

REPRIEVE



European Aid for Executions

How European counternarcotics aid
enables death sentences and executions
in Iran and Pakistan

Reprive delivers justice and saves lives, from death row to Guantánamo Bay.

**“IT IS EXPECTED FROM THE WESTERN
COUNTRIES TO APPRECIATE
IRAN’S EFFORTS TO COMBAT DRUG
TRAFFICKING AND EVEN COOPERATE
ACCORDINGLY.”**

RAMIN MEHMANPARAST, SPOKESPERSON, FOREIGN MINISTRY OF IRAN¹

**“THE DONATIONS ARE LEADING TO
EXECUTIONS.”**

CHRISTIAN FRIIS BACH, DANISH DEVELOPMENT MINISTER, 2013²

EXECUTION AID IN NUMBERS

1

KG OF DRUGS THAT COULD GET
YOU SENTENCED TO DEATH IN PAKISTAN³

3

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IRAN⁵

313

PEOPLE HANGED FOR DRUG OFFENCES IN IRAN LAST YEAR⁶

8,000

PEOPLE ON PAKISTAN'S DEATH ROW⁷

10,000

PEOPLE IRAN HAS EXECUTED FOR DRUG OFFENCES SINCE 1979⁸

29,391,265

\$ THE UK HAS GIVEN TO SUPPORT MULTILATERAL
COUNTER-NARCOTICS EFFORTS IN PAKISTAN
AND IRAN SINCE 1985⁹

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INTRODUCTION

This report should serve as a wake-up call to European governments which continue to invest millions of dollars in Iranian and Pakistani counter-narcotics forces – a group which includes the United Kingdom, France, Italy, Germany, and Norway.

These governments and others provide significant sums of money, equipment, training and intelligence for Iranian and Pakistani drug operations which routinely result in death sentences and executions for those arrested. This active involvement in a grave human rights abuse places many European governments in breach of their own human rights laws and policies, while seriously undermining the EU commitment to “work for the worldwide abolition of the death penalty”.¹⁰

Reprieve’s research demonstrates a direct link between European funding and more than 3,000¹¹ death sentences in Iran and Pakistan. It also illustrates how European aid targets – which encourage larger seizure sizes, more arrests and more convictions – can be tied to increased numbers of capital convictions; operating in Iranian and Pakistani legal systems which prescribe the Death Penalty for anyone possessing quantities of drugs exceeding a certain threshold.

As the examples in this report make clear, the people who receive this punishment are rarely the barons and kingpins of the international drug trade. In the vast majority of cases they are vulnerable individuals who have been exploited by powerful drug cartels and corrupt officials. In many cases those executed are children or the mentally disabled, and there is evidence that in Iran’s case drug charges may be used as a pretext for persecuting and executing political dissidents.¹²

In exposing the real victims of such

systems, the report’s findings demonstrate that European counter-narcotics aid disproportionately harms the vulnerable, sustains entrenched forces of crime and corruption, and fails to change a costly and harmful status quo. In doing so, it makes clear that this funding is not only propping up two of the world’s most brutal capital punishment systems, it is also squandering European taxpayers’ money while failing to achieve wider drug policy objectives.

The governments of Denmark, Ireland, and the United Kingdom have all accepted the link between counter-narcotics aid and capital punishment in Iran, and have withdrawn funding for supply control operations in that state. Announcing his Government’s decision to do so, Denmark’s then-Trade and Development Minister stated that “the donations are leading to executions”.¹³

Reprieve is now calling on governments which have already accepted the connection between counter-narcotics aid and executions in Iran to apply this principle consistently, and make all such aid strictly conditional on recipient states’ commitment to end the death penalty for drug offences. This is particularly important in Pakistan, where more than 100 alleged drug offenders languish on death row and both the United Kingdom and Denmark continue to fund counter-narcotics projects.

Reprieve is also calling on governments which have not yet acknowledged this link to accept the consequences of their generous support, and apply conditions that ensure it does not continue to enable hundreds of executions and death sentences every year – most notably France, which continues to provide significant amounts of counter-narcotics aid to Iran, where there have been at least 123 executions for drug

offences already this year.

Europe's almost \$60 million¹⁴ investment in two of the world's most brutal capital punishment systems is a costly and ineffective use of funds that has a direct and negative impact on the human rights of some of the world's most vulnerable people. We believe this report proves this connection; we hope it will move European governments to sever it for good.

EXECUTIVE SUMMARY

Information gathered by Reprieve and published for the first time in this report exposes how counter-narcotics aid provided to Iran and Pakistan by European governments has ended up enabling and encouraging death sentences and executions for drug offences in those countries. The report's findings are the product of two years of research, synthesising unpublished death row data obtained from Iranian and Pakistani prisons with data on European counter-narcotics aid delivered through the United Nations Office on Drugs and Crime (UNODC).

The report demonstrates how European states have provided millions of dollars' worth of support to counter-narcotics forces in Iran and Pakistan over a period in which those countries executed more than 3,000 people for drug offences and handed down many more death sentences.¹⁵ Data in the report shows which European countries have provided the largest quantities of counter-narcotics aid, and where that aid has been focused.

The report illustrates how European equipment, training and intelligence-sharing have substantially developed the capacity of Pakistan's Anti-Narcotics force and Iran's Anti-Narcotics Police. It illustrates how targets attached to European aid frequently end up encouraging capital convictions and executions, and demonstrates the statistical correlation between levels of counter-narcotics funding and the frequency of death sentences handed down. Three case studies are used to illustrate how individual UNODC projects funded by European governments have led directly to abuses, including summary executions and the hanging of children as young as 12.

The report also notes how a number of

European states, including Denmark, Ireland and the UK, have accepted the link between aid and executions, and shows how handing down the death penalty for drug offences contravenes the International Covenant on Civil and Political Rights, which stipulates that capital punishment should only be used for "the most serious crimes";¹⁶ a category which the UN Human Rights Committee has repeatedly ruled should not include drug offences.¹⁷ This section discusses the level of responsibility funder states bear under international law for an act they consider to be "internationally wrongful",¹⁸ and goes on to show how donor states and the UNODC may be in breach of their own human rights guidance.

The report goes on to set out straightforward steps that should be taken to end Europe's support for the death penalty for drug offences. These are broken down so that distinct recommendations are made for the different international actors involved in this issue: European national governments, the European Union, and the UNODC. Finally, the report sets out data on each European donor's counter-narcotics aid to Iran and Pakistan via the UNODC, and notes the number of executions carried out and death sentences handed down for drug offences over that period.

Reprieve owes a debt of gratitude to partners and allies around the world who have aided in the production of this report: the Justice Project Pakistan (JPP) and the Foundation for Fundamental Rights (FFR) in Pakistan; the Abdorrahman Boroumand Foundation in Washington DC; Harm Reduction International (HRI), the University of Essex Human Rights Centre, and LSE Visiting Professor Hilary Stauffer in the UK; and to Iran Human Rights in Norway. We would also like to thank the Open Society Foundation for their generous support, without which this report would not have been possible.

DATA AND METHODOLOGY

In producing this report, Reprieve has synthesised death row data from Iran and Pakistan with extensive funding reports from counter-narcotics programmes administered by the UN Office on Drugs and Crime (UNODC).

Only law-enforcement led “supply control” programmes were included in Reprieve’s calculations, as these projects support counter-narcotics operations resulting in arrests that could lead to capital convictions. UNODC “demand reduction” programmes, which tend to focus on broader social issues relating to drugs, have been excluded from our calculations.

To chart specific flows of counter-narcotics aid from European donors, Reprieve used the UNODC’s Automatic Donor Assistance Mechanism,¹⁹ which publishes funding reports for specific UNODC counter-narcotics initiatives and allows users to view reasonably detailed reports on these projects. It should be noted that the data in this report are dependent on the accuracy of the UNODC’s own published funding data, for which Reprieve cannot take responsibility, and that the published data are accurate at time of publication.

Where countries have engaged directly with Reprieve and provided information which contradicts the data published by the UNODC, we have endeavoured to resolve the contradiction in favour of the information provided by the state in question. Adjustments have been made in the cases of Denmark, Ireland and the UK, where these states have made it known that they have ceased funding specific counter-narcotics projects in Iran when they recognised that the aid was leading to executions.

In focusing on multilateral counter-narcotics aid provided through the UNODC, this

report does not take into account the substantial bilateral aid which countries like the United Kingdom give to Pakistan’s Anti-Narcotics Force, records of which are not transparent or comprehensive. Neither does it address the extensive direct cooperation between European law enforcement bodies and Iranian and Pakistani counter-narcotics police (instances of which have been widely reported in recent months and years, including by the Anti-Narcotics Force itself).²⁰

Sourcing comprehensive data on death sentences and executions in Iran and Pakistan is an all-but impossible task, particularly in the case of Iran, where many hangings go unreported.

For this reason, the figures reported here for death sentences and executions in the two countries are likely to be significantly lower than the actual figures. While this regrettably fails to recognise many unrecorded or unreported death sentences, we have sought to ground this report as firmly as possible by exclusively using data we could verify.

Additional data on Pakistan’s death row have been obtained through prison sources with the support of local partners, without whom this report could not have been compiled. These data sets provide more detailed information on around 73²¹ of the 111²² prisoners which Pakistan’s Anti-Narcotics Force reports are facing execution on drug charges as a result of its work.

The actual number of executions Iran has carried out for drug offences is extremely difficult to determine, as reliable accounts suggest only a small proportion of these are ever announced. Reprieve’s research has relied upon data provided by respected NGOs and human rights organisations which have spent many years monitoring executions in Iran, namely the Iran Human Rights Documentation Center (<http://>

www.iranhrdc.org/english/),²³ Iran Human Rights (<http://iranhr.net/>),²⁴ Hands Off Cain (<http://www.handsoffcain.info/>),²⁵ and the Abdorrahman Boroumand Foundation (<http://www.iranrights.org/>).²⁶

CAPITAL PUNISHMENT AND EUROPEAN COUNTERNARCOTICS AID

Why Europe supports drug operations in Iran and Pakistan

European nations have given almost \$60 million to counter-narcotics projects in Pakistan and Iran since 1985. \$14.9 million of this money went to Iran and \$43.4 million to Pakistan.²⁷ This multilateral funding is channelled through the United Nations' Office on Drugs and Crime (UNODC), the UN body "mandated to assist Member States in their struggle against illicit drugs".²⁸

For many years European nations have seen Iran and Pakistan as important partners in the "war on drugs", as both countries represent critical supply routes for traffickers looking to transport heroin grown in the region to Europe.



UK Home Secretary Theresa May signs memorandum of understanding with Pakistani Interior Minister Chaudhry Nisar

Unfortunately, European encouragement has inspired the adoption of harsh punitive approaches in the countries where counter-narcotics aid is directed. Pakistan introduced the death penalty for drug offences in the late 1990s, at the height of the "war on drugs". Following a surge in executions for drug offences in early 2014, Mohammad Javad Larijani, Secretary General of Iran's Human Rights Council, said that the world should

view Iran's executions as a "great service to humanity."²⁹

Unfortunately, the UNODC has not taken a leading role in ensuring human rights compatibility of these programmes. UNODC Executive Director Yuri Fedotov recently praised Iran's "very active role to fight illicit drugs" and declined to consider withdrawing aid for human rights reasons "because it would mean, as a possible reaction from Iran, that all these huge quantities of drugs, which are now being seized by Iranians, would flow freely to Europe."³⁰

Perceiving Pakistan to present a similar risk, European policymakers have repeatedly pledged assistance to the country's Anti-Narcotics Force (ANF), and UK Home Secretary Theresa May used a recent visit to Islamabad to stress that "The UK and Pakistan have a strong interest in tackling the shared challenges posed to our countries by the drug trade".³¹

Where European aid is going

Both Iran and Pakistan apply the death penalty for drug offences in clear breach of international law.

Since 1979, Iran has executed at least 10,000³² alleged drug traffickers caught by the Anti-Narcotics Police, and hanged over 300 in 2013 alone.³³ 70-80% of Iranian executions in the last 5 years were for alleged drug offences,³⁴ making the death penalty for drug offences the principal factor in Iran's world-leading per-capita execution rate.

Many of those hanged in Iran are women and children,³⁵ and killings frequently take place in a summary fashion, particularly in border areas where a large number of drug mules are apprehended. Executions are often held in public,³⁶ and evidence suggests drug charges are commonly used as a pretext to execute political prisoners.³⁷

European Aid for Executions

Pakistan maintains the largest death row in the world, with more than 8,000³⁸ people currently facing execution by hanging, at least a hundred of whom were convicted of drug related crimes. Pakistani law stipulates that anyone caught with more than one kilogram of drugs may face a death sentence,³⁹ and after special measures were introduced to secure speedy prosecutions Pakistani drug courts boast a conviction rate of more than 92%.⁴⁰

A number of recent cases suggest that corruption is common among Pakistani counter-narcotics forces. In one case dating to July 2012, at least 18 officers from the Quetta police force (the capital of Balochistan province) were forced to stand down after it was alleged that they had not only taken bribes from drug cartels but also launched fraudulent cases against those who refused to offer bribes.⁴¹

Pakistan is not currently executing prisoners because of a moratorium reintroduced by Prime Minister Nawaz Sharif in 2013,⁴² but the death penalty remains publically popular and a recent ruling in the Lahore High Court found the halting of executions to be unconstitutional, making it possible they may soon recommence.⁴³



UNODC Executive Director Yuri Fedotov oversees an Iranian drug seizure

The difference European aid makes

European aid to Iranian and Pakistani counter-narcotics operations supports a wide range of these forces' activities, sustaining core strategic functions as well as day to day operations. Under a variety of UNODC programmes, European states have: helped build ANF and ANP premises; contributed to intelligence sharing programmes and border collaboration initiatives with other states; provided specialist training and equipment including body scanners, night vision goggles, and the supply and training of drug detection dogs; and have even repaired and maintained ANF helicopters.⁴⁴



Iranian execution by hanging

Over recent decades European counter-narcotics aid has been responsible for significant growth in the capacity and capability of Iran's ANP and Pakistan's ANF.

The UNODC's Yuri Fedotov noted in 2011 – a year in which over 450 people were executed for drug offences – that “the Islamic Republic of Iran has put in place one of the world's strongest counter-narcotics responses”, and that “its counter-narcotics

efforts, good practices and concerns deserve the acknowledgment of the international community.”⁴⁵

Pakistan’s ANF’s claimed in its 2013 annual report that it had completed its “best year ever”, noting “never can you imagine a force comprising just 2,580 personnel and seizing around 250,000 kgs of drugs and precursor chemicals in one calendar year”.⁴⁶

How European aid enables capital convictions

Despite many European countries’ pledges to ensure counter-narcotics aid does not enable human rights abuses, performance targets attached to such funding frequently end up encouraging capital convictions. UNODC funding often measures success by increased numbers of arrests, convictions and size of seizures, all of which can lead to death sentences under Iran and Pakistan’s judicial systems. Specific indicators of success for European funded UNODC projects include “Number of arrests”,⁴⁷ “Number of prosecutions and type of conviction”,⁴⁸ “an increase in drug seizures and corresponding increase in arrests”,⁴⁹ “More effective prosecution of criminal cases”,⁵⁰ and “Modern detection methods

resulting in higher seizures and arrests.”⁵¹

In both Iran and Pakistan, sentencing codes set out harsher punishments for larger seizures, meaning the defendant’s chances of being hanged increase significantly with the amount they are alleged to have been caught with. Thus, since many of the UNODC projects in the region measure their success in terms of the size of seizure, a more “successful” project by the UNODC’s metrics is likely to result in a greater number and frequency of death sentences.

In Iran, where 70-80%⁵² of executions are for drug offences and national law stipulates that the punishment can be handed down for possession of as little as 30g of narcotics, increased arrests, another “indicator of success” of the UNODC projects in the region, can translate directly into increased executions.⁵³

In Pakistan the conviction rate in the lower courts as high as 92%,⁵⁴ and a significant proportion of those given death sentences spend more than ten years on death row, a punishment which has been found by the European Court of Human Rights to constitute inhuman and degrading treatment contrary to Article 3 of the European Convention on Human Rights.⁵⁵

ACCUSED AWARDED THE SENTENCE BY THE SPECIAL COURTS (CNS)	
Death Penalty	1
Life Imprisonment	38
More than 10 years RI	8
5 to 9 years RI	21
Less than 5 years RI	140
Grand Total	208

“Prosecution Achievements” page of the ANF website

Substantial evidence exists that the Iranian and Pakistani law enforcement agencies which are responsible for counter-narcotics view convictions and death sentences for drug offences as positive indicators of compliance with the targets of the European funded UNODC projects.

PROJECT PROFILE:
BLOOD AT THE BORDER



European governments have spent millions of dollars building the capacity of counter-narcotics forces working across the 582 mile border between Iran and Afghanistan, which is perceived to be a key supply route through which cartels traffic heroin and other drugs.

Operations carried out along this border by the Iranian Anti-Narcotics Police are responsible for hundreds of arrests and capital convictions every year.

Amnesty International has noted that Afghans crossing the border into Iran are frequently arbitrarily arrested for “smuggling”, regardless of whether they have drugs their possession.⁵⁶ Reports suggest a number of Afghans sentenced to death for trafficking have never seen an Iranian courtroom.⁵⁷

European governments have funded scores of UNODC initiatives which have encouraged and enabled such activity. One such project, IRN I50, ran from 2007 to 2011 with a \$3 million budget co-funded by the UK, Belgium, Ireland and France.⁵⁸ According to UNODC reports, the project’s flagship achievement was the establishment of “border liaison offices” in Zahedan and Dogharun. In these offices’ first two years of operation, at least 24 people were reported to have been hanged in Zahedan and Doghuran, including two boys aged fifteen and seventeen.⁵⁹

By the final year of project IRN I50 seizure sizes had spiked and the number of drug-related executions in Iran reached 450. Reports from the project describe how the satellite phones, drug detection dogs and body scanners it provided were “instrumental” in increasing seizures.⁶⁰ Shortly after this equipment was delivered, 4,000KG of drugs were seized and 11 traffickers were detained.⁶¹

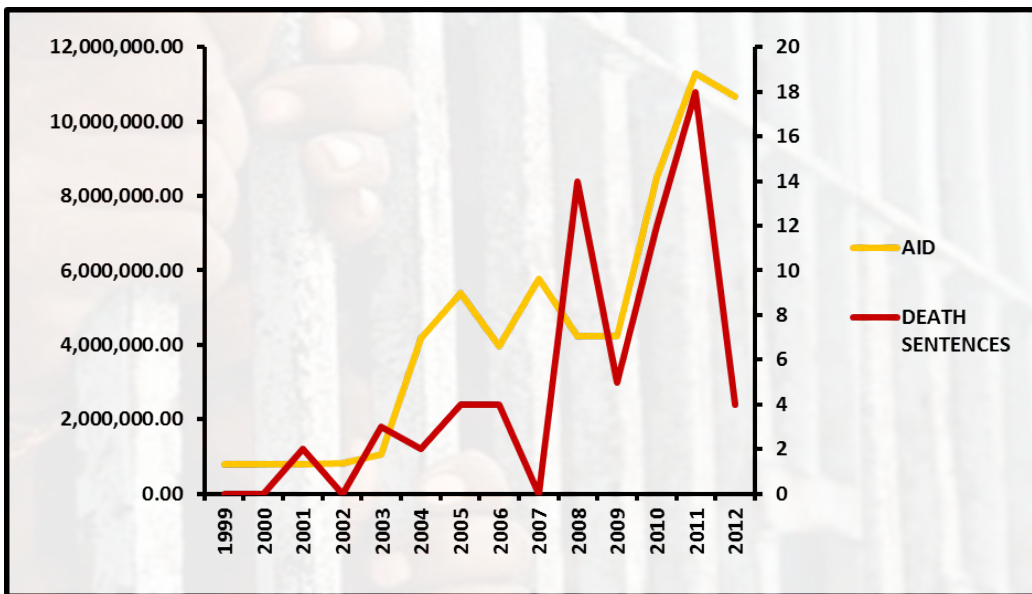
European Aid for Executions

One of the more prominent sections on the Pakistan's Anti-Narcotics Force's website lists the number of death sentences handed down to people captured by the ANF under the heading "Prosecution Achievements",⁶² and a senior figure in the Iranian judiciary recently described the execution of six drug traffickers as "one of the triumphs of Iran."⁶³

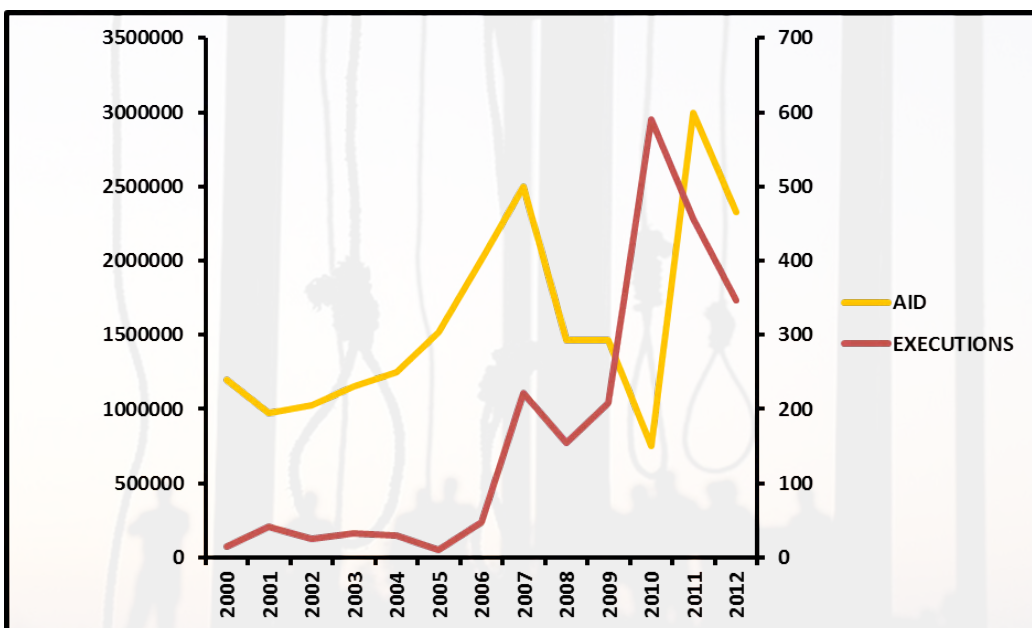
The correlation between donations and death sentences

There is a visible correlation between counter-narcotics funding and the death sentences its recipients hand down for drug charges, as the graphs below indicate.

Pakistan- Aid (\$) Received per Year (vs) Yearly Total of Death Sentences Handed Down for Drug Offences



Iran- Aid (\$) Received per Year (vs) Yearly Total of Executions for Drug Offences



PROJECT PROFILE:
PAKISTANI AIRPORTS,
EUROPEAN NATIONALS



Since 1995, hundreds of people, including scores of European nationals, have been arrested for drug trafficking at Pakistani airports, and have gone on to face death sentences in trials that fell well short of international standards. All of these individuals were apprehended by guards with training paid for by European governments, and most will have been identified using intelligence and equipment provided by European states.

European-funded initiatives which have enabled capital trials and convictions include PAKD86, which ran from 1999 to 2005, with a budget of \$3.8 million co-funded by the UK, France, and Italy.⁶⁴

Through some 98 education programmes focused on “efficiently supporting the arrest and conviction of traffickers” PAKD86 trained 2033 law enforcement officers - a huge proportion of the ANF’s overall force which today numbers 2,580 personnel.⁶⁵ This training achieved the project’s stated aim of increasing the number of arrests, prosecutions and convictions, and corresponded with dramatic spikes in death sentences handed down (which spiked significantly after 2005).

PAKD86 was followed by PAKU13,⁶⁶ a project which ran from 2005 to 2012 and had a \$1.3 million budget funded by the UK, Sweden, and Austria. This programme built on PAKD86’s work by running further training initiatives designed to develop the ANF’s “investigational capacity”, and arranging “study tours/attachments to overseas law enforcement institutions”.⁶⁷ After the completion of PAKU13 a project called PAKU83⁶⁸ commenced, which is scheduled to run until 2015 with a budget of more than \$35 million. Co-funded by the UK, Germany, and Denmark, its project reports show

that it has “provided a dedicated e-learning system which has been accessed by a total of 2,769 students”.⁶⁹

Following these training initiatives, Anti-Narcotics Force and Airport Security Force officers have used their enhanced skills to arrest scores of European nationals in Pakistan’s major airports, including:

- Sixty-two British nationals, among them Khadija Shah, a mother of two who had her third child in Pakistan’s Adiala jail after being detained in 2012 with sixty times the country’s death-eligible quantity of heroin;⁷⁰
- Seven Spanish nationals arrested between 2002 and 2012 in Islamabad, Karachi and Peshawar airports, all carrying death-eligible quantities of various drugs;⁷¹
- Seven Dutch nationals, including one detained at Karachi airport in 2007 with 6 kilograms of heroin;⁷²
- Three Austrian nationals, one of whom was arrested with 20 kg of heroin alongside her two young children, who were held with her in Lahore jail for over a year;⁷³
- Two Italian nationals, including one arrested in Lahore airport shortly after Christmas in 2010 with nearly three times Pakistan’s death-eligible quantity of heroin.⁷⁴

European acceptance of the link between donations and executions

A number of European states have formally acknowledged the link between counter-narcotics funding and death sentences in Iran and Pakistan, and redirected their funding on this basis.

In 2013, Denmark withdrew support for ongoing law enforcement-led counter-narcotics efforts in Iran, stating:

“It’s a signal to Iran that the implementation of the death penalty is unacceptable and not something we can be involved with. [...] As the evaluation indicates, the donations are leading to executions. The efforts are leading to more prisoners and I don’t feel confident that this programme can adequately guarantee the strengthening of human rights in Iran.”⁷⁵

In 2011 Ireland also ceased funding ongoing projects in Iran citing human rights concerns over the death penalty. In a radio interview with the station RTÉ two years later, then Foreign Affairs Minister Joe Costello described how the decision to pull its aid was taken in respect to Iran’s capital punishment system:

“It was almost being used exclusively for drug traffickers, over 80%, so at that point in time we ceased the funding... We have made it very clear to the UNODC that we could not be party to any funding in relation to where the death penalty is used so liberally and used almost exclusively for drug traffickers.”⁷⁶

The United Kingdom, historically Europe’s most generous funder of counter-narcotics operations in Iran and Pakistan, recently admitted in response to an inquiry

from Reprieve that it had ceased funding Iranian counter-narcotics projects through the UNODC. The letter, signed by Deputy Prime Minister Nick Clegg, read:

“I note the recent decisions by the governments of Denmark and Ireland to withdraw their contributions to UNODC projects in Iran because of their concerns around Iran’s use of the death penalty for drug offences. I would like to reassure you that we no longer fund UNODC programmes in Iran because we have the exact same concerns.”⁷⁷

Unfortunately, neither the UK, Denmark, nor Ireland has applied the same logic to Pakistan, despite accepting the principal that counter-narcotics efforts in the region can and do adversely impact human rights and increase death sentences and executions. Pakistan has the largest death row in the world (over 8,000 prisoners)⁷⁸ and while a moratorium is currently in place, this is not codified in law and looks increasingly unstable, with a number of major political figures calling for a recommencement of executions.⁷⁹

Also of grave concern is the fact that France continues to provide counter-narcotics aid to Iran through the UNODC, despite the clear evidence that, in the words of Denmark’s former Minister for Trade and Development, “the donations are leading to executions.”⁸⁰

PROJECT PROFILE:
EUROPEAN FUNDING
AND THE EXECUTION OF
CHILDREN



Europe has funded a number of initiatives in Iran that can be directly tied to arrests and executions of children.

In April 2014 a 15 year old Afghan boy named Jannat Mir was hanged on drug smuggling charges for allegedly moving heroin across the Afghan/Iranian border.⁸¹ Speaking to Radio Azadi, an Afghan affiliate station of US-funded Radio Liberty, his brother Nazok explained that “Jannat Mir was a ninth grade schoolboy who left Afghanistan [for] Iran two years ago... he was arrested by the Iranian authorities and sentenced to hang for drug-trafficking. He didn’t have access to lawyer and the Iranian authorities didn’t allow the family to take the body back to Afghanistan. So they had to bury Jannat Mir in Isfahan.”⁸²

Since 2011, France has been co-funding a \$5.4 million project⁸³ to boost the capacity of counter-narcotics officers on the border where Jannat Mir will have been apprehended. This project has delivered intensive training to officers stationed in this area, established new liaison offices to improve the sharing of information with Afghan counter-narcotics officers, and provided a large number of drug detection dogs and vehicles for use along the border.⁸⁴ Jannat Mir and his conviction will likely become another statistic, used alongside many others to show how the ANP has achieved the project’s goal of increasing

seizures and arrests.

He is far from the only child whose capital conviction will help Iranian counter-narcotics forces hit European aid targets. During and following UNODC project AFGH16 – which focused on “strengthening Afghan-Iran drug border control and cross-border cooperation”⁸⁵ and involved Iran building 25 border control posts within Afghan territory while the UNODC trained and equipped Afghan border patrol offices – sixteen Afghan children were sentenced to death by hanging after being convicted of trafficking drugs across the border.⁸⁶ One of these children was just 12 years old.⁸⁷

In 2009, 15 year old Naeem Kolbali was executed for alleged drug trafficking in Zahedan,⁸⁸ after a new border office was established there with funding from the UK, Belgium, Ireland and France. The project overseeing the office’s launch called for Iranian counter-narcotics officers to demonstrate an “increase in drug seizures”,⁸⁹ and Naeem’s case will likely have contributed to these numbers. 17 year old Mohammed Ghos⁹⁰ was also sentenced to death in 2009 after the opening of a European-funded border office, and the 820 grams of crystal meth he was allegedly arrested with will no doubt have been logged in reports on the office’s success.

THE DEATH PENALTY FOR DRUG OFFENCES UNDER INTERNATIONAL LAW

International human rights law stipulates that the death penalty may only be legally applied for the “most serious crimes.”⁹¹ The United Nations advises that this stipulation should be “read restrictively”, to mean that the death penalty is an “exceptional measure,”⁹² and that the phrase ‘most serious crimes’ should be interpreted to mean “intentional crimes with lethal or other extremely grave consequences.”⁹³ There is no universally accepted definition of this category of crimes, but the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has stated his unequivocal view that the death penalty should not be imposed for drug-related offences.⁹⁴ Similarly, the UN’s Human Rights Committee has affirmed on a number of occasions its view that drug offences do not fall into the category of “most serious crimes.”⁹⁵

European states’ international responsibility for executions

The death penalty is prohibited in European Union countries, due to their collective ratification⁹⁶ of both Protocol 13 of the European Convention on Human Rights Concerning the Abolition of the Death Penalty in All Circumstances⁹⁷ and the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).⁹⁸ There is a strong argument that by continuing to provide finance, equipment, training and intelligence to Iranian and Pakistani counter-narcotics forces in full knowledge that such support results in executions for drug-related crimes, European states are in clear violation of their own human rights obligations and bear at least some responsibility under international law for these executions.

Article 16 of the International Law Commission’s Draft Articles on State Responsibility⁹⁹ stipulates that if a State aids another in “the commission of an internationally wrongful act” then it may be considered internationally responsible for that act under certain conditions. The legal commentary to Article 16 states that this responsibility is limited in three ways: first, the relevant State organ or agency providing aid or assistance must be aware of the circumstances making the conduct of the assisted State internationally wrongful; secondly, the aid or assistance must be given with a view to facilitating the commission of that act, and must actually do so; and thirdly, the completed act must be such that it would have been wrongful had it been committed by the assisting State itself.

European states are outspoken in their opposition to the death penalty. It is clear that they believe executions to be “internationally wrongful.” Nevertheless, in some cases, the aid they are giving directly facilitates the imposition of the death penalty—even though they have gone so far as to make it illegal within their own borders by ratifying various international treaties. With this in mind, even if European states do not actively intend for their financial and logistical aid to result in the execution of drug criminals, if they are aware this is a likely consequence of their support, they would assume some responsibility for the killing under the Draft Articles.

It would be difficult for any UNODC donor state to argue that it is unaware of how Iran and Pakistan punish drug offenders. Indeed, most donor states are legally obliged to conduct assessments of the human rights impact of such aid policies.

In the United Kingdom, for example, government offices providing aid to foreign criminal justice systems are bound by the

Overseas Security and Justice Aid Guidance, which notes that:

“While UK assistance overseas in the field of security and justice can help achieve both security and human rights objectives in a particular country...the assistance itself can sometimes present human rights risks, which in certain circumstances may give rise to legal, policy or reputational risks for the UK”.¹⁰⁰

This guidance cites the death penalty as its first example of a human rights abuse that aid providers should seek to mitigate, and stipulates that officials should “make an overall assessment of whether there is a serious risk that the assistance might directly or significantly contribute to a violation of human rights” and “consider what step(s) can be taken to mitigate any risk”. The UK’s Foreign and Commonwealth Office has refused to disclose details of the review and monitoring processes it underwent in approving counter-narcotics aid to Iran and Pakistan.

UNODC human rights guidance

In 2012, the UNODC issued guidance on the protection of human rights in countries where aid is provided for anti-drugs programmes. Explicitly acknowledging the links between funding and executions, it recommends withdrawal of support where improvements are not made:

“At the very least, 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”.¹⁰¹

Whether UNODC remains compliant with this guidance is open to debate; particularly as its text calls for a broad interpretation of whether counter-narcotics funding amounts to “aid or assistance” in a violation of human rights.

“If, in spite of all of the above, a country actively continues to apply the death penalty for drug offences, UNODC places itself in a very vulnerable position vis-à-vis its responsibility to respect human rights if it maintains support to law enforcement units, prosecutors or courts within the criminal justice system.

“Whether support technically amounts to aid or assistance to the human rights violation will depend upon the nature of technical assistance provided and the exact role of the counterpart in arrest, prosecutions and convictions that result in application of the death penalty.

“Even training of border guards who are responsible for arrest of drug traffickers ultimately sentenced to death may be considered sufficiently proximate to the violation to engage international responsibility”.¹⁰²

CONCLUSIONS AND RECOMMENDATIONS FOR CHANGE

Reprieve believes the evidence set out above clearly illustrates what a number of European governments have already contended: that, in the words of the Danish Government, “the donations are leading to executions”.¹⁰³

This leads us to a number of conclusions and recommendations for change.

Conclusions

Reprieve believes that European states’ continued funding of counter-narcotics programmes in countries like Pakistan and Iran:

- Results in increased death sentences and executions for drug offences;
- Disproportionately harms the innocent and vulnerable;
- Actively sustains forces of corruption and criminality;
- Fails to achieve drug policy goals;
- Squanders taxpayers’ money;
- Undermines Europe’s commitment to worldwide abolition of the death penalty;
- Breaches international law;
- Contravenes various states’ national human rights laws.

Recommendations for change

Following directly from these conclusions, Reprieve proposes three clear policy changes which should be made at different levels of government:

European national governments:

1. All European nation states continuing to provide counter-narcotics aid to supply control programmes in Pakistan and Iran should make this funding conditional on a commitment not to sentence people

to death for drug offences, or abolition of the death penalty for drug offences.

If these conditions are not agreed to, this funding should be immediately ceased or redirected to health and harm reduction programmes.

The European Union

2. Ahead of the 2016 United Nations General Assembly’s Special Session (UNGASS) on Drugs, the European Commission (EC) should secure support from all European states for a motion to defund all UNODC supply-control programmes in countries which maintain the death penalty for drug offences.

The UNODC

3. Ahead of the 2016 UNGASS on drugs, the UNODC should provide a detailed account of the assessments it has undertaken to ensure all UNODC projects fulfil the criteria set out in its own human rights guidance. Where these assessments show it is not meeting its own guidance, aid should be immediately suspended.

STATE-BY-STATE: EUROPEAN DONORS' CONTRIBUTIONS TO COUNTERNARCOTICS "SUPPLY CONTROL" PROGRAMMES IN IRAN AND PAKISTAN



UK
\$29,391,265

AUSTRIA
\$31,065

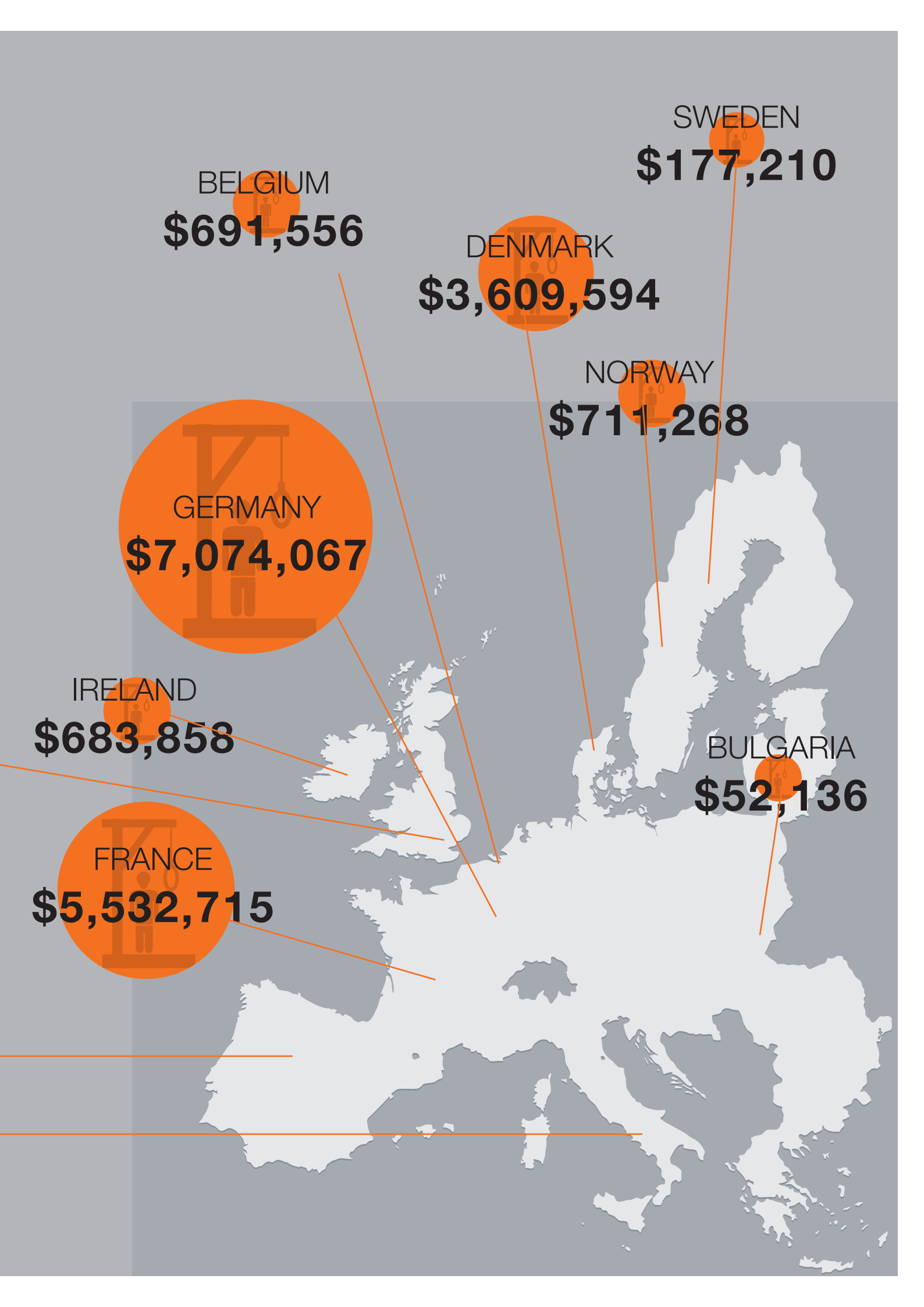
SPAIN
\$288,522



ITALY
\$7,684,820



EU
\$2,365,864



SWEDEN

\$177,210

BELGIUM

\$691,556

DENMARK

\$3,609,594

NORWAY

\$711,268

GERMANY

\$7,074,067

IRELAND

\$683,858

FRANCE

\$5,532,715

BULGARIA

\$52,136

FIGURE 1: EUROPEAN FUNDING FOR COUNTERNARCOTICS AID IN IRAN AND PAKISTAN¹⁰⁴

The table below sets out the total funding European donors have provided to counternarcotics supply control projects in Iran and Pakistan since 1985.

Country	Counter-narcotics aid provided to Iran and Pakistan (\$)	% contribution to counter-narcotics aid in the region
UK	29,391,265	50.42
Italy	7,684,820	13.19
Germany	7,074,067	12.14
France	5,532,715	9.49
Denmark	3,609,594	6.19
EU	2,365,864	4.06
Norway	711,268	1.22
Belgium	691,556	1.19
Ireland	683,858	1.17
Spain	288,522	0.49
Sweden	177,210	0.30
Bulgaria	52,136	0.09
Austria	31,065	0.05

FIGURE 2: DEATH SENTENCES AND EXECUTIONS FOR DRUG OFFENCES DURING THE TIME EACH COUNTRY WAS PROVIDING AID¹⁰⁵

The table below sets out the number of death sentences and executions for drug offences in Iran and Pakistan during the years in which each European donor funded these countries' counter-narcotics forces:

Country	Amount Contributed to Pakistan (\$)	Amount Contributed to Iran (\$)	Total death sentences and executions in the region during funding periods
France	4,160,777 (1999-2016)	1,371,938 (1999-2014)	3,426
Italy	5,537,243 (1985-2016)	2,312,077 (1998-2014)	3,426
UK	20,379,614 (1985-2016)	9,011,651 (1998-2012)	2,990
Denmark	2,896,954 (2005-2015)	712,640 (2000-2013)	2,556
Ireland	0	683,858 (2007-2012)	1,978
Belgium	0	691,556 (2007-2011)	1,631
Germany	7,074,067 (1987-2016)	52,972 (1999-2007)	1,233
Sweden	177,210 (1994-2014)	0	73
Norway	711,268 (2004-2016)	0	68
Spain	288,522 (2004-2016)	0	68
EU	2,365,864 (2004-2016)	0	68
Austria	31,065 (2005-2012)	0	61
Bulgaria	0	52,136 (2005-2006)	57

FIGURE 3: COUNTRY BY COUNTRY BREAKDOWNS

AUSTRIA



Overall counter-narcotics aid contribution \$31,065¹⁰⁶
Counter-narcotics aid to Iran N/A
Counter-narcotics aid to Pakistan \$31,065¹⁰⁷
Total projects funded: 1 in Pakistan (2005-2012)
Executions of drug offenders enabled N/A
Pending death sentences enabled 61¹⁰⁸

“The death penalty is a brutal attack on human dignity. It serves neither the prevention of crime nor security. Austria will therefore continue to push for the abolition of this cruel punishment.”

Austrian Vice-Chancellor and Foreign Minister Michael Spindelegger, Vienna, 10 October 2013¹⁰⁹

BELGIUM

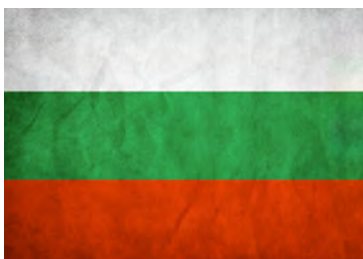


Overall counter-narcotics aid contribution \$691,556
Counter-narcotics aid to Iran \$691,556¹¹⁰
Counter-narcotics aid to Pakistan N/A
Total projects funded 1 in Iran (2007-2011)¹¹¹
Executions of drug offenders enabled 1631¹¹²
Pending death sentences enabled Unknown

“The General Assembly is ‘Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty.”

Resolution adopted by the General Assembly, 28 March 2011¹¹³

BULGARIA



Overall counter-narcotics aid contribution \$52,136
Counter-narcotics aid to Iran \$52,136¹¹⁴
Counter-narcotics aid to Pakistan N/A
Total projects funded 2 in Iran (2005-2006)
Executions of drug offenders enabled 57
Pending death sentences enabled Unknown

“We simply do not accept the death penalty as a measure and sanction.”

Spokesperson of the Bulgarian Foreign Ministry, Vessela Cherneva, November 4, 2012¹¹⁵

DENMARK



Overall counter-narcotics aid contribution \$3,609,594
Counter-narcotics aid to Iran \$712,640¹¹⁶
Counter-narcotics aid to Pakistan \$2,896,954¹¹⁷
Total projects funded 2 in Iran (2000-2013)
3 in Pakistan (2005-2015)
Executions of drug offenders enabled 2,490
Pending death sentences enabled 66

“The use of the death penalty is unacceptable and something that we in no way can vouch for.”

Development Minister Christian Friis Bach, April 2013¹¹⁸

THE EUROPEAN UNION AND THE EUROPEAN COMMISSION



Overall counter-narcotics aid contribution \$2,365,864
Counter-narcotics aid to Iran N/A
Counter-narcotics aid to Pakistan \$2,365,864¹¹⁹
Total projects funded 1 in Pakistan (2004-2016)
Executions of drug offenders enabled unknown
Pending death sentences enabled 68

“Calls on the Council and the Commission to ensure, with a view to the planned 2009 ministerial meeting of the United Nations Office on Drugs and Crime, that the funding supplied to international agencies such as those of the United Nations to combat illegal drugs is never used either directly or indirectly to support security bodies in countries which commit serious and systematic violations of human rights or apply the death penalty in drugs-related cases.”

European Parliament, 2008¹²⁰

FRANCE



Overall counter-narcotics aid contribution \$5,532,715
Counter-narcotics aid to Iran \$1,371,938¹²¹
Counter-narcotics aid to Pakistan \$4,160,777¹²²
Total projects funded 5 in Iran (1999-2014)
3 in Pakistan (1999-2016)
Executions of drug offenders enabled 3,353
Pending death sentences enabled 73

“France’s commitment in favour of the universal abolition of the death penalty has been determined and constant. This combat constitutes one of its priorities with regards to Human Rights at the international level. It also represents a priority in the European Union’s joint action.”

France Diplomatie¹²³

GERMANY



Overall counter-narcotics aid contribution \$7,074,067
Counter-narcotics aid to Iran \$52,972¹²⁴
Counter-narcotics aid to Pakistan \$7,021,095¹²⁵
Total projects funded 1 in Iran (1999-2007)
4 in Pakistan (1987-2016)
Executions of drug offenders enabled 1160
Pending death sentences enabled 73

“The death penalty is inhumane and cruel. It has no place in the 21st century. The Federal Government will continue to push for its worldwide abolition.”

The Federal Government’s Human Rights Commissioner, Markus Löning 2013 ¹²⁶

IRELAND



Overall counter-narcotics aid contribution \$683,858
Counter-narcotics aid to Iran \$683,858¹²⁷
Counter-narcotics aid to Pakistan N/A
Total projects funded 2 in Iran (2007-2012)
Executions of drug offenders enabled 1,978
Pending death sentences enabled Unknown

“We have made it very clear to the UNODC that we could not be party to any funding in relation to where the death penalty is used so liberally and used almost exclusively for drug traffickers.”

Joe Costello, Irish Minister of State for Foreign Affairs, Punishment, 8 November 2013¹²⁸

ITALY



Overall counter-narcotics aid contribution \$7,684,820
Counter-narcotics aid to Iran \$2,312,077¹²⁹
Counter-narcotics aid to Pakistan \$5,372,743¹³⁰
Total projects funded 5 in Iran (1998-2014)
6 in Pakistan (1985-2015)
Executions of drug offenders enabled 3,353
Pending death sentences enabled 73

“We are utterly convinced that the abolition of the death penalty represents a key goal in effectively supporting human dignity and progressively affirming human rights throughout the world.”

Italy’s Foreign Minister Franco Frattini, 10 October 2011¹³¹

NORWAY



Overall counter-narcotics aid contribution \$
Counter-narcotics aid to Iran N/A
Counter-narcotics aid to Pakistan \$711,268¹³²
Total projects funded 1 in Pakistan (2004-2016)
Executions of drug offenders enabled Unknown
Pending death sentences enabled 68

“Norway opposes the death penalty in all circumstances as a matter of principle.”

Minister of Foreign Affairs Espen Barth Eide, 2012¹³³

SPAIN



Overall counter-narcotics aid contribution \$285,522
Counter-narcotics aid to Iran N/A
Counter-narcotics aid to Pakistan \$285,522¹³⁴
Total projects funded 1 in Pakistan (2004-2016)
Executions of drug offenders enabled Unknown
Pending death sentences enabled 68

“Spain’s stance against the death penalty is firm: it considers it to be a cruel, inhumane and degrading punishment, contrary to human dignity, without any proven deterrent effect on criminal behaviour, and irreversible in cases of judicial error.”

Official statement by Spanish Ministry of Foreign Affairs and Cooperation, 2014¹³⁵

SWEDEN



Overall counter-narcotics aid contribution \$177,210
Counter-narcotics aid to Iran N/A
Counter-narcotics aid to Pakistan \$177,210¹³⁶
Total projects funded 2 in Pakistan (1994-2014)
Executions of drug offenders enabled Unknown
Pending death sentences enabled 73

“We join forces in speaking out against what constitutes the ultimate, irreversible denial of human rights, and a cruel and inhuman punishment that does not belong to modern times... We cannot remain silent when we see footage from public group hangings in Iran...”

Carl Bildt, Minister for Foreign Affairs, Debate article, 10 October 2008¹³⁷

THE UK



Overall counter-narcotics aid contribution \$29,391,265

Counter-narcotics aid to Iran \$9,011,651¹³⁸

Counter-narcotics aid to Pakistan \$20,379,614¹³⁹

Total projects funded 12 in Iran (1998-2012)

22 in Pakistan (1985-2016)

Executions of drug offenders enabled 2,917

Pending death sentences enabled 73

“It is the longstanding policy of the UK to oppose the death penalty in all circumstances as a matter of principle. Our goals are to further increase the number of abolitionist countries, or countries with a moratorium on the use of the death penalty; further restrictions on the use of the death penalty in retentionist countries and reductions in the numbers of executions; and to ensure EU minimum standards are met in countries which retain the death penalty.”

UK Foreign and Commonwealth Office “Death Penalty Strategy”, 2011¹⁴⁰

FIGURE 4: EXECUTIONS AND DEATH SENTENCES FOR DRUG OFFENCES IN IRAN AND PAKISTAN BETWEEN 1999 - 2014 (2014 numbers up to date at time of writing)

Year	Executions in Iran ¹⁴¹	Death Sentences in Pakistan ¹⁴²
1999	740	Data not Available
2000	14	Data not Available
2001	41	2
2002	25	Data not Available
2003	33	3
2004	29	2
2005	10	4
2006	47	4
2007	221	Data not Available
2008	155	14
2009	208	5
2010	590	12
2011	457	18
2012	347	4
2013	313	4
2014	123	1
Total	3353	73 on which data is available - 111 in total ¹⁴³

FIGURE 5: RECORDED ARRESTS OF EUROPEANS BY PAKISTAN'S ANTI-NARCOTICS FORCE (1998 – 2014) ¹⁴⁴

Country	Drug-related charges	Charges with death-eligible quantity
UK	62	55
Italy	2	1
France	1	1
Spain	7	7
Austria	3	3
Netherlands	7	2
Tot. Arrests	82	69

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