

# The Death Penalty for Drug Offences: Global Overview 2017

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**Gen Sander**



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**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 partnerships. 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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High Application States	Low Application States	Symbolic Application States	Insufficient Data
China 25	Egypt 31	Bahrain 36	Libya 45
Iran 26	Iraq 32	Bangladesh 36	North Korea 45
Saudi Arabia 27	Pakistan 33	Brunei 37	Syria 45
Malaysia 27	Palestinian Territories 33	Darussalam 37	Yemen 46
Singapore 28	Taiwan 34	Cuba 37	
Vietnam 29	Thailand 35	India 38	
Indonesia 30		Kuwait 38	
		Laos 39	
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## Executive Summary

**This is the tenth year that Harm Reduction International (HRI) has been working on the death penalty for drug offences and, regrettably, prohibitionist and punitive approaches to drugs continue to result in the execution of hundreds of people for non-violent drug offences every year. The majority of those sentenced to death and executed are low level couriers who often experience overlapping and intersecting forms of vulnerability, discrimination and exclusion and who are often subjected to forced confessions and unfair trials. Not only do these executions continue to fail to achieve any reduction in drug use and trafficking, they are also a clear violation of fundamental human rights under international law.**

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

- > There are at least 33 countries and territories that prescribe the death penalty for drug offences in law.
- > At least nine countries still have the death penalty for drug offences as a mandatory sanction, although three of these (Brunei Darussalam, Laos and Myanmar) are abolitionist in practice. Malaysia removed the mandatory sentence for drug offences in November 2017.
- > Between January 2015 and December 2017, at least 1,320 people are known to have been executed for drug-related offences – 718 in 2015; 325 in 2016; and 280 in 2017. These estimates do not include China, as reliable figures continue to be unavailable for the country.

- > Taking China out of the equation due to a lack of data, Iran has been the world's top executioner for drug offences by far, with at least 1,176 executions carried out since January 2015. That amounts to nearly 90% of all reported drug-related executions during that period.
- > Between 2015 and 2017, executions for drug offences took place in at least five countries: China, Iran, Saudi Arabia, Indonesia and Singapore.

The number of States that retain the death penalty for drug offences in their legislation has not declined since HRI last reported in 2015, and the same 'extreme fringe' of the international community – namely China, Iran and Saudi Arabia – continue to aggressively pursue the penalty in drug cases. That said, while 2015 saw a huge spike in executions for drug-related offences in Iran, Saudi Arabia and Indonesia, numbers in these countries have since declined and important policy developments have recently taken place in some countries. Thailand, for example, adopted legislative amendments to its Narcotics Law in January 2017 that introduced reductions in penalties for possession, import/export and production for the

sale of drugs, and abolished the mandatory death penalty for the offence of selling drugs.<sup>1</sup> In Iran, an amendment to the Anti-Narcotics Law approved in October 2017 raised the minimum quantity of drugs required to incur capital punishment, with the change applied retroactively to prisoners on death row.<sup>2</sup> Meanwhile, Malaysia removed the mandatory death sentence for drug offences in November 2017.<sup>3</sup> As further demonstrated throughout the Country Overview section, there are indications that the tide could be shifting at the national level.

This is certainly the case at the international level, where political support for the abolition of the death penalty for drug offences is intensifying. The 2016 UN General

Assembly Special Session (UNGASS) on the World Drug Problem was the centre of debate on the issue, with 73 States strongly voicing their opposition to the practice. While the final outcome document failed to include any language on the death penalty, it made important strides with regard to human rights and proportionate sentencing more generally, and placed the abolition of the death penalty for drug offences firmly on the radar of the global community.

Yet, alongside these promising developments, the period 2015 to 2017 has also seen the birth of the brutal ‘war on drugs’ in the Philippines, which has resulted in an estimated 12,000 extrajudicial executions.<sup>4</sup> Considering these very worrying developments, this report also includes a section on the rise of extrajudicial executions for drugs, which looks at the impact it is having both in the region and more broadly, as well as its implications for the judicial application of the death penalty for drug offences.

## Introduction

**The year 2017 marks 10 years since Harm Reduction International launched its *Death Penalty for Drugs* project. Much has changed since then, including the far greater prominence this critical issue now enjoys in both human rights and drug policy debates.**

A broad consensus has emerged among legal scholars and human rights authorities that the death penalty for drug-related offences is wholly incompatible with fundamental tenets of human rights and constitutes a violation of international law. Not only does it severely undermine human dignity, it is also a clear violation of the right to life. The UN Human Rights Committee has authoritatively and repeatedly made clear that drug-related offences do not meet the threshold of “most serious crimes” under Article 6.2 of the International Covenant on Civil and Political Rights that defines the legal limits within which capital punishment may be allowed.<sup>5</sup> A strong argument can also be made that most drug offences for which the death penalty is applied

in national courts do not even meet the threshold of “particularly serious” crimes under international drug control law.<sup>6</sup>

The death penalty in any context is increasingly considered to be contrary to an emerging customary norm that its imposition and enforcement is a breach of the prohibition of torture or cruel, inhuman or degrading treatment or punishment.<sup>7</sup> The application of the death penalty for drug offences also often breaches fair trial and non-discrimination rights.

Abolitionist States have outnumbered retentionist States since the mid-1990s, with the gap continuing to grow since then. Today, 72% of States – 141 out of 195 – have abolished the death penalty for all crimes in law or in

practice.<sup>8</sup> Trends in State practice, the development of international norms, and increasing support for a moratorium suggest that abolition could soon become an obligation under customary international law. At the same time, a significant number of people are still put to death each year, with a large proportion being for drug-related offences. Of the 55 States that continue to apply capital punishment, 33 retain the death penalty for drug-related offences in law. The exact number of people executed by the State for drug-related crimes continues to be very difficult to track because of a lack of transparency, but the number remains high. The vast majority of known executions continue to be carried out by just a small handful

of States, where, along with several other countries, many hundreds of people continue to languish on death row.

This small number of States still represents what HRI has called an ‘extreme fringe’ of the international community, and it is clear that this is where abolitionists and drug policy reformists must concentrate their energy and resources.

Closing this gap between international law and emerging global consensus on the one hand, and practice in these few remaining ‘high application’ States on the other, is the major challenge faced today, and one which will require a variety of strategic approaches. External pressure continues to be important and, as will be

discussed, is gaining momentum. It is not, however, enough on its own. More crucially, there is a need for pressure to be applied internally, at the civil society level, and for this, financial and technical support is needed. At the same time, it is important to advocate with ‘low application’ States – those that execute only rarely – to move towards a moratorium on executions. Within ‘symbolic application’ States, which have capital drug laws yet in practice do not execute for drugs, the goal must be to remove this legislation from the books altogether.

But this issue must also be put into context. The death penalty for drug offences is just one of the many human rights violations occurring

in the international system for drug control. Others include torture and ill treatment by police, mass incarceration, extrajudicial executions, arbitrary detention, and the denial of essential medicines and basic health services, including harm reduction – to name only a few. So, while working towards the abolition of the death penalty for drug offences continues to be an important goal, reforming the international system for drug control more broadly must also be a strategic focus. Ultimately, the existing control-oriented, criminal law approach to drugs must be replaced with a harm reduction and human rights-based approach.

## Political Support for Abolition: Advances at the 2016 UNGASS on the World Drug Problem

Ten years ago, the international drug control regime was largely unconcerned with the application of the death penalty for drug offences. The international drug conventions create obligations on States to use criminal law and penal sanctions as the primary tools for domestic drug suppression, which some countries have interpreted as a basis to support the death penalty for drug offences.<sup>9</sup> But with the increasing engagement of human rights organisations and mechanisms in drug control issues and forums, the death penalty and other human rights issues have slowly become more visible – and thus increasingly difficult to ignore – within the international drug control regime.

While the death penalty for drug offences has been a hotly debated issue in courtrooms and legislatures for years, never before has it received so much attention by Member States at a UN meeting on drug control as at the UN General Assembly Special Session (UNGASS) on the World Drug Problem convened in April 2016. Although the final UNGASS outcome document was completely silent on the issue, the death penalty for drug offences

was nevertheless one of the most widely and intensely debated issues over the course of the three-day meeting. HRI identified 73 States which condemned the lack of language on the death penalty in the outcome document and/or explicitly expressed strong opposition to its application for drug offences (see table 1 for a full list). Notably, speaking on behalf of its 28 member States and nine other countries,<sup>10</sup> the European Union emphasised the

importance of implementing the UN General Assembly Resolution on a Moratorium on the use of the death penalty and said:

*We deeply regret that the UNGASS outcome document does not include language on the death penalty. We have a strong and unequivocal opposition to the death penalty in all circumstances and consider that the death penalty undermines human dignity and errors made in its application are irreversible. Moreover, imposing the death penalty for drug offences is against norms of international law, specifically Art. 6 Para 2 of the International Covenant on Civil and Political Rights.*

Additionally, human rights more generally was agreed by Member States as one of the cross-cutting themes throughout the entire meeting, with a round table and several side events organised on

the topic – another first for a UN meeting on drug control. Despite the fact that the final UNGASS outcome document did not include specific language on the death penalty, it did include the strongest human rights provision ever adopted in a UN drug control resolution, an achievement that received very little attention.<sup>11</sup>

The key paragraph highlights main areas where practical measures must be adopted, including to uphold the prohibition of arbitrary arrest and detention and the prohibition of torture and ill treatment or punishment, both of which clearly engage the issue of the death penalty for drug offences.

At the international level, the tide is unmistakably shifting. Explicit political support for the abolition of the death penalty for drug offences is rising, and human rights are increasingly recognised as being integral to

effective drug policy. But it is not enough for States to simply speak out against capital punishment in the context of drugs and to point fingers at the tiny number of countries that continue to execute people.<sup>12</sup> Punitive suppression continues to be the dominant approach to drugs around the world, and while the death penalty is the most extreme example, punitive suppression takes on many different forms in many other countries that do not have capital punishment. These include

mandatory minimum sentences, felony disenfranchisement, stop and search and mandatory drug testing of prisoners or people receiving benefits, to name only a few. It is time for States to acknowledge the flawed logic at the heart of the drug control regime and reject the supremacy of punitive suppression within their own domestic drug laws.<sup>13</sup> Both the abolition of the death penalty and the adoption of a new approach to drugs will require leadership, vision and courage.

**Table 1.** Countries expressing strong opposition to the death penalty for drug offences at UNGASS, either independently or in the form of joint statements or declarations of support for other statements

1	Albania	26	France	51	Nicaragua
2	Andorra	27	Georgia	52	Norway
3	Argentina	28	Germany	53	Panama
4	Australia	29	Greece	54	Paraguay
5	Austria	30	Guyana	55	Peru
6	Azerbaijan	31	Hungary	56	Poland
7	Belgium	32	Iceland	57	Portugal
8	Benin	33	Ireland	58	Romania
9	Bolivia	34	Israel	59	Russia
10	Bosnia & Herzegovina	35	Italy	60	San Marino
11	Brazil	36	Latvia	61	Serbia
12	Bulgaria	37	Liechtenstein	62	Slovakia
13	Canada	38	Lithuania	63	Slovenia
14	Cape Verde	39	Luxembourg	64	Spain
15	Chile	40	Macedonia	65	Suriname
16	Colombia	41	Malta	66	Sweden
17	Costa Rica	42	Mexico	67	Switzerland
18	Croatia	43	Moldova	68	Turkey
19	Cyprus	44	Monaco	69	Ukraine
20	Czech Republic	45	Mongolia	70	UK
21	Denmark	46	Montenegro	71	Uruguay
22	Ecuador	47	Morocco	72	Uzbekistan
23	El Salvador	48	Namibia	73	Venezuela
24	Estonia	49	Netherlands		
25	Finland	50	New Zealand		



## Extrajudicial Executions for Drugs – New Trend or Rogue Nation?

Although this report's main focus is on the death penalty for drug offences, an area where the tide may at last be shifting, any review of human rights and drug control in 2017 would be incomplete without a discussion of the thousands of extrajudicial executions taking place under the auspices of the 'war on drugs' in the Philippines. Nor can the question be avoided as to whether this could be ushering in a new trend – either regionally or globally – normalising the killing of people alleged to be involved in the drug market.

Since coming to power in June 2016, President Rodrigo Duterte has been carrying out a bloody anti-drug campaign dubbed "Operation Double Barrel". This campaign has resulted in the extrajudicial execution of more than 12,000 people accused of using and selling drugs across the Philippines.<sup>14</sup> According to former Philippine congressman Walden Bello, if the current rate of killing continues until Duterte's term ends in 2022, the death toll could reach 60,000.<sup>15</sup> Already, the number killed

is reportedly the largest number of civilian deaths in south-east Asia since the Khmer Rouge genocide and Vietnam war in the 1970s.<sup>16</sup>

Summary, extrajudicial and arbitrary executions are prohibited under international human rights law. Those prohibitions are derived from the right to life enshrined in the International Covenant on Civil and Political Rights, to which the Philippines is a party, and are considered peremptory norms, meaning that they cannot be

overridden by other legal norms.<sup>17</sup> International law also specifies that governments have a duty to investigate, prosecute and provide reparations for serious violations of physical integrity, including violations of the right to life.

However, President Duterte has declared that he has no regard for human rights and is not bound by international law.<sup>18</sup> Not only has he repeatedly and publicly praised the extrajudicial killings, which have had a disproportionate impact on the urban poor, he has also urged law enforcement agencies and the public to kill people suspected of using or trafficking drugs, promising impunity and bounties for those who turn in drug dealers "dead or alive".<sup>19</sup> The UN Special Rapporteur on extrajudicial, summary or arbitrary executions (Special Rapporteur on summary executions) has confirmed that

directives of this nature amount to incitement to violence and killing, another crime under international law.<sup>20</sup>

President Duterte has also ignored calls by UN bodies and international human rights organisations for an official probe into these killings, maintaining that they show the "success" of his anti-drug campaign.<sup>21</sup> Meanwhile, his administration is punishing those who dare critique his approach domestically. For example, State funding to the Philippine Commission on Human Rights, the principal government agency criticising and investigating these abuses, was reduced by US\$2 million in 2017.<sup>22</sup> Human Rights Watch claims this is part of the Duterte administration's deliberate effort to limit independent investigations of its abuses.<sup>23</sup> The Special Rapporteur on

summary executions has effectively been blocked from conducting an official country visit to probe extrajudicial executions relating to drugs, with Duterte imposing unacceptable preconditions that contravene not only the working methods of the UN Special Procedures, but also the Code of Conduct adopted by the Human Rights Council.<sup>24</sup>

President Duterte has also made the reintroduction of the death penalty for drug offences a legislative priority in Congress, after it was abolished for all crimes in 2006. As confirmed in the Human Rights Committee's recent General Comment 36 on the right to life, States parties like the Philippines that have abolished the death penalty through ratification of the Second Optional Protocol to the Covenant on Civil and Political Rights are prohibited from reintroducing it.<sup>25</sup> Like the Covenant itself, the Second Optional Protocol does not

contain termination provisions and States parties cannot denounce it, making the abolition of the death penalty legally irrevocable. Recognising this, the Association of South East Asian Nations (ASEAN) parliamentarians, among many others, have urged Duterte to reject the death penalty,<sup>26</sup> but the issue is far from being settled domestically. This is particularly worrying given that over one million people who use and sell drugs have "voluntarily" surrendered to the police to avoid being murdered in the streets.<sup>27</sup>

As the death toll rises and the culture of impunity deepens, international pressure and criticism of Duterte's anti-drug campaign are increasing. During the Philippines' most recent Universal Periodic Review (UPR),<sup>28</sup> nearly 50 States voiced concern regarding the wave of extrajudicial killings and the President's threat to reintroduce the death penalty.<sup>29</sup> Among the 257 recommendations made, many called on the Philippines

to allow unhindered access to the Special Rapporteur on summary executions, and to bring its methods of combating drugs in line with international standards. More recently, 39 countries at the Human Rights Council released a joint statement in which they expressed serious concern over the rising number of drug-related killings and the climate of impunity in the Philippines.<sup>30</sup>

However, many other States have voiced explicit support for the country's anti-drug campaign. The most visible of these has been Indonesia. A series of public statements supporting the actions in the Philippines have been made by the Indonesian President, Joko Widodo, as well as other senior government officials, the National Police and the National Anti-Narcotics Agency. Following a series of high profile drug-related raids and arrests,<sup>31</sup> Widodo issued a "shoot-on-sight" policy for drug suspects in October 2017.<sup>32</sup> These

statements and measures have coincided with an escalation of extrajudicial killings in the country.<sup>33</sup> Between January and December 2017, 80 people suspected of selling drugs have been killed by police, a sharp increase from the 18 killings in 2016.<sup>34</sup> As pointed out by Human Rights Watch, more than a third of the 2017 killings occurred after the suspects had surrendered to police.<sup>35</sup>

While Indonesia is the State most closely following in the Philippines' footsteps, it is certainly not the only one adopting a hard-line approach to drugs. In January 2017, after a state visit by Duterte, Cambodian Prime Minister, Hun Sen, launched the country's very own crackdown.<sup>36</sup> Although not nearly as violent as Duterte's, it has led to the mass arrest of people who use drug. As of June 2017, more than 8,000 people had been arrested as part of the sweep and thrown into already severely overcrowded prisons.<sup>37</sup> The Cambodian Centre for Human

Rights has reported that prisons have been pushed to the point of collapse, with some prisoners' health deteriorating rapidly due to the increasingly cramped and inhumane conditions.<sup>38</sup> Furthermore, concerns around fair trial rights and the impact on HIV prevention among people who use drugs have been raised by local NGOs and the World Health Organization.<sup>39</sup>

Other States have also expressed explicit support for Duterte's violent anti-drug campaign. During the Philippines' UPR earlier this year, several governments supported Duterte's actions, with China lending its "support for the campaign against illegal drugs".<sup>40</sup> More surprising however were the statements from Lebanon (who "welcomed the campaign against drugs, which has had a positive impact on crime"),<sup>41</sup> Libya (who "appreciated the efforts made to combat corruption, crime and

illegal drug use"),<sup>42</sup> Romania (who "commended the Philippines for its human rights-based campaign to eliminate the drug menace"),<sup>43</sup> Venezuela (who "welcomed" and recommended that the Philippines "strengthen the campaign against illegal drugs"),<sup>44</sup> and Myanmar (who called on the Philippines to "continue its efforts to protect people from the threat of drugs while upholding human rights values").<sup>45</sup> Beyond the UPR, U.S. President Donald Trump also lent his support to Duterte's war on drugs during the ASEAN summit in November 2017.<sup>46</sup>

Considering the recent and worrying developments in Indonesia and Cambodia,<sup>47</sup> the Philippines' brutal approach to drugs could be fostering a more permissive atmosphere for other States to adopt similar, or at least more hard-line, approaches.<sup>48</sup> These regimes, however, remain less likely to

come under international pressure because the death toll and scale of violence involved in their respective crackdowns is considerably lower than in the Philippines. Even if the same or similar extreme tactics are not adopted, it is possible the application of the death penalty for drug offences could now be justified by retentionist States as the more measured and moderate approach, undoing years of steady progress and setting a dangerous new precedent.

# Global Overview: The Death Penalty for Drugs 2017

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.

Identifying current drug laws can be challenging due to availability issues and language barriers. Some governments make their laws available on official websites or willingly share current legislation when requested. Where it was not possible to independently verify a specific law, the report relies on credible secondary sources, but it is possible some mistakes were made.

With respect to data on death sentences and executions, the margin for error is even greater. In most cases, 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, there has been an attempt 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, such as China

and Vietnam, 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 articles,

local death penalty abolitionist groups and, where possible, official government reports. Every effort has been taken to minimise inaccuracies but there is always the potential for error. HRI welcomes being alerted to any additional data not included here.

## Categories

HRI identifies 33 countries and territories that retain the death penalty for drug offences in domestic law.

However, it is important to examine this number in context. Very few of these countries actually carry out executions for drug offences on a regular basis, if at all. In fact, five of these 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 anyone for a drug offence, despite having the laws in place.

In order to demonstrate the differences between law and practice among States with the death penalty for drug offences, HRI 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 is a regular and mainstreamed part of the criminal justice system.

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

**Symbolic Application States** are those 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, 1 July 1997<sup>49</sup>

Year	Total executions	Executions for drugs
2017	Unknown	Unknown
2016	Unknown	Unknown
2015	2400 <sup>50</sup>	Unknown
2014	2400	Unknown

Mandatory death penalty for drug offences: No

Application of the death penalty in China continues to be incredibly opaque. Statistics on death sentences and executions are considered so sensitive that they remain a State secret, which makes it impossible to know the true figure for the number of executions which take place each year. Several legal reforms have been made in the past decade to curtail the use of the death penalty, including strengthening safeguards guaranteeing protections of the rights of people facing the death

penalty and removing a number of non-violent offences (not including drug-related offences)<sup>51</sup> from the list of offences punishable by death.<sup>52</sup>

While some believe these reforms have led to a steady decrease in the rate of annual executions,<sup>53</sup> the continued lack of data on the application of the death penalty makes it impossible to verify whether this new legislation is actually being applied in practice or not.<sup>54</sup> Either way, China is still considered by Amnesty International to be the world’s top executioner, executing more people than all other countries combined in 2016.<sup>55</sup> Research published by Amnesty International in 2017 confirms that only a handful of offences frequently resulted in individuals being sentenced to death: homicide (57%), robbery (23%) and drug-related offences (13%).<sup>56</sup> Indeed, in June 2017, it was reported that 13 men and women accused of drug offences were sentenced to death in front of a crowd of 10,000 in Guangdong Province.<sup>57</sup>

Iran		
Laws in effect: The Anti-Narcotics Law, as amended on 31 July 2010 and 14 October 2017		
Year	Total executions	Executions for drugs
2017	At least 507 <sup>58</sup>	At least 242 <sup>59</sup>
2016	530 <sup>60</sup>	At least 296 (56%) <sup>61</sup>
2015	972 <sup>62</sup>	At least 638 (66%) <sup>63</sup>
Mandatory death penalty for drug offences: Yes		

Iran continues to execute more people per capita than any other country in the world, with 2015 marking the highest rate of executions in the country for 25 years. While executions appear to have decreased since then, the numbers remain shockingly high. January 2017 alone saw the execution of 87 people, which is equivalent to one execution every nine hours.<sup>64</sup>

Drug offences continue to comprise the majority of executions in the country. Civil society organisations report that those arrested for

drug offences are systematically subjected to torture during the weeks after their arrest.<sup>65</sup> Iranian officials have admitted that most of those executed for drug offences are not the major traffickers, but poor and marginalised people who carry drugs for very little money.<sup>66</sup>

A critical step towards reducing the use of the death penalty for drug offences was taken in October 2017 when Iran's Guardian Council approved a long-debated amendment to the Anti-Narcotics Law that raises the minimum quantity of drugs required to incur capital punishment.<sup>67</sup> Applying to prisoners that were charged before the amendment, the new law could help commute the sentences of the estimated 4,000 people on death row for petty drug-related offences, the majority of whom are between the ages of 20 and 30.<sup>68</sup> On 9 January 2018, an order was issued by Judiciary Chief, Sadegh Larijani, which requires judges to suspend death sentences that do not meet the new conditions set by Parliament for the death penalty.<sup>69</sup>

Saudi Arabia		
Laws in effect: Article 37 (1) of Royal Decree No. 39 of 10 August 2005		
Year	Total executions	Executions for drugs
2017	At least 137 <sup>70</sup>	At least 35 <sup>71</sup>
2016	154 <sup>72</sup>	23 <sup>73</sup>
2015	At least 158 <sup>74</sup>	At least 63 (40%) <sup>75</sup>
Mandatory death penalty for drug offences: No		

The number of people executed in Saudi Arabia in 2015 was the highest recorded since 1995 and an increase of 76% compared to 2014.<sup>76</sup> With executions persisting at this rate, and the government executing an average of five people per week from July 2017, the country remains one of the most prolific executioners in the world.<sup>77</sup> Murder and drug trafficking cases continue to account for the majority of executions. A large proportion of those executed in 2017 were convicted of non-violent drug offences and at least 31% of these were Pakistani nationals, even though they make up only 6%

of the Saudi population.<sup>78</sup> One of the main concerns remains the extraction of "confessions" under torture, duress or coercion, which are often the sole evidence used in death penalty cases.

Malaysia		
Laws in effect: Dangerous Drug Act 1952, Act 234, as amended by Bill 2017		
Year	Death row total	Death row for drugs
2017	At least 1,124 <sup>79</sup>	675 <sup>80</sup>
2016	1,042 <sup>81</sup>	Unknown <sup>82</sup>
Year	Total executions	Executions for drugs
2017	4 <sup>83</sup>	0
2016	9 <sup>84</sup>	Unknown
2015	1 <sup>85</sup>	0
Mandatory death penalty for drug offences: No		

Although exact numbers are still difficult to determine for Malaysia, according to Amnesty International the secrecy around the use of the death penalty was very slightly lifted in 2016.<sup>86</sup>

Conversations on drug law reform and death penalty abolition are ongoing in the country, with some promising recent developments. In October 2017, two prisoners sentenced to death for drug offences were pardoned by Perak Ruler Sultan and will face a life sentence instead.<sup>87</sup> On 30 November 2017, the Malaysian parliament voted to remove the mandatory death penalty for drug offences, giving judges full discretion in sentencing.<sup>88</sup> Unfortunately however, this important legal reform does not apply retroactively.<sup>89</sup>

### Singapore

Laws in effect: Misuse of Drugs Act 1973

Year	Total executions	Executions for drugs
2017 <sup>90</sup>	3	3
2016 <sup>91</sup>	4	2
2015 <sup>92</sup>	4	3

Mandatory death penalty for drug offences: Yes

Although the mandatory death penalty underwent some limited legal reforms in 2013 which allow, at least on paper, for more leniency, Singaporean courts continue to hand down death sentences. Since January 2013, 34 people were found guilty of drug-related offences and sentenced to death.<sup>93</sup> While the reforms are a step in the right direction and have ultimately reduced the number of people sentenced to death by 41%,<sup>94</sup> they remain extremely flawed. For example, drug ‘carriers’ can now avoid mandatory death sentences by providing ‘substantive assistance’ to the State prosecutor. Not only is this likely to disproportionately benefit those who are more connected, have access to legal aid and who speak the language fluently, but decisions on who qualifies for this discretionary sentencing are left entirely up to the prosecutors and lack transparency.<sup>95</sup> If a certificate of assistance is not provided by the prosecutor, the court is deprived of any discretionary powers and must sentence the accused to death.<sup>96</sup>

### Vietnam: State Secret

Laws in effect: Article 193 of Vietnam’s Penal Code

Year	Death row total	Death row for drugs
2017	Unknown	Unknown
2016	681 <sup>+97</sup>	At least 54 <sup>98</sup>
2015 <sup>99</sup>	Unknown	At least 27 <sup>100</sup>

  

Year	Total executions	Executions for drugs
2017	0 <sup>101</sup>	0
2016	Unknown	Unknown
2015	1 known <sup>102</sup>	Unknown

Mandatory death penalty for drug offences: No

The death penalty remains a State secret in Vietnam, and reliable figures continue to be impossible to determine. Those included in the above table were collected

by Amnesty International but a report released by Vietnam’s Ministry of Public security in 2017 suggests that they are actually significantly higher than indicated. The report acknowledges that 429 prisoners were executed between August 2013 and June 2016, at an average rate of 147 executions per year.<sup>103</sup> Although it is impossible to determine the breakdown by year, based on this new information Amnesty International now considers the country to be one of the world’s top recorded executioners.<sup>104</sup>

As of 1 July 2016, seven crimes were removed from the list of offences punishable by death, including “surrendering to the enemy”, “crimes against mankind” and “war crimes”. Drug trafficking, however, remains a capital offence.<sup>105</sup>

Indonesia		
Laws in effect: Chapter XV, Law of the Republic of Indonesia No. 35 of 2009 regarding Narcotics		
Year	Death row total	Death row for drugs
2017 <sup>106</sup>	165	75
2016 <sup>107</sup>	215	At least 46
201 <sup>108</sup>	165	At least 29
Year	Total executions	Executions for drugs
2017 <sup>109</sup>	0	0
2016 <sup>110</sup>	4	4
2015 <sup>111</sup>	14	14
Mandatory death penalty for drug offences: No		

Despite the declining rate of judicial executions in Indonesia since the spike witnessed in 2015, all executions and the majority of death sentences continue to be for drug-related offences as President Joko Widodo ramps up the so-called 'war on drugs'. In 2015, a decision by the Constitutional Court made it a legal obligation for the President to give "reasonable consideration" to all clemency applications.

However, research by the Institute for Criminal Justice Reform has found that the President continues to discount and ultimately refuse all clemency applications specifically submitted by anyone charged with drug-related offences.<sup>112</sup> This and other human rights violations in the cases of the 14 individuals executed for drug offences in 2015 have been documented by Amnesty International, including violations of the right to a fair trial, executions carried out while legal appeals were still pending, and the execution of at least one person with a severe mental disability.<sup>113</sup>

During Indonesia's Universal Periodic Review in May 2017, several recommendations relating to the death penalty were made, of which Indonesia accepted two: to consider establishing a moratorium on executions and to ensure the right to a fair trial and the right to appeal for persons sentenced to death.<sup>114</sup> In January 2018, Indonesian politicians agreed to soften the country's harsh death penalty laws by imposing a 10-year stay on executions, after which death sentences could be

commuted to a prison term.<sup>115</sup> This decision was part of sweeping reviews of the country's criminal code that will not be enacted for several years. These may be small steps, but they remain important steps on the road towards abolition.

## LOW APPLICATION STATES

Egypt		
Laws in effect: The Anti-Drug Law No. 182 of 1960 and its amendment by Law No. 22 of 1989		
Year	Total Death Sentences	Death sentences for drugs
2017	Unknown	Unknown
2016 <sup>107</sup>	At least 237 <sup>116</sup>	Unknown
201 <sup>108</sup>	At least 538 <sup>117</sup>	Unknown
Year	Total executions	Executions for drugs
2017 <sup>118</sup>	At least 21	0
2016 <sup>119</sup>	At least 44	None known
2015 <sup>120</sup>	At least 22	0
Mandatory death penalty for drug offences: No		

Most reported executions continue to be for non-drug related offences. Egypt's use of the death penalty has increased sharply since 2013, when no executions were recorded and 109 people were sentenced to death. The number of executions increased from 15 in 2014 to 22 in 2015 and doubled to reach 44 in 2016.<sup>121</sup> In November 2015, Egyptian President Abdel Fattah el-Sisi commuted the death sentences of three Seychellois nationals convicted of drug trafficking to life imprisonment. Egypt once again voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly in December 2016.



Iraq		
Laws in effect: Order No. 3 of 8 August 2004 as per the Narcotics Control Law No. 68 of 1965, Art. 14		
Year	Total Death Sentences	Death sentences for drugs
2017	Unknown	Unknown
2016 <sup>107</sup>	At least 145 <sup>123</sup>	Unknown
201 <sup>108</sup>	At least 89 <sup>124</sup>	Unknown
Year	Total executions	Executions for drugs
2017	At least 73 <sup>125</sup>	0
2016	At least 88 <sup>126</sup>	None known
2015	At least 30 <sup>127</sup>	Unknown
Mandatory death penalty for drug offences: No		

Iraqi law imposes the death penalty for 48 crimes, including drug-related offences, but most executions for which the criminal charge has been revealed have been for terrorism-related offences.<sup>128</sup> For this reason, HRI has moved Iraq from the 'Insufficient Data' category to the 'Low Application' category. However, it continues to be very difficult to pin down exact figures relating to executions and death sentences, particularly in terms of drug-related offences, since there are no official statistics available and national media outlets do not report sufficient information. On 12 July 2016, amendments to the Criminal Code made it more difficult for defendants sentenced to death to seek a retrial.<sup>129</sup>

Pakistan		
Laws in effect: Section 9 of the Control of Narcotics Substances Act, 1997 and Sections 13 and 14 of the Dangerous Drugs Act, 1930		
Year	Death row total	Death row for drugs
2017 <sup>130</sup>	6,000 – 8,000	Unknown
2016 <sup>131</sup>	6,000+	Unknown
201 <sup>132</sup>	7,000+	Unknown
Year	Total executions	Executions for drugs
2017 <sup>133</sup>	65	0
2016 <sup>134</sup>	87+	0
2015 <sup>135</sup>	333	0
Mandatory death penalty for drug offences: No		

Although executions have decreased quite significantly since 2015, Pakistan remains one of the world's top executioners. Most executions continue to be for violent offences, but according to Pakistan's Anti-Narcotics Force, more prisoners than usual were sentenced to death on drug charges in 2016.<sup>136</sup>

Palestinian Territories (West Bank and Gaza Strip) <sup>137</sup>		
Laws in effect: Egyptian Law 19		
Year	Death row total	Death sentences for drugs
2017	20 <sup>138</sup>	5
2016	16	0
2015	12	0
Year	Total executions	Executions for drugs
2017	6	0
2016	3	0
2015	0	0
Mandatory death penalty for drug offences: No		

The Palestinian Territories were previously classified as a 'Symbolic Application State'. However, the five death sentences for drug-related offences in 2017 are the first since Hamas gained control of the Gaza Strip a decade ago and should be considered a very worrying development. The figures provided are not broken down by territory, but sentencing and executions are much higher in the Gaza Strip than

in the West Bank. All five death sentences for drug-related offences were issued by military courts in the Gaza Strip in contravention of not only international law but also domestic law, which stipulates that a life sentence is the maximum penalty that can be handed down for a drug offence.<sup>139</sup>

Taiwan		
Laws in effect: Articles 4, 6 and 16 of Drug Control Act		
Year	Death row total	Death row for drugs
2017	Unknown	Unknown
2016 <sup>140</sup>	42	Unknown
201 <sup>141</sup>	42	Unknown
Year	Total executions	Executions for drugs
2017 <sup>142</sup>	0	0
2016 <sup>143</sup>	1	0
2015 <sup>144</sup>	6	0
Mandatory death penalty for drug offences: No		

All recent executions carried out in Taiwan have been for murder. Local activists and lawyers have identified a number of problems with the application of the death penalty in the country, including the secrecy which surrounds it, the widespread practice of conducting trial by media, politically motivated death sentences, assuming guilt, and a lack of mental health assessments.<sup>145</sup> The man executed in Taiwan in 2016 was killed three weeks after his death sentence was finalised by the court despite his mental state being the subject of intense legal dispute.<sup>146</sup>

Thailand		
Laws in effect: Sections 65(2) and 66 of Narcotics Act 1979, as amended in 2016		
Year	Death row total	Death sentences for drugs
2017 <sup>147</sup>	447	At least 68
2016 <sup>148</sup>	427	213
201 <sup>149</sup>	413	227
Year	Total executions	Executions for drugs
2017 <sup>150</sup>	0	0
2016 <sup>151</sup>	0	0
2015 <sup>152</sup>	0	0
Mandatory death penalty for drug offences: No		

Despite the large number of people that continue to be sentenced to death for drug offences every year, Thailand continues to inch closer towards abolishing the death penalty. Following its Universal Periodic Review in May 2016, Thailand accepted recommendations to review the imposition of the death penalty for offences related to drug trafficking and commute death sentences, with a view to eventually abolishing the death penalty.<sup>153</sup> More recently, the National Assembly adopted important legislative amendments to the country's Narcotics Law which took effect in January 2017.<sup>154</sup> The reforms introduced reductions in penalties for possession, import/export and production for the sale of drugs, abolished the mandatory death penalty for the offence of selling drugs, and also included language which will help ensure more proportionate sentencing.<sup>155</sup>

## SYMBOLIC APPLICATION STATES

### 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 23 of Decretal Law No. 4 of 1973 on Controlling the Use and Circulation of Narcotic Substances and Preparations

Year	Death row total	Death row for drugs
2017	At least 22 <sup>156</sup>	Unknown
2016	Unknown	Unknown
2015 <sup>157</sup>	At least 8	0
Year	Total executions	Executions for drugs
2017 <sup>158</sup>	3	0
2016 <sup>159</sup>	0	0
2015 <sup>160</sup>	0	0
Mandatory death penalty for drug offences: No		

The three men executed on 15 January 2017 for murder were the first to have their death sentences carried out in Bahrain since 2010. The year also marked the highest

number of sentences meted out since 2011, another worrying development in the country.<sup>161</sup> It is not known if and when any executions for drug offences have ever taken place.

### Bangladesh

Laws in effect: The Intoxicant Control Act, 1990

Year	Death row total	Death row for drugs
2017	Unknown	Unknown
2016 <sup>162</sup>	At least 1,645	Unknown
2015 <sup>163</sup>	At least 1,425	Unknown
Year	Total executions	Executions for drugs
2017 <sup>164</sup>	3	0
2016 <sup>165</sup>	10	0
2015 <sup>166</sup>	4	0
Mandatory death penalty for drug offences: No		

The last known death sentence for a drug offence in Bangladesh was in 2009.

In December 2015, however, a Spanish national was arrested at Dhaka airport for drug smuggling. News outlets reported that he could face the death penalty if his involvement with drug trafficking was proven, but more information on the case could not be located.<sup>167</sup>

### Brunei Darussalam: Abolitionist in Practice

Laws in effect: Misuse of Drugs Act 2001

Year	Death row total	Death row for drugs
2017	4 <sup>168</sup>	Unknown
2016 <sup>169</sup>	Unknown	Unknown
2015 <sup>170</sup>	At least 1	0
Last known execution: 1957		
Mandatory death penalty for drug offences: Yes		

Although abolitionist in practice, the death penalty for drug offences continues to be a mandatory sentence under domestic law in Brunei. A phased implementation of the amended Penal Code has been taking place since 2014 and provides for punishment of death

by stoning for crimes including adultery, sodomy, rape, blasphemy or murder, and whipping and amputation for crimes such as robbery and theft.<sup>171</sup> According to Amnesty International, a lack of transparency continues to render sentencing, and the human rights situation more broadly, very difficult to monitor.<sup>172</sup>

### Cuba

Laws in effect: 1999 Amendment to the Penal Code, Law No. 87

Year	Death row total <sup>173</sup>	Death row for drugs
2017	0	0
2016	0	0
2015	0	0
Mandatory death penalty for drug offences: Yes		

Despite not having executed anyone since 2003 and commuting all death sentences in 2010, Cuba once again abstained from the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly in December 2016.

India		
Laws in effect: Narcotics and Psychotropic Substances Act, 1990		
Year	Death row total	Death row for drugs
2017 <sup>174</sup>	375	0
2016	At least 400 <sup>175</sup>	0 <sup>176</sup>
2015	At least 320 <sup>177</sup>	0 <sup>178</sup>
Year	Total executions	Executions for drugs
2017	0	0
2016 <sup>179</sup>	0	0
2015 <sup>180</sup>	1	0
Mandatory death penalty for drug offences: No <sup>181</sup>		

Although legislative bodies considered bills to abolish the death penalty in 2015, it continues to be applied throughout India, mostly for murder or other violent offences resulting in death. No one has ever been executed for drug offences in the country. According to the 2016 Death Penalty India Report, only 12 prisoners were sentenced to death for non-homicide offences between 2013 and 2016 and out of these, only one was sentenced to death for

drug offences.<sup>182</sup> In fact, the report notes that of all the categories of offences, the fewest number of prisoners were sentenced to death for drug offences, with only five falling into this category in the last 15 years.<sup>183</sup> Of these five, four were commuted to life sentences and one was acquitted.<sup>184</sup>

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
2017 <sup>174</sup>	13 <sup>185</sup>	At least 2 <sup>186</sup>
2016	At least 49 <sup>187</sup>	Unknown
2015	At least 11 <sup>188</sup>	0 <sup>189</sup>
Year	Total executions	Executions for drugs
2017 <sup>190</sup>	7	0
2016	0	0
2015	0	0
Mandatory death penalty for drug offences: Yes		

While the last known execution for drug-related charges was in 2007, Kuwait retains the mandatory death penalty for drug offences. On 25 January 2017, seven people were hanged in Kuwait for violent offences, the first executions in the country since March 2013.<sup>191</sup> Human rights groups have signalled that this is an alarming step backwards for Kuwait.<sup>192</sup>

Laos: Abolitionist in Practice		
Laws in effect: Article 146 of Lao PDR Penal Law No. 12 of 2005		
Year	Total death sentences	Death sentences for drugs
2017 <sup>193</sup>	At least 1	1
2016 <sup>194</sup>	At least 3	Unknown
2015 <sup>195</sup>	At least 20	Unknown
Last known execution: 1989		
Mandatory death penalty for drug offences: Yes		

Information on the death penalty in Laos continues to be very limited, so figures are unreliable. Although Laos announced it was developing a new Penal Code in 2015, within which it intended to reduce the list

of offences punishable by death to reflect restrictions set out in article 4 of the International Covenant on Civil and Political Rights,<sup>196</sup> no information could be found to confirm this had happened or was in the process of taking place.

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		
Year	Total death sentences	Death sentences for drugs
2017	At least 2 <sup>197</sup>	0
2016	At least 3	Unknown
2015	At least 17	Unknown
Last known execution: 1988		
Last known execution for drug offences: Not known, if ever		
Mandatory death penalty for drug offences: Yes		

Despite being abolitionist in practice, Myanmar retains the death penalty in law, which is mandatory

for drug offences in some cases, and continues to sentence people to death in practice. During its last Universal Periodic Review in 2015, the country agreed to examine and respond to recommendations to abolish the death penalty in law and transform its de facto moratorium into an official one.<sup>198</sup>

Oman		
Laws in effect: Law on Combating Narcotics and Psychotropic Drugs, 1999, Articles 43 and 56 as amended by royal decree 34/2015 on 5 October 2015		
Year	Death row total	Death row for drugs
2017 <sup>199</sup>	1	Unknown
2016	Unknown	Unknown
2015	Unknown	Unknown
Year	Total executions	Executions for drugs
2017 <sup>200</sup>	0	0
2016 <sup>201</sup>	0	0
2015 <sup>202</sup>	2	Unknown
Mandatory death penalty for drug offences: No		

In October 2015, amendments to Oman's Law on Combating Narcotics and Psychotropic Drugs introduced harsher penalties, including the death penalty, for those involved in selling or smuggling drugs. In the previous law, the death penalty was stipulated for quantities over 50kg, but the amendment does not specify a quantity. Under the revised law the following people can be sentenced to death or given a life sentence: drug traffickers; repeat offenders of drug crimes; public servants responsible for combating drug crimes found guilty of drug dealing; persons who use juveniles or orphans to commit drug crimes; persons involved with international drug trafficking gangs, and persons who abuse their power and immunity to commit or facilitate drug crimes.<sup>203</sup> While death sentences in Oman have apparently only been issued for drug offences five times in the last 15 years,<sup>204</sup> the recent amendments to the country's drug law, alongside the first executions in 11 years in 2015, are very concerning.

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		
Year	Total death sentences	Death sentences for drugs
2017 <sup>205</sup>	At least 3	None known
2016 <sup>206</sup>	4	Unknown
2015 <sup>207</sup>	9	Unknown
Last known judicial execution: 2003		
Mandatory death penalty for drug offences: No		

Qatar has not executed anyone since 2003. Death sentences, however, continue to be imposed and in December 2016, the country voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.<sup>208</sup>

South Korea		
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		
Year	Death row total	Death row for drugs
2017	Unknown	Unknown
2016	61 <sup>209</sup>	Unknown
2015	60 <sup>210</sup>	Unknown
Last known judicial execution: Not known, if ever		
Mandatory death penalty for drug offences: No		

It was reported in the media in 2015 that in South Korea, most first time small-scale drug traffickers receive suspension of charges.<sup>211</sup>

**South Sudan**

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

Year	Death row total	Death row for drugs
2017	Unknown	Unknown
2016 <sup>212</sup>	Unknown	Unknown
2015 <sup>213</sup>	305	Unknown
Year	Total executions	Executions for drugs
2017	0 <sup>214</sup>	0
2016 <sup>201</sup>	2 <sup>215</sup>	0
2015 <sup>216</sup>	At least 5	Unknown
Mandatory death penalty for drug offences: No		

Information on the death penalty in South Sudan is difficult to come by. Despite the government's claim that the country only imposes the death penalty under rare circumstances after exhausting all steps laid down in the Constitution,<sup>217</sup> several States raised concerns about the application of the death penalty in the country and recommended that it be abolished during South Sudan's first Universal Periodic Review in November 2016. These

recommendations did not enjoy support because they were said to be in conflict with national laws and policies.<sup>218</sup> According to the Minister of Justice and Constitutional Affairs, "the abolition of the death penalty seemed to be some way off because of tribal customs and tribal customary law, and progress towards that goal had to be gradual for that reason."<sup>218</sup>

**Sri Lanka: Abolitionist in Practice**

Laws in effect: Poisons, Opium and Dangerous Drugs Ordinance

Year	Death row total	Death sentences for drugs
2017	Unknown	At least 1 <sup>220</sup>
2016	1,004 <sup>221</sup>	At least 1 <sup>222</sup>
2015 <sup>223</sup>	1,115	At least 3 <sup>224</sup>
Last known judicial execution: 1976		
Last known execution for drug offences: Not known		
Mandatory death penalty for drug offences: No		

Although the death penalty is retained in national legislation, including for drug offences, Sri Lanka has been abolitionist in practice since 1976. In December 2016, the country voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly, after having abstained in 2014 and 2012.<sup>225</sup>

**Sudan**

Laws in effect: Narcotic Drugs and Psychotropic Substances Act, 1994

Year	Total death sentences	Death sentences for drugs
2017 <sup>226</sup>	At least 7	0
2016 <sup>227</sup>	At least 22	0
2015 <sup>228</sup>	23	0
Year	Total executions	Executions for drugs
2017	0	0
2016 <sup>229</sup>	2	Unknown
2015 <sup>230</sup>	4	Unknown
2014 <sup>231</sup>	23	Unknown
Mandatory death penalty for drug offences: Yes		

Official statistics on the application of the death penalty in Sudan are unavailable, but the few media and NGO reports that have been released suggest that the punishment seems to be applied mostly for violent offences such as murder.<sup>232</sup>

**United Arab Emirates**

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

Year	Total death sentences	Death sentences for drugs
2017	At least 1 <sup>233</sup>	Unknown
2016	26 <sup>234</sup>	At least 1 <sup>235</sup>
2015	8 <sup>236</sup>	Unknown
Year	Total executions	Executions for drugs
2017 <sup>237</sup>	1	0
2016 <sup>238</sup>	0	0
2015 <sup>239</sup>	1	0 <sup>240</sup>
Last known execution for drug offences: Not known, if ever		
Mandatory death penalty for drug offences: No		

Although the death penalty is rarely applied in the United Arab Emirates (UAE), in part because the law requires a panel of three judges to agree on the decision to apply the sentence,<sup>241</sup> an amendment to the country's Penal Code in October 2016 expanded the application of the death penalty for a number of crimes which could lead to a rise in executions.<sup>242</sup> Unsurprisingly, the UAE abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly in December 2016.<sup>243</sup> Drug trafficking continues to be punishable by death in the country, although no executions are known to have taken place.<sup>244</sup>

United States of America		
Laws in effect: 18 USC § 3591(b)		
Year	Total death sentences	Death sentences for drugs
2017 <sup>245</sup>	39	0
2016 <sup>246</sup>	32	0
2015 <sup>247</sup>	52	0
Year	Total executions <sup>248</sup>	Executions for drugs <sup>249</sup>
2017	23	0
2016	20	0
2015	28	0
Mandatory death penalty for drug offences: No		

Despite drug trafficking being a federal capital offence in the USA, the country has never executed anyone for drug-related offences.<sup>250</sup> Nevertheless, the USA remains the only country to have carried out executions in the Americas region in seven consecutive years.<sup>251</sup> Donald Trump's recent public support of the death penalty,<sup>252</sup> his call for fast trials, and his support for Duterte's bloody 'war

on drugs' in the Philippines are very worrying,<sup>253</sup> particularly as 2017 has seen some States, including Arkansas, Florida and Ohio, resume executions after long hiatuses.<sup>254</sup>

## INSUFFICIENT DATA

### Libya

Since the overthrow of the Gaddafi regime in 2011, there has been very little, if any, information on judicial executions in Libya. Military and criminal courts, however, have issued dozens of death sentences, mostly for murder and crimes allegedly committed during the 2011 conflict.<sup>255</sup> No recent information on the death penalty for drug offences in the country could be located.

### North Korea

A lack of transparency continues to make it impossible to accurately report on and assess the use of the death penalty in North Korea. According to one media outlet, 60 people were publicly executed between January and August 2016, including 10 for drug offences.<sup>256</sup>

### Syria

Laws in effect: Narcotics Drugs Law, Articles 39 and 40, Law No. 2, 1993

Mandatory death penalty for drug offences: Yes

It continues to be impossible to determine exact figures on judicial executions and death sentences in Syria since the civil war broke out in 2012. President Bashar al-Assad allegedly issued an amnesty in 2014 which authorised the reduction of jail terms for drug smugglers. While HRI was unable to verify whether or not this has been the case in practice, opponents claim that only a fraction of prisoners have been released in previous amnesties, suggesting that it is unlikely.<sup>257</sup>

Yemen		
Laws in effect: Law 3 on Control of Illicit Trafficking in and Abuse of Narcotics and Psychotropic Substances, 1993, Articles 33-35		
Year	Total death sentences	Death sentences for drugs
2017	At least 5 <sup>258</sup>	None known
2016	Unknown	Unknown
2015	Unknown	Unknown
Year	Total executions	Executions for drugs
2017 <sup>259</sup>	At least 2	None known
2016 <sup>260</sup>	Unknown	Unknown
2015 <sup>261</sup>	At least 8	Unknown
Last known execution for drug offences: 2008		
Mandatory death penalty for drug offences: Yes		

The armed conflict in Yemen that broke out in 2015 has made it even more difficult than usual to confirm the number of death sentences and executions in the country. With two thirds of the population now facing the worst famine the world has ever seen, it is unlikely much information on the death penalty for drug offences will become available or be sought out in the near future, as the country and the global community grapple with the ongoing crisis.

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This report identifies 33 countries and territories that retain the death penalty for drug offences, including nine in which the sentence is mandatory. Hundreds of people continue to be executed for non-violent drug offences every year by a small minority of States committed to aggressively pursuing extremely harsh penalties for drug crimes, in clear violation of international law.



## **HARM REDUCTION** INTERNATIONAL

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 partnerships. 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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