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EXECUTIVE OFFICE  
OF THE SECRETARY-GENERAL

June 9, 2014

Ban Ki Moon  
Secretary-General  
United Nations  
New York, NY 10017

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Re: UN assistance for drug enforcement and the death penalty for drug offenses

Dear Mr. Secretary-General,

Human rights organizations have documented abuses in the context of drug law enforcement over many years. One of the clearest examples of serious abuse is the application of the death penalty for drug offenses. International human rights norms state that capital punishment, where it remains in use, should be reserved only for the most serious offenses. Drug offenses do not meet this standard, according to UN human rights mechanisms including the special rapporteur on extrajudicial, summary, or arbitrary executions, and the UN Human Rights Committee.

As part of its mandate the UN Office on Drugs and Crime (UNODC) provides states equipment, technical assistance, and capacity building for drug enforcement. It has been active for many years in assisting Iran with its drug enforcement efforts at both the national level and regional level via the 'Triangular Initiative' with Afghanistan and Pakistan. This assistance continues despite the fact that Iran executes more persons than any country in the world except China, with over 1500 executions since 2011 according to rights groups. The rapid pace of executions is continuing in 2014, with the Iranian government announcing

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at least 126 executions, and rights groups documenting at least 247 hangings as of May 12. The vast majority of executions in the past 4 years in Iran have been for drug-related offenses, according to the Iranian government's own pronouncements. In Pakistan, there are over 8000 people on death row, many for drug offences.

Since 2008, human rights organizations have repeatedly informed UNODC, a department of the UN Secretariat, of how, in Iran and other countries, its drug enforcement assistance has contributed, directly or indirectly, to the arrests of people who have later been sentenced to death. Despite UNODC's awareness of these risks, it has not to our knowledge changed the way that it provides assistance to states that continue to apply the death penalty for drug offenses. Instead, we see repeated public support for the drug enforcement efforts of those states, lending legitimacy to their practices.

UNODC officials continue to praise publicly the drug enforcement efforts of the Iranian authorities, without protesting that convicted drug traffickers often are executed. At the High Level Segment of the UN Commission on Narcotic Drugs in March 2014, intended to review UN drug strategies, and at which the Deputy Secretary-General spoke of the need to integrate human rights into drug policies, the Executive Director of UNODC again praised Iran's drug enforcement programs despite the ongoing executions.<sup>i</sup>

Iran is not the only country or UNODC program of concern. In February 2014, the World Coalition against the Death Penalty, Reprieve, and Harm Reduction International addressed a letter to the UNODC that raised concerns about UN support for drug enforcement in Vietnam. Concerns about UNODC support for border control along the borders of China, Vietnam, and Laos had been raised also since 2008 due to the application of the death penalty in these three countries. The 2014 letter followed the sentencing to death in one day of thirty people, all for drug offenses, in Vietnam.

We attach correspondence with UNODC on both Iran and Vietnam for reference, as well as [Not Attached] an appendix with additional background information.

We are not calling for aid conditionality. We are calling for an end to funding and assistance that contributes, directly or indirectly, to the abuses in question. In your 2014 report on the question of the death penalty submitted to the Human Rights Council, as in previous such reports, you raised concerns about the imposition of the death penalty for drug offenses and, in particular, about international and UN assistance for drug enforcement in retentionist states.<sup>ii</sup> Your concerns are shared by the UN special rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, the special rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, and other special procedures.

It is time for the UNODC to enforce robust human rights standards from project planning to ongoing monitoring to periodic and final evaluation.

Given UNODC's reticence to take concrete action and put its own human rights guidelines into practice we request:

- That this issue be the subject of the next meeting of the Secretary-General's Senior Policy Committee with a view to agreement across UN agencies on the need to avoid complicity in human rights abuses carried out in drug enforcement

More specifically, we request that the Senior Policy Committee agree to:

- Concrete, time-bound, steps for UNODC to put its own human rights guidance into practice
- An immediate freeze on UN support for drug enforcement in Iran and Vietnam
- Funding of health and harm reduction programming in these countries
- A transparent human rights risk and impact assessment of both country strategies and clear human rights standards explicitly included within each strategy moving forward
- An audit of all existing UN drug enforcement assistance programmes in, or along the borders of, death penalty states for compliance with the 2012 UNODC human rights guidelines and the UN human rights due diligence policy

We thank you for your consideration and look forward to your response.

Yours,



Philippe Boloipon  
United Nations Director  
Human Rights Watch



Rick Lines  
Executive Director  
HRI



Mahmood Amiry-Moghaddam  
Executive Director  
Iran Human Rights



Clive Stafford Smith  
Director  
Reprieve

A handwritten signature in black ink, appearing to be 'F. Bellivier', with a horizontal line drawn across the middle of the signature.

Florence Bellivier  
President  
WCADP

A handwritten signature in black ink, appearing to be 'R. Chenuil', with a horizontal line drawn across the middle of the signature.

Raphael Chenuil  
Executive Director  
ECPM

## Appendix

Human Rights Watch and Harm Reduction International first raised the risk of UNODC complicity in the application of the death penalty with senior UNODC staff at a meeting in April 2008. The then special rapporteur on extrajudicial, summary or arbitrary executions, Professor Philip Alston, and representatives from the Office of the High Commissioner for Human Rights attended that meeting. Since then, both organizations have urged the UNODC to suspend drug enforcement assistance to Iran in light of the high rate of executions for drug offenses.

In 2012, Amnesty International released a report on the death penalty for drug offenses in Iran in which Amnesty International criticized ongoing UN support for and funding of Iran's drug enforcement measures. That same year, Human Rights Watch and Harm Reduction International called on the UNODC and donor countries to freeze their support for Iranian drug enforcement.

In 2012, after repeated approaches from human rights and drug policy nongovernmental organizations, UNODC developed human rights guidelines for its work. These followed the lead of the UN human rights due diligence policy and were developed with the assistance of the Office of the High Commissioner for Human Rights.<sup>1</sup> However, our organizations have found no evidence that, since then, the UNODC has incorporated human rights criteria into the planning, implementation, or evaluation of its projects.

In the guidelines UNODC states that it will:

Insist on the application of safeguards and identify measures governments may be willing to adopt to ensure that human rights are not violated in the name of drug enforcement; inform the government of the full human rights implications of use of the death penalty, in particular that imposition of the death penalty is an impediment to international cooperation; and explain the difficulty UNODC has in supporting law enforcement in the area of drug control that may lead to imposition of the death penalty.

The guidance goes on to state:

If, in spite of all of the above, a country actively continues to apply the death penalty for drug offences ... continued support in such circumstances can be perceived as legitimizing government actions. If, following requests for guarantees and high-level political intervention, executions for drug-related offences continue, UNODC may have no choice but to employ a temporary freeze or withdrawal of support.

The UNODC's 2012-2017 strategy for Vietnam, signed with the government, includes an indicator of success relating to the "number of traffickers arrested and successfully convicted." As far as we are aware UNODC carried out no human rights risk assessment in

connection with the implementation of this strategy as required by its own human rights guidance. UNODC has not included any such assessment in its published 2012-2017 strategy document.<sup>1</sup> Indeed, there is no mention of the 2012 human rights guidelines in the strategy document, nor any mention of the death penalty or other human rights risks.

Numerous donors, unlike the UNODC, have begun to take notice of the links between funding for enforcement measures and serious rights violations committed by states, including unfair trials and the execution of alleged drug offenders. There are now no international donors remaining for the UNODC drug enforcement program in Iran, for example.

The situation in Vietnam also raises the important question of human rights accountability when unrestricted funds are pooled under the 'One UN Plan.' While dozens of international donors are involved and a wide range of important work in Vietnam is being carried out, a proportion of the funding goes to UNODC's drug enforcement work. At the March session of the Human Rights Council, the World Coalition Against the Death Penalty, Human Rights Watch, Harm Reduction International, and Reprieve called for a temporary freeze on contributions to the UN One Fund in Vietnam pending an investigation by the UN as to how funds have been distributed, and for earmarking in future to ensure that such funds do not contribute to or legitimize abuse.

The death penalty is one among many human rights concerns we share relating to drug enforcement assistance. Human Rights Watch and Harm Reduction International have also documented, for example, how international funding and UN assistance have gone to drug detention centers in a number of countries in Southeast Asia, where abuses such as torture, ill-treatment, and forced labor are commonplace against those detained in such centers without due process. Drug enforcement agreements are in place with numerous other countries, including a new agreement between UNODC and Bahrain, where human rights abuses in the context of policing and criminal justice are of considerable concern.

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<sup>1</sup> Fredrik Dahl, U.N anti-drugs chief praises Iran fight despite executions", *Reuters*, March 11, 2014.  
<http://uk.reuters.com/article/2014/03/11/uk-iran-drugs-un-idUKBRE2AoPA20140311> (accessed May 28, 2014).

UN praises Iran's fight against narcotics, video clip, *PressTV*, March 11, 2014,  
<http://www.presstv.com/detail/2014/03/11/354218/un-praises-irans-antidrug-fight/> (accessed May 28, 2014).

<sup>2</sup> A/HRC/24/18 paras 26-32