

23 SEP 2014

Yury Fedotov
Executive Director

22 August 2014

Dear Sirs/Madam,

I am writing in response to your letter of 10 June, 2014, addressed to the Secretary-General, in respect of UNODC's programmes of assistance for drug enforcement in varying countries, and raising specific concerns regarding the imposition of the death penalty for drug offences by certain governments. I wish to explain to you our stand on the important issues raised in your letter.

The use of capital punishment, sentencing policies, and the treatment of offenders in general, are criminal justice issues falling under UNODC's mandate to assist Member States in implementing the relevant UN standards and norms, which promote human rights within the criminal justice system and provide the foundation for all of UNODC's work.

UNODC, as part of the UN Secretariat, advocates for the abolition of the death penalty and calls upon Member States to follow UN standards and norms and to respect international human rights principles. I have repeatedly made this position clear, both publicly in my statements, and in the context of my private bilateral discussions at the highest level with relevant governments. I was gratified when the International Narcotics Control Board also recently restated its encouragement to Member States to consider abolishing the death penalty for drug-related offences that are not considered "the most serious crimes".

In furtherance of UN policies, UNODC developed specific guidance to ensure that human rights are taken properly into account in the implementation of technical cooperation programmes in the field, namely the Human Rights Guidance Note 2011. The Guidance Note covers all of UNODC's work and contains instructions for full inclusion of human rights in the programming process from planning to implementation on through to evaluation.

The Guidance Note has been supplemented with initiatives and tools ensuring its full implementation, including a human rights planning tool, and a risk assessment tool just launched for use in the planning and development of all new UNODC country and regional programmes. Moreover, UNODC is now developing an on-line training manual on human rights for its entire staff which will, *inter alia*, address the issue of the death penalty and the special challenges it poses for UNODC's work.

Mr. Philippe Bolopion, United Nations Director, Human Rights Watch
Mr. Rick Lines, Executive Director, Harm Reduction International
Mr. Mahmood Amiry-Moghaddam, Executive Director, Iran Human Rights
Mr. Clive Stafford Smith, Director, Reprieve
Ms. Florence Bellivier, President, World Coalition against Death Penalty
Mr. Raphael Chenuil, Executive Director, Ensemble contre la peine de mort

Making the world safer from drugs, crime and terrorism

Human rights risk assessments are a central part of human rights based approach to programming. The newly launched tool looks at human rights concerns across the spectrum of UNODC activities and requires a human rights assessment for any non-UN security forces supported by a UNODC programme. Human rights risk assessments, together with appropriate mitigatory and monitoring measures, are crucial for implementing the Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces (HRDDP).

Human rights are now a main topic of inquiry in design and implementation of all in-depth corporate evaluation exercises. All our guidance materials and normative evaluation tools are being revised in light of human rights and gender mainstreaming to comply with the high standards set by the United Nations Evaluation Group. UNODC has designed all of these tools and initiatives to address specific human rights concerns, particularly those that have been channeled through the UN Human Rights Review and Monitoring Mechanisms, including the Human Rights Council's Universal Periodic Review and the obligation of States Parties to report periodically to the human rights treaty bodies. The application of UNODC tools we believe will lead to an enhanced programmatic response to the recommendations formulated by these mechanisms

Unfortunately, some of the countries with which UN agencies work continue to apply death penalty. The issues raised in your letter are of serious concern for all UN agencies, and by their nature of particular concern for UNODC, which has received mandates to work in these areas.

VIETNAM:

UNODC's Country Programme prioritizes drug prevention and treatment and HIV/AIDs. The focus is on moving from compulsory detention centers to evidence-based and ethical treatment services in the community to build capacities to promote and protect human rights, and we can be happy with the progress achieved in this area.

UNODC's assistance to drug law enforcement entities in Viet Nam through our Country Programme has been marginal. The funding allocated to the Vietnam Country Strategy 2012-2017 supporting law enforcement, to date, is less than 80,000 USD and none of this funding has been provided to authorities responsible for the arrests and convictions referred to in your letter. It must be further recalled that UNODC in Vietnam is not involved in direct law enforcement operations, which is the prerogative of national law enforcement agencies.

In respect of "the sentencing to death in one day of thirty people, all for drug offenses, in Vietnam" referring to a large-scale law enforcement operation leading to the trial held in Quang Ninh province earlier this year, we have no information on whether border liaison officers were involved in this operation. However, UNODC support to Quang Ninh province came only many years earlier, in 2001, with the donation by UNODC to the province of office equipment, binoculars, walkie-talkies, mobile phones, and a car and motorbikes.

Training courses for law enforcement officers at the borders of Vietnam have been provided under our Regional Programme through project PATROL. Since 2010, the mandates of border liaison offices (BLOs) in Vietnam have been expanded from drug trafficking to all forms of serious transnational organized crime including human trafficking, smuggling of migrants and the illegal trade in wildlife, timber and ozone depleting substances. Ninety officials from police, customs, border army and forestry administration received training on anti-smuggling techniques

mainly related to human trafficking and wildlife trafficking. Trainees were exposed to international best practices on cross border cooperation among law enforcement agencies. All presentations provided by PATROL trainers included international principles of human rights protection. These presentations were developed in 2012, with the help of UNHCHR, which provided relevant and useful information. An important portion of the course is spent in discussing with trainees the importance of treating suspects, witnesses and victims with dignity, respect, tolerance, non-violence and non-discrimination. The actual operational skills taught to the trainees – such as pro-active investigation techniques, internet-based investigations, telephone analysis, car search, surveillance techniques and interviewing best practices – are meant to increase capacity to effectively assist potential victims of human trafficking and/or smuggled migrants. The approximate cost for each of the four training courses was USD 25,000.

All of the training activities conducted under PATROL in Vietnam have taken place in the southern part of Vietnam, at the border with Cambodia. No training course has been organized yet in Quang Ninh Province. However, the PATROL project expects to be extending its technical assistance also to the borders with Lao PDR and China. The 3 BLOs along the border with China will receive equipment in September 2014, including computers, cameras, radios, printers, and voice recorders. Training courses and material on anti-smuggling techniques will be provided at the border with China by the end of 2014. These courses will contain key principles related to ensuring the protection of human rights principles in the law enforcement environment.

UNODC has in addition continued to address the issue of death penalty in Vietnam jointly with other UN agencies under the One UN framework, through improving the quality of the justice system in the direction of UN standards and norms, including the creation of a legal framework to increase the fairness of criminal proceedings and reduce the number and categories of capital crimes. In response to NGO comments concerning indicators in the Vietnam Country Programme related to drug traffickers, we have suggested to the Government that these be changed. The recent Universal Periodic Review provided specific recommendations for Vietnam, including on the death penalty. Vietnam has accepted 182 out of 227 UPR recommendations. The Government confirmed it would consider reduction of capital punishment for economic and drug related offences and will ratify the Convention against Torture. The Government has also agreed to:

- improve the legal and judicial systems and national mechanisms on human rights;
- enhance education and awareness of human rights and building capacity of law enforcement in this regard; and
- participate in international human rights conventions, "observing obligations as provided in international conventions, guaranteeing rights of vulnerable groups".

UNODC, as part of the One UN in Vietnam, stands ready to continue supporting the Government in moving to a human rights-based Criminal Justice system.

IRAN:

UNODC's engagement in Iran likewise is different than as described in your letter. UNODC's Country Programme prioritizes drug demand reduction, prevention and treatment, and HIV/AIDs; and crime, justice and corruption, budgeted at USD 8 million. We also provide USD 5.5 million in assistance in the area of illicit trafficking and border management. In respect of

drug demand reduction, prevention and HIV/AIDs, our work under the Country Programme 2011-2014 provided the following assistance, inter alia:

- Innovative drug prevention measures through development of packages for target groups, with particular emphasis on vulnerable groups like youth, women and street children.
- Training manuals on the treatment of children and adolescents, psychosocial services to women drug users, and treatment of Amphetamine Type Stimulants (ATS) use.
- Needs assessments related to reducing harms of ATS use and to women drug users.
- Increased access to HIV prevention, treatment and care services for prisoners, drug users and their sexual partners, and improved care for HIV-positive drug users.
- Community awareness-raising on drug and HIV prevention, and HIV and stigma.
- Empowerment and capacity-building of local NGOs providing drug demand and harm reduction services.

With UNODC assistance, Iran has put in place good practices on drug prevention and treatment as well as HIV prevention, including in prison settings. All of these are in furtherance of the UN's commitment to a health-based and human right-centered response to drug abuse and HIV, and to criminal justice systems operated in accordance with UN Standards and Norms.

In respect of assistance in the area of illicit trafficking and border management, examples of our work with Iran include, inter alia:

- Support to establishment of Customs and Prisons drug detecting dogs units.
- Procurement of five sets of fiberscopes (search kits), to inspect cavities and hard access areas where caches of narcotics or other contraband could be placed.
- Enhancement of the drug-related intelligence analysis capacities.
- Engaged four Iranian drug laboratories in the International Collaborative Exercise (ICE).
- In tandem with the Regional Programme for Afghanistan and Neighbouring Countries (RP), reinforcing the overall strategy and contributing to its outcomes.
- Promoting regional and sub-regional partnership between the Iranian counter-narcotics authorities and Afghanistan and Pakistan counterparts within the framework of the Triangular Initiative (TI).

In implementing UNODC's activities under Iran Country Programme 2011-2014, we promoted international standards and norms, and best practices including specifically human rights. For example, intelligence training organized by UNODC Iran for the Anti Narcotics Police (ANP) officers in 2013 had special emphasis on human rights in police investigation work. In the areas of transnational organized crime and countering the financing of terrorism, all the workshops, seminars and training organized by UNODC included a session on capital and corporal punishments as impediments to international cooperation in legal and law enforcement matters.

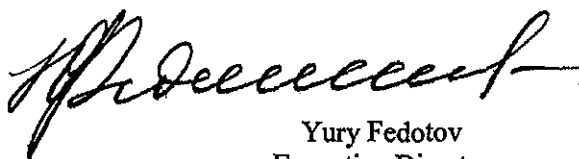
Furthermore, Iran's use of capital punishment for drug-related crimes has been the subject of many high-level discussions between myself and Iranian counterparts. In that context, I have expressed UNODC's concern over the use of capital punishment for drug-trafficking crimes, reiterated UNODC's calls for more transparency on the part of the national authorities, and for sharing data and information on the use of capital punishment for drug-related offences in Iran. I have also reminded Iranian counterparts of the serious concerns of the international donor community and international NGOs and human rights organizations on the application of capital punishment against drug offenders.

The UNODC Representative in Iran continues to raise concerns on the use of capital punishment against drug offenders with counterparts including Drug Control Headquarters (DCHQ) and the Ministry of Foreign Affairs. UNODC continues to advocate with the Mini-Dublin Group (MDG) in Tehran, and other possible donors, to maintain their support to the Organization's drug control activities, which represent an opportunity for engagement and dialogue in this area of common interest.

Since your last letter on this subject, there has been progress in UNODC's work in this area (including workshops on alternatives to imprisonment and access to legal aid) and we are now in the process of developing a justice sector reform programme. The international community, mainly the MDG/EU countries, has been informed of UNODC's plans to continue raising the issue of capital punishment and calling for a moratorium, with a view to complete abolition. UNODC Iran is also working to better mainstream human rights in all technical cooperation activities in country, based on the Human Rights Due Diligence Policy (HRDDP) and the UNODC 2012 Guidance Note on the Promotion and Protection of Human Rights.

In the wake of all this activity by UNODC and many other concerned interlocutors, I have been gratified by the recent public statements by high level Iranian officials that are showing potentially favorable developments regarding the application of the death penalty in relation to drug traffickers in Iran. Minister Fazli made a public statement during the event commemorating the International Day against Drug Abuse and Illicit Trafficking that the death penalty was only to be applied in serious cases that involved armed terrorists who were not only guilty of drug trafficking, but also murder and sometimes rape. The Public Prosecutor General has also made a public call to review the wisdom of the application of capital punishment for drug traffickers.

UNODC's continued engagement and dialogue with these countries has allowed it to work for the promotion of UN standards and norms, and best practices, including international human rights, in accordance with the mission of the United Nations. The Secretary-General's Human Rights Due Diligence Policy emphasizes engagement and prevention, including through training of criminal justice actors on human rights issues, rather than on withdrawal of assistance altogether. In the spirit of this policy, UNODC will continue to engage with countries with a view to addressing the concerns raised in your letter.



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