



BRIEFING FOR THE FOREIGN AFFAIRS COMMITTEE OF THE DANISH PARLIAMENT

PREVENTING DANISH COMPLICITY IN THE EXECUTION OF DRUG OFFENDERS IN PAKISTAN

Background

Reprieve is a London-based legal action charity which represents people at risk of execution all over the world, including a number of alleged drug offenders facing the death penalty in Pakistan.

As part of its work representing these individuals, Reprieve has extensively investigated the links between European counternarcotics aid and the death penalty for drug offences. In December 2014 Reprieve published the most comprehensive account ever compiled of how European counternarcotics aid enables capital convictions (see attached and available for download [here](#)).¹

Introduction

More than a hundred prisoners apprehended in drug arrests funded by Denmark are currently facing execution in Pakistan, following the country's decision to recommence hangings after a six-year death penalty moratorium.

Despite having withdrawn support for Iranian drug operations in 2013 on the basis that "*the donations are leading to executions*",ⁱⁱ the Danish Development Ministry has long justified maintaining the same aid to Pakistan on the basis that a moratorium remained in place.ⁱⁱⁱ

Now that this moratorium has collapsed, putting more than 8,000 condemned prisoners at risk of execution, the Ministry has refused to freeze counter-narcotics support - reneging on its previous commitments that "*the death penalty is unacceptable and not something we can be involved with*".^{iv}

In advance of the Foreign Affairs Committee's Open Consultation on this issue on Wednesday 28th January,^v this briefing sets out how Danish aid enables death sentences for drug offences; summarises the Danish Government's current position on this issue; and outlines the flawed assumptions which underpin the Development Ministry's refusal to make its aid conditional on an end to the death penalty for drug offences.

The death penalty for drug offences in Pakistan

In Pakistan, which has the largest death row in the world with more than eight thousand condemned prisoners, a death sentence may be imposed for possession of over one kilogram of drugs.^{vi} At least 112 people currently await execution having been convicted on drug charges.

A large proportion of drug offenders sentenced to death in Pakistan spend more than ten years on death row, 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.^{vii}

After the introduction of special measures to secure speedy prosecutions, Pakistani drug courts maintain a conviction rate of more than 92%. Proceedings fall well below basic standards of justice. Pakistan's Anti-Narcotics Force (ANF) lists the number of capital convictions it has enabled on its website under the heading "Prosecution Achievements",^{viii} and states in its annual report that "*bringing culprits to the task through effective prosecution in the courts remained priority of the command in 2013*".^{ix}

How Danish aid enables executions

REPRIEVE

Denmark has provided **well over 16 million krone**^x in multilateral counter-narcotics aid to Pakistan's ANF, and continues to fund programmes supporting a wide range of law enforcement activities, enabling aggressive anti-drug raids in which those arrested frequently face the death penalty.

Under a variety of such programmes, Denmark has contributed to intelligence sharing programmes and border collaboration initiatives between Pakistan and other states; provided specialist training to ANF officers; and provided resources including surveillance vehicles, night vision goggles, and drug detection dogs.

At present, the performance targets attached to such aid programmes often end up encouraging capital convictions. Specific indicators of success for UNODC projects of this nature include "*Number of arrests*",^{xi} "*Number of prosecutions and type of conviction*",^{xii} and "*Increase in drug seizures by ANF and Frontier Corps*".^{xiii}

Because Pakistani sentencing codes set out harsher punishments for larger seizures, a defendant's chances of being hanged increase significantly with the amount they are alleged to have been caught with.

Denmark's current policy

In April 2013 the Danish Development Ministry Denmark ended its financial support for counter-narcotics operations in Iran, explaining that "*the donations are leading to executions*" and calling the move "*a signal to Iran that the implementation of the death penalty is unacceptable and not something we can be involved with*".^{xiv}

At the same time Denmark agreed to keep giving the same kind of aid to Pakistan on the basis that the country was not actually carrying out executions. In January 2014, Denmark wrote to Reprieve explaining this position, arguing that its continued support was "*due to the Pakistani government's decision not to lift the moratorium on the death penalty*".^{xv}

Pakistani Prime Minister Nawaz Sharif announced in December 2014 that the country would resume executions immediately, and the country's Interior Minister pledged to hang 500 people in the weeks to follow.^{xvi} But despite having previously argued that Danish aid depended on the moratorium remaining in place, the Danish Government has thus far failed to freeze its support.^{xvii}

In a letter to Reprieve on the 16th January, the Danish Ministry of Foreign Affairs wrote to Reprieve saying it would maintain aid because: "*according to our information, the partial lifting of the Pakistani moratorium on execution of death sentences is aimed at terror related sentences and has hitherto not resulted in executions of convicted drug offenders*".^{xviii}

Why drug offenders are at risk of execution

Reprieve believes Denmark's assumption that drug offenders will not be executed is deeply flawed. When announcing the resumption of executions the Pakistani Government pledged to hang those convicted of "heinous crimes" as well as those convicted of terrorist offences - a category so broad that no alleged drug offender on Pakistan's death row can expect to be spared.^{xix}

There are serious questions as to whether Pakistani law actually allows the Government to limit executions to those convicted of terror charges while protecting other condemned prisoners. In January 2015 the Lahore High Court handed down a ruling suggesting such a policy could be discriminatory and unlawful.

REPRIEVE

Even if executions were confined to those convicted of terrorist offences, recent research from the Justice Project Pakistan suggests as many as 86% of so-called terrorists on Pakistan's death row were sentenced under sweeping and poorly-defined terror laws for crimes which bore no relation to terrorism - such as involuntary manslaughter.^{xx} Under such circumstances it is very likely that there are drug offenders among the 500 prisoners Pakistan has pledged to execute in the coming weeks.

Conclusion

Opposition to the death penalty is a cornerstone of Danish Foreign Policy, and Denmark's decisive action on behalf of Iranian prisoners in 2013 prompted many other European governments to follow its lead. It is Reprieve's hope that the Government will now show the same resolve in ending human rights abuses in Pakistani prisons.

By applying the same logic to Pakistan that it has to Iran, and making counter-narcotics counternarcotics programmes in Pakistan conditional on abolition of the death penalty for drug offences, Denmark can strike a major blow against the capital punishment and avoid complicity in scores of executions.

Denmark's continued funding and support for Pakistani counternarcotics initiatives provides it with an unrivalled opportunity to help Pakistan abolish the death penalty for drug offences – a step that would deliver on longstanding foreign policy objectives and give a jolt of momentum to similar efforts worldwide, and save hundreds of lives.

For further information please contact Dan Dolan at Reprieve on dan.dolan@reprieve.org.uk, or on 00447771374925/00442075538147.

References

ⁱ <http://www.reprieve.org.uk/case-study/safe/>

ⁱⁱ <http://cphpost.dk/news/denmark-ends-iranian-drug-crime-support.4898.html>

ⁱⁱⁱ Letter dated 3 January 2014 from the Danish MFA's Department for Asia, Latin America and Oceania – copy held on file at Reprieve

^{iv} <http://cphpost.dk/news/denmark-ends-iranian-drug-crime-support.4898.html>

^v http://www.ft.dk/Folketinget/udvalg_delegationer_kommissioner/Udvalg/Udenrigsudvalget/Nyheder/2015/01/28%2001%202015%20Abent%20samrad%20om%20henrettelse%20af%20narkosm%2020150128_131500%201208801%201209997.aspx

^{vi} Section 9C, Control of Narcotic Substances Act 1997, <http://fmu.gov.pk>

^{vii} European Court of Human Rights. Judgment in the case of Soering v United Kingdom 161 Eur. Ct. H.R. (ser. A) (1989). [Online] Available here: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57619#{"itemid":"001-57619"}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57619#{); see also Human Rights Commission of Pakistan *Slow March To The Gallows: Death Penalty In Pakistan* [Online] Available here:

<http://www.fidh.org/IMG/pdf/Pakistan464angconjointpdm.pdf> [last accessed 1 September 2014]

^{viii} ANF, 2013. *Prosecution Achievements* [Online] Available at: <<http://www.anf.gov.pk/prosecution.php>> [Accessed 14 August 2014]

^{ix} Anti Narcotics Force, 2013. *2013-Best Year Ever in History of ANF* [PDF] Available at: http://www.anf.gov.pk/content/2013_Best_Year.pdf [Accessed 14 August 2014]

^x See total of UNODC projects. - PAKU83: \$1,429,339 + PAK147: \$362,000 + PAKH07: \$1,105,615 UNDOC, ADAM, Filtered Projects (Pakistan/ Denmark) [Online] Available at: <https://www.paris-pact.net/execute.php?action=projects_browse> [Accessed 27 August 2014] Restricted Access

^{xi} UNODC. *ADAM PAKU83* [Online] Available at : <https://www.paris-pact.net/execute.php?action=projects_profile&project_id> [Accessed 14 August 2014] Restricted Access

^{xii} UNODC. *ADAM PAKU83* [Online] Available at : <https://www.paris-pact.net/execute.php?action=projects_profile&project_id> [Accessed 14 August 2014] Restricted Access

^{xiii} UNODC. *ADAM PAKH07* [Online] Available at : <https://www.paris-pact.net/execute.php?action=projects_profile&project_id> [Accessed 14 August 2014] Restricted Access

^{xiv} <http://cphpost.dk/news/denmark-ends-iranian-drug-crime-support.4898.html>

^{xv} Letter dated 3 January 2014 from the Danish MFA's Department for Asia, Latin America and Oceania – copy held on file at Reprieve

^{xvi} <http://tribune.com.pk/story/810519/500-convicts-to-be-hanged-in-coming-weeks-nisar/>

^{xvii} <http://politiken.dk/udland/ECE2493146/kritik-danmark-hjaelper-pakistan-med-henrettelser/>

^{xviii} Letter dated 17 January 2015 from the Danish MFA's Department for Asia, Latin America and Oceania – copy held on file at Reprieve

^{xix} <http://www.globalpost.com/dispatch/news/xinhua-news-agency/141219/pakistan-army-chief-signs-death-warrants-six-convicts>

^{xx} http://www.jpp.org.pk/upload/Terror%20on%20Death%20Row/2014_12_15_PUB%20WEP%20Terrorism%20Report.pdf