

AI INDEX: ACT 51/04/95

EMBARGOED UNTIL 0001 HRS GMT, 3 OCTOBER 1995

THE DEATH PENALTY IS NOT A SOLUTION TO DRUG TRAFFICKING

Despite the executions worldwide of thousands of people convicted of drug-related offences -- most after unfair trials -- the use of the death penalty has not suppressed drug trafficking and abuse, according to a new report by Amnesty International

"Although some 26 governments have adopted laws making drug-related offences punishable by death, the evidence shows the futility and injustice of official, court-sanctioned killings in stemming the tide of the global drug trade," Amnesty International said.

The Amnesty International report, *The Death Penalty: No Solution to Illicit Drugs*, strongly suggests that the absence of the death penalty will not harm efforts to combat drug trafficking and abuse -- and that it may even strengthen them.

No convincing evidence has been produced that the death penalty deters would-be traffickers more effectively than other punishments, according to the report. Case studies outlined in the report include:

- * **Saudi Arabia**, where officials have claimed that drug-related crimes have dropped by as much as 50 per cent since the death penalty was introduced in 1987. Since the number of executions for drug offences began rising in 1993, however, officials attribute that rise to an increase in trafficking, implicitly contradicting claims of the efficacy of the punishment.
- * **China**, where the government has carried out hundreds of well-publicized executions of alleged traffickers in provinces near the drug-producing "Golden Triangle". But the latest report of the International Narcotics Control Board reveals that traffickers have developed a major land route in China for transporting heroin from the "Golden Triangle".
- * **Malaysia**, where more than 200 people have been executed for drug offences since 1975. At the same time, the increasing availability of heroin has contributed to a growing demand for the drug.
- * **Iran**, where over 2,900 executions were carried out for drug offences since the 1979 establishment of the Islamic Republic. Yet an important heroin trafficking route still runs through the country.

"In rushing to introduce the death penalty for drug offences, some countries have weakened the presumption of innocence by allowing the possession of drugs to be taken as evidence of trafficking," Amnesty International said. "This amounts to the injustice of a 'guilty until proven innocent' policy."

In other countries, suspected offenders are tried in special courts or under special procedures where safeguards for a fair trial are curtailed or non-existent. Foreigners often face drug charges, but facilities for courtroom interpretation are frequently inadequate.

The death penalty also entails some unintended risks, according to the Amnesty International report. These include risks that traffickers faced with a possible death penalty would more readily kill to avoid capture; that minor traffickers or even drug abusers are put to death while those behind the crimes escape capture and punishment; and that by increasing the severity of penalties, drug prices are pushed up, playing into the hands of organized crime and attracting hardened criminals prepared to face the attendant dangers.

In its survey of drug laws around the world, the Amnesty International report found that several statutes make possession of drugs punishable by death, entailing the risk of executing not only traffickers but addicts as well. In **Sri Lanka**, a person can by law be executed for possessing two grams of heroin -- an amount which a heavy addict might consume in a day. People have been executed for trafficking in cannabis, a drug whose use in some countries is treated as a minor offence or is not even criminalized.

Even as the death penalty is introduced in certain countries, its use is being rejected elsewhere. **Nigeria** abolished the death penalty for drug offences in 1986 after several executions provoked widespread protests. **Turkey** abolished the death penalty for drug trafficking in 1990 as part of a general reduction in the crimes punishable by death. In **Mauritius**, where the death penalty for drug trafficking had been introduced in a 1986 law, the section of the law providing for the death penalty was declared unconstitutional in 1992.

Amnesty International hopes that the information presented in its report will convince governments that the death penalty should not be used. The human rights organization urges that no further executions be carried out and that laws providing for the death penalty be repealed.

ENDS\