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**Item No. 9 (c) International Narcotic Control Board**

**Statement delivered by**

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The Office of the United Nations High Commissioner for Human Rights (the UN Human Rights Office) thanks you for the invitation to speak.

The UN Human Rights Office welcomes the recommendations on human rights related issues in the International Narcotic Control Board's (INCB) 2018 annual report (paragraphs 856 and 857). The INCB 2018 report includes two key issues related to human rights. These are: 'extrajudicial acts of violence', and 'the death penalty'. In the following, I will briefly reflect on these two important issues.

In the Outcome Document of UNGASS 2016, all States committed to promote, respect and protect human rights in the drug control efforts, and tackle impunity.<sup>i</sup>

Despite these commitments, in recent years there has been an alarming tendency towards a deeper militarization in drug control efforts. We have also seen the concerning pursuit by some States of the so called "war on drugs" to counter drug-related crimes.<sup>ii</sup> Such approaches have disproportionately affected vulnerable groups and have repeatedly resulted in serious human rights violations, including extrajudicial killings, and other serious human rights violations in several countries.<sup>iii</sup>

The UN Human Rights Office strongly condemns all extrajudicial and other killings, and all other serious human rights violations committed in the name of drug control. In accordance with their human rights obligations, authorities must adopt the necessary measures to protect all persons from targeted killings and extrajudicial executions. It is their utmost duty to protect the right to life of all without any discrimination.<sup>iv</sup>

The INCB Annual Report 2018 notes with serious concern that in several countries, in particular in South and South-East Asia, extrajudicial acts of violence continue against persons suspected of drug-related activities. Senior officials of those countries often commit such violent acts, frequently at the direct behest of senior political figures or with their active encouragement or tacit approval.<sup>v</sup>

The Report also informs us that INCB has communicated with concerned Governments to seek clarification and to remind them of their obligations under the international drug control conventions. Such obligations include the requirement for States to respect the rule of law and due process when carrying out their obligations under those conventions. In the pursuit of its mandate, the Report states that the Board will continue to monitor these developments and to draw the attention of the international community to them.<sup>vi</sup>

INCB reiterates its appeal to all States to address drug-related crimes through formal criminal justice responses, in accordance with international human rights law, and in adherence with recognized due process standards.<sup>vii</sup>

The UN Human Rights Office welcomes INCB's initiatives and recommendations.

The UN Human Rights Office calls upon all concerned States, in accordance with their obligations under international law, to carry out independent, impartial, prompt, thorough, effective and credible investigations into all extrajudicial killings and other serious human rights violations carried out in the name of drug control. States should provide full reparation, including adequate compensation and rehabilitation, to the victims of such violations.<sup>viii</sup>

**Dear Chair,**

The UN Human Rights Office regrets that, despite repeated calls by the international community, States, including some of INCB's, thirty-five States, still have the death penalty for drug offences, in violation of international human rights law. In recent years, most of the executions that were carried out were for drug offences in a small number of countries. In its 2018 Annual Report, INCB once again encourages States that retain capital punishment for drug-related offences to consider the abolition of the death penalty for that category of offence.

Our Office would like to note some positive trends that have been reported in the last year. Reportedly, executions for drug offences have fallen nearly 90% since 2015.



(Source: Harm Reduction International, see end note xiii)

This decline - a significant positive development - may have resulted from the amendment to the drug trafficking law<sup>ix</sup> and recent legislative initiatives on death penalty reforms in several countries.<sup>x</sup>

Any death penalty reforms, including its full abolition, are welcome and should be applied retroactively. While removing the death penalty from their laws, States should also revoke death sentences issued for crimes not qualifying as the most serious crimes (such as drug crimes) and pursue the necessary legal procedures to re-sentence those convicted for such crimes.<sup>xi</sup>

**Excellencies,**

Despite various positive trends towards the abolition of the death penalty worldwide, our office remains concerned about worrying signs of the resurgence and introduction of the death penalty for drug offences in a small number of countries.<sup>xii</sup>

Considering the death penalty as the model solution to address the drug problem is wrong, and indeed not based on any evidence. On the contrary, all the evidence indicates that the

death penalty neither deters crime, nor does it provide justice to the victims of crime. Its application also has the potential to become an obstacle to effective cross-border and international judicial cooperation against drug trafficking. In accordance with their international human rights obligations, States around the world adopted numerous national laws that rightly prohibit the exchange of information, mutual legal assistance and extradition in cases where the suspect may face capital punishment.

The death penalty undermines human dignity, and its application violates human rights norms and principles. The UN Human Rights Office, once again, calls upon all States to abolish the death penalty in all circumstances, including for drug offences.

***Dear Chair,***

In concluding, our office strongly encourages the ICNB to continue to address human rights issues in the implementation of the drug control conventions.

The UN Human Rights Office stands ready to cooperate with INCN in this regard.

Thank you.

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<sup>i</sup> Recommendation 4, 4(o); the UNGASS 2016 Outcome Document

<sup>ii</sup> Report of the Office of the United Nations High Commissioner for Human Rights, Implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights A/HRC/39/39, see paragraph 27

<sup>iii</sup> A/HRC/39/39; paragraphs 26-33; See also See Killings of suspected “drug offenders” in Bangladesh must stop –UN Human Rights Chief,

<https://ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23178&LangID=E>

<sup>iv</sup> Human Rights Committee, General Comment 36, paragraph 16

<sup>v</sup> United Nations, *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*, March 2019 Vienna, see page 31

<sup>vi</sup> INCN 2018 Annual Report, Paragraph 329

<sup>vii</sup> Ibid, para 327

<sup>viii</sup> Human Rights Committee, General Comment 36, paragraph 38

<sup>ix</sup> Report of the Secretary-General on the Situation of human rights in the Islamic Republic of Iran, A/HRC/40/24 March 2019

<sup>x</sup> Secretary-General Welcomes Malaysia’s Decision to End Death Penalty as Major Step towards Universal Abolition , see <https://www.un.org/press/en/2018/sgsm19293.doc.htm> , page 31

<sup>xi</sup> Human Rights Committee, General Comment 36, paragraph 35

<sup>xii</sup> Harm Reduction International, the Death Penalty for Drug Offences: Global Overview 2018; <https://www.hri.global/death-penalty-drugs-2018>