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AMNESTY INTERNATIONAL ORAL STATEMENT

BIENNIAL HIGH-LEVEL PANEL DISCUSSION ON THE QUESTION OF THE DEATH PENALTY, FOCUSED ON HUMAN RIGHTS VIOLATIONS RELATED TO THE USE OF THE DEATH PENALTY, IN PARTICULAR WITH RESPECT TO THE RIGHTS TO NON-DISCRIMINATION AND EQUALITY

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The death penalty is the ultimate cruel, inhuman and degrading punishment. Amnesty opposes the death penalty in all cases without exception - regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution.

Amnesty International is concerned by the continued use of the death penalty, including for crimes that do not meet the threshold of ‘most serious crimes’, in violation of international law.¹ The Human Rights Committee has stated that the term ‘most serious crimes’ “must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing.”² For example, the use of the death penalty for armed robbery not resulting in death and drug-related offences.

The mandatory death penalty for armed robbery not resulting in death, coupled with lack of access to adequate legal counsel, has resulted in Nigeria imposing the highest number of death sentences in sub-Saharan Africa.³

The death penalty continues to be used for drug-related offences in 18 countries around the world,⁴ accounting for 27% of recorded executions worldwide in 2017.⁵ Of particular concern is the mandatory use of the death penalty for certain types of drug offences in Iran, Malaysia and Singapore,⁶

¹ Article 6(2), International Covenant on Civil and Political Rights.

² Human Rights Committee, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN Doc.CCPR/C/GC/36, 30 October 2018, para. 35.

³ Amnesty International has recorded the highest number of death sentences in sub-Saharan Africa in Nigeria: 621 (2017), 527 (2016) and 171 (2015). Many of the death sentences were imposed for armed robbery.

⁴ Brunei Darussalam, China, India, Indonesia, Iran, Iraq, Kuwait, Laos, Malaysia, Mauritania, Palestine (state of), Qatar, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates, Viet Nam.

⁵ Of the 993 executions recorded by Amnesty International in 2017, 272 were recorded for drug related offences; this number excludes China which classifies death penalty figures as a state secret.

⁶ While some sentencing discretion was introduced in Iran and Malaysia in 2017 and in Singapore in 2012, defendants can still be mandatorily sentenced to death in specific circumstances. See also Human Rights Committee, General comment No. 36 (2018) on

and the violation of the right to presumption of innocence in drug-related cases in Brunei Darussalam, Malaysia and Singapore.⁷ We are also alarmed by reports about the resumption of executions for drug-related crimes in Sri Lanka.

In the context of drug-related offences, Amnesty's research shows that people from disadvantaged socio-economic backgrounds are often at greater risk of the death penalty because of limitations in access to effective legal assistance, language barriers and the denial of the right to seek clemency.

Amnesty International calls on all countries that retain the death penalty to take steps towards abolition. In the meantime, we call on all retentionist States to prohibit the use of the death penalty for armed robbery (not resulting in death), drug-related offences and other crimes that do not meet the threshold of the 'most serious crimes'.

We welcome the recent announcement by Malaysia that it plans to abolish the death penalty for all crimes, which we hope will become reality this year.

Thank you, Mr. President.

article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN Doc.CCPR/C/GC/36, 30 October 2018, para. 37.

⁷ People found with specified amounts of certain drugs, or even simply in possession of keys to a building or vehicle in which drugs are found, are presumed guilty of drug trafficking and subjected to the death penalty. In those circumstances, the burden of proof is shifted on the defendant in violation of the presumption of innocence. See Brunei Misuse of Drugs, Arts. 3A, 15-16; Malaysia's Dangerous Drugs Act, Art.37; Singapore's Misuse of Drugs Act, Art.18.