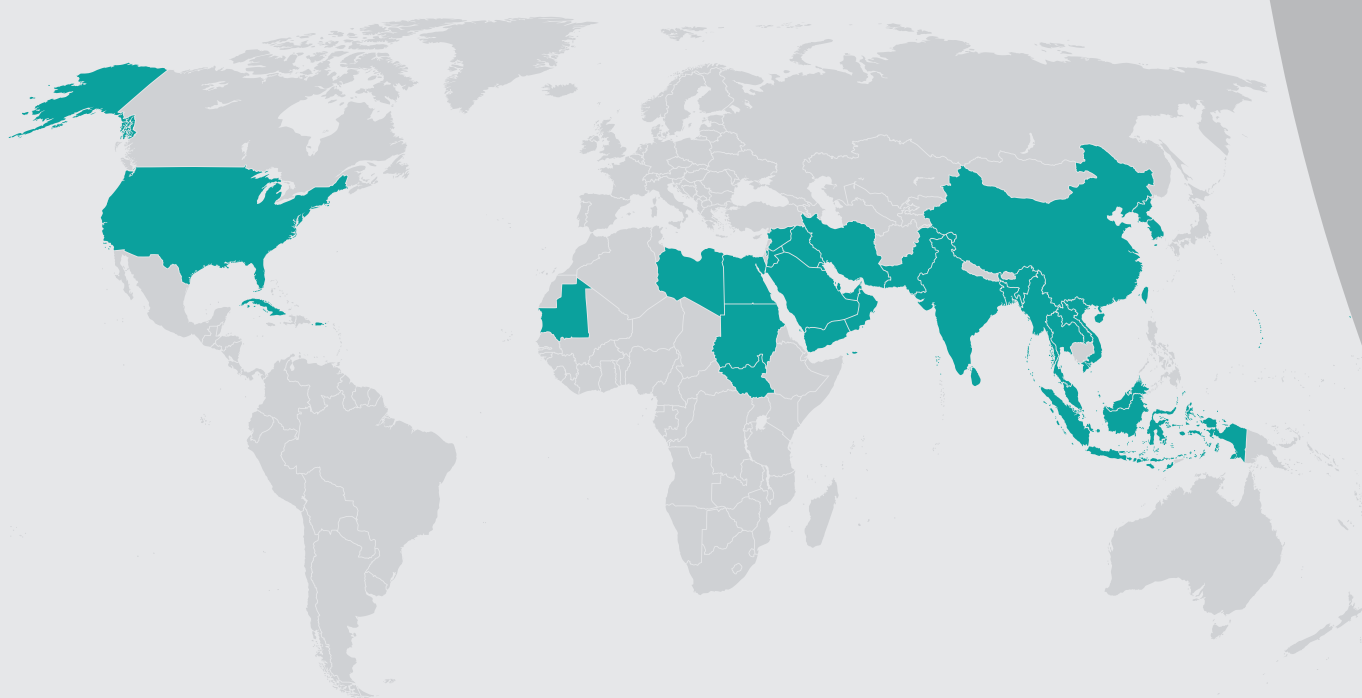


The Death Penalty for Drug Offences: Global Overview 2019

MARCH 2020



HARM REDUCTION
INTERNATIONAL

www.hri.global

The Death Penalty for Drug Offences: Global Overview 2019

Gen Sander, Giada Girelli and Adrià Cots Fernández
© Harm Reduction International, 2020

ISBN 978-0-9935434-9-4

Copy-edited by Richard Fontenoy

Designed by Mark Joyce

Published by Harm Reduction International

61 Mansell Street, Aldgate, London E1 8AN

Telephone: +44 (0)20 7324 3535

E-mail: office@hri.global

Website: www.hri.global



Harm Reduction International (HRI) is a leading non-governmental organisation dedicated to reducing the negative health, social and legal impacts of drug use and drug policy. We promote the rights of people who use drugs and their communities through research and advocacy to help achieve a world where drug policies and laws contribute to healthier, safer societies.

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



This publication has been produced with the financial support of the European Union. The contents of this publication are the sole responsibility of Harm Reduction International and can under no circumstances be regarded as reflecting the position of the European Union.

Acknowledgements

This report would not be possible without data made available or shared by leading human rights organisations and individual experts, many of which provided advice and assistance throughout the drafting process. We would specifically like to thank the Abdorrahman Boroumand Center for Human Rights in Iran, Anti-Death Penalty Network Asia (ADPAN), Amnesty International, the Bahrain Institute for Rights and Democracy (BIRD), the Cornell Center on the Death Penalty Worldwide, the Egyptian Initiative for Personal Rights (EIPR), the European Saudi Organisation for Human Rights (ESOHR), the Foundation for Fundamental Rights, Hands Off Cain, the Human Rights Commission of Sri Lanka, the Institute for Criminal Justice Reform (ICJR), Justice Project Pakistan, LBH Masyarakat, Odhikar, Project 39A (National Law University, Delhi), Reprieve and The Rights Practice. We are also indebted to Iyad Alqaisi, Jill Heine, Rick Lines and M Ravi.

Thanks are also owed to colleagues at Harm Reduction International for their feedback and support in preparing this report: Tamara Chavez, Cinzia Brentari, Naomi Burke-Shyne, Catherine Cook, Lucy O'Hare, Maddie O'Hare, Suchitra Rajagopalan, Emily Rowe and Olga Szubert.

Any errors are the responsibility of Harm Reduction International.

The Death Penalty for Drug Offences:

Global Overview 2019

Introduction

Harm Reduction International (HRI) has monitored the use of the death penalty for drug offences worldwide since our first ground-breaking publication on this issue in 2007. This report, our ninth on the subject, continues our work of providing regular updates on legislative, policy and practical developments related to the use of capital punishment for drug offences, a practice which is a clear violation of international law.

The 2019 *Global Overview* highlights some of the most common violations of fair trial standards reported in capital drug cases across a range of jurisdictions, revealing systemic flaws and a particularly grave impact on vulnerable defendants. Indeed, many if not most individuals charged and sentenced to death for a drug offence have limited economic resources, and are from

ethnic or racial minorities or are foreign nationals; they mostly occupy low-level positions in the drug trade and may have been deceived or coerced into taking part in drug-related activities. The legal analysis reflects the principle in international law that the imposition of a death sentence following conviction for a drug offence (not involving intentional killing) in proceedings which fail to meet international standards of fairness compounds the violations of the rights of the individual to life, to a fair trial, and to be free from torture or other cruel, inhuman or degrading treatment or punishment.

Harm Reduction International opposes the death penalty in all cases without exception, regardless of the person accused and their guilt, the nature of the crime and the method of execution.

Methodology

Drug offences (also referred to as drug-related offences or drug-related crimes) are drug-related activities categorised as crimes under national laws; for the purposes of this report, this definition excludes activities which are not related to the trafficking, possession or use of controlled substances and related inchoate offences (inciting, assisting or abetting a crime).

In the 35 states that retain the death penalty for drug offences, capital punishment is typically applied for the following offences: cultivation and manufacturing, and the smuggling, trafficking or importing/exporting of controlled substances. However, in some of these states, the following drug offences may also be punishable by the death penalty (among others): possession, storing and hiding drugs, financing drug offences, and inducing or coercing others into using drugs. For more information on the drug offences punishable by death by jurisdiction, visit: <https://www.hri.global/death-penalty-2019>.

HRI's research on the death penalty for drug offences excludes countries where drug offences are punishable with death *only* if they involve, or result in, intentional killing. For example, in Saint Lucia (not included in this report), the only drug-related offence punishable by death is *murder committed in connection with drug trafficking* or other drug offences.¹

The death penalty is reported as 'mandatory' when it is the only punishment that can be imposed following a conviction for at least certain categories of drug offences (without regard to the particular circumstances of the offence or the offender). Mandatory sentences hamper judicial sentencing discretion and thus according to international human rights standards they are inherently arbitrary.²

The numbers that have been included in this report are drawn from and cross-checked against: official government reports (where available) and state-run news agencies; court judgments; non-governmental

organisation (NGO) reports and databases; United Nations (UN) documents; media reports; scholarly articles; and communications with local activists and human rights advocates, organisations and groups. Every effort has been taken to minimise inaccuracies, but there is always the potential for error. HRI welcomes information or additional data not included in this report.

Identifying current drug laws and controlled drugs schedules in some countries can be challenging, due to limited reporting and recording at national level, together with language barriers. Some governments make their laws available on official websites; others do not. Where it was not possible for HRI to independently verify a specific law, the report relies on credible secondary sources.

With respect to data on death row population, death sentences and executions, the margin for error is even greater. In many countries, information about the use of the death penalty is shrouded in secrecy, or opaque at best. For this reason, many of the figures cited in this report cannot be considered comprehensive, and instead have to be considered minimum numbers of confirmed sentences and executions, illustrative of how capital punishment is carried out for drug offences. It is likely that real numbers are higher, in some cases significantly. Where information is incomplete, there has been an attempt to identify the gaps. In some cases, information among sources is discordant due to this lack of transparency. In these cases, HRI has made a judgment based on available evidence.

When the symbol '+' is found next to a number, it means that the reported figure refers to the minimum confirmed number, but according to credible reports the actual figure is likely to be higher. Global and yearly figures are calculated by using the minimum confirmed figures.

Contents

Foreword	8
Executive summary	9
2019 in a snapshot	11
Fair trial violations in capital drug cases	12
The right to a fair trial under international law	13
The right to competent and effective legal counsel	14
The prohibition of torture and coerced confessions	18
The right to the presumption of innocence	21
The right to appeal and the right to seek pardon or sentence commutation	23
Conclusions	25
The Death Penalty for Drug Offences: Global Overview 2019	26
Categories	26
Country-by-country analysis	26

High Application	28	Low Application	33	Symbolic Application	36	Insufficient Data	40
China	28	Bahrain	33	Bangladesh	36	Libya	40
Indonesia	29	Egypt	33	Brunei Darussalam	36	North Korea	40
Iran	29	Iraq	34	Cuba	39	Syria	40
Malaysia	30	Kuwait	34	India	37		
Saudi Arabia	30	Lao PDR	34	Jordan	37		
Singapore	31	Pakistan	35	Mauritania	37		
Thailand	31	Sri Lanka	35	Myanmar	37		
Vietnam	32			Oman	37		
				Qatar	37		
				South Korea	38		
				South Sudan	38		
				State of Palestine (Gaza)	38		
				Sudan	38		
				Taiwan	38		
				United Arab Emirates	39		
				United States of America	39		
				Yemen	39		

Foreword by Mr Justice Richard Malanjum Former Chief Justice of Malaysia

As a knee-jerk reaction to increased drug use among younger generations in the late 1970s and 1980s, countries around the world legislated to impose severe penalties for drug use and trafficking. In many countries, the penalty for drug trafficking is the death penalty – mandatory in some countries, and left for judges to decide in others. Mere possession of drugs, depending on the quantity, can attract imprisonment for life or for a defined period.

Yet, statistics prove that this tough approach has not reduced drug use or trafficking. And despite some highly publicised executions of people for drug offences, the number of drug couriers arrested in retentionist countries has not decreased.

Instead, these executions generated support for the removal of the death penalty for drug offences.

The arguments in favour of removing the death penalty for drug offences are many: the death penalty has no deterrent effect and it is often society's most marginalised who bear the brunt of it; often, financially disadvantaged people or even those people committing a crime in the name of 'love' fall victims of the death penalty for drug offences; there is no determinable loss of life imputable to these crimes; and the reliance on presumptions in securing convictions by the

prosecution and the courts in some countries has increased the probabilities of miscarriages of justice. Further, the length of time between conviction and actual execution makes the death penalty for drug offences even harder to defend.

It is therefore not surprising that many countries that impose the death penalty for drug offences are now taking a critical look at their legislation, including my home country of Malaysia. Some are restricting the applicability of the mandatory death penalty to allow for judicial discretion guided by sentencing guidelines. This is a step in the right direction. Hopefully, over time, the death penalty for drug offences will become history.

Malaysia has already shown serious commitment by setting up a Special Committee to study alternative sentences to the mandatory death penalty, not only for drug offences but for all offences that carry capital punishment. A report by this committee to the government was submitted on 11 February 2020.

There is no doubt that any change in the laws on the death penalty should be accompanied by a comprehensive review of the criminal justice system as a whole. Such an initiative will preserve public confidence in the justice system, if not increase it. Justice may be blind, but it must aim to always be fair.

Executive Summary

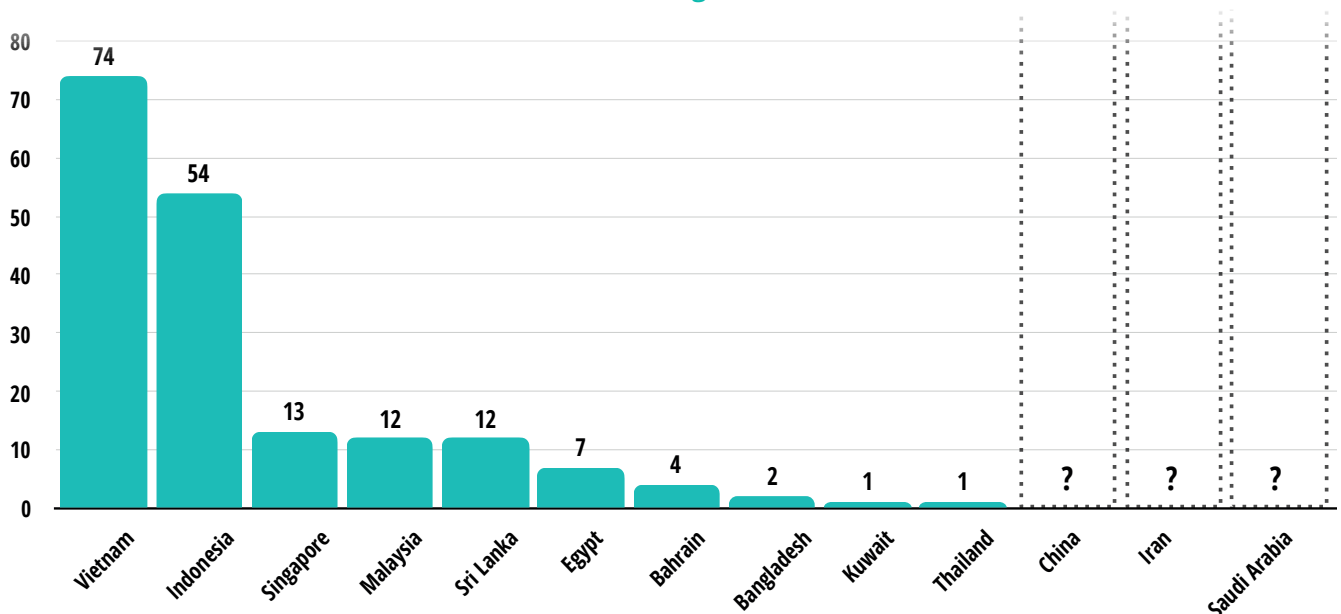
Thirty-five countries retain the death penalty for drug offences, and both the handing down of death sentences and executions for drug offences – often following unfair trials – continued in 2019. Laws which permit or mandate the imposition of the death penalty for a drug-related offence are inconsistent with the right to life. Furthermore, the sentencing of a person to death or their execution for a drug offence following a trial that fails to meet international standards of fairness is an arbitrary deprivation of life – violating the right to life, the right to a fair trial, and the prohibition of inhuman or degrading treatment or punishment guaranteed by international human rights law and standards.

In the last decade, the application of the death penalty for drug offences has fluctuated, with known executions peaking at 755 in 2015. Since then, Harm Reduction International (HRI) has documented a predominant downward trend. Following important reforms, particularly in Iran, known executions³ for drug offences dropped to 93 in 2018, the lowest figure HRI has recorded since it began working on this issue in 2007.⁴ 122 drug-related executions were confirmed

for 2019, accounting for 18% of total known executions carried out around the world. While still lower than figures recorded between 2008 and 2017, these numbers represent a 31% increase from 2018, and may signal a reversal in the encouraging trend reported in recent years.

Historically, international attention has been focused on the carrying out of executions more than pronouncing of sentences, and it is possible that states have become more reluctant to actually carry out the punishment as a result. The data on sentencing, however, suggests that support for capital punishment is still very strong. Currently, at least 3,000 people convicted of drug offences languish on death row (with the actual figure likely to be much higher), many of whom have been there for a decade or more, and hundreds more continue to be sentenced to death every year. Recently, the number of known death sentences for drug offences has been fluctuating, rising between 2016 and 2018⁵ and decreasing slightly in 2019, despite an overall global decline in the sentencing of people to death for all crimes during the same period.

Chart 1: Minimum confirmed death sentences for drug offences, 2019



This report demonstrates the need to monitor much more closely the entire criminal justice process in capital cases, and capital drug cases in particular. Indeed, violations of the right to a fair trial occur, often on a systemic level, in states that hand down sentences for drug offences. The correlation between the two is not a coincidence. The cases reviewed in the following pages reveal that violations of fair trial rights play a central role in the imposition of death sentences for drug offences.

Fair trial concerns recurring in capital drug cases are the focus of the present report. As respect for fair trial guarantees in all capital cases is of paramount importance, this report looks at the various ways in which established international human rights standards and safeguards are systemically flouted in six states that retain the death penalty for drug offences. Particular attention is given to legal mechanisms or sentencing

practices that disproportionately impact capital drug defendants as a manifestation of the exceptionalism of drug control. What emerges is a clearer picture of the criminal justice systems of retentionist countries, which gravely impede the chances of individuals charged with capital drug offences of receiving a fair trial. The result is that capital drug defendants, often already some of the most vulnerable individuals in both society and the drug trade, are placed at greater risk of receiving a death sentence and of being executed.

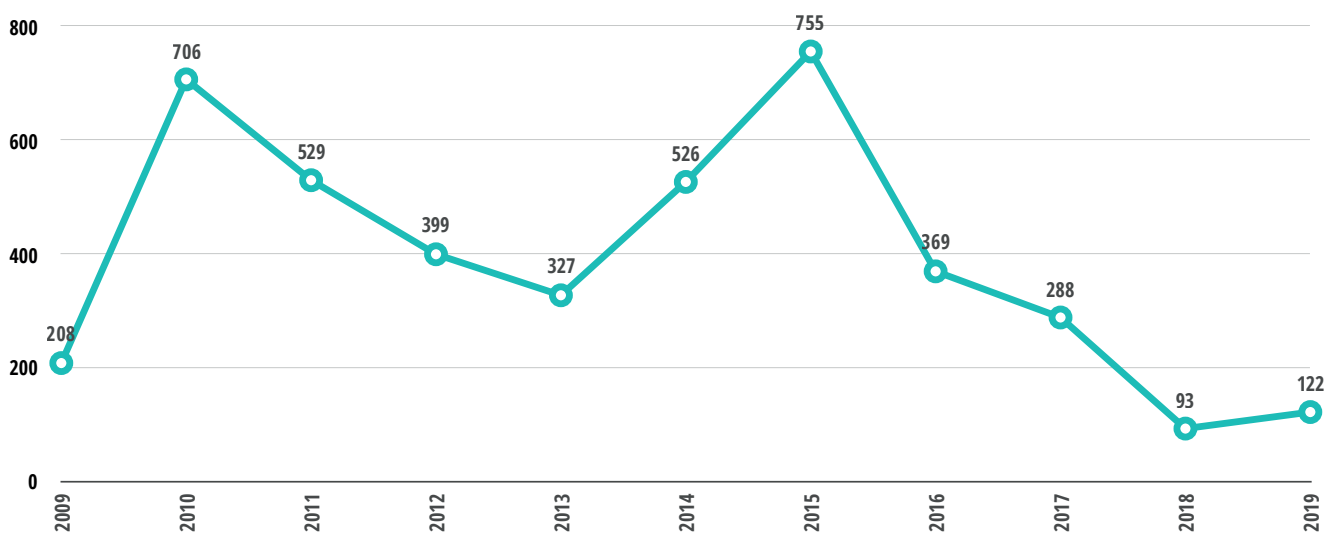
With death sentences for drug offences continuing to be meted out and hundreds of people awaiting execution following unfair judicial procedures, there is an urgent need to draw more attention to this issue, and to work with retentionist states to reform their criminal justice systems, all while taking steps to ultimately abolish the death penalty altogether.

2019 in a snapshot

- Drug offences are punishable by death in at least **35 countries** worldwide, but only four (China, Saudi Arabia, Iran and Singapore) are confirmed to have carried out executions for these offences in 2019. Executions for drug offences are also likely to have taken place in Vietnam, but this is impossible to confirm due to state secrecy around the practice.
- At least **122** people were executed for drug offences in 2019, representing a **31%** increase from 2018 (excluding executions in China and Vietnam).
- Saudi Arabia executed at least **84** people for drug offences in 2019, making it the worst year on record for the country since HRI started tracking drug-related executions in 2007.
- At least **3,000** people are currently confirmed to be on death row for drug offences globally, though this number is likely much higher.
- At least **13** countries sentenced a minimum of **180** people to death for non-violent drug offences in 2019, a large proportion following trials that did not meet international standards of fairness.
- The UN Human Rights Council and the UN Office on Drugs and Crime once again reiterated that the death penalty can never be imposed for drug offences.

Chart 2: Global confirmed executions for drug offences, 2009 - 2019

(*excluding China)



Fair trial violations in capital drug cases

Respect for due process guarantees is essential to the fairness of any criminal justice system. The respect of these guarantees is particularly critical in capital cases, where the life of the defendant is at stake.

In the past decades, states and intergovernmental bodies have agreed a detailed set of fair trial standards that must always be upheld, including in processes that may conclude with a sentence of death. Human rights bodies and mechanisms have clarified that sentencing a person to death following a proceeding that fails to comply with international fair trial standards would result in a violation not only of the individual's right to a fair trial, but also their right to life,⁶ and the prohibition of torture and cruel, inhuman or degrading treatment or punishment.⁷

Under international human rights law and standards, the death penalty may only be applied – in states that retain this punishment – to the most serious crimes.⁸ It has been clarified that drug offences, as with all crimes not involving intentional killing, do not qualify as such. Thus any law that permits the imposition of a death sentence for drug offences is inconsistent with a state's duty to respect the right to life. Furthermore, the passing of a death sentence or execution of an individual following conviction for a drug offence is by nature a violation of the prohibition of arbitrary deprivation of life, as well as of the prohibition of torture and cruel, inhuman or degrading treatment or punishment⁹ – regardless of whether fair trial standards were upheld.

Nevertheless, noting the widespread and systemic fair trial violations that characterise many capital drug cases in states that retain the death penalty for these offences,¹⁰ the analysis below holds that stronger adherence to fair trial standards would reduce the application of the death penalty for drug offences.

The following section will critically assess the implementation of selected elements of the right to a fair trial in the context of proceedings for drug offences in which death is a possible penalty (also referred to as *capital drug cases*). This analysis draws from contemporary examples in retentionist states where information is available thanks to the research of dedicated national and international civil society organisations working on these issues, such as the Abdorrahman Boroumand Center for Human Rights in Iran, Amnesty International, the Institute for Criminal Justice Reform and Justice Project Pakistan.

The overview is not intended to cover all possible violations of fair trial standards in capital drug cases. Its main purpose is to highlight some of the key challenges to the enjoyment of the right to a fair trial (and the right to life) in judicial proceedings that may conclude with a sentence of death for drug offences. Specifically, this report will examine four elements of the right to a fair trial that appear to be systemically violated in capital drug cases: (1) the right to competent and effective legal counsel; (2) the prohibition of torture and coerced confessions; (3) the right to the presumption of innocence; and (4) the right to appeal and the right to seek pardon or sentence commutation, the latter being recognised to apply to individuals sentenced to death as deriving from the right to life.

The right to a fair trial under international law

Respect for the right to a fair trial is one of the central pillars of international law, and it is essential to ensure the proper administration of justice and protect individuals against arbitrary punishment. The right to a fair trial is made up of several interrelated constituent rights and is often linked to the enjoyment of other rights, such as the right to life and the prohibition against torture and other cruel, inhuman or degrading treatment or punishment (torture and other ill-treatment).¹¹

Since it was affirmed in the Universal Declaration of Human Rights in 1948, the right to a fair trial has been recognised and elaborated on in several legally binding international and regional treaties,¹² as well as non-treaty standards adopted by the UN and other intergovernmental and expert bodies.¹³ The right to a fair trial is legally binding on states as part of customary international law¹⁴ and therefore must be respected at all times, regardless of whether or not a state has ratified the International Covenant on Civil and Political Rights (ICCPR) or other human rights treaties enshrining it.

Many elements of the right to a fair trial are codified in Article 14 of the ICCPR, including (but not limited to):

- the right to be presumed innocent until proven guilty;
- the right to be heard by a competent, independent and impartial tribunal;
- the right to be tried without undue delay;
- the right to an adequate defence;
- the right to effective legal counsel at all stages of the proceedings;
- the right to interpretation and translation;
- the right not to be compelled to testify against oneself or to confess guilt;
- the right to appeal.

In addition, international standards, including Article 6 of the ICCPR (the right to life) guarantee the right of all persons sentenced to death to seek pardon or commutation of a death sentence.¹⁵ Accordingly, executions shall not take place before such requests are meaningfully considered. Clemency procedures should be fair and transparent; officials with the power to grant amnesties, pardons or commutations should give genuine consideration to all requests, and should not exclude certain categories of sentenced prisoners *a priori*.¹⁶

Adherence to fair trial standards, from the time of arrest to the end of the criminal justice process, is critically important in death penalty cases. The UN Human Rights Committee has stressed that “[i]n cases of trials leading to the imposition of the death penalty scrupulous respect of the guarantees of fair trial is particularly important” and concluded that “[t]he imposition of a sentence of death upon conclusion of a trial, in which the provisions of Article 14 of the Covenant have not been respected, constitutes a violation” not only of the fair trial guarantees, but also “of the right to life”.¹⁷ Indeed, a death sentence would be arbitrary in nature if the trial which led to it did not adhere to international standards of fairness,¹⁸ and the arbitrary deprivation of life, together with torture and other ill-treatment, is absolutely prohibited under customary international law.¹⁹

The right to competent and effective legal counsel

Under international human rights standards, all persons detained or accused of a criminal offence have the right to competent and effective legal counsel at all stages of criminal proceedings, including immediately on arrest and during detention, during questioning, at preliminary stages of the proceedings, at trial and at appeal.²⁰ If the individual cannot afford to pay, such counsel must be assigned to them free of charge.²¹ As explained by the UN Human Rights Committee, “[t]he availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way”.²² Amnesty International also points out that it is a critical safeguard against coerced confessions or other self-incriminating statements, and against torture and other ill-treatment.²³

Access to competent legal counsel is particularly important in cases of offences carrying the death penalty.²⁴ In fact, human rights authorities have specified that states are required to ensure that capital defendants have adequate assistance of counsel at every stage of the proceedings “above and beyond” the protection afforded in non-capital cases.²⁵ In other words, states have a heightened obligation in death penalty cases to ensure that any lawyer appointed to represent an accused is competent, effective, and both able and willing to represent the interests of the defendant.²⁶ The UN Human Rights Committee has stated that if counsel demonstrates “blatant misbehaviour or incompetence”, the state may be responsible for a violation of the right to fair trial under the ICCPR,²⁷ and that death penalty cases should not proceed unless the defendant is assisted by competent and effective counsel.²⁸

Yet in capital cases – including capital drug cases – the right to legal counsel is one of the elements of a fair trial that is most frequently violated. The case studies

below highlight pervasive violations of the right to counsel, undermining the fairness of capital drug cases in several countries. The violations described range from limiting access to competent counsel to restricting the role or independence of counsel, to denying a person accused of a capital offence access to counsel altogether. Ultimately, the availability of competent legal representation is a key factor in determining whether a defendant receives a death sentence in capital drug cases.²⁹

It is worth noting here that instrumental to the protection and promotion of the right to legal counsel is the right to an interpreter. This is particularly relevant when assessing capital drug cases, where foreign nationals are disproportionately represented. International human rights standards recognise the right to free assistance of a competent interpreter to all defendants who do not understand or speak the language used by the authorities or their lawyer. This right, which also implies a right to interpretation and translation of documents, applies to all stages of the proceedings, and is essential in guaranteeing the full and effective participation of the defendant.³⁰

As has been demonstrated time and time again, and as the examples in the following pages further reveal, people charged with capital drug offences are often from poor and/or marginalised backgrounds. A key reason for this is the nature of the drug market, combined with the way in which drug offences are defined and the drug offences which are punishable by death. Punishment for drug offences is normally based on possession/vicinity to the drug, and on the class and weight of the substance. This is however inadequate and counterproductive, as normally those within the drug market who carry drugs – especially high quantities – are in fact those in the lowest position in the drug hierarchy; in turn, these are normally individuals from poor and/or marginalised backgrounds. Because of their limited resources, they often cannot afford to hire a lawyer of their own choosing. Due to limited or inadequate legal aid

services, these individuals often do not have access to competent, suitably experienced and effective legal representation, and run a higher risk of being sentenced to death and executed. In extreme cases, the right to legal counsel is denied by law, or as a consequence of capital drug cases being heard in special courts in proceedings in which the defendant's fair trial rights are more limited. This is not only evidence of social inequality in the criminal justice system, but a clear violation of the right to a fair trial and the right to life.

In **Malaysia**, while the right to legal counsel is guaranteed in the constitution,³¹ its enjoyment is considerably obstructed in practice, particularly for those who cannot afford to hire a lawyer independently. According to research published by Amnesty International in 2019, legal representatives are reportedly not assigned to a case until the trial is due to start, leaving defendants without legal assistance immediately following arrest, during questioning and for pre-trial periods that may extend from two to five years.³² In many of the cases considered by Amnesty International, if and when legal assistance was available, concerns were expressed that counsel was incompetent, inexperienced, or did not conduct themselves appropriately when representing people of less advantaged backgrounds during trial.³³ Due to limited resources available to them, local court appointed lawyers often face obstacles in gathering and challenging evidence, which would inevitably impede their ability to provide adequate and effective legal representation.³⁴

Insufficient access to interpreters for accused persons who do not speak or understand the language used by the authorities is another serious barrier to the enjoyment of the rights to counsel and to a fair trial in Malaysia, including in capital drug cases. While the right to interpretation in court is enshrined in Malaysian law, the same right does not apply outside the courtroom.³⁵ Indeed, Amnesty International has reported cases where people who did not understand Malay were

asked by police to sign documents in Malay which were later used in court.³⁶ Similarly, in 2017 the NGO Iran Human Rights denounced the fact that dozens of Iranian nationals accused of drug trafficking and facing the death penalty in Malaysia were not provided with a translator during their interrogation.³⁷ According to official figures, foreign nationals make up over 40% of all death row prisoners in Malaysia, the large majority of whom have been charged with drug offences.³⁸ Not only do many of them face language and/or financial barriers, but they are also likely to possess limited knowledge of the Malaysian legal system.³⁹ As rights groups have indicated, when foreign nationals are unable to secure effective legal representation, and/or are denied access to interpreters and translators (including when speaking to counsel) at the initial stages of the proceeding, it becomes very difficult to ensure a fair trial.⁴⁰

The right to legal counsel is guaranteed in **Indonesia's** Criminal Procedure Code (KUHAP), yet Amnesty International noted in its 2015 report that people arrested for drug offences are often either not permitted nor provided access to a lawyer until weeks or months after their arrest.⁴¹ Out of 100 death penalty cases analysed by the Institute of Criminal Justice Reform (ICJR) between 2017 and 2019, legal assistance at the investigation phase has only been confirmed in 11.⁴² The ICJR has also revealed that, because defendants generally cannot afford to pay for a lawyer of their choosing, most lawyers in capital drug cases in Indonesia are state-appointed.⁴³

Recent joint research by the NGOs ADPAN, Ensemble contre la peine de mort (ECPM) and Kontras – which also interviewed seven people on death row in Indonesia – concluded that when an accused detainee is finally granted access to legal counsel, the quality of the legal assistance provided by such counsel is often poor, with lawyers reportedly not concerned about protecting the rights of the defendant.⁴⁴ The seven people sentenced to death interviewed in the above-mentioned research indicated that their lawyers were not

interested in their cases, met with them infrequently, were not always present during their trials and did not challenge the evidence.⁴⁵ In one example reported by Amnesty International in 2015, an Indonesian national arrested for drug trafficking in 2007 was denied the use of a lawyer of his choice and instead appointed a lawyer by the police, which was explained to be his only option. The lawyer's advice was to answer "yes" to any questions from the investigator. The defendant, who expressed doubt that his legal counsel was actually a lawyer, was convicted and sentenced to death in 2008, and the Supreme Court upheld his sentence in 2009.⁴⁶

Amnesty International attributed the delays in providing legal counsel, as well as the lack of competent representation, in part to the scarce resources allocated to legal aid in Indonesia.⁴⁷ Other rights groups have noted that the KUHAP falls short of explicitly guaranteeing *competent and effective* legal assistance.⁴⁸ This reflects domestic jurisprudence: even at the Supreme Court level, judges often fail to take the lack of effective legal counsel into consideration.⁴⁹

In **Iran**, drug-related cases are dealt with in the Islamic Revolutionary Courts, which reportedly operate with considerably lower transparency and guarantee fewer human rights standards than ordinary courts in the country.⁵⁰ As is the case in many other drug-related trials around the world, many defendants charged with drug offences in Iran reportedly rely on court appointed lawyers as they lack the funds to pay for their own lawyer.⁵¹ According to The Foreign Policy Centre, most people accused of drug-related offences have reported not having access to a lawyer throughout their detention and trials, or only meeting their court appointed lawyer during trial.⁵²

Article 48 of the 2015 Code of Criminal Procedure provides for the right to legal counsel from the start of detention, but stipulates defendants accused of certain capital crimes may be denied access to an independent lawyer of their own choosing during the investigation phase – a period which may last for

months.⁵³ Moreover, some defendants that have been able to hire their own lawyers have reported that their lawyer of choice was prohibited from defending them during the trial and only given permission to submit a written defence.⁵⁴ Finally, the Abdorrahman Boroumand Center for Human Rights in Iran reported that experienced lawyers sometimes avoid criminal cases because of the physical and mental stress these entail, in turn caused by the fact that "authorities conducting pre-trial investigations have a negative perception of defense lawyers and, despite the recent amendments to criminal procedure, continue to disregard the defendant's right to legal representation".⁵⁵

The case of Ali Reza Madadpur – reported in the Omid Memorial – stands out as one particularly horrific example of a capital drug case in which the defendant's right to legal counsel (among other fair trial rights) was violated. As reported by the Abdorrahman Boroumand Center for Human Rights in Iran, in November 2011, scraping to make ends meet, Ali Reza agreed to a cleaning job offered by an acquaintance. As he waited outside on his first day, police raided the house and found 990 grammes of crystal meth. He was arrested and then subjected to incommunicado detention and interrogation without access to a lawyer for weeks. The court appointed a lawyer at most two weeks before his trial, and during the trial the lawyer was only permitted to read from a prepared statement. Despite his co-defendants' insistence that he had played no part in the drug manufacturing activities for which he was charged, Ali Reza was sentenced to death following trial proceedings that lasted just 20 minutes. His request for a retrial was denied, and he was executed in August 2016.⁵⁶

In **China**, a report by NGO The Rights Practice confirms that the role and independence of lawyers is so restricted by the state that effective legal counsel simply cannot be provided in death penalty cases.⁵⁷ Chinese lawyers report barriers to providing effective legal representation, including obstacles to meeting their clients and accessing information about the case,

limited disclosure by the prosecution, restrictions on conducting their own defence investigations, restrictions on presenting potentially mitigating evidence and calling witnesses, and having their submissions discounted by judges.⁵⁸ The level of performance of some criminal defence lawyers has also been criticised: experienced lawyers brought in to provide legal assistance at the Supreme People's Court review stage have reported that lawyers in earlier stages of the trial often fail to keep comprehensive case files and leave out key information. This poor-quality legal representation has been attributed, at least in part, to a lack of specialisation, the general absence of performance standards and a shortage of legal aid funding.⁵⁹

One case that has received a lot of attention from the UN, including the Working Group on Arbitrary Detention, has been that of Mark Swidan, an American detained for drug manufacturing in November 2012 whose trial was postponed for 63 months.⁶⁰ According to the Working Group on Arbitrary Detention's sources, Mr Swidan's first lawyer was ineffective and refused to visit his client because he claimed it was too far to travel. Additionally, he refused to send Mr Swidan's family any information, despite specific requests and them having power of attorney.⁶¹ Mr Swidan was later assigned a different lawyer, but this one did not speak English and rarely answered letters from the family. During his sentencing hearing on 30 April 2019, where he received a death sentence, Mr Swidan was not allowed to speak to his lawyer.⁶²

The role of lawyers is also restricted in **Pakistan**. In a recent report on the death penalty by the Human Rights Commission of Pakistan and the International Federation for Human Rights (FIDH), public defence (legal aid provided by the state) was found to be inadequate, with legal aid provided too late – when provided at all – to a significant number of defendants.⁶³ It is reportedly common for defendants to be without access to legal counsel following arrest (and during questioning) until they make their first

court appearance, when “judges appoint public defenders, who can be the first lawyer they see in the courtroom, regardless of their existing caseload of their qualifications to take on that particular case”.⁶⁴

A review undertaken by the Foundation for Fundamental Rights of judgments from 76 capital cases tried under Pakistan's drug laws revealed that not one case took into account testimony from an independent witness, suggesting that there are barriers to lawyers introducing independent witnesses in drug-related cases specifically.⁶⁵ Restricting witness statements to people directly employed by the Anti-Narcotics Force or other law enforcement agencies makes it extremely difficult to overcome the presumption of guilt that operates, a grave fair trial concern which is further discussed on page 21.⁶⁶ Furthermore, it can render the entire trial more vulnerable to influence by law enforcement authorities.

Finally, despite the constitution guaranteeing the right to “consult and be defended by a legal practitioner of his choice” to all persons arrested in **Singapore**,⁶⁷ law enforcement officials can – and do – refuse a person's request to meet a lawyer after their arrest for a “reasonable” period of time;⁶⁸ as summarised by the academic Ho Hock Lai, such “reasonable time has been interpreted by the courts as lasting up to 19 days”.⁶⁹ In explaining to the prosecutor the reasons for such a delay, investigating officers pointed to the risk that permitting a suspect to consult a lawyer might result in “the accused shutting up”.⁷⁰

The prohibition of torture and coerced confessions

The absolute prohibition of torture and other ill-treatment is enshrined in international human rights law⁷¹ and is a norm of customary international law that applies at all times, regardless of the offence committed.⁷² As affirmed in the Convention against Torture, there are no exceptional circumstances that can ever be used to justify the use of torture, including public emergencies.⁷³

It is widely acknowledged that people deprived of their liberty, including following arrest and during detention, are particularly vulnerable to torture and other ill-treatment, including before and during questioning by the authorities.⁷⁴

A crucial fair trial right in international law is what is commonly known as the *exclusionary rule*: an absolute prohibition on the use of information obtained through torture or other ill-treatment in any proceedings.⁷⁵ The UN Human Rights Committee has clarified that this exclusion applies not only to statements and confessions, but also to other forms of evidence elicited as a result of torture or ill-treatment, at all times.⁷⁶ Not only is this rule fundamental to safeguarding the prohibition of torture by removing incentives to carry out such acts,⁷⁷ but is key to safeguarding the right to a fair trial, including the right to the presumption of innocence and the right to not self-incriminate.⁷⁸

Importantly,⁷⁹ any allegation of torture or ill-treatment requires state authorities to conduct a prompt, independent, impartial and effective investigation to ensure not only that information elicited as a result of torture or other ill-treatment is not used in proceedings (except against the alleged perpetrator of the torture), but also that those responsible are brought to justice, and victims can access effective remedies and receive adequate reparations.⁸⁰ Even without an explicit complaint, whenever there are reasonable grounds

to believe that torture or other ill-treatment may have taken place, an investigation is required.⁸¹

Despite clear international law as well as state laws prohibiting it, instances continue to emerge of torture and other ill-treatment on the part of police and state officials as a means of gathering information and evidence against suspects arrested on drug charges, some of which are described in the following paragraphs.

As recently reported by Amnesty International, torture and other ill-treatment at police stations continues to be a widespread concern in **Malaysia**.⁸² This is particularly likely when the accused is not assisted by counsel during police questioning; as highlighted in the previous section, this is a recurring situation for those individuals who cannot afford to hire a lawyer on their own, as in these cases legal representatives are only assigned to a case when the trial is due to start.

After its visit to Malaysia in 2010, the UN Working Group on Arbitrary Detention noted that “virtually all detainees interviewed stated that they had been subjected to ill-treatment and even torture in police stations and detention centres in order to obtain confessions or incriminatory evidence”.⁸³ The use of confessions or other self-incriminating statements (including those obtained through torture or ill-treatment), while otherwise proscribed under Malaysian law, can be admissible as evidence in capital cases under Malaysia’s Dangerous Drugs Act 1952.⁸⁴ While Amnesty International reports that, in practice, the Attorney General’s Chambers follow an informal policy of not entering these statements into evidence in such cases, lawyers remain concerned that they are nevertheless used by the prosecution to strengthen their case against the defendant.⁸⁵

Rights groups report the use of torture is also routine and widespread during police investigations in **Indonesia**.⁸⁶ While officially prohibited by several Indonesian laws, torture is not defined as a specific criminal offence under the Criminal Code.⁸⁷

The Institute for Criminal Justice Reform reported “rampant” psychological torture during the investigation phase against individuals who are not accompanied by a lawyer, together with instances of physical and even sexual abuse.⁸⁸ According to the same source, statements made under such duress continue to be admitted as evidence in proceedings, including in capital drug cases.⁸⁹ In practice, torture allegations are often not investigated by authorities,⁹⁰ and judges often do not sufficiently take them into account in their judgments.⁹¹ An illustrative example recounted by Amnesty International in 2015 is that of a Pakistani national who was arrested on drug charges in 2004. Police kept him detained in a house for three days and punched, kicked and threatened him with death unless he signed a ‘confession’, which he later did. The man’s health deteriorated so much that he was sent to a police hospital for 17 days, where he required stomach and kidney surgery due to the damage caused by the beatings he endured. During his trial, he described the torture to which he had been subjected, but the judges still allowed the ‘confession’ to be admitted as evidence. He was eventually sentenced to death, and died of cancer on death row in May 2018.⁹²

In **China**, the use of evidence obtained through torture has been explicitly prohibited since 2012.⁹³ Any confession obtained without audio or video recording is considered illegal, and new regulations were introduced to strengthen this prohibition in 2017.⁹⁴ As reported by The Rights Practice, while these steps were widely viewed as a sign of progress among Chinese lawyers and scholars,⁹⁵ torture and ill-treatment are still considered to be deeply entrenched in China’s criminal justice system.⁹⁶ At the same time, judges reportedly remain reluctant to discount evidence provided by the police, and the overreliance on confessions to bring about convictions persists.⁹⁷ The result is a system that has been criticised for both incentivising coerced confessions and producing wrongful convictions, including in cases that result in executions.⁹⁸ The conviction rate of Chinese courts is estimated to be 99.9%.⁹⁹ The Dui Hua Foundation has reported on a number of cases in which suspects’ silence in response

to police questioning is taken as incriminating (‘zero confessions’) in capital drug cases in particular, again signalling that the role of confessions in China remains problematic.¹⁰⁰

In the case of Mark Swidan, sources described the evidence against him as “weak and circumstantial and [...] based almost entirely on hearsay”; no drugs were found on him, in his room or in his system, and no “forensic nor telecommunications evidence, such as emails, phone calls or letters” was produced by the prosecution.¹⁰¹ Additionally, he was not in China at the time of the alleged offence and none of the other accused individuals could identify him.¹⁰² At his original indictment in November 2013, Mr Swidan was even described as “having played a second role fit for lenient or reduced penalty”.¹⁰³ However, five-and-a-half years later, after being subjected to “severe psychological torture to extract a confession”, the court found him to be the “principal offender in manufacturing and trafficking drugs” and sentenced him to death.¹⁰⁴ The UN Working Group on Arbitrary Detention has asserted that the violations of the right to a fair trial and due process in Mr Swidan’s case were so grave as to give his deprivation of liberty an arbitrary character,¹⁰⁵ and that his death sentence was disproportionate given the “serious irregularities” outlined above.¹⁰⁶

Similarly, while the use of torture to extract confessions is prohibited by **Iran’s** constitution,¹⁰⁷ the criminal justice system continues to rely on confessions to convict, and the use of torture and ill-treatment is reportedly widespread, particularly in capital drug cases. Rights groups report that almost all prisoners who are arrested for drug offences are kept in solitary confinement and are subjected to torture during the investigation phase that follows their detention, while they are being denied access to a lawyer.¹⁰⁸

According to testimonies received by Iran Human Rights, people facing the death penalty for drug offences are routinely “tortured in various ways and beaten with wooden sticks, hoses and cables, hung

by their hands from the ceiling for hours while being beaten, [or have] spent weeks in solitary confinement with handcuffs and shackles”.¹⁰⁹ In many cases, the ‘confessions’ elicited during detention have been the only evidence submitted to judges.¹¹⁰ An amendment to the Anti-Narcotics Law limiting the use of capital punishment was introduced in 2017, but it has been criticised for its failure to address credible and systematic reports of torture and ill-treatment suffered by those arrested for drug offences with the aim of forcing confessions.¹¹¹ Iran’s laws on investigating allegations of torture remain deeply flawed, and no procedures for the automatic investigation into allegations of torture and ill-treatment when they are brought to the attention of authorities are foreseen.¹¹²

The use of torture to extract confessions has also been identified as an endemic problem in capital drug cases in **Saudi Arabia**. For example, Justice Project Pakistan has reported that many Pakistanis on death row for drug offences in Saudi Arabia (at least 28 of whom were executed in 2019)¹¹³ have been subjected to ill-treatment, including slapping, beating with a belt and shocking with an electronic device during interrogation.¹¹⁴

One particular case that received the attention of several UN Special Procedures was that of Jordanian national Hussain Abo-Alkhair. In May 2014, Mr Abo-Alkhair was stopped by border police officers while he was travelling from Jordan to Saudi Arabia as a driver. Following his arrest for possession of illicit substances found in the car, “police officers allegedly hanged him upside down from his legs and beat him on his abdomen, head, feet, hands and face, forcibly extracting a confession from him”.¹¹⁵ Despite affirming in court that he had no knowledge that the drugs were in his car, he was sentenced to death by beheading in May 2015.¹¹⁶ Notably, he was only allowed to contact a lawyer after he was sentenced. In addition to the flagrant fair trial violations, the authorities also failed to inform the Jordanian embassy of his detention, in violation of his right to consular assistance.¹¹⁷

This was not an isolated incident. Foreign nationals – who in 2019, represented 56% of all people known to have been executed for drugs in Saudi Arabia¹¹⁸ – are reported by the European Saudi Organisation for Human Rights (ESOHR) to have been subjected to particular violations of fair trial rights in the Kingdom, including: failure to inform consular authorities, denial of translators and interpreters, refusal to investigate reports of coercion, and denial of legal assistance.¹¹⁹

Use of torture and coerced confessions in Iran: Sa’id Baluchi case

Sa’id Baluchi was subjected to a warrantless arrest in September of 2012, reportedly after law enforcement failed to arrest another suspect in a smuggling case for whom an arrest warrant had been issued. He was reportedly held in solitary confinement and denied contact with his family for five days, then transferred to Chahbahar Prison.

As reported by the Abdorrahman Boroumand Center for Human Rights in Iran, he was subjected to torture in prison, including electrical shocks and drilling of the feet – marks of which were later evident on his body – in order to extract a confession. He was sentenced to death following a 20-minute trial. His court appointed attorney reports that exculpatory testimony from community leaders were removed from the case file and not presented in court. The Supreme Court struck down the verdict and ordered a retrial over a lack of reports of a discovered weapon. However, the Supreme Court decision was nullified when authorities introduced the sworn testimony of members of the Iranian anti-narcotics forces, and the retrial never took place. Mr Baluchi was executed in March 2015.

Reference: Abdorrahman Boroumand Center and Harm Reduction International (28 March 2019) *Joint Stakeholder Submission to the Working Group for The Universal Periodic Review, Third Cycle*; Omid Memorial entry for Sa’id Baluchi. Available from: <https://www.omidmemorial.org/memorial/story/-7669/said-baluchi>.

The right to the presumption of innocence

Described as the “golden thread” running through criminal law,¹²⁰ the right to the presumption of innocence is the legal principle that requires that a person suspected of a criminal offence be considered and treated as innocent until proven guilty in a court of law. For this right to be upheld, it is essential that the burden of proof sit with the prosecution, and that a court only convict the defendant if their guilt is proven beyond a reasonable doubt.¹²¹

That the burden of proof should never weigh on the defendant has been authoritatively acknowledged both in national legislation and by international bodies, including the UN Human Rights Committee.¹²² Also a norm of customary international law, the right to be presumed innocent until proven guilty beyond reasonable doubt is particularly important in death penalty cases, where errors are literally a matter of life and death.¹²³ The 1984 UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty stipulate that “[c]apital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts”.¹²⁴ As recently reiterated by the UN Human Rights Committee, failure to respect fair trial guarantees as provided for in Article 14 of the ICCPR, including the presumption of innocence, in proceedings resulting in the imposition of the death penalty render the sentence arbitrary and in violation of the right to life.¹²⁵

Legal presumptions are in conflict with this fundamental right, as they shift the burden of proof from the prosecution to the defendant. Despite this, in some retentionist countries the use of statutory presumptions is recurring in capital drug cases, placing capital drug defendants at a particular disadvantage. The problematic nature of these statutory presumptions has also been acknowledged by high-level courts in some retentionist countries, as detailed in the following paragraphs.

As noted by the Foundation for Fundamental Rights, the Control of Narcotic Substances Act (CNSA) regime in **Pakistan** is deliberately designed to reverse the presumption of innocence. Section 29 of the CNSA provides that “in trials conducted under this Act”, a defendant found in possession of narcotics is presumed to have committed an offence unless the contrary is proven. While it must still be established that the drugs in question were recovered from the defendant’s possession, it is the defendant’s responsibility to prove that they have not committed an offence under the CNSA.¹²⁶ Under this presumption-of-possession approach, it is not possible for judges to take mitigating circumstances into account, and the presumption that the accused must be merely in possession of – or physically near – the drugs in order for a conviction to be successful is built into the law.¹²⁷ With senior traffickers far too removed from the actual substances to ever be convicted, the result is a system that is rigged against low-level drug couriers, who represent some of the poorest and most vulnerable people in society, frequently coerced, tricked or pushed into drug trafficking by difficult circumstances.¹²⁸

One illustrative example of this is the case of Dilawar, a 65-year-old truck driver who was found to be carrying 380 kilogrammes of cannabis on his way to Kashmir. He was reportedly oblivious to the nature of the cargo, which was valued at the equivalent of 76 years of his salary, and he was able to identify, with detailed precision, the people who had employed him to drive the truck. While those people were briefly detained and then released without any charge, Dilawar was convicted as the principal smuggler and sentenced to life imprisonment four years later.¹²⁹ In another example, in 2011 in Lahore, police stopped a car and found it to contain large quantities of cannabis and opium. The three passengers got vastly different sentences based on their coincidental proximity to the drugs in the car: the man in the front seat, who had 2.4 kilogrammes of cannabis product under his feet and was sentenced to five years in prison; the driver, who had 12 kilogrammes under his seat and in the

cavity of the car door, was sentenced to life in prison; and the man in the rear, who had 90 kilogrammes of cannabis and 24 kilogrammes of opium behind him, was sentenced to death.¹³⁰

A review of 133 capital drug crime cases under the CNSA undertaken by the Foundation for Fundamental Rights revealed that every single one had been for possession-based offences.¹³¹ Given that many people charged with drug offences are unable to pay for competent legal representation, that testimonies from independent witnesses are generally discounted and that mitigating factors are not considered, it is difficult for defendants to overcome the presumption of guilt applied under the law governing these cases.¹³² Under these circumstances, the CNSA court system has maintained a conviction rate of between 89% and 92%.¹³³ Notably, between 2010 and 2019, every single death sentence for a drug offence was overturned or commuted by the Supreme Court due to insufficient evidence or flaws in the trial, revealing the extent to which the CNSA regime is in need of reform.¹³⁴

The situation is similar in **Malaysia**, where statutory presumptions are included in Section 37 of the Dangerous Drugs Act 1952. The law effectively stipulates that anyone found with specified amounts of certain drugs, or in possession or control of objects or premises in which specified amounts of certain drugs are discovered, can be found guilty of drug trafficking and sentenced to death without any further evidence linking them to the drugs.¹³⁵ In these circumstances, the burden of proof is again effectively shifted to the defendant. Amnesty International recently highlighted that under Malaysian law, criminal cases cannot be reopened on the grounds of newly discovered facts following a final judgment,¹³⁶ and noted that these fair trial violations are particularly concerning in a country where over 70% of people on death row have been convicted of drug trafficking.¹³⁷ In April 2019, the Malaysian Federal Court declared the double presumption (of possession and control of the substances *and therefore* of intent to traffic) contained

in Section 37A unconstitutional, because of the “real risk that an accused might be convicted of drug trafficking in circumstances where a significant reasonable doubt remains”.¹³⁸

Another country whose drug law explicitly contains statutory presumptions which violate the presumption of innocence is **Singapore**, which also retains the death penalty as the mandatory punishment for drug trafficking in a range of circumstances. Section 18 of the Misuse of Drugs Act stipulates that persons found with specified amounts of certain drugs, or even in possession merely of keys to a building or vehicle in which drugs are found, are presumed guilty of drug trafficking.¹³⁹ The courts have interpreted this provision rather narrowly, where the presumed knowledge is knowledge of the precise nature of the controlled drug in question.¹⁴⁰

As noted by Amnesty International, it is not sufficient for a defendant to raise a reasonable doubt to rebut these presumptions, but instead the accused is required to meet a higher and considerably more challenging burden of proof of “on a balance of probabilities”.¹⁴¹ This happened in the case of a young man arrested for trafficking drugs in Singapore in November 2004 when he was just 18, and sentenced to death a year later. During his trial, the judge ruled that although there was no direct evidence that he knew the capsules contained heroin, “ignorance did not exculpate him”.¹⁴² The appeal court rejected the trial court’s suggestion that it was irrelevant whether he had knowledge of what he was carrying, but still upheld his conviction, reasoning that under Singapore law such knowledge is presumed until the defendant rebuts that presumption “on a balance of probabilities” and not merely by raising reasonable doubt.¹⁴³ He was executed in January 2007.¹⁴⁴

The right to appeal and the right to seek pardon or sentence commutation

As summarised by Amnesty International, under international human rights law, every person convicted of a criminal offence – including those sentenced to death – must have a meaningful right to appeal their conviction and sentence to an independent and impartial court of higher jurisdiction.¹⁴⁵ Fulfilling this right requires that laws permitting review by a higher tribunal be in place, as well as measures to ensure that the right to appeal can be accessed and exercised effectively in practice.¹⁴⁶ These measures include, among others, “reasonable time to lodge an appeal, access to the trial transcript, reasoned judgments and rulings on the appeal within a reasonable time”.¹⁴⁷ As a general rule, appeal proceedings should be held in public, with the parties present.¹⁴⁸

In addition, respect for the right to life requires that all persons sentenced to death have the right to seek pardon or commutation of their sentence.¹⁴⁹ While states retain discretion in terms of how these procedures are carried out, the UN Human Rights Committee has confirmed that these must be specified in domestic legislation and offer certain “essential guarantees” with regard to certainty of process and transparency.¹⁵⁰ Additionally, conditions for pardon or commutation cannot be “ineffective, unnecessarily burdensome, discriminatory in nature or applied in an arbitrary manner”.¹⁵¹ This right is individual to the person, and therefore automatic denials or exclusions of clemency based on categories of offence are incompatible with the state’s obligations to give consideration to the individual circumstances of each case.¹⁵²

To safeguard these two distinct rights, as specified in UN Safeguard 8 of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, an execution “shall not be carried out pending any appeal or other recourse procedure or other

proceeding relating to pardon or commutation of the sentence”.¹⁵³

It goes without saying that both the right to appeal and the right to seek pardon or commutation are seriously undermined by restrictions on the right to legal counsel and lack of effective assistance of counsel, among other fair trial violations.

The case studies below show the endemic limitations in both the judicial appeal and (executive) pardon processes related to capital drug offences, exposing people on death row for drug offences to the risk of arbitrary or discriminatory decisions that could lead to their execution, in violation of their rights to a fair trial and to life.

As reported by The Rights Practice, the right to appeal in death penalty cases in **China** is reportedly compromised by the reluctance of appeal courts to undertake substantive reviews of law and fact, and restrictions on the right to legal counsel.¹⁵⁴ Participation of lawyers in the appeal process is reportedly limited, with the lack of comprehensive legal aid disproportionately impacting socio-economically marginalised defendants.¹⁵⁵ In a survey of 255 death penalty cases reviewed by the Supreme People’s Court between 2014 and 2016, only 9% had legal counsel.¹⁵⁶ This is reported to be one of the factors behind the court’s incredibly low reversal rate. In the same sample, death sentences with immediate execution (as opposed to suspended sentences)¹⁵⁷ were approved in 250 (98%) of 255 cases.¹⁵⁸

In **Singapore**, the effective enjoyment of the right to appeal for those facing the death penalty for drug offences is considerably hampered by a new sentencing discretion introduced in 2013. This discretion allows the judge to provide an alternative sentence to the mandatory death penalty only if the prosecutor issues the defendant a ‘certificate of assistance’ showing they have provided information that can disrupt drug trafficking activities. Many of those facing the death penalty for drug charges are the least likely to be able to provide meaningful ‘assistance’, because they are

too low in the drug trafficking hierarchy to have any useful information to share. As noted by Amnesty International in its 2017 report, the limited grounds available for appealing decisions on the issuing of certificates of assistance, coupled with the lack of transparency inherent in the process and reasoning behind these, have meant in practice that death sentences for drug offences are extremely difficult to appeal.¹⁵⁹

Pardons are also reportedly limited, with only six having been granted since Singapore gained independence in 1965, the last of which was in 1998.¹⁶⁰ Earlier this year, news reports indicated that more than 13 people had had their applications for clemency rejected, with Singapore being criticised for “[d]ismissing clemency petitions as a matter of policy” which, it was pointed out, “is unlawful and a breach of international norms”.¹⁶¹

Before November 2015, anyone convicted of drug offences in **Iran**, including those facing the death penalty, did not have a right to appeal and their sentences were immediately implementable.¹⁶² After a unanimous order on the matter was passed in November 2015, those sentenced to death for drug offences were afforded the right to appeal to the Supreme Court. While this sparked hope due to the systemic fair trial violations in drug cases, a number of people convicted prior to November 2015 have since been executed without having been able to exercise their right to appeal.¹⁶³ Problems with the appeal process also remain, including the fact that the Supreme Court is the sole level of appeal, and appeals can only be done in writing – meaning that the defendant and their lawyers cannot be present at the appeal.¹⁶⁴

In **Malaysia**, the right to seek pardon is enshrined in Article 42 of the constitution, but according to local civil society there are no clear rules governing the process.¹⁶⁵ With Board of Pardon meetings being infrequent and sporadic, petitioners generally do not have the opportunity to present their case. The board is also not required to disclose how it reaches its decision.¹⁶⁶ Moreover, Amnesty International has noted that Malaysian law does not guarantee

the right to legal counsel for the pardon application process.¹⁶⁷ While several pro-bono initiatives have been established to fill this gap, the organisation reports that a lack of resources renders the service quite limited and intermittent.¹⁶⁸ Unsurprisingly, the quality of pardon petitions has been found to vary enormously, depending on whether they have been prepared with the support of a legal representative.¹⁶⁹ The lack of access to legal counsel disproportionately impacts foreign nationals, who make up 49% of the population on death row for drug offences.¹⁷⁰ According to research by Amnesty International, as of February 2019 over half of the foreign nationals on death row had not filed a pardon application.¹⁷¹

The appeal and pardon processes in neighbouring **Indonesia** have been shaped by a particularly punitive – and discriminatory – approach to drug offences. National law stipulates that an application for a constitutional review of any provisions in law can only be made by an Indonesian national,¹⁷² which has resulted in the Constitutional Court rejecting applications for constitutional review submitted by foreign nationals facing the death penalty.¹⁷³ In a country where 29% of people on death row are foreign nationals, all convicted for drug offences,¹⁷⁴ this is particularly worrying. Like Malaysia, Indonesia has executed people who were in the process of judicial review: Michael Titus Igweh and Humphrey Jefferson Ejike Eleweke, both convicted and sentenced to death for drug offences, were executed in July 2016 while in the process of submitting a petition for judicial review; Jefferson was further awaiting a clemency decision from President Joko Widodo.¹⁷⁵ With regards to the right to pardon, in late 2014¹⁷⁶ and then again in 2015,¹⁷⁷ President Widodo singled out individuals convicted of and sentenced to death for drug crimes, expressing that they would not be granted clemency. This purported blanket denial is particularly concerning when one considers that 61% of people on death row in 2019 were sentenced to death for drug-related offences; and that the number of death sentences pronounced for drug offences in 2019 is more than double those of 2018.¹⁷⁸

Conclusions

This section described fair trial violations – including of the right to effective legal counsel, the right to the presumption of innocence, the prohibition of torture and coerced confessions, the right to appeal and the right to seek pardon or sentence commutation – reported by local and international human rights organisations in capital drug cases in six countries. It laid bare the systemic flaws within these criminal justice systems that greatly hinder the chances of people facing the death penalty for drug offences of receiving a fair trial, placing these individuals, already some of the most vulnerable within society and the drug markets, at greater risk of receiving a death sentence and of being executed.

The violations described are not isolated incidents or exceptional cases, but rather a manifestation of systemic issues. Their interplay creates a system that further disadvantages those who need the most protection; limits judicial discretion and ability to deliver just and fair judgments; and impinges on the credibility and authority of the criminal justice system.

As HRI has noted before, death penalty reform which falls short of total abolition will never be fair.¹⁷⁹ However in the meantime, with thousands of people on death row around the world, often for long periods, and death sentences for drug offences still being meted out, steps must be taken to curb the application of the death penalty. Enhanced protection and promotion of the fair trial rights of people charged with capital offences represents one strategic way of doing so.

Going forward, HRI calls for governments to invest in robust legal aid systems, undertake structural reforms to uphold the prohibition on torture and the right to be presumed innocent – including in capital drug cases, commit to full implementation of the right to appeal, and refrain from excluding any particular category from seeking clemency or commutation of death sentences. Hardline political agendas to combat drugs are in conflict with fundamental rights, and are not effective in stopping drug trafficking, nor in addressing drug use. Robust adherence to the rule of law, respect for international fair trial standards and the implementation of safeguards will be important for meaningful change, but so too will be examining and modifying existing practice, and the punitive culture that underpins drug control.

Country-by-country analysis

This part of the *Global Overview* provides a state-by-state mapping of those countries that have capital drug laws, and an analysis of how these laws are enforced, applied or changing in practice. The information presented here updates and builds upon the data presented in previous editions of the *Global Overview*.

Categories

HRI has identified 35 countries and territories that retain the death penalty for drug offences in law. Only a small number of these countries carry out executions for drug offences on a regular basis. In fact, six of these states are classified by Amnesty International as abolitionist in practice.¹⁸⁰ This means that they have not carried out executions for any crime in the past ten years (although in some cases death sentences are still pronounced), and are believed to have a policy or established practice of not carrying out executions.¹⁸¹ Others have neither sentenced to death nor executed anyone for a drug offence, despite having dedicated 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 mainstream part of the criminal justice system.

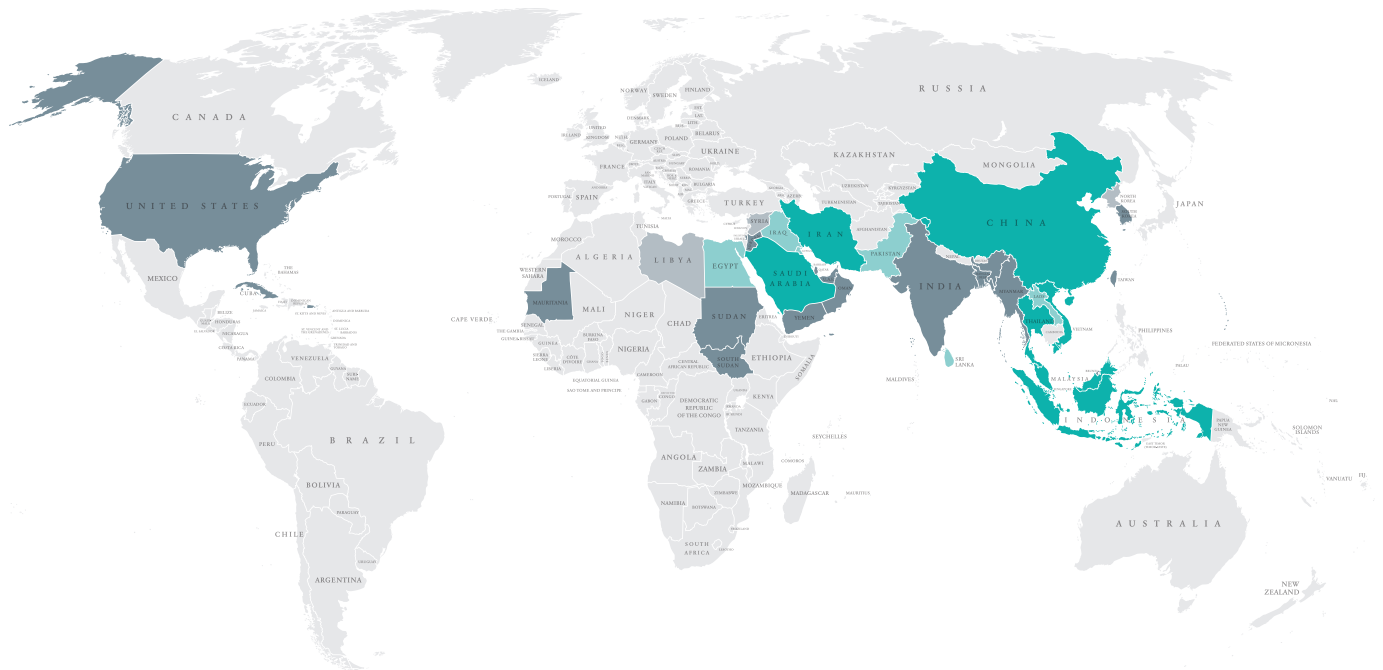
Low Application States are those where executions for drug offences are an exceptional occurrence, although executions for drug offences may have been carried out, while death sentences for drug offences are relatively common.

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 offences in the past ten years; although some of these countries occasionally pass death sentences for drug offences.

Bangladesh, South Sudan, the US and Yemen are symbolic application countries confirmed to have carried out executions in 2019, but not for drug offences. The section below therefore only provides figures on death sentences and death row populations.

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

Most of these countries are retentionist; which, according to Amnesty International, means that they retain the death penalty for “ordinary crimes”.¹⁸² However, a few are what Amnesty International defines as “abolitionist in practice”.



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

High Application States

Country	People on death row for drug offences (total number of people on death row)		Executions for drugs (executions total)	
	2018	2019	2018	2019
China	Unknown (unknown)	Unknown (unknown)	Unknown (unknown)	Unknown (unknown)
Indonesia	130 ¹⁸³ (308+) ¹⁸⁴	166 ¹⁸⁵ (271) ¹⁸⁶	0 (0)	0 (0)
Iran	5,300+ ¹⁸⁷ (unknown)	2000+ ¹⁸⁸ (unknown)	23 (254+) ¹⁸⁹	36+ (273+) ¹⁹⁰
Malaysia	932 ¹⁹¹ (1,280) ¹⁹²	899 (1280) ¹⁹³	0 (0)	0 (0)
Saudi Arabia	Unknown (58+) ¹⁹⁴	Unknown (47+) ¹⁹⁵	59 (149+) ¹⁹⁶	84+ (185+) ¹⁹⁷
Singapore	16+ (46+) ¹⁹⁸	27+ (54+) ¹⁹⁹	11 (13) ²⁰⁰	2 (4) ²⁰¹
Thailand	319 (552) ²⁰²	200 (312) ²⁰³	0 ²⁰⁴ (1) ²⁰⁵	0 (0)
Vietnam	Unknown (650+) ²⁰⁶	Unknown (600+)	Unknown (85+) ²⁰⁷	Unknown (unknown)

China

Although data on the use of the death penalty in China continues to be classified as a state secret, the country remains the world's top executioner.²⁰⁸ According to Amnesty International, China continues to execute and sentence to death hundreds of people every year, mostly for murder and drug-related charges.²⁰⁹ According to research by The Rights Practice, drug crimes are considered a threat to social stability in China, and policies that encourage harsher punishments for drug offences continue to be promoted.²¹⁰ There are reports, however, that judges are increasingly using their discretion to impose death sentences only for crimes involving large quantities of drugs.²¹¹

China continues using publicity around capital drug cases for political purposes.²¹² This was the case with the two Canadian men sentenced to death for drug offences in 2019, which made international headlines amid a period of escalating tension between the two countries.²¹³ One of the two, Robert Lloyd Schellenberg, was reportedly handed his sentence after a one-day retrial following an appeal against an earlier 15-year sentence for drug trafficking.²¹⁴

Mark Swidan is reportedly the first American to be sentenced to death (although with a suspended sentence) by a Chinese court. The judgment was passed on 30 April 2019, despite the fact that "[n]o drugs were found on Mr. Swidan or in his room. Drugs were found in the room of another suspect. No forensic evidence has been produced – no drugs in his system, no DNA on the packages, no fingerprints on the packages or drug paraphernalia – tying Mr. Swidan to the drugs. No emails, letters, or phone calls have been found that link Mr. Swidan to any drug transaction".²¹⁵

It has also been suggested that the nine convictions for fentanyl trafficking meted out in November 2019, one of which was a death sentence, were intended to send a message to Washington that China is cracking down on the drug on which the US has long blamed its opioid overdose deaths.²¹⁶ The defendant, the first ever to be sentenced to death for a fentanyl-related offence, had been arrested after a joint American-Chinese investigation.²¹⁷

Indonesia

2019 marks the third year in a row in which there were no executions in Indonesia. However, there was an increase in the number of death sentences issued by Indonesian courts. From October 2018 to October 2019, a total of 70 new death sentences were handed down by either first instance or appellate courts, more than double those pronounced in 2018.²¹⁸ Of these, 77% were for drug offences. In total, 61% of the 271 people that were on death row in October 2019 were there for drug offences.²¹⁹ It is also worth noting that at least 188 Indonesians are facing the death penalty abroad.²²⁰

President Joko Widodo continues to push the ‘war on drugs’, despite its proven inability to tackle drug use and drug crime in the country,²²¹ and its impact on prison overcrowding. This punitive approach has driven at least 51,000 people who use drugs, and over 75,000 people convicted for some form of drug trafficking, into Indonesia’s already overcrowded prisons.²²² In late 2019, Indonesia’s attorney general called for executions to be resumed as soon as possible.²²³

Indonesia provides an example of how women are disproportionately impacted by capital punishment for drugs. Of the 22 women charged with capital offences between 2000 and 2018, 18 were convicted of a drug offence.²²⁴ In an in-depth review of five judicial procedures against women sentenced to death for drugs, the Institute for Criminal Justice Reform found that none had held a major role in the drug activity that led to their conviction, and that they had been following the instructions of men who were exploiting their traditional gender roles.²²⁵

Iran

With a total of 273 confirmed executions,²²⁶ Iran remained the world’s largest executioner after China in 2019. Subsequent to a 2017 amendment to Iran’s anti-narcotics laws, the rate of known executions for drug offences dropped from 221 in 2017 to 23 in 2018.²²⁷ Although 2019 has not seen a return to 2017 figures, the number of persons executed for drug offences reported by either official sources or local civil society has risen to 36.²²⁸

The 2017 amendment to the anti-narcotics law also triggered the review of at least 3,300 death sentences for drug offences. Rights groups have criticised the review process as opaque and tainted by insufficient resources, as well as by allegations of corruption.²²⁹ Many of the people who have had their death sentence commuted have received prison sentences as long as 30 years, and hefty financial penalties.²³⁰

In February 2019, the UN Special Rapporteur on the human rights situation in Iran noted that the death penalty is applied in circumstances that raise due process concerns, and called on Iran to put an end to the death penalty.²³¹ In September 2019, the UN Secretary General reported credible accounts of gross fair trial rights violations, such as arrests without a warrant, detention without charge or access to legal counsel, and forced confessions used as evidence for conviction.²³² In the November 2019 Universal Periodic Review (UPR), Iran received 41 death penalty-related recommendations, including 16 recommendations to abolish capital punishment for drug offences.²³³

Malaysia

In March 2019, just a few months after publicly committing to abolish the death penalty,²³⁴ the Malaysian government backtracked to only considering removing the *mandatory* death penalty; and only for a limited number of crimes,²³⁵ which initially would not include drug offences.²³⁶ In September 2019, the cabinet appointed a Special Committee, including academics and legal experts, to prepare a reform proposal.²³⁷ The official report was submitted to the government on 11 February 2020, and declared by the law Minister, Liew Vui Keong, to be “a significant study bound to alter the landscape of the nation’s entire criminal sentencing policy as the government moves to abolish the mandatory death penalty in Malaysia”.²³⁸

While these debates take place, news emerged of at least 17 death sentences in 2019, 12 of which were for drug offences.²³⁹ As the government does not publish official figures, this is likely to be only a proportion of all death sentences: while 31 death sentences were publicly reported in 2018,²⁴⁰ figures provided by official sources to Amnesty International indicated the actual figure to be 190.²⁴¹ In 2019, at least five women are known to have been sentenced to death for drug offences.²⁴² As a result of the moratorium established in 2018, no executions took place in 2019.

According to official sources, as of 3 December 2019 there were 1,280 people on death row.²⁴³ Research by Amnesty International reveals that over 70% were sentenced to death for drug offences, around half of whom were foreign nationals. Of the 141 women on death row as of February 2019, an overwhelming 95% have been sentenced to death for drug offences, 90% of which were foreign nationals.²⁴⁴ A close review of 30 cases of women on death row for drug trafficking by Amnesty International revealed that most are low-level drug couriers, with many of them claiming they were coerced or tricked into that role.²⁴⁵ In a landmark case in November 2019, the Federal Court in Kuala Lumpur acquitted an Australian woman who had been deceived into transporting drugs by online scammers.²⁴⁶

In October 2019, Amnesty International reported numerous violations of the right to a fair trial in Malaysian death penalty proceedings,²⁴⁷ and confirmed that “those on death row for drug trafficking were frequently convicted after they were found in possession of and transporting relatively small quantities of drugs without having committed or being involved in any form of violence, and were often people that are at the low-end of the drug chain (drug couriers)”. As such, they had limited – if any – control over the substance they were carrying.²⁴⁸

In July 2019, the Malaysian government announced a plan to overhaul its drug laws in order to adopt a public health approach to drug policy, including the decriminalisation of drug use.²⁴⁹ If implemented, this plan would be a welcome and necessary novelty in Southeast Asia, where punitive drug laws are prevalent. However, by the end of 2019, no legislation had yet been proposed.

Saudi Arabia

With at least 185 persons executed, 84 of which for drug offences, 2019 was the worst year on record for capital punishment in Saudi Arabia since HRI started tracking executions in 2007. As a result, Saudi Arabia remains the world’s top executioner for drug offences with the probable exception of China, which does not publish any data on executions.

Even though Crown Prince Mohammed Bin Salman announced in April 2018 that he planned to reduce the number of executions conducted by Saudi authorities,²⁵⁰ in 2019 the number of people executed for drug offences rose 42% by comparison to 2018. No data on the number of death sentences issued in 2019 is publicly available.

Several reports published in 2019 show that the Saudi criminal justice process is marred by gross violations of the most basic human rights, from detention to execution. These include indefinite incommunicado detention before trial,²⁵¹ a widespread use of torture

and coerced confessions,²⁵² and other serious fair trial violations (detailed in the previous section), and gruesome mass executions that have been found to constitute a form of inhuman and degrading treatment or punishment.²⁵³

Foreign nationals constituted a significant proportion of those executed for drug offences in Saudi Arabia in 2019: at least 47 out of 84, of which at least 28 were Pakistani nationals.²⁵⁴

From March to July 2019, Saudi authorities received at least six letters from UN Special Rapporteurs regarding cases of human rights violations, including two letters on the situations of individuals that had been sentenced to death.²⁵⁵ During its Universal Periodic Review in February 2019, Saudi Arabia received 22 recommendations to establish a moratorium on executions, none of which was supported.²⁵⁶ While the Saudi government accepted Germany's recommendation to restrict the death penalty to the "most serious crimes",²⁵⁷ it rejected Cyprus's recommendation to abolish the death penalty for "non-violent drug smuggling".²⁵⁸

Singapore

The government of Singapore continues to be an outspoken advocate for the use of the death penalty as a legitimate tool of drug control, both in the media²⁵⁹ and in UN fora.²⁶⁰ Singaporean courts issued at least 13 death sentences, all for drug offences, in 2019.²⁶¹ Four people were executed, including two for drug offences, one of which was a drug courier convicted for transporting no more than 16.56 grammes of heroin into Singapore.²⁶² This figure represents a significant decline from the 13 persons executed in 2018, but this might only be a temporary respite; in July 2019, several reports noted that the government was preparing up to 13 executions.²⁶³

In 2013 Singapore amended its Misuse of Drugs Act in order to allow for the imposition of life imprisonment, instead of a mandatory death sentence, for drug couriers that receive a certificate of substantive assistance in disrupting drug trafficking activities by the public prosecutor. This amendment has been severely criticised by rights groups as it violates the principle of fairness, opens up substantial space for corruption and abuse, and discriminates against low-level couriers that are unable to provide useful information to law enforcement officials.²⁶⁴ Out of the 13 persons confirmed to have been sentenced to death in 2019, at least four were couriers who were not granted this certificate.²⁶⁵

Foreign nationals continue to be disproportionately impacted by the death penalty in Singapore. The nationality of those sentenced to death was noted in only five out of the 13 death sentences published in 2019. Three of these individuals were Malaysian.²⁶⁶ At least two of the individuals executed in 2019 were also Malaysian, a trend that prompted complaints by the government and civil society of Malaysia.²⁶⁷

Thailand

Despite a nine-year *de facto* moratorium coming to an end in 2018,²⁶⁸ no executions took place in Thailand in 2019. However, at least ten people were sentenced to death, one of them – a woman from Myanmar – for a drug offence.²⁶⁹

According to official sources, there were 312 people on death row in Thailand on 12 December 2019, 64% of whom were convicted of drug offences.²⁷⁰ This reflects Thailand's broader approach to drug control: 79% (290,159 persons) of the total prison population are convicted of drug offences.²⁷¹ Because of the significant number of individuals on death row for drug offences, which appear to be the main crimes for which death sentences are handed down in the country, the decision was taken to reclassify Thailand from a 'low application' to a 'high application' state.

Thailand is another clear example of how capital drug laws disproportionately impact women, with 58 out of 59 women on death row convicted of drug offences.²⁷² After visiting nine ‘model’ prisons for women, the International Federation for Human Rights (FIDH) and Thai rights organisation the Union for Civil Liberty reported that conditions in women’s prisons in Thailand were below international standards. The main problems were overcrowding – with some prisons recording occupancy levels of up to 652%, deficiencies in the arrangements for pregnant women and women with children, and inadequate access to water, food and healthcare.²⁷³

Vietnam

In 2019, Vietnam continued to keep all figures on death sentences and executions secret, against the explicit recommendations of the UN Human Rights Committee.²⁷⁴ In its 2019 annual report to Vietnam’s national assembly, the chief justice of the Supreme People’s Court avoided any reference to capital punishment, even though it provided a review of

Vietnamese courts’ activities on criminal cases.²⁷⁵ While the UN Human Rights Committee repeatedly requested data on the application of the death penalty during Vietnam’s periodic review,²⁷⁶ the Vietnamese delegation provided none.

According to media reports, Vietnamese courts handed down at least 75 death sentences in 2019, 74 of them for drug offences.²⁷⁷ At least 14 out of the 74 individuals sentenced to death for drug offences (almost 20%) were women. Reflecting the reported surge of the illicit drug markets in the region, a minimum of 30 defendants were convicted for transnational drug activities, including smuggling drugs to and from Lao PDR, Cambodia and China.²⁷⁸

UN human rights bodies expressed concern at the fact that capital trials in Vietnam can be unfair and marred by procedural irregularities, including forced confessions and pre-trial torture.²⁷⁹ Of the 28 recommendations regarding the death penalty addressed to Vietnam in the January 2019 Universal Periodic Review, the Vietnamese authorities only accepted two recommendations to restrict the scope of the death penalty to the “most serious crimes”.²⁸⁰

Low Application States

Country (all figures 2019) ²⁸¹	Death row for drugs	Death row total	Executions for drugs	Executions Total	Death sentences for drugs	Death sentences total
Bahrain	6	24 ²⁸²	0	3	4	4+
Egypt	30+	2,400+	0	35+ ²⁸³	7+ ²⁸⁴	385+ ²⁸⁵
Iraq	4+	8,000+ ²⁸⁶	Unknown	100+ ²⁸⁷	Unknown	Unknown
Kuwait	1+	42	0	0	1 ²⁸⁸	8+
Lao PDR	311+	315+	0	0	Unknown	Unknown
Pakistan	Unknown	4,225 ²⁸⁹	0	15 ²⁹⁰	None known	584 ²⁹¹
Sri Lanka	60+	1,330	0	0	12+	31+

Bahrain

In January 2019, one Bahraini and one other Gulf national were sentenced to death in Bahrain on charges of smuggling and cultivating drugs for the purpose of trafficking, following the seizure of over 20 kilogrammes of hashish intercepted on the King Fahd Causeway connecting Bahrain and Saudi Arabia. They were convicted alongside five other defendants, who received prison sentences ranging from six months to life imprisonment.²⁹² In February 2019, a further two men of undisclosed nationality were sentenced to death for attempting to smuggle 65 kilogrammes of hashish from Iran.²⁹³ The Supreme Court of Appeals upheld this decision in June 2019.²⁹⁴

According to rights groups, by the end of 2019 at least 24 persons were on death row, six of them for drug offences.²⁹⁵ The two drug-related death sentences passed in 2018, and the four handed down in 2019, represent an increase in the use of capital punishment as a tool of drug control in Bahrain. Accordingly, the country was reclassified from 'symbolic' to 'low application'.

In 2019, consistent allegations of serious fair trial violations in capital cases emerged in Bahrain as the UN Working Group on Arbitrary Detentions published two

separate Opinions reporting cases of torture and forced confession, including in capital cases.²⁹⁶ In November, a group of 52 Members of the European Parliament signed an open letter denouncing the arbitrary denial of medical care for inmates held in Bahraini prisons, a conduct that constitutes ill-treatment and could result in permanent damage to their health.²⁹⁷

Egypt

Since President el-Sisi came to power, the use of the death penalty has become prevalent in Egypt. A May 2019 report from the NGO Reprieve found that from July 2013 to September 2018, Egyptian courts handed down at least 2,443 preliminary death sentences, many of which were issued after mass trials featuring dozens, if not hundreds, of defendants.²⁹⁸ During the same period, at least 144 people were executed.²⁹⁹

Although the government of Egypt does not provide official figures on the death penalty, rights group report that in 2019 at least 385 persons were sentenced to death in 205 cases, most of them for terrorism or murder charges.³⁰⁰ At least seven defendants were sentenced to death for drug offences, including one migrant worker from India accused of attempting to smuggle drugs from Iran.³⁰¹ A minimum of 35 people were executed, none for drug offences.³⁰²

In 2019, Egyptian authorities intensified their punitive approach to drugs. In January, the Egyptian cabinet passed a law that expanded the scope of drug offences punishable by death,³⁰³ while in March the government approved a bill that required mandatory drug testing of all state employees.³⁰⁴

The situation inside Egyptian prisons continues to be abysmal, with several human rights bodies reporting that detainees are held in cruel and inhuman conditions.³⁰⁵ Since 2013, at least 600 people have died in Egyptian prisons due to medical neglect and the denial of care.³⁰⁶ This is particularly concerning given that Egypt is adding hundreds of people to its death row every year.

In its November 2019 Universal Periodic Review, countries including Argentina, Australia and Germany called on Egypt to establish a moratorium on executions with a view to abolish the death penalty permanently.³⁰⁷ Throughout el-Sisi's presidency, the Egyptian government has forbidden UN Special Procedures on civil and political rights from visiting the country.³⁰⁸

Iraq

Official statistics on the use of capital punishment in the country are not available. However, in August 2019, the Iraqi High Commission for Human Rights disclosed that there had been at least 100 executions since January 2019 alone, while 8,022 people were on death row.³⁰⁹ This represents a more than 100% increase in executions from 2018, which seems to be driven by terrorism-related charges. There is no data available on sentences and executions for drug offences.

In November 2019, Iraq underwent its third Universal Periodic Review, providing an opportunity to examine the country's human rights performance. In this context, several civil society organisations denounced systemic issues surrounding the imposition of the death penalty, including forced confessions under torture,³¹⁰ misuse of capital punishment for political purposes³¹¹ and mass executions.³¹²

Kuwait

For the second year in a row, no executions took place in Kuwait in 2019.³¹³ However, Kuwaiti courts handed down at least eight death sentences, one of which was for drug trafficking.³¹⁴ The defendant is an Indian migrant worker who, according to media reports, has been unable to hire a lawyer for the appeal due to a lack of financial resources.³¹⁵

Lao PDR

In 2019, Lao maintained an ongoing *de facto* moratorium on executions. The last known execution in Lao took place in 1989.³¹⁶

Despite repeated calls by UN bodies to publish disaggregated data, the government of Lao PDR has failed to provide official and updated figures on its use of the death penalty in 2019. In line with the information provided in 2018 to the UN Human Rights Committee,³¹⁷ in November 2019 the Office of the High Commissioner for Human Rights noted that Lao primarily imposes the death penalty for drug offences.³¹⁸

In the last five years, transnational drug trafficking across Lao's borders with Myanmar, Thailand and Vietnam – all retentionist countries – has boomed.³¹⁹ As a result, a significant number of Laotians have been detained for drug offences in neighbouring countries, with at least four sentenced to death in Vietnam in 2019.³²⁰ Foreign nationals are especially vulnerable in capital trials abroad due to their precarious socio-economic status, lack of fluency in the language of the host country and lack of understanding of the local laws.³²¹ As noted by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in August 2019, states that fail to provide consular assistance to their own nationals facing the death penalty abroad violate their duty to protect them from arbitrary executions.³²²

Pakistan

Absent official information, figures on the use of capital punishment in the country are reported by local civil society, which recorded 15 executions³²³ and 584 death sentences³²⁴ in 2019; it is not known whether any of these were for drug-related offences.³²⁵ In April 2019, Pakistan introduced Model Criminal Trial Courts (MCTC) throughout the country to administer expedited trials in homicide and narcotic cases, as a way to confront the significant backlog within the criminal justice system.³²⁶ These courts adjudicated over 12,000 cases in five months,³²⁷ awarding 175 death sentences in the first 75 days of operation alone.³²⁸

There are 10,895 Pakistani nationals in foreign prisons, with 3,248 in Saudi Arabia, 2,600 in the UAE and 657 in Oman, many of whom are believed to be detained for drug-related crimes.³²⁹ At least 28 Pakistani nationals were executed in Saudi Arabia in 2019 for drug offences.³³⁰

Non-governmental sources disclosed that there were 33 women on death row in Pakistan as of June 2019, mostly convicted of drug offences and domestic violence-related crimes.³³¹ These women are overwhelmingly from fragile socio-economic backgrounds, and were often driven to engage with drugs in an attempt to make ends meet. Because of the intersecting stigma of having transgressed gender norms and having engaged with drugs,³³² they reportedly have less support from and contact with their family members than men on death row.³³³

Sri Lanka

In Sri Lanka, 2019 was marked by the intensification of the political and public discourse over the resumption of executions, specifically for those convicted of trafficking and dealing drugs. In June 2019, President Maithripala Sirisena announced the signing of a death warrant for four people sentenced to death for drug offences³³⁴ as part of a broader attempt to crack down

on drugs.³³⁵ If executions are resumed, they will put an end to a 43-year moratorium on executions in Sri Lanka. The announcement of this decision drew widespread international condemnation from the European Union³³⁶ to the United Nations Office on Drugs and Crime (UNODC), which issued a public statement stressing that international drug control conventions cannot be used to justify the death penalty. The UNODC also reiterated that application of the death penalty may prevent international cooperation, thus hampering efforts to counter drug trafficking.³³⁷

At the national level, Sri Lanka's Supreme Court stayed the executions due to a judicial challenge, the admissibility of which will be heard by a five-judge bench in March 2020.³³⁸ The challenge is grounded on the incompatibility of the death penalty with Sri Lanka's constitution and international law, as well as on the severe due process violations that surround the death warrants, including the fact that the names of the prisoners at imminent risk of execution are yet to be disclosed.³³⁹ President Gotabaya Rajapaksa, who took office in November 2019, remained silent on the execution of the death warrants during the campaign,³⁴⁰ although his party had initially opposed them.³⁴¹

In spite of this decades-long moratorium on executions, Sri Lankan courts have continued to hand down a large number death sentences every year. In 2019, at least 31 people were sentenced to death, 12 of them for drug offences.³⁴² In light of this high proportion of drug-related death sentences, and the centrality of capital punishment and drug offences in the national debate, Sri Lanka has been reclassified from a 'symbolic' to a 'low application' state.

After a country visit to Sri Lanka in December 2017, the UN Working Group on Arbitrary Detention noted that the judicial system is tainted by severe fair trial violations, including the excessive length of judicial proceedings and numerous allegations of torture and coerced confessions.³⁴³

Symbolic Application States

Country (all figures 2019) ³⁴⁴	Death row for drugs	Death row total	Death sentences for drugs	Death sentences total
Bangladesh	Unknown	1,800+	2 ³⁴⁵	327+ ³⁴⁶
Brunei Darussalam	1	2 ³⁴⁷	0	0
Cuba	0	0	0	0
India	None known	378 ³⁴⁸	0 ³⁴⁹	102 ³⁵⁰
Jordan	0	180+ ³⁵¹	0	22 ³⁵²
Mauritania	0	115 ³⁵³	None known	Unknown
Myanmar	Unknown	12+	Unknown	3+
Oman	0	4+	0	0
Qatar	Unknown	12+	None known	2
South Korea	0	62	0	1 ³⁵⁴
South Sudan	Unknown	345+	None known	4+
State of Palestine	5	49	0	3
Sudan	None known	4+	None known	300+
Taiwan	None known	44	0	2
United Arab Emirates	Unknown	53+	0	16+
United States of America	0	2,656 ³⁵⁵	0	34 ³⁵⁶
Yemen	Unknown	Unknown	0	30+ ³⁵⁷

Bangladesh

In 2019, Bangladesh executed two people, both for homicide,³⁵⁸ and sentenced at least 327 to death.³⁵⁹ The absence of disaggregated data means that figures for drug-related offences are unknown.³⁶⁰ Nevertheless, at least two death sentences for drug dealing were confirmed by media sources.³⁶¹

The government continued to pursue its violent war on drugs throughout 2019. Local civil society reported 391 extrajudicial killings in the context of anti-drug operations.³⁶² The circumstances of these killings are strikingly similar, with most victims reportedly killed in 'gunfights', in some cases after being forcibly disappeared.³⁶³

In its August 2019 Concluding Observations on Bangladesh, the UN Committee Against Torture expressed concern at the expansion of the applicability of the death penalty for drug offences through the Narcotics Control Act of 2018,³⁶⁴ as well as the number of death sentences handed down, the poor conditions of detention and the uncertainty faced by death row prisoners.³⁶⁵

Brunei Darussalam

There were no reported death sentences or executions in Brunei in 2019. Two people, both foreign nationals, are known to be on death row – one of which is a Malaysian national convicted of drug smuggling in 2017.³⁶⁷ On 3 April 2019, the Syariah Penal Code Order

(SPCO) was enacted, allowing for the imposition of the death penalty and corporal punishment for consensual same sex conduct and adultery. Responding to the resulting international outcry, the Sultan of Brunei publicly announced that Brunei will be ratifying the UN Convention against Torture and will not be imposing death sentences to “uphold international commitments and obligations of human rights”.³⁶⁸

India

Although the last execution dates back to 2015, Indian courts continue to hand down death sentences: 102 death sentences were pronounced in 2019, with the bulk of the convictions being for rape and murder.³⁶⁹ No new death sentences for drug offences were pronounced. A death sentence for drug trafficking was commuted to imprisonment for 30 years in November 2019, citing as justification the old age of the defendant (currently over 75 years old), the impossibility that he will offend again, and the “absence of clear and unequivocal evidence with regard to the deterrent impact of death penalty on crime statistics”.³⁷⁰

Despite its limited use, the death penalty for drug offences continues to enjoy strong support by some public officials. For example, Ajit Pawar, the leader of the Nationalist Congress Party, called for amendments to the current legislation expanding the imposition of the death penalty for drug offences, and for foreign nationals trafficking drugs to be banned from the country.³⁷¹

Jordan

The death penalty can only be imposed for drug trafficking in Jordan when aggravating circumstances are present – such as if the offender participated in an international drug trafficking gang or committed the crime in conjunction with other international crimes (such as arms smuggling or money counterfeiting).³⁷² No drug-related death sentences have been recorded in the past five years; however, it cannot be excluded that some were passed, due to the extremely limited amount of information available on the practice.

While no executions took place in Jordan for the second year in a row, in 2019 there were at least 22 death sentences, none for drug offences. Jordanian nationals continue to be executed for drug offences in other countries, including at least four in Saudi Arabia in 2019.³⁷³

Mauritania

A *de facto* moratorium is in place in Mauritania, where the last execution dates back to 1987.³⁷⁴ The government of Mauritania disclosed that there were 115 people on death row at the end of 2018 (90 of which had a final sentence), all for ‘voluntary homicide’.³⁷⁵

In its 2019 Concluding Observations on Mauritania, the UN Human Rights Committee expressed concern at the large number of non-“most serious crimes” punishable by death in the country, and recommended that death sentences be commuted and steps be taken towards the abolition of capital punishment.³⁷⁶

Myanmar

Myanmar is a *de facto* abolitionist country, as it has conducted no executions since 1988.³⁷⁷ However, courts continue to hand down death sentences and at least three people were sentenced to death in 2019, all for murder.³⁷⁸ Even though the mandatory death penalty is the prescribed punishment for certain drug offences,³⁷⁹ no death sentences for drugs were reported in 2019. Despite the 2018 National Drug Control Policy including the goal of considering the abolition of the death penalty for drug offences,³⁸⁰ no legislation has yet been adopted in that regard.

Qatar

There were two confirmed death sentences in Qatar in 2019, both for murder.³⁸¹ While there were no death sentences for drug offences reported in 2019, within the first seven months of the year, 96 Indian nationals

were arrested at Doha airport for smuggling drugs.³⁸² Another 200 Indian nationals are already in prison in Qatar facing drug charges.³⁸³ Many of these couriers, both women and men, report a similar pattern of being propositioned to fly to Qatar for a job interview at the expense of a ‘talent-hunter’ and being given bags to carry which are found on arrival to contain drugs.³⁸⁴

In May 2019, Qatar underwent its third Universal Periodic Review, and received 12 recommendations concerning capital punishment; of these, only one was supported, relating to fair trials.³⁸⁵

South Korea

No executions were recorded in South Korea in 2019, for the 22nd year in a row. Courts handed down one death sentence for homicide to a man with schizophrenia,³⁸⁶ bringing the total number of people on death row to 62.³⁸⁷

In February 2019, the national bishops’ conference joined abolitionist voices calling for an end to the death penalty in the country.³⁸⁸ For the sixth consecutive year, a joint motion for the abolition of capital punishment was submitted to the national assembly.³⁸⁹

South Sudan

Information on the use of the death penalty in South Sudan is extremely limited. However, Amnesty International reported that at least 345 people are currently on death row in the country. It is unclear whether any of them have been sentenced for drug offences.³⁹⁰

In February 2019, seven people were executed – four for murder and three for undisclosed crimes³⁹¹ – and at least four people were sentenced to death during 2019, all for murder.³⁹² In February 2019, the Commission on Human Rights in South Sudan expressed concern over the number of executions taking place in the country as well as the high number of death row prisoners, and called for a moratorium on executions.³⁹³

State of Palestine

In the State of Palestine, the death penalty can be imposed for drug offences only in the Gaza Strip. In 2019, the State of Palestine sentenced three people to death, all for murder.³⁹⁴ Absent updated information, it is assumed that the five individuals sentenced to death for drug offences in the Gaza Strip in 2017 remain on death row.

On 18 March 2019, Palestine formally acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, which entered into force in June 2019.³⁹⁵ Accession to the protocol, which is irrevocable, equals a commitment to renounce executions everywhere in the country – including in the Gaza Strip – and to take direct steps towards abolition of the death penalty.

In light of the absence of drug-related executions in the past ten years, and the limited amount of death sentences imposed for drugs, the State of Palestine has been reclassified as a ‘symbolic application’ country.

Taiwan

While there have been no executions in Taiwan since August 2018,³⁹⁶ 2019 saw one new and one upheld death sentence in the country, both for murder.³⁹⁷ On 4 October 2019, Premier Su Tseng-Chang publicly endorsed the continued use of the death penalty “in accordance with the law” – in reaction to the more cautious approach of the minister of justice.³⁹⁸ In March 2019, the premier also approved a draft amendment to the criminal code which, if it enters into force, will expand the death penalty to cases of murder while driving under the influence of alcohol or drugs.³⁹⁹

As no one appears to be on death row for drug offences in the country, and the last confirmed death sentence for drug offences dates back to 2010, Taiwan has been moved from the ‘low application’ to the ‘symbolic application’ category.

United States of America

In 2019, seven US states carried out 22 executions,⁴⁰⁰ and 34 new death sentences were imposed,⁴⁰¹ none for drug offences. While President Donald Trump continues suggesting that the death penalty should be expanded to drug offences,⁴⁰² analyses of death sentences and executions in the past 40 years reveal that reliance on this measure in the country is in fact shrinking.⁴⁰³ As further evidence of this, in 2019 New Hampshire became the 21st state to abolish the death penalty, and California (the state with the most populous death row in the country) declared a moratorium on executions.⁴⁰⁴

Nevertheless, the federal administration's support for capital punishment for drug offences is having ripple effects beyond US borders. In February 2019, President Trump expressed his excitement for China's decision to add fentanyl to the list of substances whose trafficking is punishable by death, reportedly as a result of trade negotiations between the two countries.⁴⁰⁵ This amendment quickly resulted in the first fentanyl-related death sentence in China, in November 2019.⁴⁰⁶ This was warmly praised by the White House, which reiterated that "the concrete action taken by China is a direct result of President Trump's strong leadership on this issue".⁴⁰⁷

In July 2019, the US Justice Department reinstated the use of the death penalty at the federal level – which is concerning, considering that it is federal law that prescribes the death penalty for drug offences⁴⁰⁸ – after a 16-year suspension, and immediately scheduled five executions.⁴⁰⁹

Yemen

In spite of the ongoing conflict and instability in the country, more information is gradually emerging on the use of capital punishment in Yemen. Accordingly, it is now possible to classify Yemen as a 'symbolic application' state.

At least three individuals – two men and a female accomplice – were executed in Yemen in 2019, for rape and murder.⁴¹⁰ While no one appears to have been

sentenced to death or executed for drug offences, Yemeni nationals are being executed for drug offences abroad. For example, at least four Yemeni nationals were executed for drug offences in Saudi Arabia in 2019.⁴¹¹

The lack of transparency makes it impossible to report on the exact number of death sentences handed down in 2019. However, as reported by Amnesty International, the Huthi-run Specialized Criminal Court (SCC) alone sentenced 30 men to death for espionage.⁴¹² On 12 July 2019, the Office of the High Commissioner for Human Rights denounced the sentences, citing reliable reports of torture and ill-treatment in custody, as well as arbitrary detention.⁴¹³

Yemen underwent its third Universal Periodic Review in 2019, receiving seven recommendations on the death penalty. Of these, two were accepted, recommending the imposition of a moratorium on the death penalty, and ensuring that capital punishment is not imposed on persons under the age of 18 at the time of the commission of the offence.⁴¹⁴

Other countries

Other countries which HRI categories as 'symbolic application' states are Cuba, Oman, Sudan and the UAE.

Although retaining the death penalty in its legislation, **Cuba** has not issued a death sentence since 2003, and there is currently no-one on death row.⁴¹⁵ There were no reported death sentences in **Oman** in 2019, and there are a low number of people on death row.⁴¹⁶ Information on the death penalty in **Sudan** remains minimal. While there continues to be no sign of capital punishment being imposed for drug offences, at least four death sentences, all for murder, were handed down in 2019.⁴¹⁷ Sudan has recently taken steps to move towards peace and 'rebuild confidence' in the armed groups, including rescinding the death sentences of eight rebels from Darfur and 17 members from the Sudan People's Liberation Movement-North.⁴¹⁸ In the **United Arab Emirates**, no executions were reported in 2019 for the second consecutive year, although news emerged of 16 death sentences, all for murder.⁴¹⁹

Insufficient Data

According to the latest available research, narcotics laws were in place in **Libya**, **North Korea** and **Syria** prescribing the death penalty for certain drug offences. However, ongoing conflicts in **Libya** and **Syria**, and an extremely secretive dictatorship in **North Korea**, make it impossible to confirm that such laws are still in place and implemented by the courts, or to provide updated figures on the use of the death penalty.

In **Libya**, there were no public reports of death sentences or executions in 2019, although the ongoing civil war – with different authorities in control of different territories – makes it impossible to verify whether any took place. A 2019 report by the International Commission of Jurists assessing the Libyan criminal justice system denounced systemic issues surrounding the imposition of the death penalty, including its mandatory nature for certain crimes, the limited grounds envisaged for appeal and the risk of denial of family visits.⁴²⁰ In its 2019 Concluding Observations on Libya, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed concerns at the heightened vulnerability of migrant workers to arbitrary detention, violence and denial of due process rights for drug offences, among others.⁴²¹

Data on the use of the death penalty in **North Korea** is virtually non-existent. However, a recent report by the Seoul-based Transitional Justice Working Group published in June 2019 shed some light on the secretive practice. The report identifies over 300 sites where public executions routinely take place; and reveals that public executions are used to instil fear in the population and are often preceded by an on-the-spot ‘trial’, in which charges are announced and sentences issued without a lawyer being provided for the accused.⁴²² The most common charges are reportedly for violent crimes such as murder, rape and assault, although executions have also been carried out for non-violent offences including manufacturing, selling or using drugs.⁴²³

The ongoing civil war in **Syria** makes it very difficult to determine figures on the use of the death penalty in the country. In September 2019, news emerged of President Bashar al-Assad issuing yet another amnesty for certain crimes, reducing death sentences to a life sentence of hard labour; although it reportedly does not cover people convicted of drug offences, among others.⁴²⁴

References

- Article 86(1)(d)(vi), Criminal Code of Saint Lucia (Act 9 of 2004 in force from 1 January 2005).
- UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 37; UN Commission on Human Rights, Civil and Political Rights (22 December 2004) *Including the Questions of Disappearances and Summary Executions: Report of the Special Rapporteur, Philip Alston*, UN Doc. E/CN.4/2007/5, paras 63-4 and 80.
- Notably, all these figures do not account for executions that have taken place in China and Vietnam. Despite credible and systematic accounts of frequent executions in the country, the governments of the two countries maintain absolute secrecy on the use of the death penalty, and thus it is not possible to provide realistic figures.
- See Chart 1: Global confirmed executions for drugs, 2009-2019.
- For global figures between 2016 and 2018, see Amnesty International's yearly *Death Sentences and Executions* reports.
- Among others, see UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 41.
- Ibid, para 52
- See UN General Assembly (16 December 1966) *International Covenant on Civil and Political Rights*, UNTS 999, 171, Article 6(2); Arab Charter on Human Rights, 15 September 1994, Article 10. Available from: <http://www.humanrights.se/wp-content/uploads/2012/01/Arab-Charter-on-Human-Rights.pdf>; UN Human Rights Council (23 September 2019) *Resolution on the Question of the Death Penalty*, UN Doc. A/HRC/42/L.37.
- UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 47.
- HRI defines as 'high application' those states in which the sentencing of those convicted of drug offences to death and/or carrying out executions is a regular and mainstream part of the criminal justice system.
- For the most comprehensive overview of fair trial rights and obligations, see Amnesty International (2014) *Fair Trial Manual: Second Edition*. London: Amnesty International.
- International treaties that enshrine fair trial rights include: the International Covenant on Civil and Political Rights (the ICCPR); the Optional Protocol to the ICCPR; the Second Optional Protocol to the ICCPR; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention against Torture; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the International Convention on the Protection of All Persons from Enforced Disappearances; and the Geneva Conventions. Regional treaties enshrining fair trial rights include: the African Charter on Human and Peoples' Rights; the American Declaration on the Rights and Duties of Man; the American Convention on Human Rights; the Arab Charter on Human Rights; and the European Convention for the Protection of Human Rights and Fundamental Freedoms. For more information, see Amnesty International (2014) *Fair Trial Manual: Second Edition*. London: Amnesty International.
- Non-treaty standards which have been adopted by UN bodies and enshrine fair trial rights include, among others: the Universal Declaration of Human Rights 1948; the UN Basic Principles on the Independence of the Judiciary, 1985; the Basic Principles on the Role of Lawyers, 1990; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; the Standard Minimum Rules for the Treatment of Prisoners (known as the Nelson Mandela Rules); the Standard Minimum Rules for Non-Custodial Measures; the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; and the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. For more details, see Amnesty International (2014) *Fair Trial Manual: Second Edition*. London: Amnesty International.
- Amnesty International (2014) *Fair Trial Manual: Second Edition*, xvi. London: Amnesty International.
- UN General Assembly, *International Covenant on Civil and Political Rights 16 December 1966*, UNTS 999, 171, Article 6(2); Arab Charter on Human Rights, 15 September 1994, Article 10. Available from: <http://www.humanrights.se/wp-content/uploads/2012/01/Arab-Charter-on-Human-Rights.pdf>; ECOSOC (25 May 1984) *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, Resolution 1984/50*, para 7. Available from: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/DeathPenalty.aspx>; International Court of Justice (2004) *Avena Case (Mexico v United States)*, para 142.
- UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 47; UN General Assembly (17 December 2018) *Moratorium on the Use of the Death Penalty, Resolution 73/175*, para 7(i).
- UN Human Rights Committee (23 August 2007) *General Comment 32 on the Right to Fair Trial*, UN Doc. CCPR/C/GC32, para 59.
- UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 41.
- UN Human Rights Committee (4 November 1994) *Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.6, para 8; UN Human Rights Council (2012) *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*, UN Doc. A/67/275, para 11; UN Committee against Torture (24 January 2008) *General Comment No. 2: Implementation of Article 2 by States Parties*, UN Doc. CAT/C/GC/2, para 1.
- See, for example Article 14(3)(d) of the ICCPR; Paragraph 5 of the 1984 Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty; Principle 3 of the Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; and Principle 1 of the Basic Principles on the Role of Lawyers.
- ICCPR, Article 14(3)(d).
- UN Human Rights Committee (23 August 2007) *General Comment 32 on the Right to Fair Trial*, UN Doc. CCPR/C/GC32, para 10.
- Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 26. London: Amnesty International.
- UN Human Rights Committee (10 November 2000) *Concluding Observations of the Human Rights Committee: Trinidad and Tobago*, UN Doc. CCPR/CO/70/TTO, para 7.
- See, for example UN Human Rights Committee (23 August 2007) *General Comment 32 on the Right to Fair Trial*, UN Doc. CCPR/C/GC32, para 11, which cites Economic and Social Council (24 May 1989) *Resolution 1989/64*, para 1(a).
- Amnesty International (2014) *Fair Trial Manual: Second Edition*, chapter 28. London: Amnesty International.
- UN Human Rights Committee (23 August 2007) *General Comment 32 on the Right to Fair Trial*, UN Doc. CCPR/C/GC32, para 38.
- UN Human Rights Committee (1987) *Robinson v Jamaica, Communication No. 223/1987*, paras 10.2-10.3; UN Human Rights Committee (1998) *Abdool Saleem Yasseen and Noel Thomas v Guyana*, UN Doc. CCPR/C/62/D/676/1996, para 7.8, as cited in Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 26. London: Amnesty International.
- UN Human Rights Council (22 August 2017) *Capital Punishment and the Implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty: Yearly Supplement of the Secretary-General to his Quinquennial Report on Capital Punishment*, UN Doc. A/HRC/36/26, para 12.
- See, for example Article 14(3)(f) of the International Covenant on Civil and Political Rights; Article 40(2)(b)(vi) of the Convention on the Rights of the Child; Articles 18(3)(f) and 16(8) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; Article 8(2)(a) of the American Convention on Human Rights; Article 16(4) of the Arab Charter on Human Rights; Article 6(3)(e) of the European Convention on Human Rights; Guideline 3, para 43(f) of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; Section N(4) of the Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa; and Principle V of the Principles and Best Practices on the Protections of Persons Deprived of Liberty in the Americas. For more details, see Amnesty International (2014) *Fair Trial Manual: Second Edition*, chapter 17. London: Amnesty International.
- Article 5(3).
- Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 28. London: Amnesty International.
- Ibid.
- Anti-Death Penalty Asia Network, Ensemble Contre la Peine de Mort, The Advocates for Human Rights, Harm Reduction International, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil Rights Committee (March 2018) *Joint Stakeholder Report for the 31st Session of the Working Group on the University Periodic Review*, 5. Available from: https://www.hri.global/files/2018/11/06/joint_report_UPR31_Death_penalty_in_Malaysia.pdf; Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 28. London: Amnesty International.
- Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 6-7. London: Amnesty International.
- Ibid, 7.
- Iran Human Rights (10 October 2017) *Special Report: 80 Iranian Death Row Prisoners in Malaysia*. Available from: <https://iranhr.net/en/articles/3089/>.
- Sinar Project (3 December 2019) 'Parliamentary question and answer on the death penalty.' Available from: <https://pardocs.sinarproject.org/documents/2019-oct-dec-parliamentary-session/oral-questions-soalannya/2019-12-03-parliamentary-replies/par14p2m3-soalan-lisan-9.pdf>. Translation provided by ADPAN. Girelli, G (2019) *The Death Penalty for Drug Offences: Global Overview 2018*, 15. London: Harm Reduction International.
- Anti-Death Penalty Asia Network, Ensemble contre la peine de mort, The Advocates for Human Rights, Harm Reduction International, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil Rights Committee (March 2018) *Joint Stakeholder Report for the 31st Session of the Working Group on the University Periodic Review*, 5. Available from: https://www.hri.global/files/2018/11/06/joint_report_UPR31_Death_penalty_in_Malaysia.pdf.
- Ibid.
- Amnesty International (2015) *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, 25. London: Amnesty International.
- ICJR (January 2019) *Menyelidik Keadilan Yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia*, 161. Jakarta: Institute for Criminal Justice Reform. Available from: <http://icjr.or.id/data/wp-content/uploads/2019/01/Menyelidik-Keadilan-Yang-Rentan.pdf>.
- Communication with Institute for Criminal Justice Reform staff member, September 2019.

44. Berrih, C. (October 2019) *Dehumanized: The Prison Conditions of People Sentenced to Death in Indonesia*, ADPAN, ECPM, Kontras, 59.
45. Ibid.
46. Komnas HAM 2010 Report (2010) *Laporan Pemantauan Terpidana Mati (Monitoring Death Row Inmates)*, 19; as told to Amnesty International (2015) *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, 7, 28-9. London: Amnesty International.
47. Amnesty International (2015) *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, 31. London: Amnesty International.
48. ICJR (January 2019) *Menyelidik Keadilan Yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia*. Jakarta: Institute for Criminal Justice Reform; Gunawan, R and Raynov, T (2019) *Pamintori, Ma'ruf Bajammal, Memperkuat Perlindungan Hak Orang Berhadapan*. Jakarta: LBH Masyarakat.
49. ICJR (January 2019) *Menyelidik Keadilan Yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia*, 163. Jakarta: Institute for Criminal Justice Reform.
50. Javid-Tehrani, B (February 2017) 'Fair trials for the accused in drug-related offences.' In: Danesh, T and Amiri-Moghaddam, M (eds) (2017) *Iran Human Rights Review: Due Process*, 45. London: The Foreign Policy Centre. Available from: <https://fpc.org.uk/wp-content/uploads/2017/02/IHRR-Due-Process.pdf>.
51. Ibid, 44.
52. Ibid, 44.
53. Abdorrahman Boroumand Center and Harm Reduction International (28 March 2019) *Joint Stakeholder Submission to the Working Group for The Universal Periodic Review, Third cycle*, 4.
54. Javid-Tehrani, B (February 2017) 'Fair trials for the accused in drug-related offences.' In: Danesh, T and Amiri-Moghaddam, M (eds) (2017) *Iran Human Rights Review: Due Process*, 45. London: The Foreign Policy Centre.
55. Abdorrahman Boroumand Center (2019) *Children, Yet Convicted as Adults*, 29. Washington DC: Abdorrahman Boroumand Center for Human Rights in Iran.
56. Omid Memorial entry for Ali Reza Madadpur. Available from: <https://www.omidmemorial.org/memorial/story/-7968/ali-reza-madadpur>.
57. The Rights Practice (February 2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 7, 29,30. London: The Rights Practice.
58. Ibid.
59. Ibid, 30.
60. UN Working Group on Arbitrary Detention (4 Feb 2020) *Opinions Adopted by the Working Group on Arbitrary Detention at its eighty-sixth session, 18-22 November 2019, Opinion No. 72/2019 concerning Mark Swidan (China)*, UN Doc. A/HRC/WGAD/2019, para 14.
61. Ibid, para 17.
62. Ibid, para 18.
63. Rousselot, J (October 2019) *Punished for Being Vulnerable: How Pakistan Executes the Poorest and the Most Marginalized in Society*, 17. Paris/Lahore: International Federation for Human Rights/Human Rights Commission of Pakistan Available from: http://hrpc-web.org/hrpcweb/wp-content/uploads/2019/10/Punished-for-being-vulnerable_FIDH-HRCP.pdf.
64. Ibid.
65. Foundation for Fundamental Rights (2018) *Optimising Pakistan's Drug Law: Making the Control of Narcotic Substances Act Stronger, Fairer and More Effective*, 11.
66. Ibid.
67. Constitution of Singapore (9 August 1965), Article 9.3.
68. *Lee Mau Seng v Minister for Home Affairs [1971-1973] SLR @ 135* at [12], as reported by Ho Lock Lai; see also <https://www.gov.sg/article/is-it-a-constitutional-right-to-have-access-to-a-lawyer-immediately-after-being-arrested>.
69. Hock Lai, H (2013) 'The privilege against self-incrimination and right of access to a lawyer.' *Singapore Academy Law Journal 2013 Special Issue*. 2013: 839-40.
70. Ibid, 839.
71. Article 5 of the Universal Declaration of Human Rights, Article 7 of the ICCPR, Article 2 of the Convention against Torture, Articles 37(a) and 19 of the Convention on the Rights of the Child and Article 10 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
72. Amnesty International (2015) *Flawed Justice: Unfair trials and the Death Penalty in Indonesia*, 36. London: Amnesty International.
73. Convention against Torture, Article 2(2).
74. For an analysis of torture and ill-treatment in pre-trial detention and a review of relevant sources, see Open Society Justice Initiative, et al. (2011) *Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk*. New York: Open Society Foundations. Available from: <https://www.justiceinitiative.org/uploads/4c3491a1-7a1-48b2-9afd-3cd0a4f220f6/pretrial-detention-and-torture-06222011.pdf>.
75. The rule does provide a limited exception: where a person is prosecuted for torture, a statement elicited as a result of torture may be admitted as proof that that the torture occurred. Convention against Torture, Article 15. For more analysis, see Amnesty International (2014) *Fair Trial Manual: Second Edition*, chapter 17. London: Amnesty International.
76. UN Human Rights Committee (23 August 2007) *General Comment 32 on the Right to Fair Trial*, UN Doc. CCPR/C/GC32, para 6.
77. UN Human Rights Council (10 April 2014) *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Juan E. Méndez, UN Doc. A/HRC/25/60, para 17.
78. See Burgers, HJ and Danelius, H (1998) *The United Nations Convention against Torture: A Handbook on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 148. Dordrecht, Boston, London: Martinus Nijhoff Publishers; Nowak, M and McArthur, E (2008) *The United Nations Convention against Torture: a Commentary*, art 15, para 2. Oxford: Oxford University Press; and Fair Trials and REDRESS (May 2008) *Tainted by Torture: Examining the Use of Torture Evidence*, 13. Available from: https://www.fairtrials.org/sites/default/files/publication_pdf/Tainted-by-Torture-Examining-the-Use-of-Evidence-Obtained-by-Torture.pdf.
79. Amnesty International (2015) *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, 36. London: Amnesty International.
80. Article 2 and 7 of the ICCPR; Articles 12-14 of the Convention against Torture; and UN Human Rights Committee (26 May 2004) *General Comment 31, on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.13, paras 15-6.
81. Convention against Torture, Article 12.
82. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 30. London: Amnesty International.
83. UN Human Rights Council (8 February 2011) *Report of the Working Group on Arbitrary Detention: Mission to Malaysia*, UN Doc. A/HRC/16/47/Add.2, para 50, as reported in Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 30. London: Amnesty International.
84. Section 37A(1), Dangerous Drugs Act 1952, as revised in 1980.
85. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 30. London: Amnesty International.
86. See Gunawan, R, et al. (2019) *Memperkuat Perlindungan Hak Orang Berhadapan dengan Hukuman*. Jakarta: LBH Masyarakat. Available from: https://lbhmasyarakat.org/wp-content/uploads/2019/03/000319_Laporan-Kebijakan_Safeguard-DP_LBHM.pdf; and Amnesty International (2015) *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, 39. London: Amnesty International.
87. Ibid.
88. ICJR (January 2019) *Menyelidik Keadilan Yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia*, 11. Jakarta: Institute for Criminal Justice Reform. Available from: <http://icjr.or.id/data/wp-content/uploads/2019/01/Menyelidik-Keadilan-Yang-Rentan.pdf>.
89. Ibid.
90. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 36. London: Amnesty International.
91. ICJR (January 2019) *Menyelidik Keadilan Yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia*, 231. Jakarta: Institute for Criminal Justice Reform.
92. Amnesty International (2015) *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, 37. See also Dawn/ANN (31 May 2018) 'Terminally ill prisoner Zulfikar Ali passes away in Indonesia'. *The Jakarta Post*. Available from: <https://www.thejakartapost.com/news/2018/05/31/terminally-ill-prisoner-zulfikar-ali-passes-away-in-indonesia.html>.
93. Criminal Procedure Law of the People's Republic of China, as amended in 2012, Articles 54-58. Available from: <https://www.cecc.gov/resources/legal-provisions/criminal-procedure-law-of-the-peoples-republic-of-china>.
94. The Rights Practice (February 2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 22,23. London: The Rights Practice.
95. Ibid.
96. UN Committee against Torture (15 June 2015) *List of Issues in Relation to the Fifth Periodic Report of China*, UN Doc. CAT/C/CHN/Q/5/add.1, para 3.
97. Ibid; The Rights Practice (February 2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 22. London: The Rights Practice.
98. Dui Hua (6 June 2018) 'Mixed signals in report of "zero confession" executions.' *Dui Hua Human Rights Journal*. Available from: <https://www.duihuahrjournal.org/2018/06/mixed-signals-in-reports-of-zero.html>.
99. The Rights Practice (February 2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 21. London: The Rights Practice.
100. Dui Hua, (6 June 2018) 'Mixed signals in report of "zero confession" executions.' *Dui Hua Human Rights Journal*.
101. UN Working Group on Arbitrary Detention (4 February 2020) *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-sixth Session, 18-22 November 2019, Opinion No. 72/2019 concerning Mark Swidan (China)*, UN Doc. A/HRC/WGAD/2019, para 12.
102. Ibid, para 13.
103. Ibid, para 34.
104. Ibid.
105. Ibid, para 49.
106. Ibid, para 51.
107. Article 38.

108. ECPM and Iran Human Rights (2019) *Annual Report on the Death Penalty in Iran 2018*, 18. Paris: Ensemble Contre la Peine de Mort. Available from: <http://www.ecpm.org/wp-content/uploads/Rapport-iran-2019-GB-BD.pdf>.
109. Javid-Tehrani, B (February 2017) 'Fair trials for the accused in drug-related offences.' In: Danesh, T and Amiri-Moghaddam, M (eds) (2017) *Iran Human Rights Review: Due Process*, 45. London: The Foreign Policy Centre.
110. Danesh, T and Amiri-Moghaddam, M (February 2017) 'Introduction: due process and rule of law', 10. In: Danesh, T and Amiri-Moghaddam, M (eds) (2017) *Iran Human Rights Review: Due Process*, 45. London: The Foreign Policy Centre.
111. ECPM and Iran Human Rights (2018) *Annual Report on the Death Penalty in Iran 2017*, 20. Paris: Ensemble Contre la Peine de Mort. Available from: <http://ecpm.org/wp-content/uploads/Rapport-iran-2018-gb-090318-MD2.pdf>.
112. Abdorrahman Boroumand Center and Harm Reduction International (28 March 2019) *Joint Stakeholder Submission to the Working Group for the Universal Periodic Review*, Third Cycle, 4.
113. Communications with Justice Project Pakistan.
114. Justice Project Pakistan (2018) *Submission for the Report of the Office of the High Commissioner for Human Rights (OHCHR) on the Implementation of the UNGASS Joint Commitment to Effectively Addressing and Countering the World Drug Problem with Regard to Human Rights*.
115. Office of the UN High Commissioner for Human Rights (20 September 2015) Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Reference: UA SAU 5/2015. Available from: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=17869>.
116. European Saudi Organisation for Human Rights (5 September 2015) *Detained Saudi Arabian Charges of Drug Trafficking: Abu Al-Khair After an Unfair Trial Faces the Danger of Death*. Available from: <https://www.esohr.org/en/?p=600>.
117. Office of the UN High Commissioner for Human Rights (20 September 2015) Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Reference: UA SAU 5/2015.
118. According to figures from the European Saudi Organization for Human Rights available from <https://www.esohr.org/en/?p=2658> and a Harm Reduction International dataset on death sentences and executions for drug offences. On file with authors and available upon request.
119. ESOHR (19 June 2018) *In 13 Years Saudi Arabia Deprived 504 Foreigners of the Right to Life Through Beheading after Unfair Sentences, Violating International Law*. Available from: <https://www.esohr.org/en/?p=1725>; European; Office of the UN High Commissioner for Human Rights (25 August 2015) Mandates of the Special Rapporteur on the Independence of Judges and Lawyers; the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Reference: UA SAU 4 2015. Available from: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22668>.
120. *Woolmington v DPP* [1935] UKHL 1.
121. OHCHR in cooperation with the International Bar Association (2003) *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*, 223. Geneva: Office of the High Commissioner for Human Rights.
122. UN Human Rights Committee (23 August 2007) *General Comment 32 on the Right to Fair Trial*, UN Doc. CCPR/C/GC32, para 30.
123. UN Human Rights Council (28 August 2019) Capital Punishment and the Implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, UN Doc. A/HRC/42/28.
124. Safeguard 4, Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, 1984.
125. UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 41.
126. Foundation for Fundamental Rights (2018) *Optimising Pakistan's Drug Law: Making the Control of Narcotic Substances Act Stronger, Fairer and More Effective*, 13.
127. Ibid.
128. Hassan, I (19 October 2018) 'Rethinking Pakistan's drug law.' *Daily Times*.
129. Ibid.
130. Foundation for Fundamental Rights (2018) *Optimising Pakistan's Drug Law: Making the Control of Narcotic Substances Act Stronger, Fairer and More Effective*, 7.
131. Ibid, 5.
132. Ibid.
133. Ibid, 15.
134. Reprieve and Foundation for Fundamental Rights (March 2019) *The Pakistan Capital Punishment Study: A study of the Capital Jurisprudence of the Supreme Court of Pakistan*, 25. London/Islamabad: Reprieve/Foundation for Fundamental Rights. Available from: <https://reprieve.org.uk/wp-content/uploads/2019/04/Pakistan-Capital-Punishment-Study.pdf>. Information on 2019 is provided by Justice Project Pakistan.
135. Section 37 of the Dangerous Drugs Act 1952.
136. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 7. London: Amnesty International.
137. As of February 2019. Ibid, 5.
138. Bernama (6 April 2019) 'Double presumptions for drug-trafficking conviction struck down.' *The Star*.
139. Misuse of Drugs Act 2008 Rev.
140. Chen, S and Khng, NP-E (2012) 'Possession and knowledge in the Misuse of Drugs Act: Nagaenthran a/l K Dharmalingam v. Public Prosecutor.' *Singapore Law Review* 30:181-95.
141. See, for example: Court of Appeal (30 December 2016) *Masoud Rahimi bin Mehrzad v Public Prosecutor and Another Appeal*, [2016] SGCA 69, para 42: "It is, in our view, settled law in Singapore that an accused against whom the s 18(2) presumption operates bears a legal burden of rebutting this presumption on a balance of probabilities. As such, it is not sufficient for the accused to raise a reasonable doubt vis-à-vis the issue of knowledge". As cited in Amnesty International (2017) *Cooperate or Die: Singapore's Flawed Reforms to the Mandatory Death Penalty*, 13. London: Amnesty International.
142. *Public Prosecutor v Iwuchukwu Amara Tochi and Another* [2005] SGHC 233, para 48.
143. *Iwuchukwu Amara Tochi and Another v Public Prosecutor* [2006] SGCA 10, para 9.
144. UN News (25 January 2007) 'UN expert calls on Singapore not to hang Nigerian on drug charges, says breaches rights.' *UN News*. Available from: <https://news.un.org/en/story/2007/01/206792-un-expert-calls-singapore-not-hang-nigerian-drug-charges-says-breaches-rights>.
145. See Amnesty International (2014) *Fair Trial Manual: Second Edition*, 214. London: Amnesty International. Among other authorities: Article 14(5) of the International Covenant on Civil and Political Rights; Article 40(2)(b)(v) of the Convention on the Rights of the Child, Article 18(5) of the Convention on Migrant Workers; Article 8(2)(h) of the American Convention Article 16(7) of the Arab Charter on Human Rights; Article 2(1) of Protocol 7 to the European Convention; and Section N(10)(a) of the Principles on Fair Trials in Africa.
146. Ibid, 183.
147. Ibid, 184.
148. Ibid, 185.
149. Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, 1984, paras 6 and 7; the International Covenant on Civil and Political Rights, Article 6(4); and the Arab Charter on Human Rights, 15 September 1994, Article 10.
150. Ibid.
151. UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 47.
152. Ibid.
153. Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, 1984, para 8. Also UN Human Rights Committee (3 September 2019) *General Comment 36 on the Right to Life*, UN Doc. CCPR/C/GC/36, para 47.
154. The Rights Practice (February 2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 7. London: The Rights Practice.
155. Ibid.
156. Ibid, 36.
157. The term 'suspended sentence' refers to the sentence of *sihuan*. At the time of sentencing, the judge can decide whether a death sentence should result in immediate execution or if it should be suspended. Although both sentences are seen as belonging to the same category of the death penalty, in the case of a suspended sentence, after the two-year suspension period has elapsed, the court will reduce the sentence to indeterminate detention or a 25-year sentence in cases of significant meritorious service. Once the sentence has been commuted, the prisoner will normally be eligible for periodic sentence reductions or parole. Thus the decision to give a *sihuan* sentence over immediate execution is generally equivalent to a life sentence. For more information on this, see The Rights Practice (February 2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 13. London: The Rights Practice.
158. Ibid.
159. Amnesty International (2017) *Cooperate or Die: Singapore's Flawed Reforms to the Mandatory Death Penalty*, 25. London: Amnesty International.
160. Pascoe, D (2019) *Last Chance for Life: Clemency in Southeast Asian Death Penalty Cases*, 103-4. London: Oxford University Press.
161. Massola, J (29 July 2019) "'Bloodbath': lawyer warns of looming executions in Singapore." *The Sydney Morning Herald*. Available from: <https://www.smh.com.au/world/asia/bloodbath-lawyer-warns-of-looming-executions-in-singapore-20190729-p52bu2.html>.

162. Danesh, T and Amiri-Moghaddam, M (eds) (2017) *Iran Human Rights Review: Due Process*, 45. London: The Foreign Policy Centre.
163. Ibid.
164. Amnesty International (2016) *Flawed Reforms: Iran's New Code of Criminal Procedure*. London: Amnesty International.
165. Anti-Death Penalty Asia Network, Ensemble Contre la Peine de Mort, The Advocates for Human Rights, Harm Reduction International, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil Rights Committee (March 2018) *Joint Stakeholder Report for the 31st Session of the Working Group on the Universal Periodic Review*. Available from: https://www.hri.global/files/2018/11/06/joint_report_UPR31_-_Death_penalty_in_Malaysia.pdf.
166. Ibid, 4.
167. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 37. London: Amnesty International.
168. Ibid, 38-40.
169. Ibid, 38-40.
170. Ibid, 40.
171. Ibid, 40.
172. Article 51(1) of Law No. 24/2003 on the Constitutional Court.
173. UN Human Rights Council (22 August 2017) Capital Punishment and the Implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty – Yearly Supplement of the Secretary-General to his Quinquennial Report on Capital Punishment, UN Doc. A/HRC/36/26, para 28.
174. See ICJR (2019) *A Game of Fate: Report on Indonesia Death Penalty Policy in 2019*, 22. Jakarta: Institute for Criminal Justice Reform.
175. Gunawan, R and Raynov, T (2019) *Pamintori, Ma'ruf Bajammal, Memperkuat Perlindungan Hak Orang Berhadapan*. Jakarta: LBH Masyarakat.
176. See, for example: Australian Associated Press (9 December 2014) 'Bali Nine: Indonesian president rules out clemency for inmates on death row.' *The Guardian*. Available from: <https://www.theguardian.com/world/2014/dec/10/bali-nine-indonesian-president-rules-out-clemency>.
177. BBC News (27 January 2015) 'Indonesia's Widodo vows no amnesty for death row drug traffickers.' *BBC News*. Available from: <https://www.bbc.com/news/world-asia-30996233>.
178. As of October 2019. See ICJR (2019) *A Game of Fate: Report on Indonesia Death Penalty Policy in 2019*, 21. Jakarta: Institute for Criminal Justice Reform.
179. Girelli, G (2019) *The Death Penalty for Drug Offences: Global Overview 2018*, 20. London: Harm Reduction International.
180. Brunei Darussalam, Lao PDR, Mauritania, Myanmar, South Korea and Sri Lanka. See Amnesty International (2019) *Death Sentences and Executions 2018*. London: Amnesty International.
181. Amnesty International (2018) *Death Sentences and Executions in 2017*, 42. London: Amnesty International.
182. 'Ordinary crimes' are those defined in criminal codes or by the common law (such as murder, rape or drug offences). Certain countries abolish the death penalty for these crimes, but retain it for crimes occurring under extraordinary circumstances, such as treason, war crimes or crimes against humanity. See: <http://www.deathpenaltyworldwide.org/faq.cfm>.
183. Communication with Institute for Criminal Justice Reform, Indonesia. On file with the authors.
184. Amnesty International (2019) *Death Sentences and Executions 2018*. London: Amnesty International.
185. ICJR (2019) *A Game of Fate: Report on Indonesia Death Penalty Policy in 2019*, 22. Jakarta: Institute for Criminal Justice Reform. Available from: <http://icjr.or.id/data/wp-content/uploads/2019/12/A-Game-of-Fate.pdf>.
186. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
187. UN Human Rights Council (5 March 2018) *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, UN Doc. A/HRC/37/68, para 16. Geneva: United Nations Human Rights Council.
188. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
189. Abdorrahman Boroumand Center for Human Rights in Iran. On file with the authors. A caveat is that, due to the lack of transparency on the part of the government, different organisations provide slightly different figures.
190. Iran Human Rights Monitor (2020) Iran Human Rights Monitor, Annual Report 2019. Available from: <https://drive.google.com/file/d/1AiYY5FnuhYOQkb7tjKbC1VBUEUuh8AlvD/view>.
191. Mayberry, K (16 November 2018) 'Malaysia says no "U-turn" in death penalty abolition.' *Al Jazeera*. Available from: <https://www.aljazeera.com/news/2018/11/malaysia-turn-death-penalty-abolition-181115061626577.html>.
192. Ibid.
193. Sinar Project (3 December 2019) 'Parliamentary question and answer on the death penalty.' Available from: <https://pardocs.sinarproject.org/documents/2019-oct-dec-parliamentary-session/oral-questions-soalan-lisan/2019-12-03-parliamentary-replies/par14p2m3-soalan-lisan-9.pdf>. Translation provided by ADPAN.
194. ESOHR (2019) *2018 Death Penalty Report: Saudi Arabia's False Promise*. Berlin: European Saudi Organisation for Human Rights. Available from: <http://www.esohr.org/en/?p=2090>.
195. ESOHR (2020) *Human Rights in Saudi Arabia, 2019: The Cancer of Tyranny*. European Saudi Organisation for Human Rights. Available from: <https://www.esohr.org/en/?p=2658>.
196. ESOHR (2019) *2018 Death Penalty Report: Saudi Arabia's False Promise*. Berlin: European Saudi Organisation for Human Rights. Available from: <http://www.esohr.org/en/?p=2090>.
197. Ibid.
198. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
199. Ibid.
200. Ibid.
201. Singapore Prison Service (7 Feb 2020), News Release: Calibrated Rehabilitation Approach to Minimise Reoffending, available at: https://www.sps.gov.sg/docs/default-source/stats-release/sp-s-annual-stats-release-for-2019_713kb.pdf
202. Department of Corrections of Thailand (2019) *Statistical Report on Death Penalty Prisoners – 11 January 2019*. Suanyai Sub-district: Ministry of Justice. Available from: <http://www.correct.go.th/executed/index.php>.
203. Department of Corrections of Thailand (2019) *Statistical Report on Death Penalty Prisoners – 12 December 2019*. Suanyai Sub-district: Ministry of Justice. Available from: <http://www.correct.go.th/executed/index.php>.
204. Amnesty International (2019) *Death Sentences and Executions 2018*. London: Amnesty International.
205. Reuters (19 June 2018) 'Thailand executes first prisoner by lethal injection since 2009.' Available from: <https://www.reuters.com/article/us-thailand-prison-execution/thailand-executes-first-prisoner-by-lethal-injection-since-2009-idUSKBN1JF0G1>.
206. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
207. Baomoi (2018) 'Government report on judgment execution in 2018: Baomoi.' Available at: <https://baomoi.com/chinh-phu-bao-cao-ve-cong-tac-thi-hanh-an-nam-2018/c/28567685.epi>.
208. Amnesty International (2019) *Death Sentences and Executions 2018*, 21. London: Amnesty International.
209. Ibid.
210. The Rights Practice (2019) *Respect for Minimum Standards? Interim Review of the Death Penalty in China*, 13. London: The Rights Practice.
211. Ibid.
212. Ibid, 6.
213. Al Jazeera (30 April 2019) 'China sentences another Canadian to death for drug trafficking.' *Al Jazeera*. Available from: <https://www.aljazeera.com/news/2019/04/china-sentences-canadian-death-drug-trafficking-190430180907752.html>.
214. Ibid.
215. Dui Hua (30 April 2019) 'Chinese court sentences American Mark Swidan to death with two-year reprieve.' *Dui Hua Foundation*. Available from: <https://duihua.org/chinese-court-sentences-american-mark-swidan-to-death-with-two-year-reprieve/>.
216. Mansoon, S (11 November 2019) 'Why China's conviction of 9 fentanyl traffickers is unlikely to stop exports to the U.S.' *Time*. Available from: <https://time.com/5721720/china-fentanyl-convictions/>.
217. Myers, SL (7 November 2019) 'China sentences man to death for trafficking fentanyl to the U.S.' *New York Times*. Available from: <https://www.nytimes.com/2019/11/07/world/asia/china-fentanyl-death-penalty.html>.
218. See Institute for Criminal Justice Reform (2019) *A Game of Fate: Report on Indonesia Death Penalty Policy in 2019*, 6. Jakarta: Institute for Criminal Justice Reform. Available from: <http://icjr.or.id/data/wp-content/uploads/2019/12/A-Game-of-Fate.pdf>.
219. Ibid, 21.
220. Information provided by a source who wishes to remain anonymous.
221. Coconuts Jakarta (6 December 2019) 'Indonesia's Narcotics Agency says there are 3.6 million drug users in the country, Marijuana most popular.' *Coconuts*. Available from: <https://coconuts.co/jakarta/news/indonesias-narcotics-agency-says-there-are-3-6-million-drug-users-in-the-country-marijuana-most-popular/>.
222. PRI and ICJR (1 November 2019) *EU-Indonesia Human Rights Dialogue: 8 November 2019. Policy Briefing*. Available at: <https://cdn.penalreform.org/wp-content/uploads/2019/11/EU-Indonesia-HR-Dialogue-Policy-brief-PRI-and-ICJR-1-November-2019-Final-.pdf>.

223. Syakriah, A (27 October 2019) 'Rights groups decry new attorney general's plan to resume the death penalty.' *The Jakarta Post*. Available from: <https://www.thejakartapost.com/news/2019/10/27/rights-groups-decry-new-attorney-generals-plan-to-resume-death-penalty.html>.
224. Maidina R (2019) *Analyzing Fair Trial Aspects of Death Penalty for Drug Cases in Indonesia. Policy and Implementation: Special Cases on Women*, 4. Jakarta: Institute for Criminal Justice Reform and PITCH.
225. Ibid, 9.
226. Iran Human Rights Monitor (2020) Iran Human Rights Monitor, Annual Report 2019. Available from: <https://drive.google.com/file/d/1AiYY5FnuhYOQkb7tJKbC1VBEUuh8AlvD/view>.
227. Girelli, G (2019) *The Death Penalty for Drug Offences: Global Overview 2018*, 24. London: Harm Reduction International.
228. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
229. ECPM and Iran Human Rights (2019) *Annual Report on the Death Penalty in Iran 2018*. Paris: Ensemble Contre la Peine de Mort. Available from: <http://www.ecpm.org/wp-content/uploads/Rapport-iran-2019-GB-BD.pdf>.
230. Abdorrahman Boroumand Center and Harm Reduction International (28 March 2019) *Joint Stakeholder Submission to the Working Group for The Universal Periodic Review, Third cycle*, 6-7.
231. UN Human Rights Council (8 February 2019) *Situation of Human Rights in the Islamic Republic of Iran*, UN Doc. A/HRC/40/24.
232. See UN Human Rights Council (4 September 2019) *Situation of Human Rights in the Islamic Republic of Iran, Report of the Secretary-General*, UN Doc. A/HRC/37/24.
233. Minutes of the UPR session archived at HRI.
234. Among others, see Agence France-Presse (2018) 'Malaysia set to abolish death penalty, in move which could spare lives of women accused of Killing Kim Jong-Nam.' *The Telegraph*. Available at: <https://www.telegraph.co.uk/news/2018/10/11/malaysia-set-abolish-death-penalty-move-could-spare-lives-women/>.
235. Associated Press (14 March 2019) 'Malaysia backtrack on plans to abolish death penalty.' *Bloomberg*. Available at: <https://www.bloomberg.com/news/articles/2019-03-14/malaysia-backtracks-on-plans-to-abolish-death-penalty>.
236. Zahiid, SJ (17 June 2019) 'Putrajaya looks to Apex Court ruling for cue to repeal death sentence.' *Malaymail*. Available at: <https://www.malaymail.com/news/malaysia/2019/06/17/putrajaya-looks-to-apex-court-ruling-for-cue-to-repeal-death-sentence/1763019>.
237. Media Statement by Liew Vui Keong, minister in the Prime Minister's Department for Legal Affairs, 20 September 2019. Available (in Malaysian) from: https://www.amerbon.com/wp-content/uploads/2019/09/KENYATAAN-MEDIA-Taskforce-alternative-sentence-for-DP_20-9-2019.pdf.
238. Bedi, Rashvinjeet (12 February 2020) 'Committee on alternatives to mandatory death penalty hands over report to govt.' *The Star Online*. Available from: <https://www.thestar.com.my/news/nation/2020/02/12/committee-on-alternatives-to-mandatory-death-penalty-hands-over-report-to-govt>.
239. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
240. Girelli, G (2019) *The Death Penalty for Drug Offences: Global Overview 2018*. London: Harm Reduction International.
241. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 15. London: Amnesty International.
242. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
243. Sinar Project (3 December 2019) 'Parliamentary question and answer on the death penalty.' Available from: <https://pardocs.sinarproject.org/documents/2019-oct-dec-parliamentary-session/oral-questions-soalan-lisan/2019-12-03-parliamentary-replies/par14p2m3-soalan-lisan-9.pdf>. Translation provided by ADPAN.
244. Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*, 20. London: Amnesty International.
245. Ibid.
246. Doherty, B (26 November 2019) 'Sydney woman Maria Exposto has drug conviction and death sentence overturned in Malaysia.' *The Guardian*. Available from: <https://www.theguardian.com/world/2019/nov/26/sydney-woman-maria-exposto-has-drug-conviction-and-death-sentence-overturned-in-malaysia>.
247. See Amnesty International (2019) *Fatally Flawed: Why Malaysia Must Abolish the Death Penalty*. London: Amnesty International.
248. Ibid, 22.
249. Jha, P (9 July 2019) 'Why Malaysia's new proposal could change Southeast Asia's drugs debate.' *The Diplomat*. Available from: <https://thediplomat.com/2019/07/why-malysias-new-proposal-could-change-southeast-asias-drugs-debate/>.
250. Human Rights Watch (25 April 2018) 'Saudi Arabia: executions for drug crimes.' Available from: <https://www.hrw.org/news/2018/04/25/saudi-arabia-executions-drug-crimes>.
251. See UN Human Rights Council (10 October 2019) *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-fifth Session, 12-16 August 2019*, UN Doc A/HRC/WGAD/2019/56.
252. UN General Assembly (13 December 2018) *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: Visit to Saudi Arabia*, UN Doc. A/HRC/40/52/Add.2, paras 32-41.
253. Ibid, para 54.
254. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
255. European Saudi Organisation for Human Rights (27 September 2019) 'The UN sends 6 complaints in 4 months to the Saudi government regarding its growing violations of human rights.' Available from: <https://www.esohr.org/en/?p=2587>.
256. UN Human Rights Council (26 December 2018) *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, UN Doc. A/HRC/40/4.
257. Ibid, para 122.107.
258. Ibid, para 122.99.
259. Tam Mei, T (12 August 2019) 'Asia Times article questioning Home Affairs Minister's statements on drug abuse "quite inaccurate": MHA.' *The Straits Times*. Available from: <https://www.straitstimes.com/singapore/asia-times-article-questioning-home-affairs-ministers-statements-on-drug-abuse-quite>.
260. United Nations Meetings Coverage (11 October 2019) 'Rule of law crucial to sealing 'justice gap' for billions of people, ensuring trust between governments, citizens, senior official tells sixth committee.' Available from: <https://www.un.org/press/en/2019/gal3596.doc.htm>.
261. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
262. Ibid.
263. Massola, J (29 July 2019) "'Bloodbath": lawyer warns of looming executions in Singapore.' *The Sydney Morning Herald*. Available from: <https://www.smh.com.au/world/asia/bloodbath-lawyer-warns-of-looming-executions-in-singapore-20190729-p52bu2.html>.
264. Girelli, G (2019) *The Death Penalty for Drug Offences: Global Overview 2018*, 13. London: Harm Reduction International.
265. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
266. Ibid.
267. Bedi, RS (21 November 2019) 'Law minister Liew pleads with S'opre to spare M'sian drug mule.' *The Star Online*. Available from: <https://www.thestar.com.my/news/nation/2019/11/21/law-minister-liew-pleads-with-s039pore-to-spare-m039sian-drug-mule>.
268. Amnesty International (2018) *Death Sentences and Executions 2017*, 26. Amnesty International: London.
269. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
270. Department of Corrections of Thailand (2019) *Statistical Report on Death Penalty Prisoners - 12 December 2019*. Suanyai Sub-district: Ministry of Justice. Available from: <http://www.correct.go.th/executed/index.php>.
271. FIDH (2019) *Flawed Models: Implementation of International Standards in Thailand's 'Model' Prisons for Women*, 4. Paris: International Federation for Human Rights and Union for Civil Liberty. Available from: <https://www.fidh.org/IMG/pdf/thailande744aweb.pdf>.
272. Ibid, 11.
273. Ibid, 4.
274. UN Human Rights Committee (29 August 2019) *Concluding Observations on the Third Periodic Report of Viet Nam*, UN Doc CCPR/C/VNM/CO/3, para 25.
275. <https://www.toaan.gov.vn/webcenter/portal/tatc/chi-tiet-tin?dDocName=TAND090379>.
276. See for example, UN Human Rights Committee (14 March 20) *Consideration of Third Periodic Report of Viet Nam*, UN Doc. CCPR/C/SR.3580, 19.
277. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
278. Details on each of these death sentences are on file with the authors and available upon request.
279. See for example, UN Human Rights Committee (29 August 2019) *Concluding Observations on the Third Periodic Report of Viet Nam*, UN Doc. CCPR/C/VNM/CO/3.
280. UN Human Rights Council (26 June 2019) *Report of the Working Group on the Universal Periodic Review: Viet Nam*, UN Doc. A/HRC/41/7/Add.1.
281. Unless specified, all figures in this table are based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.

282. The Bahrain Institute for Rights and Democracy (27 November 2019) 'Bahrain: court delays verdict on death row.' Available from: <https://www.google.com/url?q=http://birdbh.org/2019/11/bahrain-court-delays-verdict-on-death-row-torture-victims-to-christmas-day/&sa=D&ust=1578475230602000&usg=AFQjCNGTf6jBcPQYRwllnHeU5TIGyEmng>.
283. Communications with Egyptian Initiative for Personal Rights (EIPR).
284. Ibid.
285. Ibid.
286. The Baghdad Post (20 August 2019) 'Iraq has executed 100 since January, over 8,000 on death row: official.' *The Baghdad Post*. Available from: <https://www.thebaghdadpost.com/en/Story/43618/Iraq-has-executed-100-since-january-8-000-on-death-row-official>.
287. Ibid.
288. India Today (23 September 2019) 'Youth from Punjab sentenced to death in Kuwait over drug smuggling charges.' *India Today*. Available from: <https://www.indiatoday.in/india/story/youth-from-punjab-sentenced-to-death-in-kuwait-over-drug-smuggling-charges-1602375-2019-09-23>.
289. Justice Project Pakistan, accessed 20 January 2020. *Death Penalty Database*. Available at: <https://data.jpp.org.pk>.
290. Ibid.
291. Communication with Justice Project Pakistan and Human Rights Commission of Pakistan (HRCP).
292. Alayam (1 January 2019) 'Execution of persons accused of importing and cultivating drugs.' *Alayam*. Available from: <https://www.alayam.com/alayam/first/772346/News.html> (accessed through English translation).
293. Albilad Press (28 February 2019) 'Execution of persons accused of smuggling 65 kilos of "hashish" from Iran.' *Albilad Press*. Available from: <http://www.albiladpress.com/newspaper/3789/556399.html> (accessed through English translation).
294. Alayam (24 June 2019) 'Upheld execution of persons accused of smuggling 65 kg of hashish in a cruiser.' *Alayam*. Available from: <https://www.alayam.com/online/local/801316/News.html> (accessed through English translation).
295. Communications with the Bahrain Institute for Rights and Democracy (BIRD).
296. UN Human Rights Council Working Group on Arbitrary Detention (13 February 2019) *Opinion No. 79/2018 Concerning Ali Husain Marzooq, Husain Abdulla Juma Maki Mohamed, Jalila Sayed Ameen Jawad Mohamed Shubbar, Mohamed Ahmed Ali Hasan Mohsen and Hameed Abdulla Hasan al-Daqqaaq (Bahrain)*, UN Doc. A/HRC/WGAD/2018/79; UN Human Rights Council Working Group on Arbitrary Detention (13 September 2019) *Opinion No. 31/2019 Concerning Najah Ahmed Habib Yusuf (Bahrain)*, UN Doc. A/HRC/WGAD/2019/31.
297. Available from: <https://www.echr.org/wp-content/uploads/2019/11/joint-letter-on-the-medical-treatment-of-prisoners-in-Bahrain.pdf>.
298. Reprieve (2019) *Mass Injustice: Statistical Findings on the Death Penalty in Egypt*. London: Reprieve. Available from: http://egyptdeathpenaltyindex.com/wp-content/uploads/2019/05/2019_05_09_PUB-EGY-Egypt-data-report-Mass-Injustice-WEB-version.pdf.
299. Ibid.
300. Based on figures provided by the Egyptian Initiative for Personal Rights (EIPR).
301. Express News Service (22 November 2019) 'Andhra Pradesh gets death penalty in Egypt for drug smuggling.' *The New India Express*. Available from: <https://www.newindianexpress.com/states/andhra-pradesh/2019/nov/22/andhra-pradesh-man-gets-death-in-egypt-for-drug-smuggling-2065320.html>.
302. Communications with the Egyptian Initiative for Personal Rights (EIPR).
303. Al-Youm, A (30 January 2019) 'Egypt's cabinet approves death penalty for drug dealers.' *Egypt Independent*. Available from: <https://www.egyptindependent.com/egypts-cabinet-approves-death-penalty-for-drug-dealers/>.
304. Tharoor, A (8 May 2019) 'Hundreds of Egypt state employees face prosecution after drug tests.' *TalkingDrugs*. Available from: <https://www.talkingdrugs.org/hundreds-of-egypt-state-employees-face-prosecution-after-drug-tests>.
305. UN Human Rights Council Working Group on the Universal Periodic Review (14 August 2019) *Summary of Stakeholders's Submissions on Egypt*, UN Doc. A/HRC/WG.6/EGY/3, para 33.
306. Arab Organisation for Human Rights in the UK (14 November 2019) 'The state of detentions in Egypt: slow death in Egyptian prisons.' Available from: <http://www.aohr.org.uk/en/all-releases/item/17953-the-state-of-detentions-in-egypt-slow-death-in-egyptian-prisons.html>.
307. Video recording of session available at: <http://webtv.un.org/search/egypt-review-34th-session-of-universal-periodic-review/6103312727001/?term=Egypt&page=2>.
308. Davies, R (13 March 2019) 'Egypt executed 15 people in February. Why is the UK staying silent?' *The Guardian*. Available from: <https://www.theguardian.com/global-development/2019/mar/13/egypt-executed-15-people-in-february-why-is-the-uk-staying-silent>.
309. The Baghdad Post (20 August 2019) 'Iraq has executed 100 since January, over 8,000 on death row: official.' *The Baghdad Post*. Available from: <https://www.thebaghdadpost.com/en/Story/43618/Iraq-has-executed-100-since-january-8-000-on-death-row-official>.
310. Alkarama Foundation (28 March 2019) *Universal Periodic Review: Iraq, (Third) Cycle. Submission to the Stakeholders' Summary*. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRIQStakeholdersInfoS34.aspx>.
311. World Coalition Against the Death Penalty, The Advocates for Human Rights, Harm Reduction International (March 2019) *Iraq: Stakeholder Report for the United Nations Universal Periodic Review* (J52 submission). Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRIQStakeholdersInfoS34.aspx>.
312. MENA Rights Group (March 2019) *Iraq Universal Periodic Review*. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRIQStakeholdersInfoS34.aspx>.
313. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
314. Ibid.
315. The Tribune (23 September 2019) 'Hoshiarpur man gets death penalty in Kuwait.' *The Tribune*. Available from: <https://www.tribuneindia.com/news/archive/hoshiarpur-man-gets-death-penalty-in-kuwait-836617>.
316. Cornell Center on the Death Penalty Worldwide (2020) *Death Penalty Database: Laos*. Available from <http://dpw.law.cornell.edu/country-search-post.cfm?country=Laos>.
317. UN Human Rights Council (2018) *123rd Session - Summary Record of the 3505th Meeting (Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Lao, UN Doc CCPR/C/SR.3505, para 65*. Available from: <https://undocs.org/CCPR/C/SR.3505>.
318. UN Human Rights Council Working Group on the Universal Periodic Review (4 November 2019) *Compilation on the Lao People's Democratic Republic*, UN Doc. A/HRC/WG.6/35/LAO/2.
319. UNODC (2019) *Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact*, 2. Vienna: United Nations Office on Drugs and Crime. Available from: https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf.
320. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
321. Girelli, G and Hoyle, C (2019) *The Death Penalty for Drug Offences: Foreign Nationals*. London and Oxford: Harm Reduction International and the Centre for Criminology, University of Oxford. Available from: <https://www.hri.global/files/2019/03/12/death-penalty-foreign-nationals.pdf>.
322. UN General Assembly (20 August 2019) *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Application of the Death Penalty to Foreign Nationals and the Provision of Consular Assistance by the Home State*, UN Doc. A/74/318.
323. Justice Project Pakistan (2020) *Death Penalty Database*. Available at: <https://data.jpp.org.pk>.
324. Communications with Justice Project Pakistan and Human Rights Commission of Pakistan.
325. Ibid.
326. Human Rights Commission of Pakistan; Asad, M (18 June 2019) 'Model courts decide over 5,600 cases in 75 days.' *Dawn*. Available from: <https://www.dawn.com/news/1488843>; Hands Off Cain (27 November 2019) 'Pakistan: Model courts awards death sentence to six, RI to 19 accused.' *Hands Off Cain*. Available from: <http://www.handsoffcain.info/notizia/pakistan-model-courts-awards-death-sentence-to-six-ri-to-19-accused-50313100>.
327. Pakistan Today (31 August 2019) '12,584 murder, narcotics cases disposed of by model courts in 5 months, says CJ.' *Pakistan Today*. Available from: <https://www.pakistantoday.com.pk/2019/08/31/12584-murder-narcotics-cases-disposed-of-by-model-courts-in-5-months-says-cjp/>.
328. Asad, M (18 June 2019) 'Model courts decide over 5,600 cases in 75 days.' *Dawn*. Available from: <https://www.dawn.com/news/1488843>.
329. Justice Project Pakistan (17 February 2020) *Migration, Remittances and Imprisonment: Migrant Workers and the Plight of Pakistanis in Saudi Arabia's Prisons*. Lahore: Justice Project Pakistan. Available from: https://www.jpp.org.pk/wp-content/uploads/2020/02/2020_02_17_PUB_Migrant-Workers_Data-Set.pdf.
330. Communications with Justice Project Pakistan.
331. FIDH and HRCP (2019) *Punished for Being Vulnerable: How Pakistan Executes the Poorest and Most Marginalized in Society*. Paris: International Federation for Human Rights and Union for Civil Liberty. Available from: <https://www.fidh.org/IMG/pdf/pakistan740angweb-2.pdf>.
332. Cornell Law School (2018) *Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty*.
333. Rizvi, Y (25 June 2019) 'Women's prisons: a feminist issue.' *Dawn*. Available from: <https://www.dawn.com/news/1468981>.
334. Irshad, Q (26 June 2019) 'Sri Lanka president signs four death warrants to end decades long moratorium.' *The Daily Telegraph*. Available from: <https://www.telegraph.co.uk/news/2019/06/26/sri-lanka-president-signs-four-death-warrants-nd-decades-long/>.

335. Ellis-Petersen, H (18 January 2019) 'Example to the world: Sri Lanka president plans to copy Duterte's war on drugs.' *The Guardian*. Available from: <https://www.theguardian.com/world/2019/jan/18/example-to-the-world-sri-lanka-president-plans-to-copy-dutertes-war-on-drugs>.
336. European External Action Services (27 June 2019) 'Statement by the Spokesperson on the planned resumption of executions in Sri Lanka.' Available from: https://eeas.europa.eu/headquarters/headquarters-homepage/64701/statement-spokesperson-planned-resumption-executions-sri-lanka_en.
337. UNODC (27 June 2019) 'Statement attributable to the UNODC spokesperson on the use of the death penalty.' Available from: <https://www.unodc.org/unodc/en/press/releases/2019/june/statement-attributable-to-the-unodc-spokesperson-on-the-use-of-the-death-penalty.html>.
338. Tamil Guardian (9 December 2019) 'Sri Lanka maintains a moratorium on the death penalty until March 2020.' *Tamil Guardian*. Available from: <https://www.tamilguardian.com/content/sri-lanka-maintains-moratorium-death-penalty-until-march-2020>.
339. Judicial documentation in archive at HRI.
340. Srinivasan, M (29 October 2019) 'Sri Lanka's Supreme Court extends stay on the death penalty.' *The Hindu*. Available from: <https://www.thehindu.com/news/international/top-court-blocks-sri-lanka-presidents-bid-to-resume-hangings/article29821681.ece>.
341. Daily Mirror Online (29 June 2019) 'I'm opposed to the death penalty: MR.' *Daily Mirror Online*. Available from: http://www.dailymirror.lk/breaking_news/1%E2%80%99m-opposed-to-the-death-penalty.-MR/108-170241.
342. Based on dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
343. UN Human Rights Council (23 July 2018) *Report of the Working Group on Arbitrary Detention on its visit to Sri Lanka*, UN Doc. A/HRC/39/45/Add.2.
344. Unless specified, figures are based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
345. Dhaka Tribune (2 September 2019) 'Two drug dealers sentenced to death in Kushtia.' *Dhaka Tribune*. Available from: <https://www.dhakatribune.com/bangladesh/court/2019/09/02/two-drug-dealers-sentenced-to-death-in-kushtia>.
346. Odhikar (8 February 2020) *Annual Human Rights Report 2019*, 26. Available from: http://www.odhikar.org/wp-content/uploads/2020/02/Annual-HR-Report-2019_Eng.pdf
347. The Advocates for Human Rights and the World Coalition Against the Death Penalty (May 2019) *Brunei Darussalam: Joint Stakeholder Report for the United Nations Universal Periodic Review*, (J52). Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRBNSStakeholdersInfo533.aspx>.
348. Project 39A (2020) *Death Penalty in India: Annual Statistics Report 2019*, 8. Delhi: National Law University.
349. Ibid, 15.
350. Ibid.
351. Communications with Jordanian lawyer.
352. Ibid.
353. UN Human Rights Committee (30 April 2019) *List of Issues in Relation to the Second Periodic Report of Mauritania: Addendum*, UN Doc. CCPR/C/MRT/Q/2/Add.1, para 40.
354. KBS World Radio (27 November 2019) 'South Korean court declares death sentence on killer schizophrenic.' *KBS World Radio*. Available from: https://world.kbs.co.kr/service/news_view.htm?lang=e&Seq_Code=149652.
355. Death Penalty Information Center (2019) *The Death Penalty in 2019: Year End Report*. Washington DC: Death Penalty Information Center. Available from: <https://files.deathpenaltyinfo.org/reports/year-end/YearEndReport2019.pdf>.
356. Ibid.
357. AFP (9 July 2019) 'Yemen rebel court condemns 30 to death for spying.' *France 24*. Available from: <https://www.france24.com/en/20190709-yemen-rebel-court-condemns-30-death-spying>.
358. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
359. Odhikar (8 February 2020) *Annual Human Rights Report 2019*, Dhaka: Odhikar, 26. Available from: http://www.odhikar.org/wp-content/uploads/2020/02/Annual-HR-Report-2019_Eng.pdf
360. Odhikar (17 April 2019) *Three-month Human Rights Monitoring Report on Bangladesh: January-March 2019*. Dhaka : Odhikar; Odhikar (11 July 2019) *Quarterly Human Rights Monitoring Report on Bangladesh: April-June 2019*, Dhaka: Odhikar; Odhikar (12 October 2019) *Quarterly Human Rights Monitoring Report on Bangladesh: July-September 2019*, Dhaka: Odhikar.
361. Dhaka Tribune (2 September 2019) 'Two drug dealers sentenced to death in Kushtia.' *Dhaka Tribune*. Available from: <https://www.dhakatribune.com/bangladesh/court/2019/09/02/two-drug-dealers-sentenced-to-death-in-kushtia>.
362. Odhikar (8 February 2020) *Annual Human Rights Report 2019*, Dhaka: Odhikar.
363. Ibid.
364. For more details see Girelli, G (2019) *The Death Penalty for Drug Offences: Global Overview 2018*. London: Harm Reduction International.
365. UN Committee Against Torture (26 August 2019) *Concluding Observations on the Initial Report of Bangladesh*, UN Doc. CAT/C/BGD/CO/1, paras 50-1.
366. Amnesty International (April 2018) *Death sentences and executions in 2017 (ACT 50/7955/2018)*, 20.
367. Ibid.
368. Begawan, BS (5 May 2019) 'Brunei says it won't enforce gay death penalty after backlash.' *Reuters*. Available from: <https://www.reuters.com/article/us-brunei-lgbt-sultan/brunei-says-it-wont-enforce-gay-death-penalty-after-backlash-idUSKCN1SB0FS>.
369. Project 39A (2020) *Death Penalty in India: Annual Statistics Report 2019*. Delhi: National Law University.
370. Calcutta High Court (Appellate Side) (2019) *State Of West Bengal vs Ansar Rahman @ Ramesh Giri & Anr*, 26 November 2019, AS/SDAS/AP/TKM/ss& PA Item No.213. Available from: <https://indiakanoon.org/doc/1273481711>.
371. Press Trust of India (28 June 2019) 'Drug peddlers should get death sentence, says Sharad Pawar's party Leader.' *NDTV*. Available from: <https://www.ndtv.com/mumbai-news/drug-peddlers-should-get-death-sentence-says-sharad-pawars-party-leader-ajit-pawar-2060998>.
372. Article 10, Law no. 11 of 1988 on Narcotic Drugs and Psychoactive Substances, as amended by Law 45/2006.
373. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
374. UN Human Rights Committee (30 January 2018) *Second Periodic Report Submitted by Mauritania Under Article 40 of the Covenant, due in 2017*, UN Doc. CCPR/C/MRT/2, para 112.
375. UN Human Rights Committee (30 April 2019) *List of Issues in Relation to the Second Periodic Report of Mauritania: Addendum*, UN Doc. CCPR/C/MRT/Q/2/Add.1, para 40.
376. UN Human Rights Committee (23 August 2019) *Concluding Observations on the Second Periodic Report of Mauritania*, UN Doc. CCPR/C/MRT/CO/2, paras 24-5.
377. Cornell Center on the Death Penalty Worldwide (2020) *Death Penalty Database: Myanmar*. Available from: <http://dpw.law.cornell.edu/country-search-post.cfm?country=Myanmar>.
378. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
379. Myanmar Narcotic Drug and Psychotropic Substances Law, articles 22-3, No. 1 of 1993.
380. Central Committee for Drug Abuse Control (2018) *National Drug Control Policy*, 3. Myanmar: Central Committee for Drug Abuse Control, 24. Available from: https://www.unodc.org/documents/southeastasiaandpacific/2018/02/Myanmar_Drug_Control_Policy.pdf.
381. Gulf Times (8 January 2019) 'Two Asian men sentenced to death for killing employer.' *Gulf Times*. Available from: <https://gulf-times.com/story/618637>.
382. Hafeez, M (16 October 2019) '96 Indian Drug "Couriers" Held at Doha Airport in 7 Mths This Year.' *The Times of India*. Available from: <https://timesofindia.indiatimes.com/city/mumbai/96-indian-drug-couriers-held-at-doha-airport-in-7-months-this-year/articleshow/71606070.cms>.
383. Ibid.
384. Ibid.
385. UN Human Rights Council (11 July 2019) *Report of the Working Group on the Universal Periodic Review: Qatar*, UN Doc. A/HRC/42/15. Available from: <https://undocs.org/en/A/HRC/42/15>.
386. KBS World Radio (27 November 2019) 'South Korean court declares death sentence on killer schizophrenic.' *KBS World Radio*. Available from: https://world.kbs.co.kr/service/news_view.htm?lang=e&Seq_Code=149652.
387. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
388. Catholic News Agency (15 February 2019) 'South Korean bishops call for an end to the death penalty.' *Crux*. Available from: <https://cruxnow.com/church-in-asia/2019/02/south-korean-bishops-call-for-an-end-to-the-death-penalty/>.
389. Yonhap News Agency (10 October 2019) 'S. Korean activists call for death penalty abolition.' *Yonhap News Agency*. Available from: <https://en.yna.co.kr/view/AEN20191010006300315>.
390. Amnesty International (2019) *Death Sentences and Executions 2018*. London: Amnesty International.
391. Amnesty International UK (1 March 2019) *South Sudan Executes as Many People Last Month as it did in Whole of Last Year*. Available from: <https://www.amnesty.org.uk/press-releases/south-sudan-executed-many-people-last-month-it-did-whole-last-year>.
392. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
393. Commission on Human Rights in South Sudan (20 February 2019) *Statement to the Media, Nairobi / Geneva Delivered by Commission Chair Yasmin Soaka in Nairobi and Commission Member Andrew Clapham in Geneva*. Available from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24184&LangID=E>.

394. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
395. Linel, L and Plaçais, A (10 April 2019) 'The State of Palestine commits to abolish the death penalty.' *World Coalition Against the Death Penalty*. Available from: <http://www.worldcoalition.org/The-State-of-Palestine-undertakes-to-abolish-the-death-penalty.html>.
396. DeAeth, D (4 October 2019) 'Criminals given death sentence in Taiwan will be executed: Premier Su.' *Taiwan News*. Available from: <https://www.taiwannews.com.tw/en/news/3790580>.
397. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
398. DeAeth, D (4 October 2019) 'Criminals given death sentence in Taiwan will be executed: Premier Su.' *Taiwan News*. Available from: <https://www.taiwannews.com.tw/en/news/3790580>.
399. Lin, S (29 March 2019) 'Premier approves death penalty for drunk driving.' *Taipei Times*. Available from: <http://www.taipetimes.com/News/front/archives/2019/03/29/20037123811>.
400. Death Penalty Information Center (2019) *Execution List 2019*. Available from: <https://deathpenaltyinfo.org/executions/2019>. Accessed 20 January 2020.
401. Death Penalty Information Center (2019) *Recent Death Sentences by Name, Race, County, and Year*. Available from: <https://deathpenaltyinfo.org/facts-and-research/sentencing-data/2019-death-sentences-by-name-race-county-and-year>. Accessed 7 January 2020.
402. Rosenberg, E (15 February 2019) 'Trump is "most excited" about death penalty for drug dealers. Rights group say it's a terrible idea.' *The Washington Post*. Available from: <https://www.washingtonpost.com/politics/2019/02/15/trump-again-praises-strongmen-who-execute-drug-dealers-rights-groups-say-its-terrible-idea/>.
403. Death Penalty Information Center (2019) *Death Sentences Decline by More than Half in Decade of the 2010s*, <https://deathpenaltyinfo.org/news/death-sentences-decline-by-more-than-half-in-decade-of-the-2010s>.
404. Death Penalty Information Center (2019) *The Death Penalty in 2019: Year End Report*. Washington DC: Death Penalty Information Center. Available from: <https://files.deathpenaltyinfo.org/reports/year-end/YearEndReport2019.pdf>.
405. Embury-Dennis, T (15 February 2019) 'Trump Says He's "most Excited" about death penalty for drug dealers in China trade deal.' *The Independent*. Available from: <https://www.independent.co.uk/news/world/americas/us-politics/trump-china-trade-deal-fentanyl-death-penalty-drug-dealers-xi-jinping-a8781386.html>.
406. Mansoor, S (11 November 2019) 'Why China's conviction of 9 fentanyl traffickers is unlikely to stop exports to the U.S.' *Time*. Available from: <https://time.com/5721720/china-fentanyl-convictions/>.
407. The White House (7 November 2019) *ONDCP Statement on Chinese Prosecution and Sentencing of Fentanyl Traffickers and Producers*. Available from: <https://www.whitehouse.gov/briefings-statements/ondcp-statement-chinese-prosecution-sentencing-fentanyl-traffickers-producers/>.
408. 18 U.S.C. 3591(1)(b); Ingraham, C (2018) 'Here's how much marijuana you'd need to be eligible for the death penalty under federal law.' *The Washington Post*. Available from: https://www.washingtonpost.com/news/work/wp/2018/03/26/hereshow-much-marijuana-you-d-need-to-be-eligible-for-the-death-penalty-under-federal-law/?noredirect=on&utm_term=.b54eeef750afd.
409. Lynch, SN (25 July 2019) 'U.S. Justice Department resumes use of death penalty, schedules five executions.' *Reuters*. Available from: <https://www.reuters.com/article/us-usa-justice-death-penalty/u-s-justice-department-resumes-use-of-the-death-penalty-schedules-five-executions-idUSKCN1UK258>.
410. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
411. Ibid.
412. Amnesty International (9 July 2019) *Yemen: Huthi-Run Court Sentences 30 Political Opposition Figures to Death Following Sham Trial*. Available from: <https://www.amnesty.org/en/latest/news/2019/07/yemen-huthi-run-court-sentences-30-political-opposition-figures-to-death-following-sham-trial/>.
413. OHCHR (12 July 2019) *Press Briefing Note on Yemen*. Available from: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24816&LangID=E>.
414. UN Human Rights Council (17 April 2019) *Report of the Working Group on the Universal Periodic Review: Yemen*, UN Doc. A/HRC/41/9, paras 123.30, 123.45.
415. UN Committee Against Torture (2 November 2018) *Third Periodic Report Submitted by Cuba Under Article 19 of the Convention, due in 2016*, UN Doc. CAT/C/CUB/3, para 221.
416. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
417. Ibid.
418. Dabanga (9 August 2019) 'Sudan junta drops death penalty against rebel leaders.' *Dabanga*. Available from: <https://www.dabangasudan.org/en/all-news/article/sudan-junta-drops-death-penalty-against-rebel-leaders>.
419. Based on a Harm Reduction International dataset on death sentences and executions for drug offences. On file with the authors and available upon request.
420. International Commission of Jurists (2019) *Accountability for Serious Crimes Under International Law in Libya: An Assessment of the Criminal Justice System*. Geneva: International Commission of Jurists.
421. UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families (8 May 2019) *Concluding Observations on the Initial Report of Libya*, UN Doc. CMW/C/LBY/CO/1, para 38(f).
422. See TJWG (June 2019) *Mapping the Fate of the Dead: Killings and Burials in North Korea*. Seoul: Transitional Justice Working Group. Available from: <https://en.tjwg.org/wp-content/uploads/2019/07/2019-Report-Mapping-the-Fate-of-the-Dead-Killings-and-Burials-in-North-Korea.pdf>.
423. Ibid.
424. Francis, E and Makieh K (15 September 2019) 'Syria's Assad issues amnesty reducing punishment for crimes.' *National Post*. Available from: <https://nationalpost.com/news/world/syrias-assad-issues-amnesty-reducing-punishment-for-crimes>.

Harm Reduction International is a leading NGO dedicated to reducing the negative health, social and legal impacts of drug use and drug policy. We promote the rights of people who use drugs and their communities through research and advocacy to help achieve a world where drug policies and laws contribute to healthier, safer societies.

If you would like to find out more about Harm Reduction International, please contact us at:

Harm Reduction International

61 Mansell Street,
London, E1 8AN,
United Kingdom

Phone: +44 (0) 20 7324 3535

Email: office@hri.global

Web: www.hri.global



**HARM REDUCTION
INTERNATIONAL**