continues to impose capital sentences.

Laos: Abolitionist in Practice		
Laws in effect: Article 146 of Lao PDR Criminal Code		
Year	Total Death Sentences	Death Sentences for Drugs
2014	Unknown ¹²⁸	Unknown
2013	At least 3 ¹²⁹	At least 3 ¹³⁰
2012	Unknown ¹³¹	Unknown
Last known executions for drug offences: Never ¹³²		
Mandatory death penalty for drug offences: Yes		

In its 2015 report to the UN Human Rights Council for the Universal Periodic Review, the Lao government wrote,

‘In regard to the UPR recommendations related to death penalty, the Lao PDR is in the process of creating a Penal Code. In this process, the list of offenses subject to death penalty under the current Penal Law will be revised to be in full compliance with Article 6 of the ICCPR. However, the Lao PDR still needs to retain the death penalty as an exceptional measure with the objective of deterring and preventing the most serious criminal offences’.¹³³

This would seem to suggest the death penalty for drug offences would be abolished. However, the Lao government has made similar promises in the past that it has yet to deliver. For example in 2010, when it was reported in follow-up discussions,

‘As regards the death penalty, it was emphasized that that sentence was intended to deter the most extreme and serious crimes, particularly drug trafficking. Although the death penalty was still in existence legally, no execution

had ever taken place. Laos had upheld a moratorium for many years and would consider revising the Penal Law in the coming years, including with a view to limiting the scope of crimes to which the death penalty would apply.’¹³⁴

Brunei Darussalam: Abolitionist in Practice
Laws in effect: Misuse of Drugs Act 2001
Last known judicial execution for any crime: 1957 ¹³⁵
Last known executions for drug offences: Not known if ever
Mandatory death penalty for drug offences: Yes

Cuba: Abolitionist in Practice	
Laws in effect: 1999 Amendment to the Penal Code, Law No. 872	
Last known judicial executions: 2003	
Last known executions for drug offences: Not known if ever	
Death Row Total ¹³⁶	Death Row for Drugs
0	0

INSUFFICIENT DATA

North Korea

North Korea increased penalties for drug-related offences in 2006 and 2008 to include the death penalty.¹³⁷ The 2008 amendment is said to have made possession of more than 300 grams of narcotic drugs punishable with death. Executions are carried out, however, precise figures and types of offence are impossible to confirm and accurate breakdowns are impossible due to lack of transparency.

Libya

It is very possible that Libya does not frequently execute drug offenders and that the country should be categorised, 'Low Application', at least with respect to drug offences. Amnesty International writes, 'After partially resuming operations in 2012, civilian and military courts in Libya handed down at least 18 death sentences in 2013, all involving killings. Most were for crimes allegedly committed during the 2011 armed conflict, but others concerned ordinary cases such as murder.'¹³⁸

In previous years, under the Gaddafi regime there had been conflicting reports about the number of drug offenders on death row and whether or not executions had taken place in secret.¹³⁹ Unless there is greater transparency, it is impossible to accurately categorise Libya.

Sudan

Mandatory death penalty for drug offences: Yes

There is a possibility that Sudan belongs in the 'Low Application' category with respect to

drugs. Like the United States, where numerous death sentences are applied and executions carried out, it does not appear to be the case that these people were charged with drug offences. In fact, Harm Reduction International has not been able to identify anyone executed for a drug offence in recent years. While in the past, Harm Reduction International was unable to accurately categorise the country due to lack of data, in recent years, reporting and media monitoring of sentences and executions has improved making it easier to identify some of those sentenced and executed. Nevertheless, there is not enough comprehensive data to say with certainty.

Iraq

Laws in effect: Decree No. 3 of 2004

Mandatory death penalty for drug offences: No

Iraq is somewhat difficult to classify. The law prescribes the death penalty for drug offences, although only when committed 'with the aim of financing or abetting the overthrow of the government by force', following the removal of Saddam Hussein.¹⁴⁰ Death Penalty Worldwide notes, 'Most of the prisoners executed in Iraq are convicted of terrorism, though we found few details about their cases and do not know whether or not the offenses resulted in death. This may (or may not) include drug trafficking to support terrorist organizations.'¹⁴¹

Despite executing hundreds of people in recent years, it is very possible that none of them were drug offenders and therefore Iraq belongs in the 'Low Application' category. However, very little detail is available on the nature of the offences for which people were executed, making the level of application difficult to assess.

Syria

Laws in Effect: Article 39 of Syria's Law No. 2 of 12 April 1993

Mandatory death penalty for drug offences: Yes

Amnesty International has been unable to confirm executions in 2013 and 2014.¹⁴² It is very possible that executions for drug offences are rare as the last known executions were of people belonging to armed opposition groups. However, media have reported death sentences for drugs, most recently in 2008. With so little publicly available information, Harm Reduction International believes there is insufficient data to accurately categorise Syria.

Yemen

Laws in effect: Law 3 on Control of Illicit Trafficking in and Abuse of Narcotics and Psychotropic Substances, 1993, Articles 33, 34 and 35

Mandatory death penalty for drug offences: Yes

Last known execution for drug offences: 2008¹⁴³

Harm Reduction International was unable to obtain any data on the (at least) 22 executions carried out in 2014.¹⁴⁴ HRI knows of at least a dozen people sentenced to death for drugs in 2010 and of an execution carried out for drugs in 2008.¹⁴⁵ According to past reports, there were at least 33 people executed for drugs as of 2008.¹⁴⁶

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2. In the past, Harm Reduction International estimated that as many as a thousand people were executed each year for drugs. The decline in the estimates above reflects what many believe to be a dramatic decrease in the number of executions in China. The Dui Hua Foundation believes China executes fewer people each year now than in 2008, 2009 and 2010. In fact, the Foundation estimates that executions fell from 6,500 in 2007 to 2,400 in 2013. See: Dui Hua Foundation, 'China Executed 2,400 in 2013', http://duihua.org/wp/?page_id=9270 (date of last access 11 September 2015).
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4. A number of countries treat capital punishment with extreme secrecy and therefore it is difficult to assess whether they are executing people or for which offences. See Annex of this report.
5. Or in the words of the 1988 Convention, 'to promote co-operation among the Parties so that they may address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances having an international dimension.' [this quote needs a reference]
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103. Ghauri I 'Drug smuggling cases: 70% of death sentences quashed by higher courts' (27 March 2014) *The Tribune*.
104. Hands Off Cain, 'Country Report, Taiwan', <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=17000477> (date of last access 11 September 2015).
105. D. Johnson and F. Zimring (2009) *The Next Frontier: National Development, Political Change and the Death Penalty in Asia* (Oxford University Press) p. 201; Death Penalty Worldwide notes, "A recent trend in sentencing is that individuals sentenced to death for drug offenses may be unlikely to be executed. By the end of 2010, there were no individuals under a final sentence of death for drug offenses (confirmed by the Supreme Court), although there were individuals who had been sentenced to death at their first or second trials. In practice, the death penalty is used only for homicide, although there have been death sentences pronounced in the last decade for non-lethal offenses." See: Death Penalty Worldwide, 'Death Penalty Database: Taiwan', <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Taiwan> (date of last access 11 September 2015).
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107. A fair number of executions were reported in the media and none were for drugs.
108. While the language of the law implies that the death penalty is mandatory for some offences, including drugs, Death Penalty Worldwide notes that penal code includes a provision that judicial discretion can be used to provide for leniency if circumstances warrant. See: Death Penalty Worldwide, 'Death Penalty Database, Egypt', <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Egypt> (date of last access 11 September 2015).
109. Hands Off Cain, 'Country Report: Egypt, 2013' <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=17000191> (date of last access 11 September 2015). These sentences were upheld in 2014.
110. Past reports indicated that Oman did have a mandatory death penalty for drugs. However, reviews of the law by Death Penalty Worldwide notes that 'Article 111 of the Penal Code permits a judge to sentence an offender to 7-15 years' imprisonment or life imprisonment instead of the death penalty when the judge finds "mitigating reasons."' See: Death Penalty Worldwide, 'Death Penalty Database, Oman', <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Oman#f58-3> (date of last access 11 September 2015).
111. Hands Off Cain via Gulf Times, 'Qatar: Sentenced drug trafficker to death, 14 March 2013', <http://www.handsoffcain.info/news/index.php?iddocumento=17302634> (date of last access 11 September 2015).
112. There is some confusion over the reading of the UAE anti-drugs law. Scholars working for Harm Reduction International in the Middle East have said the law applies a mandatory death penalty for drugs. However, Death Penalty Worldwide writes that while the language of the law suggests the death penalty for certain drug offences is mandatory, 'Article 98 establishes a universal mitigation provision (applicable where Shari'a law does not prevent judicial mitigation)'. DPWW writes, 'our current best evidence is that courts do not apply the mandatory death penalty for drug trafficking.' For that reason, the death penalty is not listed as mandatory here. For the entirety of DPWW's description of the law, see: <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=United+Arab+Emirates#f20-2>
113. Amnesty International (2015) *Death Sentences and Executions in 2014*. London: Amnesty International Press, ACT 50/001/2015, April 2015.
114. Hands Off Cain, 'Country Report, Sri Lanka 2015', <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=19000026> (date of last access 11 September 2015).
115. Amnesty International (2014) *Death Sentences and Executions in 2013*. London: Amnesty International Press, ACT 50/001/2014, March 2014.
116. Hands Off Cain, 'Country Report, Sri Lanka 2014', <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=18000239> (date of last access 11 September 2015).
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118. Hands Off Cain, 'Country Report, Sri Lanka 2013', <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=17000128> (date of last access 11 September 2015).
119. 'See, for example, Hands Off Cain's Sri Lanka country page, 2012. Available at: <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=16000477&idcontinente=23> (Date of last access: 17 September 2015)
120. See Amnesty International's global overview, available at: <https://www.amnesty.org/en/what-we-do/death-penalty/> (Date of last access: 17 September 2015). See also Death Penalty Worldwide at: <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=United+States+of+America®ion=&method=> (Date of last access: 17 September 2015)
121. See the Death Penalty Information Center, <http://www.deathpenaltyinfo.org/executions-year> (date of last access: 17 September 2015)
122. Categorizing these is somewhat controversial as many may have been extrajudicial. See, Death Penalty Worldwide, 'Death Penalty Database, Palestinian Authority', <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Palestinian+Authority> (date of last access 12 September 2015).
123. See note 122, this presents some challenges in how it should be accurately categorized.
124. Amnesty International (2015) *Death Sentences and Executions in 2014*. London: Amnesty International Press, ACT 50/001/2015, April 2015.
125. Amnesty International (2014) *Death Sentences and Executions in 2013*. London: Amnesty International Press, ACT 50/001/2014, March 2014, p. 50. All Africa, 'South Sudan: Amid a Shroud of Secrecy, the Government of South Sudan Quietly Executes Four People' (26 November 2013) *All Africa*.
126. Hands Off Cain reports that two of these people were sentenced for murder. Death Penalty Worldwide also reports that most of the capital sentences had been for murder.
127. Amnesty International (2013) *Death Sentences and Executions in 2012*. London: Amnesty International Press, ACT 50/001/2013, April 2013.
128. Amnesty International (2015) *Death Sentences and Executions in 2014*. London: Amnesty International Press, ACT 50/001/2015, April 2015.
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140. Amnesty International, (2007) *Iraq – unjust and unfair: the death penalty in Iraq*. London: Amnesty International Press, MDE 14/014/2007.p 10.
141. See Death Penalty Worldwide, 'Death Penalty Database, Iraq', <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Iraq> (date of last access 13 September 2015).
142. Amnesty International (2015) *Death Sentences and Executions in 2014*. London: Amnesty International Press, ACT 50/001/2015, April 2015, p 5.
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This report identifies 33 countries and territories that retain death penalty for drug offences, including 10 in which the sentence is mandatory. In the past year many hundreds of people have been executed for drug offences in violation of international law in just a small minority of states that continue to operate at the fringes of international consensus.

Harm Reduction International is an international non-governmental organisation that works to reduce drug-related harms by promoting evidence-based public health policy and practices, and human rights based approaches to drug policy through an integrated programme of research, analysis, advocacy and civil society strengthening. Our vision is a world in which individuals and communities benefit from drug laws, policies and practices that promote health, dignity and human rights.



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