

Afternoon Session I,  
Tue., October 12, 1982

INDIA  
Mr. Singh

## PRESENTATION

This is India situated very strategically from the drug point of view, since on the east we have Burma, which is one angle of the Golden Triangle, if I may say so, and on the west we have a large common frontier with Pakistan, which is one of the three regions constituting what is popularly known as the Golden Crescent Country.

Therefore, India cannot help escaping becoming a transit country for drugs because of its location between two very important regions involved in the drug situation.

The political system is based on the parliamentary democracy such as you have in the United Kingdom. We have universal adult franchise, that is every adult over and above the age of 21, man or woman, has one vote. There were about 160 million voters in the last election. You will understand that once 160 million people voting freely exert very strong political, social and economic pressure on the government. It is not easy for the government only to look upon any aspect through one angle with narcotic drugs.

The law enforcement officers may put up a proposal for banning the cultivation of opium, but 160 million people who are voting, their views have to be taken into account.

This aspect is very important and conditions all our policies in India. Even if there are a few lakhs of people who are affected, it may not be such a problem for us because when we have such a large population it really has to affect many millions for it to make the government change its position. We always take this into account when a great number is affected and, therefore, a few thousand are of no consequence in India. Anything that affects a few lakhs may not be of much importance to us.

Our administrative system in India, we are a federal state. We call ourselves a unity state with a federal bias. It's a federal state with a federal government in New Delhi, and a federal police. Twenty-two state governments have their own police forces, so there are 22 police forces plus the federal police. I belong to the Police Service, and we go to both the police forces.

Entry and exit points, we have six international airport, we have three international ports and we have a common road border for customs check and entry with Pakistan and Nepal. We do not require any passport or visa to enter, and that is mutual with Nepal.

In strictly Indian conditions, many of the smugglers depend on this illegal act for their entire livelihood. Yet, the factory proprietor, who receives morphine from the Government factory for manufacture of injections, diverts it instead into the illicit market, or the businessman with an "export and import" setup who starts concealing the drug in his consignments, are prime examples of the white collar criminals in India. On a lesser scale, we have collared educated executives, having respectable jobs and a happy family at home, willingly becoming carriers in order to earn a fast buck, and they are yet another example of this tribe. The main motivating factor for such criminals appears to be greed and avarice.

### Drug Policy of the Government of India

India has been a traditional cultivator of poppy, and the first recorded instance of its growing dates back to the 15th Century. The British Government during their rule in India

first brought the entire opium trade under the control of the State which, with a few modifications, has remained the sole monopoly of the Government. With the advent of independence in 1947 and the promulgation of a Constitution for the Republic of India in 1950, the Government of India first set up the National Bureau of Narcotics to co-ordinate the enforcement of the Opium Laws throughout the country.

India is a signatory to all the international conventions in narcotics and has taken many steps to prohibit the circulation of narcotic drugs. The first step was taken at the All India Opium Conference in 1949, which decided that the consumption of opium for other than medical and scientific purposes should be prohibited in the country by 1959. The decision was further reiterated by two more All India Conferences in 1956 and 1959, resulting in the complete prohibition of the consumption of opium for non-medical purposes in the entire country with effect from 1959 barring, however, consumption of a small quantity by registered addicts on medical grounds.

It may be mentioned that as against 150 tons of opium issued for oral consumption in 1950, it has now come down to one ton only and, correspondingly, the registered addicts have decreased from a peak figure of 200,000 in 1956 to 47,000 persons by the end of 1979. In fact it is significant to point out that opium as a drug of abuse has lost its appeal to the new generation.

The Government of India's policy in regard to the cultivation of poppy is guided by our international obligations to restrict production of opium to the quantity actually required for domestic use and for export for medical and scientific purposes. At present, cultivation of poppy is confined to the traditional poppy growing areas in the contiguous regions of Uttar Pradesh, Madhya Pradesh and Rajasthan, where yield is maximum and proper control over its production is easier to exercise.

The cultivation of poppy in the regional areas mentioned above is based on a licensing policy that aims at eliminating the inefficient cultivators by giving financial incentives for a higher yield of the crop per hectare. The following chart will illustrate the incentive price mechanism used to encourage greater yield per hectare. I may mention that 10 Indian rupees are equivalent to 1 U.S. dollar.

<u>Sr. No.</u>	<u>Yield per hectare</u>	<u>Rate for the year, 1980-81 per kg</u>
1	60 kg or more	Rs.300/-
2	45 kg to 59 kg	Rs.280/-
3	30 kg to 44 kg	Rs.240/-
4	Less than 30 kg	Rs.130/-

Thus success of this policy is reflected in the continuous increase in the number of cultivators capable of growing higher yields per hectare. For instance, the number of cultivators tendering a yield of less than 30 kg declined from 45% in 1977-78 to 35% in 1978-79, and to 25% in 1979-80. At the same time, the number tendering yields between 30-35 kg increased from 19% in 1977-78 to about 25.5% in 1978-79 and 28% in 1979-80. In the 35-45% kg group the number of cultivators increased from 23% in 1977-78 to 28.5% in 1978-79 and 33% in 1979-80.

The licensing principles aim at eliminating undesirable cultivators and unproductive tracts by progressively stepping up the minimum yield for qualifying for the grant of a license from the government. For instance, a decision was taken to raise the qualifying yield for a

license from 25 kg per hectare to 28 kg per hectare for the crop season 1981-82. A proposal to further increase the qualifying yield to 30 kg for the crop year 1982-83 is also under consideration.

This policy is in keeping with India's obligation to the world community to progressively reduce the area under poppy cultivation. As a result of our efforts, the area under poppy cultivation and the number of licensed cultivators have shown a downward trend, as is evident from the undermentioned chart. You can study the chart. Both in terms of cultivation and the number of cultivators, there has been a reduction.

<u>Sr. No.</u>	<u>Year</u>	<u>Area under cultivation (hectares)</u>	<u>% Reduction in area</u>	<u>No. of cultivators</u>
1	1977-78	64,850		245,161
2	1978-79	57,000	12.1%	216,205
3	1979-80	44,000	22.8%	172,203
4	1980-81	35,000	20.4%	182,262

However, in spite of the reduction in the area of cultivation—and though India continues to be the only supplier of the opium for the licit world requirements—there has been a sea change during the last three to four years in the relative roles of poppy straw and opium. Since alternative raw materials for the manufacture of alkaloids are available, there has been very stiff competition in the international market. There has been a crash in the price of opiates and also an inordinate stock-piling of unsold opium in India. The following chart will show the stock position of opium in metric tons as on 1st April. You can see that in 1980-81 we have reached a high point with 1,721 metric tons of opium which are in the factories lying unsold.

<u>Sr. No.</u>	<u>Year</u>	<u>Stock in M.T.</u>
1	1977-78	160
2	1978-79	816
3	1979-80	1,325
4	1980-81	1,721

In order to devise ways to reduce the accumulated stocks, the Indian Delegation to the United Nations Commission on Narcotic Drugs has tried to focus the attention of the world community on the problems of the traditional suppliers like India and to appeal to the newcomers in the field to curtail domestic production in order to help the traditional suppliers to overcome their difficulties created by the overproduction of opiate raw materials. In fact, at the 29th Session of the United Nations Commission on Narcotic Drugs held in February, 1981, the Indian Delegation got a resolution passed which identifies India and Turkey as the traditional and established producers of opium and narcotic drugs for export, and as such entitled to support from all importing countries.

Further, on the suggestion of the Indian Delegation under the Five-Year Programme of Action for 1982-86, the Commission approved the project for setting up an expert group to study the feasibility of the creation of an international buffer stock for transfer of these stocks

to the manufacturers' stocks or to the stocks of consuming countries so as to improve the management of accumulated stocks that have built up at the traditional supplier countries.

Secondly, as already shown, the area under poppy cultivation has been progressively reduced. More drastic reduction in the area under cultivation and the number of licensed cultivators cannot be considered as means to reduce the accumulated stock of opiates as this will lead to "socio-economic" problems and affect the livelihood of many persons engaged in the licit cultivation of poppy.

#### **Cannabis**

In India the cultivation of cannabis plant for the production of ganja (Flowering and fruiting top of cannabis) is permitted by law in three states of Madhya Pradesh, Orissa and West Bengal. The production, possession, transport and use of cannabis resin (charas/hashish) is prohibited since long. The cultivation of the cannabis plant for the production of ganja is subject to licensing. The license specifies the plots on which such cultivation is permitted, and the cultivators are required to deliver their entire crop of ganja to a Government agency, immediately after the harvest, and payment is made to them after completion of weighment.

The limit for legal possession by an individual has been fixed at 23 gm of ganja. However, it is intended to prohibit the non-medical use of ganja as early as possible, but not later than the deadline of 1989. The concerned State Governments have been requested to progressively reduce the area under cultivation of ganja. The total area under ganja cultivation in the year 1980 was 287 hectares with 272 licensed farmers who together harvested 245,162 kg of the drug.

#### **Coca leaf**

There is no cultivation of coca bush in India and nor had any wild growth of the plant come to the notice of the Government during the period under review.

#### **I. The Current Situation of Drug Cases**

During the year 1981 and 1982, a number of important cases were registered by the enforcement agencies in India. However, most of these cases are either under investigation of sub-judice in various courts of law and, therefore, it is not possible to discuss them in any forum. However, in the following cases, which were registered by the Central Bureau of Investigation, and in which the trials have been completed and sentences awarded, the details are discussed.

On receipt of an information, the Narcotics Branch of the CBI arrested one Mr. Lal Biak Sanga and Miss Rosangi of Mizoram State in India, which is on the eastern extremity bordering Burma, on 9.9.81 in New Delhi. Their personal search near a five-star hotel revealed them to be in possession of 500 gms of heroin powder each. Both these offenders had brought the contraband with a view to sell it to foreigners staying in the Maurya Sheraton Hotel (five-star hotel), but their timely interception thwarted their aims. Two cases were registered in the court of the Metropolitan Magistrate, New Delhi. After a short trial, Mr. Lal Biak Sanga was sentenced to rigorous imprisonment for three years with a fine of Rs.1,000/-, while Miss Rosangi was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- only. The appeals filed by both the accused persons in the Sessions Court were rejected. The source of this contraband as revealed by Mr. Sanga was one Chandar Singh of Imphal (Manipur State of India) who in turn appears to have smuggled it into India from Burma via Moreah and given it to the accused persons at Calcutta. However, since Chandar Singh could not be traced, this information could not be verified. Investigations further revealed that Mr. Sanga had in the year 1977 been arrested in the U.S.A. for possession of

1.250 kg of heroin and had undergone a sentence of three years rigorous imprisonment.

On 26.2.82, the officers of the Narcotics Branch of the CBI arrested three Afghan nationals and one Australian national, in Safdarjang Enclave area of New Delhi, which is a residential colony, and recovered a quantity of 985 gms of heroin powder in all from their possession. Four cases were registered under Section 14 of the Dangerous Drugs Act, out of which RC 4/82 against Abdul Ghani and RC 5/82 against Shir Ahmed, both Afghan nationals, the trials have been completed and both sentenced to undergo R.I. for nine months and to pay a fine of Rs.2,000/- each.

The cases against the other two foreigners, one of whom is an Afghan national and the other an Australian, are pending trial and therefore sub-judice. Interrogation of the accused persons revealed that the Afghan nationals arrested in this case had allegedly bought the heroin from one Habibullah, another Afghan national also staying in Delhi. However, this Habibullah could not be traced.

On 9.6.82 the Customs authorities at Palam Airport, New Delhi, intercepted one Rayappu Arokianathar, a resident of Sri Lanka, who was found in possession of 3 kg of contraband hashish, concealed in his baggage. This accused had arrived at Palam Airport from Lahore, which is in Pakistan, by Indian Airlines Flight No. IC 432. His interrogation revealed that he had obtained the contraband hashish from one Shri Dev Das, a national of Sri Lanka, who was staying in Hotel Alarison in Lahore. The supplier Dev Das had further informed the accused that he would be coming to India on 14.6.82 and would be contacting him at a hotel in New Delhi. However, even though surveillance was mounted from 12.6.82 to 15.6.82, the supplier Dev Das, who was the alleged source of the contraband, did not make his appearance in Delhi.

Since this case had international ramifications, it was transferred to the Central Bureau of Investigation for further investigations. The case was charge-sheeted and tried under Section 13 of the Dangerous Drugs Act r/w Section 61, Punjab Excise Act, resulting in the conviction of the accused to nine months R.I. with a fine of Rs.3,000/-.

## II. Drug Control Structure

There are three agencies in India responsible mainly for enforcing the Federal Laws against illicit trafficking in drugs. These are:

1. Central Bureau of Narcotics
2. Central Bureau of Investigation
3. Directorate of Revenue Intelligence

The Narcotics Commissioner of India is responsible for co-ordination and exchange of information at the national level in terms of Article 17 of the Single Convention on Narcotic Drugs, 1961.

The CBI, as the premier investigating agency of the Government of India, enforces the Federal Laws and takes up the investigation of narcotic offences on a selective basis which are referred to it by the Central and State agencies. The Central Bureau of Investigation also independently collects intelligence and registers cases pertaining to narcotic offences having inter-state and international ramifications.

It is also the National Crime Bureau (Interpol) in India, and this helps to fight international crime in drugs apart from assisting the other enforcement agencies in India and those of foreign countries, through the timely dissemination of intelligence and co-operation in conducting enquiries and investigations in our country.

The Directorate of Revenue Intelligence is basically responsible for conducting anti-smuggling measures against the import and export of the drugs into and out of the country. The main functions of the Directorate of Revenue Intelligence are to advise the Federal

Government on the measures to be taken to combat smuggling of all types, including that of drugs, to collect and disseminate intelligence against smuggling and to take action against important gangs.

The Directorate is headed by a Director with its headquarters in New Delhi, having zonal offices at Calcutta, Bombay, Madras, Delhi, Surat and Bangalore. The zonal offices are each headed by a Deputy Director. In addition, the Directorate has sub-units at Amritsar, Lucknow and Patna, each headed by an Assistant Director. There are also intelligence cells manned by an Intelligence Officer at the sensitive places along the Indo-Nepal, Indo-Bangladesh and Indo-Burma borders to monitor anti-smuggling measures throughout the country.

The basic law promulgated to control trafficking in narcotic drugs is the Dangerous Drug Act of 1930, which is a Federal Law vesting the Federal agencies with control over certain operations relating to "Dangerous Drugs" and for taking penal action against the offenders. The Dangerous Drugs Act deals primarily with opium, coca plant and cannabis and their derivatives. This act renders all persons indulging in cultivation, manufacture, possession, transport, sale, import and export from and into India, liable to a term of imprisonment which may vary to three years in the case of a first offender and four years if he repeats the offence.

However, the Government of India has realized that narcotic offences have become a major threat to an orderly society and, in accordance with the amending Protocol to the Geneva Convention, is proposing to introduce a new legislation called the Dangerous Drugs and Psychotropic Substances Act which has provisions for increased penalties for the drug offenders.

In addition to the Dangerous Drugs Act, the drug offender involved in the illegal export and import of cannabis, opium and coca and their derivatives, can be dealt with under the Customs Act 1962 in which the penalty is up to seven years imprisonment and a fine.

Another weapon available to the enforcement agencies is the new Act called the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1964, which goes by the acronym of COFEPOSA, which was enacted primarily to take action against the organizers and financiers of the smuggling racket, who have been clever enough to take advantage of the loopholes in the law to escape being caught or prosecuted. Under this Act, the Central and State Governments can issue orders for the preventive detection of smugglers, including those indulging in narcotic drugs, or are the financiers and the organizers of this illicit trade, without trial for one year even if the evidence is not strong enough for their prosecution in a court of law.

There is another Special Act known as the Opium Act which was enacted in 1878, which deals primarily with the law against the opium offenders. The operative portions of the Dangerous Drugs Act, 1930 and the Opium Act are given at Paras V.

### III. Drug Problems to be tackled

The problem of enforcing of the Federal Drug Laws is not very easy if we consider the fact that India has an international land border of 15,200 km bordering on Bangladesh, Nepal, Burma, Bhutan, Pakistan and China, and with a coastline of 6,083 km. It would be appreciated that it is almost next to impossible to completely seal off the land frontiers of India as a means to stop the illegal export and import of drugs into and out of the country. Moreover, added to this is the nature of the terrain and the close affinities of the population inhabiting the land frontiers. While, on the one hand, we have the mountainous and jungle frontier with Burma and Nepal, with convenient routes for the narcotic smugglers, there is the vast desert frontier in the Rajasthan sector of India bordering with Pakistan, which is sparsely populated and difficult to police.

Even though the enforcement agencies have been making several important seizures of

heroin and other drugs, India continues to be used as a transit country for the illegal export of drugs to third countries.

However, India does not have the problem of organized crime syndicates on the same level that exist in some of the other countries. But there have been stray instances of Indians settled abroad having successfully established a pipeline for the smuggling of narcotic drugs from India to Canada, U.K. and the U.S.A. The majority of these persons were involved in hashish smuggling, though recently we have notified a large consignment of heroin of the Golden Triangle and Golden Crescent origin being smuggled to the U.K., Canada and the U.S.A. by persons of Indian origin.

In the early seventies, India was faced with the problem of a large influx of hippies from the western countries, who congregated in places like Goa on the western coast and in Varanasi in Uttar Pradesh, which is a religious center, and became the chief consumers of drugs. The congregation of such large numbers of foreigners at these places was exploited by the drug smugglers who found it convenient to sue them as carriers of drugs as well as consumers on a small scale. Therefore, the Indian enforcement agencies have to keep an eye on the activities of these foreigners without in any way inconveniencing the bona fide tourists and travellers.

As statistics would show, heroin appears to be becoming more and more a drug of abuse in India. Some of the recent seizures, moreover, point to the fact that in view of the high price of heroin in the international market, more and more smugglers are switching over to this drug. This calls for greater vigilance on the part of enforcement agencies not only in India but also elsewhere, since India is also being used as a transit country for the illegal export of this drug to third countries.

Another problem that India is going to face more and more in times to come pertains to Mandrax tablets, which is the brand name which is actually Methaqualone. In 1981, 68.5 kg of Mandrax tablets were seized in the country, whereas in 1979 and 1980 28.1 and 78.5 kg, respectively, had been seized. An analysis of the seizures and intelligence reports indicate that a big syndicate is in existence which is responsible for the smuggling of Mandrax tablets out of India to South African destinations. However, the Indian enforcement agencies, especially the Central Bureau of Investigation, is seized of this matter and an exercise is underway to find out ways and means of combating the illegal export of Mandrax tablets. It needs to be stressed that the manufacture of Mandrax tablets for medical consumption is allowed in India.

#### IV. Statistics of Drug Crimes Including the Number of Arrests and Quantity Seized in 1981 and 1982 (Up to 30.6.82)

The largest number of arrests for the violation of the Drug Laws pertains to opium, followed by hashish, morphine and ganja, in that order, for the year 1981. For the year 1982, the list up to 30.6.82, opium continues to have the largest number of arrests, followed by ganja, hashish and heroin.

The following is a comparative statement showing the number of arrests for various drugs during the year 1981-82.

<u>Sr. No.</u>	<u>Drug</u>	<u>No. of arrested, 1981</u>	<u>No. of arrested, 1982</u>
1	Opium	700	260
2	Morphine	53	9
3	Heroin	17	31
4	Cocaine	6	1
5	Ganja	53	91

6	Hashish	371	52
7	Mandrax (Methaqualone)	5	4

After that there are the various laws. I will not go through them. The basic thing is that they are not very harsh, and maximum punishment is for the first offender three years only, and if he repeats it is four years, with or without fine. There is no difference being made for a drug addict, a pusher, a consumer, smuggler or a manufacturer, which I think is a weak point, but these Acts were drafted in 1930. During the British rule we did not have much of a drug problem. The Opium Act was enacted in 1878, and you can understand the complete change that occurred in those centuries, so we hope that the new Act under consideration will come into force soon.

The only other important aspect before you can ask questions is the chart showing the procedures we adopt. We have two aspects in our cases known as "cognizable" and "non-cognizable" cases. A cognizable case is that case in which the police can arrest a person without a warrant from any court of law, and all the drug violations are cognizable offences. Therefore, the police have powers to arrest any person and conduct search of the premises without obtaining any warrant from the concerned Magistrate. But you can still, for the sake of safety, just to be on the safe side, also obtain a warrant. But basically we never obtain that warrant. We go directly.

Please turn to Annexure C. You will notice that when they arrest a person, we can keep him in police custody for 24 hours, after which we have to produce him before the nearest Magistrate, and for 24 hours, exclusive of the journey time from the police station to the court. When he is produced before the Magistrate, we will normally ask for further police remand in order to complete our investigation or carrying out interrogations and for obtaining other clues. It is at the discussion of the Magistrate whether to grant our request or not. He can also reject it, in which case we have to surrender him, but normally they don't, and we can get a police remand up to a maximum period of 15 days, after which he has to go back to the court and into judicial custody. When we arrest a person for those 24 hours, we have also got the power to release him on bail, but in actual practice we don't, but the legal provision is there because sometimes he is only a consumer, and we may not feel it convenient to hold on to him after he cooperates.

Secondly, when he goes to jail custody after those 15 days with us, he can move the court at various levels for coming out of jail and the courts can release him on bail with proper surities.

On the other hand, we can search any premise without warrant, and whenever we seize anything we prepare a memo, seizure memo, and give one copy to the person in whose premises we have made the seizure, and if any narcotics is found he is placed under arrest with the same procedure of producing evidence within 24 hours.

Like the law in the United Kingdom, there is no time limit for us to complete our investigation. We can take one year, two years, as the case may be, but within 60 days if we do not charge sheet him, then he is in judicial custody and he will be released. He will only be released, but the case continues. That is he can be kept confined for 60 days, and if we do not present a prosecution report, they will release him again on bail, so the case is still there.

On conviction, the accused can file an appeal to the next higher court.

Now, what happens if he is a first offender? There also we have two aspects. One is the Probation of Offenders Act by which he does not go to jail and he is watched for two years for the probation period, and he is supervised by the Probation Department.

Secondly, he can also be released from probation on good conduct after giving him due



**ANNEXURE 'C'**  
**FLO ORIENT OF LEGAL EXOCLDURE FOR THE DRUG OFFENCES**

Information in cognizable cased to be reduced into writing (Sec. 154)

Arrest of accused who has been concernd in any cognizable offence or against whom reasonable complaint has been made or suspicion exists, can be made. (Sec. 4)

Person arrested can be searched by the police officer and articles recovered can be seized by preparing memo of seizure and copy to be given to the accused. (Sec. 51)

Arrested person can be kept for 24 hrs. in police custody without remand. (Sec. 167)

Arrested person can be kept in police custody for a maximum period of 15 days with the written permission of the Magistrate. (Sec. 167) He can be further kept in judicial custody for a maximum period of 60 days. (Sec. 167)

Police can search premises of the accused and can seize property without warrant from a Magistrate. Searches to be effected in presence of two witnesses of the locality. Seizure memo is required to be prepared of the articles seized and one copy of the same is to be given to the accused. (Sec. 99, 100, 101)

The court can also issue such warrants for the search of the premises when the court considers that for the purpose of any enquiry, trial or other proceeding under the court, will be served by a general search of inspection. (Sec. 93)

The police officer can seize porperty connected with the commission of offence or suspected of the commission of any offence. (Sec. 102)

The court can pass orders for the disposal of property at the conclusion of trial and can order destruction/confiscation of seized property. (Sec. 452)

Police officer can release the arrested person on production of proper surity and bond.

Bail can be granted to the accused by the court on production of proper surity and bond. (Sec. 238, 239, 241, 242, 243 & 248)

After investigation police officer is to file a report in the court giving the details of the offence etc. and copies of the documents and witnesses are to be supplied to the accused. (Sec. 173)

If prima facie case found against accused, the accused is charged for the offence, then prosecution witnesses examined, statement of the accused recorded, defence evidence examined and after hearing judgement delivered. (Sec. 238 to 243)

**On Conviction:**  
The accused can file appeal against conviction order.

On conviction the accused can also be released on probation of good conduct or after admonition. (Sec. 360)

The accused on conviction can also be released under probation of offender Acts on good conduct. (Probation of Offenders Act 1958)

**On Acquittal:**  
On acquittal of the accused the prosecution has a right to file appeal to the High Court. (Sec. 378)

admonition. But if he is acquitted by the court, we have the right to appeal to the high court against him.

Gentlemen, that is in brief the drug position, the drug laws in our country.

## DISCUSSION

**AUSTRALIA:** I take it from your paper that the production and use of cannabis is legal. What prices do the farmers get, and what price is it when they sell it to the users?

**INDIA:** You mean the price that Government pays and the price on the illegal market? Is that what you want to know?

**AUSTRALIA:** Yes.

**INDIA:** Frankly, I do not know the price of cannabis being bought by the government. In the black it is more than three times the price that is being paid by the Government. In fact, that is one of the factors that is very attractive for the growers, farmers who sell it in the illicit market.

**SRI LANKA:** Mr. Singh, may I know what matters are looked into by the Government before they issue a license to a bona fide poppy cultivator, and what type of supervision is exercised over the cultivator from the time of starting the cultivation to the time of harvesting.

**INDIA:** A very good question, indeed. Poppy is grown only in traditional areas and the license is given only to the traditional farmers. That is no new person can apply for a license. As I have given in the chart, the license is being given on the basis of his productivity. That is, for next year if we have to give the license, we will see the produce end of this year, and we are putting a minimum per hectare. We call them "licensing principles". The Central Bureau of Narcotics is the main enforcement organization for the cultivation of poppy, and they also are the sole agency that gives the licenses. Licenses are not given to any new farmer since our main contention given in all international forums is that this is a traditional country with a traditional farmer and a traditional origin, so we are not giving it to new farmers.

We are interested in reducing the number of farmers, so we are every year putting a minimum qualifying yield which, as you can read, is now going to be 28 kg. All those who have not produced 28 kg are automatically disqualified. That is the principle we apply. The farmers are being reduced, but they are the same farmers who have been cultivating.

Enforcement, as I told you, is done by the Central Bureau of Narcotics. They issue a license. In the license they specify the area and the exact location. From the stage when he sows the seeds to the stage when it is harvested or the lancing operation takes place, to the time when every day he stores it in his house and at the end of the season brings it to certain areas specified by the government, there are officers of the Central Bureau of Narcotics who have to make daily checks. That is, when the poppy is growing they visit the area. They must see that he has not exceeded the acreage. They measure it physically and make a report. That's when it's growing. The next step comes at a time when the lancing operation has started, and then he starts taking the quantity home. At that time he takes it to his village where it is weighed, and again this officer from the Central Bureau of Narcotics and one officer from the village appointed by the Government, they make separate records saying he has brought so much and it is in his house.

The third stage is when the entire operation has been completed, he has all the opium for that season. Then he has to bring it to the weighment center where again you have various registers where he has to surrender them.

Now we already know how much he has produced, and if there is less he is either asked to produce it, and if he fails then action has to be taken. His house will have to be searched.

Of course, there is the problem that if you do not recover it from his house, I don't think we can do anything legally because we can't take any penal action against him, but his license can be withdrawn, so he cannot cultivate again. So this is one loophole because in our country possession is an offence. Now if we search his house and there is no opium, though on record he is supposed to have more, he can give a lot of excuses that rain fell and it is dissolved, or so many things. We legally cannot prosecute him but we can withdraw his license.

The opium is collected by two government factories which is converted to alkaloids for the preparation of morphine which is an essential ingredient of your injections.

**SRI LANKA:** I asked this question because there is a fair quantity of opium being smuggled into Sri Lanka from India.

**INDIA:** Yes. The problem is there. That is why we are trying to only encourage those growers who are interested in growing greater yields. If we give it to anyone, a lot of them will only send it to the blackmarket. As I told you, we cannot consider completely doing away with poppy cultivation because 1 lakh 82,000 farmers are involved, which means a million people are dependent, each Indian farmer would have about not less than 5 to 6 people dependent on him.

**BURMA:** I would like to ask one question. In your report it was mentioned that heroin smuggled into India was from Burma.

**INDIA:** One case.

**BURMA:** Moreah is on the Indian side of the border, I suppose. If you can give me details about contacts in Burma.

**INDIA:** Yes, I think it would be very helpful. I definitely will give you that name.

**BURMA:** Thank you very much.

**JAPAN:** You mentioned that under the Conservation of Foreign Exchange and Prevention of Smuggling Act, you can make the preventive detention of smugglers, including those indulging in narcotic drugs. Could you explain about this Act? Who has power to make detention and what is the procedure?

**INDIA:** Yes. This Act is radical for a country like India because we being a democratic country everything has to go through the process of law. That is, evidence has to be brought and the court has to convict. This is one Act where we do not require to go to any court of law. On the report of the enforcement agency, be it the Central Bureau of Investigation or the State Police or the Customs authorities or the Central Bureau of Narcotics that "A" is the organizer of this trade, and he is an organizer because in so many cases the suspects have told us so we have no other information, that they are the financiers, then there is a three-member board constituted by the Government consisting of a judge of the high court and two other members who may be officers, the heads of the organizations, the highest level, they will decide whether this person is to be detained or not.

Once that is done, he will be detained for three months, after which he can appeal to the court again and if the courts feel that no, it is arbitrary he can be brought out. In those three months, the enforcement will be expected to get more evidence to justify his detention. It will only be based on the evidence of suspects who could not be telling the truth. So this is used very seldom, and I can tell you that no narcotic offender so far has been punished under this Act, though we are trying now to send one, but I won't be surprised if they don't accept it because we will only be citing cases and no evidence.

**AUSTRALIA:** What is the hippie population now in India?

**INDIA:** The exact number I will not be able to give you, but a large part of our tourist trade is centered around the hippies. The hippies find India a spiritual home. It is not a very comfortable place maybe for many tourists, but most of our visitors are those seeking spiritualism, the new sects, new religions. The exact number I won't be able to tell you, but if you're

interested I can send it to you from India. They are the largest group that is visiting our country.

**AUSTRALIA:** If an Australian causes any problem can you deport him?

**INDIA:** Yes, we will be only too happy. In fact, I will be contacting very soon for deporting an Australian from India, and we definitely will give you the same assistance. Even if you do not have an extradition treaty, the police officers known as the Foreigners' Regional Registration Officers can issue orders withdrawing their visas and deporting them. Normally if you make a request we have no hesitation in sending them home.

**AUSTRALIA:** Have you deported many of the hippies?

**INDIA:** Yes. We have deported only those hippies that come to our notice and have been convicted.

**CHAIRMAN:** Is Methaqualone exported to another country or some of them abused in your country?

**INDIA:** Mr. Tamai, we have received information from Interpol that this Methaqualone is actually a medicinal tablet. Up till now it was not being used as a drug of abuse. It was something like a stronger version of Anacin, but now large quantities are found not being abused in India, to our knowledge, but in South Africa. A few lakhs of tablets have come to South Africa whose origin is Bombay. It is very cheap. Cost of production is very cheap. But now we are considering also as a drug of abuse because they are being exported.

Afternoon Session II  
Tue., October 12, 1982

#### MALDIVES Mr. Zahir

#### PRESENTATION

The illicit traffic of drugs of abuse in the Republic of Maldives has been non-existent until the introduction of tourism in 1972. The Republic of Maldives has been free of any form of drug abuse until then. The introduction of the tourist industry into the Republic did not only bring tourists and foreign exchange but also new habits, values and attitudes. With them came along the hippies and other elements who believe and practice a completely new theory of communal life which had a great influence on our younger generation.

As first the government and the law enforcement agencies were totally unconcerned about the increase in the number of hippy-type of people until reliable reports reached the Police Headquarters that these undesirable elements were smoking a type of intoxicating tobacco which resulted in an unusual behavior in them.

As this was a new field to our law enforcement officers, the police starting checking the habitats of these people, and after months of hard work it was discovered that almost all the hippies were in possession of marijuana and hashish and were using these in a rather relaxed fashion.

Yes, the law remained fairly loose about these activities. However, in 1977 an American was found in possession of 350 grams of hashish, and in the same year two young Maldivians were found smoking hashish.

With two Maldivians being caught for using hashish, and the trend on the rise, the

government started to give serious consideration to this problem. According to the Police Headquarters and the Customs, the contraband drug trade was organized by a group of smugglers in South India and Sri Lanka in association with a certain group of Maldivians who often visited these areas on business or otherwise.

Drug addiction and illicit trafficking involves mainly the young people in contact with foreigners, tourists, hippies and sailors (local and foreign) visiting Maldives from time to time. The Customs works in cooperation with the Police Headquarters in its task of preventing the illegal entry into Maldives of narcotics and dangerous drugs.

It was quite clear that the fashionable drug taking prevalent in the so-called developed countries was gradually being imported into the simple Maldivian society by tourists and other visitors, especially the hippy-type of people.

It was most interesting to note that the local offenders were the youth, including those who had just left school awaiting a training course or a job in the Government or private sector. These are the few people who are able to communicate in a foreign language and establish any contact with visiting foreigners. With this information on hand, the Government passed the most stringent legislation that has ever been passed relating to the abuse of drugs (Law No. 17/77 of 19 December, 1977 Law on Narcotic Drugs).

As stipulated in the law mentioned above, it was forbidden to import, to give to one another, to sell, to possess, to consume or to assist or to participate in any of the above said activities, except insofar as medical necessities dictate.

It is worth to mention here that in September 1981, the largest quantity of marijuana weighing over a kilo was smuggled into Maldives from India. This was carried out by a Maldivian in collaboration with some of his friend. In the same period a record number of Maldivians were charged for smoking and selling marijuana. A total number of 19 people were guilty as charged. The average age of persons charged varied between 20 and 25 years, and 60 percent had secondary schooling.

Some of the factors that could be identified as contributing to drug abuse in Maldives are: noticeable changes in social values; gradual erosion of religious and moral influences; loosening of family ties; excessive smoking; curiosity; and exposure of young people to foreign influences. The influence of tourists, especially the hippy-type had badly influenced our youth who try to copy their habits, their behavior, and as a result fall victims to drug abuse.

In recent years, the Government of Maldives is increasingly concerned with the drug abuse problem in the country. In early 1980, the Drug Advisory Committee was set up by the President to advise the Government and the law enforcement agencies on the measures that should be taken on drug abuse.

The problems that can arise from drug abuse are far-reaching, and we believe that the Government agencies and the general public can also play a part in preventive work. Customs and the Police Headquarters are seeking all the help and assistance they can get in their efforts to prevent the smuggling of drugs into Maldives. They would welcome any advice or information which would help to uncover the drug trade and stamp out drug abuse in Maldives.

The absence of well trained personnel in the field of drug control is one of the major problems the Government is confronted with. Two drug experts who visited the Maldives in early 1981 have given invaluable information about narcotics, their identification and measures to be taken to control illicit trafficking of such dangerous drugs. Following their advice and information, the law enforcement authorities in the Maldives are trying hard to bring those unhealthy social elements engaged in drug trafficking in Maldives to books, but unfortunately still they are not in a position to impose effective measures mainly due to lack of necessary equipment and experience.

In the course of the last two years, much assistance has been given to us by the various

international bodies related and concerned in the control of drugs. This assistance came in the form of opportunities for participation in workshops and seminars organized at the international level, which have contributed much valuable information to us.

Recently a senior official also from the National Security Service attended a United Nations sponsored workshop on drug control at Interpol/Paris and Vienna International Centre /Austria. A second official also from the same organization attended a Seminar on the Prevention of Narcotic Offences held in Tokyo, Japan. The Government and the law enforcement agencies of the Republic of Maldives are deeply indebted to the international agencies that have rendered such invaluable assistance.

If you don't have any questions at this present time, I would like to tell you some more things about my country. A group of islands is known as atolls. The atoll chief is appointed by the President. In these atolls we don't have any police headquarters or police personnel, so the whole responsibility rests on the atoll chief. The chief has authority of the police work and whatever concerning the laws. But if there is a big problem which the chief cannot solve, we have to assist him, but we have to go by motor boat or by sailing boat, so it takes time to go there.

We have three industries: fishing, shipping and tourism. Fishing is the most important in our country. Mostly these islands are fishing villages. We do export raw fish to Japan and dried fish to Sri Lanka. We have a shipping fleet of about 30 cargo ships which go around the world. Tourism was introduced during 1972.

So, if you have any questions about drugs in our country, you are welcome to ask them.

## DISCUSSION

**AUSTRALIA:** What is the punishment for having drugs?

**MALDIVES:** It varies. The maximum punishment is that we send the offender to one of the islands for 20 years or for 15 years, and the penalty will be about Rs.200,000 in our currency, fine. For the foreigners they will be deported or they will be fined.

**AUSTRALIA:** Don't you have prisons?

**MALDIVES:** We have only one prison in the capital, Male, but normally these offenders will be sent to the various islands. For instance, this is a group of islands. He can go to one or two islands here, but he can't go to other islands. For earning he has to go fishing or other work.

**SRI LANKA:** He has to live away from his family?

**MALDIVES:** Yes.

**SRI LANKA:** Who does the feeding of the person, financing, upkeeping?

**MALDIVES:** The Government gives a certain amount of food to them, and that is per month about 7 kilos of rice and 4 kilos of sugar, sugar and rice only.

**SRI LANKA:** And the balance is subsidized by the family?

**MALDIVES:** He himself has to get it from home.

And also like Malaysia we have caning. These offenders also will be caned for 15 times or 10 times, it depends.

**INDIA:** Some people from South India are involved. Would you be good enough to take them to these islands? (laughter) Is there any system by which you can take them and send them to these islands, or as he to commit the offense in your country? There are Indians who are involved in sending drugs to your country.

**MALDIVES:** We have sent some of the Indians to these islands.

**SRI LANKA:** It's one way of inhabiting those islands. (laughter)

**MALDIVES:** If a businessman is found in possession of drugs, half of his business goods will be confiscated by the Government, and also he will be fined the same amount.

The hippie type of people we normally don't allow them to come. We straightaway deport them from the airport itself, if we suspect he is a hippie type of man.

**SRI LANKA:** May I ask one question which has nothing to do with drugs? What are the things so interesting in the Maldives which attract tourists?

**MALDIVES:** Normally we have deep diving, snorkeling, and we have got very good beaches. Our sand and tropic fish and clear water attract the tourists.

**SRI LANKA:** During the monsoons none of the islands go underwater?

**MALDIVES:** We have the southwest monsoon which brings a lot of rain, but we have never had that.

**AUSTRALIA:** Is there any marijuana grown in the islands, or is it all imported?

**MALDIVES:** No, we have never come across any, but during 1972 when it started, we found from one of the islands which is close to our capital. Most of the islands which are uninhabited have been converted into tourist resorts. On one of the habited islands we found some trees. Some of the tourists were growing some trees, but after that we have never come across any.

**AUSTRALIA:** What is the native language in your country?

**MALDIVES:** We have a language of our own. We call it Devehi, and it is a mixture of languages—Persian, Arabic, English, Sanskrit and Malay. We write from right to left like in Arabic. Normally we use a lot of Arabic words, and our country is 100 percent Muslim country, so taking liquor is an offense, beer or whiskey or anything. They will be charged and punished and are also caned and sent to one of the islands.

**PHILIPPINES:** What is the number of police officers in your country working on narcotics?

**MALDIVES:** Normally we have a combined force in our country, the navy, army, air force, whatever security work will be done by this National Security Service. In this National Security Service we have a police organization, but we have a separate Police Department so that the people can come and make complaints and things like that, for that purpose only. So in our department I think there are about 60 people working.

**PHILIPPINES:** Do you mean the 60 persons have specialized training pertaining to narcotics because it is not easy to identify narcotics?

**MALDIVES:** Especially for narcotics we have got 10 people. If there is any big problem the Police Headquarters will be working with them.

**KOREA:** I read about seven years ago a WHO seminar paper that in your country if a person has gastric pains or appendicitis, seaweed drug is given.

**MALDIVES:** We have never come across seaweed drugs. We have plenty of seaweeds and nobody takes it.

I'm sorry I can't understand. There is a powder.

**KOREA:** There is dexemethyl.

**JAPAN:** So this seaweed contains poisonous substances, and they extract the poisonous substance and make the drug.

**AUSTRALIA:** Drug or medicine.

**JAPAN:** Medicine. And that drug was manufactured in the Maldives some years ago.

**KOREA:** It is used by seamen.

**SRI LANKA:** It must be a pain killer, with the weeds having medicinal value.

**INDIA:** Not for internal use but for external use.

**CHAIRMAN:** We would like to close the session. Thank you, Mr. Zahir.

Morning Session  
Wed., 13 October, 1982

BRASIL  
Mr. Macedo Pinto

## PRESENTATION

In the first place, I should like to recall and to emphasize that our Police Districts have authority to make preventive and repressive policework in relation to drugs. But since these offenses are always committed by well-organized gangs, the work of drug repression is given over to the State Department of Criminal Investigation.

This Department has a Division of Drug Investigation with only three offices. Its personnel is highly qualified in the drug sector and its authority is statewide as we have pointed out.

In 1981, the Drug Control Division presented the following data, you have the data below.

In 1981, 305 citizens were arrested only in the State Department of Criminal Investigation. We must emphasize that these figures refer only to the Drug Control Division of the State Department of Criminal Investigation. These totals do not include apprehensions made by the fifty Police Districts subordinated to the Department of Regional Police Stations of the Police of Greater Sao Paulo, nor to those made in countries in the interior of the State, if we can believe such data.

Now, let us see how the problem has been legally handled in Brazil. The sale and use of substances considered psychotropic was formerly uncontrolled by law. After the American Civil War there was a dramatic increase in the use of morphine, opium and heroine which obligated that Government to adopt restrictive measures.

Thus, in 1914 the 'Harrison Narcotic Law' was passed, the first legal instrument in the United States for the control of drug use. The United States asked several other countries to adhere to measures contained in this law.

Brazil, seeing that the problem was restricted to the United States, refused to participate in international controls.

However, with the First World War the use of psychotropic substances so spread in Brazil that on July 6, 1921, President Epitacio Pessoa sponsored our first law controlling the sale and use of these substances. Other laws were also passed in order to perfect the legal manner for coping with the growing problem which, despite measures taken by authorities, steadily worsened.

Our 1940 Criminal Code is still in effect, in Article 281 defined or foresaw as crime the sale or illegal consumption of narcotic. This law was very much criticized by our jurists for being excessively soft on drug traffickers and excessively hard on the user, the addict, actually a victim of circumstances.

From 1940 to 1970 while the population of Sao Paulo steadily grew in arithmetic progression, the sale and use of drugs grew geometrically. For this reason, our lawmakers decided to speed up the police and court procedures, shortening legal interims and taking other measures to bring cases to trial with a minimum of delay.

But the real problem was not to be found I believe in quick or no trials, but rather rooted in a complex socio-economic context which was in need of more attention from lawmakers. Thus, our present Law 6368 was passed in October of 1976 revoking Article 281 of our 1940 Criminal Code.



I will try to briefly describe the main articles contained in this law. Section One treats preventive measures and begins by stating that all physical or juridical persons like firms, clubs, associations etc. are obligated to cooperate in the prevention and repression of the illegal sale or use of psychotropic substances.

The planting or cultivation of all plants from which narcotics may be extracted was forbidden throughout the country. The use of these plants is restricted to therapeutic or scientific purposes.

The National System for the Prevention, Inspection and Repression of the sale and use of narcotics was organized. Information related to narcotic substances was to be included in teacher's training courses.

High school students were to be taught about the sale and use of narcotic substances as part of their course.

Section Two delineates treatment and recuperation of the drug user. This Section represents a true victory for criminologists and for criminal law, in that it profoundly changed criteria then in effect. According to the new law the drug seller is distinguished from the drug-taker. The latter is to be given medical treatment, either as a hospital patient or outpatient if his psychosomatic condition permits.

The Third Section specifically treats crimes and their punishments. Our law-makers took such care in defining terms that it is very, very hard to imagine a situation involving drugs or their use which is not covered in this Section. To give you an idea of the law's detail, I quote the text of Article 12 of this Section which forbids that a person shall:

"Import or export, send, prepare, produce, fabricate, acquire, sell, put up for sale or offer, furnish even though free of charge, keep in stock, transport, personally carry, keep, recommend, administer or deliver, in any manner, for consumption a narcotic substance and without legal authorization."

The punishment; imprisonment of from three to fifteen years and payment of from 50 to 360 working days fine. This law also forbids transportation or storage of raw material destined for the preparation of narcotics. The same prohibition applies to whoever possesses any type of apparatus or instrument intended for the preparation of psychotropics. Let me emphasize that I am abbreviating this subject to avoid lengthiness because our law employs enough verbs to exhaust practically any human activity whatsoever.

The organization of groups or gangs for the purpose of selling or using drugs is also punished in this Section. There are other interesting cases to be pointed out.

What happens, for example, to a doctor or pharmacist who prescribed, either through imprudence, negligence or ignorance a drug in a dose greater than that absolutely necessary? Such professionals are to be punished by imprisonment of from six months to two years and a payment of from thirty to a hundred working-days fine.

If the subject commits any crime while under the effect of a narcotic but either un-premeditated or because of a compelling force, said subject is exempt from prosecution.

The law we are now seeing says that, should arrest be made in the act of a crime and be made by a police officer, such arrest must be immediately communicated to the competent judge together with a copy of the custody papers. The related police inquiry should be completed within five days following, and be sent to the same judge.

We also saw earlier that arrest may be made other than as a result of a criminal act, since the police may initiate their investigation as the result of a written complaint. The procedure is the same when narcotics are involved, the Officer in Charge being obligated to send custody papers to the judge within thirty days.

Once the police inquiry has been sent to the judge, the judicial phase of the case begins. When the judge has the inquiry, he sends it to the Public Prosecutor for a formal

accusation, the indication of up to five witnesses to the crime and a request for any other measures he may find necessary.

These are the general considerations I wished to present with respect to current law in Brazil related to the control of narcotics.

There is no doubt current law represents a step forward in this area, mainly in that it attends to clamors from society that the drug trafficker and the dependant be given a different legal approach.

But the law is still much criticized. Many jurists hold that the present law is utopic, with no practical application since my country is as yet unable to give adequate treatment to the dependant, to the addicts for his recuperation. As I have previously pointed out, my country is a huge one of practically proportions, with profound historical, geographical, cultural and ecological differences. Thus, it is I hold to my opinion that our law should be statewide and not federal in scope.

Perhaps in only two of our States are we able to completely attend to the law's exigencies. In our 21 other States, mainly those of north-eastern Brazil, characterized by poverty, I still have my doubts.

At the end of my Brazil Country Report, I would like to quote from Mr. Morales Panama Country Report who tells us how we must go to the root of the drug problem.

I would like to quote from Mr. Morales Panama Country Report who tells us how we must go to the root of the drug problem.

Mr. Morale's Country Report, No. 53) had something about the causes of consumption. He believes that the consumption of drugs in the youngs may have its origin in difference causes, or they are adolescents that have been object of excessive protection in their childhood as a result they feel unfit and incapable to face the physical and emotional changes of the transistion they pass, or they have reached to relationships with adults or youths with experiences in theuse of illicit drugs and are persuded to vice. He continues but I think it is a very interesting sound point.

Finally I wish to quote from another Country Report, Mr. Toh from Singapore and he says that "Singapore is committed to international co-operation in drug trafficking activities and contributes to the United Nations Fund for Drug Abuse Control (UNFDAC). Singapore is also a signatory to the UN Single Convention on Narcotic Drugs, 1961.

The same happens to us, we have the same situation and I would like to know if you have this as well in your countries?

Thank you very much.

## DISCUSSION

### Sri Lanka

I would like to know what exactly your drug problem is? Your detections and what type of drug is really worrying your country, so that we could also make use of it.

BRAZIL: The drug situation? Okay.

First of all, I'm going to tell you, I belong to the police of the State of Sao Paulo. We don't have in the State of Sao Paulo any problems of cultivation of drugs, of marijuana and so on. We haven't any problem and the investigation of such crimes is in charge of the Federal Police which covers all the territories of my country.

I said in my Report that Brazil is divided into 23 States and each State is autonomous, so I cannot go, for instance, from here to Rio de Janeiro. I am a policeman only in my State

of Sao Paulo. I cannot go for instance, to Rio de Janeiro carrying my fire-arms for instance and make an arrest there, I can only seek them, you see.

So, it is in charge of the Federal Police to fight against the drug abuse.

**SRI LANKA:** So, although you represent Brazil, you can only be allowed about in your State?

**BRAZIL:** What?

**SRI LANKA:** In your State, your Federal State of Sao Paulo, and not Rio de Janeiro?

**BRAZIL:** They are both Federal.

**BANGLADESH:** The question is, if you find that narcotics are being trafficked from one State to another, how will you investigate that?

**BRAZIL:** This is also in charge of Federal.

**BANGLADESH:** So, now, perhaps it has not yet stepped in Sao Paulo, how will you carry the investigation out?

**BRAZIL:** Okay, I follow you. Now, for instance, let's picture our Government throughout the States, they are all served differently, and now there is this trafficker who comes in carrying marijuana, for instance.

Well, they arrest him and he will be sent to trial in our State Court because we have a treaty with the Union, with the Federal Government. But if we have traffic between two States, for instance, Sao Paulo and Rio de Janeiro, we cannot do anything, only we have to ask for the Federal Police to help.

We will have to ask them, "Please help us" or something like this. We haven't what they have in Panama, where they have authority in their country all over the country, but unfortunately I am a policeman only in my State because our Constitution is the same like the United States, each State is autonomous, completely autonomous and my country is a huge one and you find many differences between the States.

If you go up to the north another law applies, it is completely different from Sao Paulo. Does that answer your question?

**BANGLADESH:** Yes, thank you.

**SRI LANKA:** The common cause is international cooperation.

**PANAMA:** I would like to have more time to exclusively review the roots of the drug problem but it will be in our General Discussions and we can talk about it.

**BRAZIL:** Mr. Morales, I would like to ask Mr. Tami that this is a theme to be discussed in the General Discussion, the roots of the problems because all of us know everything about narcotics.

But the roots, how to fight it, what do we have to do fight it? We have tried everything and we were not successful. Why? What is happening? Is there a real motive, a real cause, for instance, lack of religion or something like this? Home environment like divorce, disease, poverty, I don't know, I want you to teach me. I want you to teach me, really I mean it.

**PERU:** The different Country Reports talked about the prevention of the use and abuse of drugs, this is maybe the first system that everybody has to take into their own country because if you have a good prevention system, drug abuse is going to decrease.

**BRAZIL:** How do you do this prevention, such a prevention? Education? What is the way? In the school? So, what we are discussing in my country some teachers say, "We don't, we must not say such a thing to the children."

**SINGAPORE:** We must apply them now.

**BRAZIL:** So they are discussing this problem.

**HONG KONG:** We can discuss it next Friday.

**BRAZIL:** Yes, next Friday, it is very completed.

**BURMA:** I have noticed in your structure there are three organs of the government, military,

civil and indicial. I would like to know is there over-lapping between one and the other?

**BRAZIL:** No, no, no, they are similar.

**BURMA:** In your structure in your government is it like a Diet or a Parliament? I would like to know to what extent is the judicial department in your country?

**BRAZIL:** There is no problem. What is your problem?

**BURMA:** I would like to know to what extent is the investigation of the Judiciary Department in your country?

**BRAZIL:** It is indefinite. In my country, indefinite.

**BURMA:** Indefinite?

**BRAZIL:** Yes, they are indefinite, they are completely different. For instance, the Governor cannot give orders to the Chief of the Judiciary power, he cannot say do this and do that. It means if we are really a sovereignty the main power is here, the legislative power because it comes from the people.

But now we have an emergency situation there in my country, so I told you that, that is why the problem we face is one really according to this formula.

**BURMA:** Thank you.

**CHAIRMAN:** Now it is time to close this Session. Thank you Mr. Macedo Pinto.

**BRAZIL:** Thank you.

**Morning Session I**

**Fri., October 15, 1982**

**PERU**

**Mr. Reyes**

## **PRESENTATION**

### **Police Organization in Peru**

According to the Political Constitution of 1978, Peru has three Police Forces with missions, duties and names that are different. These Police Forces are the following:

- The Civil Guard of Peru.
- The Police of Investigation of Peru, and
- The Republican Guard of Peru.

These three Police Forces have as their basic purpose to maintain internal order, preserve public order and guarantee the enforcement of the laws, the safety of the citizens and the public and private patrimony and also to prevent and combat the delinquency.

The police in Peru has under his jurisdiction the entire national territory, that is, that a Civil Guard has the authority and can exercise it throughout the country.

The Police of Investigation of Peru is the Police Force whose mission is the investigation of crime. It does not use uniform.

The Republican Guard is the Police Force which is in charge of the protection of the frontiers and public establishments.

### **What is the Civil Guard-Mission and Functions?**

The Civil Guard of Peru, according to Article 277 of the Peruvian Constitution, is one

of the three Police Forces of the nation which has specific mission and duties which are the follows:

#### **Mission**

1. Maintain the public order as long as the use of the Armed Forces is not required.
2. Prevent crime and misdemeanors.

#### **Functions**

1. Maintain and/or re-establish the Public Order as long as the use of the Armed Forces is not required.
2. Protect the life and property of the people.
3. Prevent the committing of crimes, investigate them and report them where there is no branch office of the Police Investigation of Peru.
4. Prevent and investigate misdemeanors.
5. The control of the importation, exportation, possession, sale and use of arms and ammunitions by civilians.
6. Maintain the free circulation on the public streets, control automotive traffic and report traffic accidents.
7. Detain suspects of criminal acts.
8. Cooperate with the proper authorities in tutelary measures applicable to the minor.
9. Protect the wild flora and fauna.

#### **Relationship of the Civil Guard**

The Civil Guard depends on the Ministry of the Interior.

#### **Jurisdiction**

The Civil Guard has under its jurisdiction the entire national territory of Peru.

The Civil Guard in Peru is the image of the Police, since it is uniformed and offers its services of security all 24 hours throughout the country. It is the representation of authority and is involved directly with the daily problems of the people; among the most current ones we have the problems of the illicit traffick of drugs.

#### **Intervention of the Civil Guard in the Illicit Traffic of Drugs**

In order to have an exact idea of the action of the Civil Guard in the control of illicit traffic, we have to first know the organization which exists for this purpose.

Please see the Organization Chart of the Head Department of the Police of Drugs of the Civil Guard that follows, you have in front of you (writes on the white board).

#### **Organization of the Head Office of the Police of Drugs of the Civil Guard**

The Head Office of the Police of Drugs is the organism, within the Civil Guard, that is in charge of establishing procedures and methods which every member of the Civil Guard should follow in his effort to control and repress the illicit traffic of drugs, dictating for this purpose instructions which regulate the police procedures in accordance with legal peruvian measures. Its internal organization is as follows:

1. **Head Department**

This heads the entire Department, the same that presently is under the command of General RICARDO ROJAS ZUZUNAGA, and is in charge of the supervision,

- control, execution and planning of all the activities related to the control of the illicit traffic of drugs that the Civil Guard undertakes.
2. **Deputy Department**  
This is the second rank in the command of the Department of Drugs; it is the channel through which all the actions of the Department are centralized; Intelligence Operation Norms and Projects, Administration and Instruction.
  3. **Office of Statistics**  
This is in charge of centralizing all the data related to arrest, confiscated drugs, etc., formulating the monthly, semi-annual and annual statistical charts from which the information is utilized to take determined actions in the control of the illicit traffic of drugs.
  4. **Legal Counsel**  
This is the office that is in charge of offering the Legal Counsel which the Head Department of the Police of Drugs needs to formulate its plans and operations in the illicit traffic of drugs.
  5. **Department of Intelligence**  
This is the effective arm of the Head Department of the Police of Drugs which is in charge of the search and elaboration of information related to the illicit traffic of drugs and is the department in charge of the special operations, that are undertaken once a preliminary planning is made throughout the National Territory.
  6. **Department of Operations Norms and Projects**  
This is in charge of elaborating the so-called instructions which are the operative procedures, in accordance with the legislation that exists for the illicit control of drugs on which the Civil Guard bases its actions. It is a most important mission since it permits the personnel of the Civil Guard to act within the limits of the law.
  7. **Administrative Department**  
This is in charge of the administration of the Head Department of the Police of Drugs' own logistic and personal resources; and at the same time, in charge of the relations with the Executive Office of the Control of Drugs, with reference to the vehicles and equipment which should be assigned to the Civil Guard after they have been seized from the traffickers.
  8. **Department of Instruction**  
At this time I am working for the Police Department. This is in charge of imparting specialized instruction in the procedures, techniques and prevailing legal dispositions, to all the personnel of the Civil Guard regarding the control of the illicit traffic of drugs, and at the same time, extending its preventive action by dictating conferences on the use and abuse of drugs in the schools, social institutions in general, extending its preventive work to all levels. I think one of the most important police.
  9. **Sections of the Police of Drugs**  
Throughout Peru, the Civil Guard is distributed in the so-called Command Offices, which have under their control, Police Control, of course, a determined location, and within the organization of these Command Offices functions a Section of the Police of Drugs which has a direct relation in its functioning with the Head Department of the Police of Drugs; this is what gives the Civil Guard a total extension throughout the Peruvian territory in its preventive and repressive work with the illicit traffic of drugs.

We are ready to see now, The Law of Repression of the Illicit Traffic of Drugs Law 22095 and Law 059-EFC.

The Law No. 22095, which was ratified on February 21, 1982 by the Peruvian Parliament, contains IX Chapters with 89 Articles; this Law has four principal objectives, which are the follows:

1. Repression of the illicit traffic of drugs.
2. Prevention of the unauthorized use of drugs.
3. Rehabilitation of the drug addict.
4. Reduction of the areas used for the cultivation of Coca.

#### 1. Repression of the Illicit Traffic of Drugs

One of the primordial ends which this repressive law of the illicit traffic of drugs in Peru follows, of course, is the repression of the same, for which specific articles have been considered which permit the Civil Guard of Peru to realize a series of actions such as; arrest persons involved with the illicit traffic of drugs, enter and search the places where the elaboration and distribution of drugs take place; inspect laboratories and pharmacies; restrict the movement of the people suspected of the illicit traffic of drugs and also intervene in case of minors involved in anti-social (this word "anti-social" sounds strange ... ) drug acts. In addition, we have the participation of the Civil Guard in the control and application of the norms for reduction and substitution of cultivated areas of Coca throughout the National Territory.

The law of drugs establishes specific penalties for traffickers of drugs:

- Not more than 15 years for the person who dedicates himself to the cultivation, elaboration and commercialization of drugs.
- Not less than 15 years for the person who forms part of a band dedicated to the illicit traffic of drugs if he were a public official or servant in charge of the prevention of or investigation of crimes or if he had the duty to apply penalties or oversee their execution; if he were an educator or had a medical profession; if he performs the crime in the surroundings of an educational center, a health clinic, a sports enclosure, a place for the confinement and detention of persons, and if he took advantage of a person not having the use of reason for the commission of a crime.

#### 2. Prevention of the Improper Use of Drugs

In my opinion, the most important mission. The second important objective of the law of drugs defines the educative and health measures to avoid the improper use of drugs for which one can really rely on the help of the Ministers of Health and Education.

To this effect, in all the programs of professional formation in education, the different aspects of the improper use of drugs connected with the problem of the physical and mental health of the student will be considered. At the same time, the Ministry of Education will develop means for disseminating information and orientation to students and organized groups in the country and in coordination with the Executive Office of the Control of Drugs will make available the measures necessary to resolve the different problems that could arise in the public and private Educational Centers which are related to the improper use of drugs on a school level.

The Ministry of Health will develop program of research of epidemiological, medical and scientific studies and of technical training on the problem of drug addiction in Peru.

The National System of Information, in coordination with the Ministries of Health and Education, will spread and establish rules for the information to be given to the public in order to prevent the improper use of drugs.

### 3. Rehabilitation of the Drug Addict

The law of drugs in Peru establishes that the drug addict or addict is a sick person. It is different from other laws, because other laws it is like crime. Consequently, he is subject to rehabilitation. For this reason, the state has agreed to the creation and functioning of State Centers of Rehabilitation for those dependent on medication. The treatment will be characterized by the social, medical, and educational assistance that is to be given in a dynamic and integral manner through a health, hygienic and alimentary system run by specialized personnel.

The Law 22095, law of drugs, establishes that the drug addict can undergo his rehabilitation in his own home, in private establishments and Public Centers of Rehabilitation for those dependent on medication. The drug addict himself, his relatives or the judicial authority can ask for this rehabilitation for specific motives, such as; place one's family in the danger of falling into poverty, or threaten the drug addict's security or someone else's, or infringe upon moral integrity and good more.

To underwrite the cost of the rehabilitation of the drug addict, the judicial authority can embargo the possessions of the drug addict or of his legal representative.

Once an addict has been convicted as the author of the crime of the illicit traffic of drugs, the tribunal arranges his internment in a center of rehabilitation for those dependent on medication; once the treatment is ended, the drug addict will be placed at the disposition of the tribunal so that it can impose the punishment compatible with the crime. It is because an addict can be a trafficker, too.

### 4. Reduction of the Areas used to Cultivate Coca

This is the final objective of the law and for this it establishes certain periods of time for the eradication and substitution of the areas used to cultivate Coca in order to reduce to a minimum the illegal production of Coca. This prohibition includes the renovation of the areas used to cultivate Coca.

The State alone, through the organization called the National Company of Coca can develop the cultivation, internal and external commercialization of the Coca when its industrialization can be justified, the exportation, medical use and scientific research.

The cultivation of the rest of the vegetal species subject to fiscalization will belong exclusively to the State and only for the ends indicated before.

The lands where the cultivation of Coca is not eradicated or substituted according to the time limits established by law will be embargoed by the State and awarded to farmers without land.

At the same time, it is prohibited to give under any form of technical or monetary help, prime matter, tools or machinery to places that are totally or partially dedicated to the cultivation of Coca except where the cultivation of Coca is being substituted with other crops. When we put in practice the Law 0059, that's what the President enacted a supreme decree No. 059.

### 5. Law No. 059-EFC

This is a Supreme Decree, was enacted on February 17, 1982. It has served to complement what was lacking in the law of the illicit traffic of drugs. This is the control of the chemical prime matter which one can effect the fabrication or transformation of the Coca leaf into Cocaine Paste or Hydrochloride of Cocaine.

These are:

- A. Sulfuric Acid
- B. Muriatic Acid or Hydrochloride
- C. Ethylic or Muriatic Ether



D. Acetone, and

E. Sodium Carbonate

Manufacturers, importers and businessmen, both wholesale and retail, are obliged to maintain and present a special record book of sales indicating the date, quantity, the name of the buyer, address and place where the prime matter was delivered.

From the moment that this control was begun, a reduction in the production of Cocaine Paste has been noted because the same ease in obtaining prime matter no longer existed; and likewise, consequently, a reduction in the manufacturing of drugs.

After this legislation, we are going to see now some charts of legal procedures in Peru. In order to explain to you, well, I have prepared four charts.

One about the Adult Traffickers, another one about Traffickers who are Minors--Under Age Traffickers; then one about Adult Addicts; and the last Addicts who are Minors--Under Age addicts.

First, about the Adult Traffickers. The crime is contained in Article 2.20 g of the Political Constitution of Peru. The Police procedure is as follows:

Once the illicit traffic of drugs is clearly established, there follow the detention and registry of the person and places involved up to a maximum of 15 calendar days; afterwards there follows the embargo and seizure of vehicles, drugs, money, etc., used in the crime force. The Police testimony directed to the Public Prosecutor is formulated. The Public Prosecutor will determine the liberty of the guilty person or his accusation before the Criminal Judge on duty while the trafficker remains 5 days in jail. Afterwards the Criminal Judge on duty has 10 days to open the case in accordance with the Law on Drugs placing the convict in a penitentiary while the sentence is awaited. It means a person is put to arrest until the case is solved by the Criminal Judge for 30 days, 15 in the police relation, 5 days in the Public Prosecutor, and 10 days in the Judge.

The second chart--Traffickers who are Minors. Also called Underage Traffickers. The police procedure in this aspect is explained in what follows.

The registry and embargo of the drugs, money, etc. is effected. The investigation is then conducted while the minor is detained up to 24 hours in the police station, only 24 hours. The minor is then placed at the disposition of the Juvenile Judge with a report. This in turn determines his being placed in a Reform School. Notice the difference between the addicts and traffickers, first 15 days, second one, only 24 hours with underage.

Adult Addicts. According to the Law of Drugs 22095, the procedures is as follows:

A previous inspection is effected at the place of the crime, seizing the drugs. Afterwards in the police station of the Civil Guard, the corresponding investigation takes place. The addict is sent to the Police Hospital for the respective toxicological examination (same as test). The condition of Addict is determined by a government accredited physician. Then a hearing is set up before the Civil Judge who formulates the testimony in the case of the addict. The same judge establishes the interment of the addict in a specialized Center of Rehabilitation until he recuperates completely. Its because the addict is considered a sick person the last, Addicts who are minors.

Also called underage addicts, once the Civil Guard learns that a minor is an addict, it proceeds in the following manner:

An inspection is first made at the place of the crime and the drugs are seized. At the Civil Guard police station, the addict is detained while the investigation takes place. A toxicological examination is arranged for. Once the minor is identified, he is returned to his parents, titold (?) or guardians--within 24 hours under their responsibility.

Immediately a report is made up sending it to the Juvenile Judge who will establish his being sent to specialized center of rehabilitation.

Know the difference between the average addict and the average traffickers. The average trafficker is sent out to the judge within 24 hours, but the addict criminals have to be put on charge.

Here I have next some statistics about problems in my country. When I see my statistical statistics, I was listening about world statistics in your countries. I hope you really don't have a big problem like in my country. In my country, we really have big problems. Here we have the statistics, but we don't know how thousands of tons go out from our country.

First, we have here Histogram of Drugs and Coca Leaves seized in Peru during the year 1981. We can see 26,811 kilograms of coca leaves, 26,000 is the highest level of size of coca leaves. Then 7,322 kilograms of cocaine paste. Marijuana we got 117 kg. It's not a bigger problem in my country. And other drugs only 6,095 kg.

You can see the highest quantity of coca besides 7,322 kg of cocaine paste ready for use.

The second one, here we have Histogram of those arrested for the Traffic and consumption of Drugs according to Sex during the year 1981. You can see that more addicts are the male adults, 1,997 persons arrested in the year. Female adult 237. Underage males 101, and only 5 underage female.

It's clear that male adults are more addicts, more in the world.

The next is Histogram of the Intervention of the Civil Guard and detentions for the Traffic and Consumption of Drugs during the year 1981. In 1,670 interventions of the Civil Guard we sent to the Civil Judge 1,538 addicts and to the Criminal Judge 858 traffickers.

The next one, Histogram of the Incidence of Traffickers according to Age during the year 1981. We have addicts from 21 to 30 years 570; the next is between 41 and 40 years, 164 persons. Then we have between 18 and 20, 47 persons. Next, between 41 and 50, 28 persons; then it's something which makes me worry, because in my country people like at the age between 13 to 17 years smoke drugs. At the present time we are having this problem. You see, between 13 and 16 years we have 26 persons. Between 51 and 80, 17 persons.

The last one, Histogram of the Incidence of Addicts according to age during the year 1981. Between 21 and 30 years, 1,054 addicts. Then between 18 and 20 years, 237 persons; between 31 and 40, 136 persons; 13 to 17, 107 addicts, great number of addicts in my country of this age. 41 to 50 years, 11 persons and 51 to 80, 2 persons.

Now, I am going to show you some slides. I hope ... I brought from my country these slides, which will show you something about our drug problems.

(Slides were shown and explanations made)

- o You can see some coca leaves.
- o These are the close up of coca leaves. You can see the difference from marijuana.
- o Here we can see coca leaves of only 10 cm. The leaves of this size have most cocaine. The smallest size has most cocaine. The next.
- o It's a close-up of coca leaf, showing the difference or exact idea depending on the size of coca leaf.
- o I don't know if you can see here 2 lines going down at the center of the coca leaf. This line here going down is the center of the coca leaf which shows the leaf has most cocaine, this type has most cocaine. There are two different types of coca leaves, but this one is the most unused. Technically meaning this coca leaves are intoxicant coca. These two kinds are most unused and you can recognize by these two lines.

Next one, please.

- o It's a plantation of coca leaves. Please, next.
- o Here I will show you the state of life. After 2 years of cultivation of coca bushes you can see how destructive it is. If you want to make another cultivation there, you have

- to work so hard trying to make good land, otherwise you cannot plant there any type of crops. It is incredible. Next, please.
- o This is showing a big plant with basal spray. Basal spray is technical product developed in Peru that we are using to destroy coca bushes. The coca bushes are such strong plant, for instance, any kind of animal can die. You know like other kind of plantation we used to use weed for sample. There are any kind of animals that can eat plants, but coca leaves no, its a strong plant.
- Next, please.
- o Then we are going to see the difference. First, here is the coca bush, next please.
  - o This is the same coca bush after the use of basal spray, and the next,
  - o We try to show you here the plant dead with the basal spray. The other, please.
  - o I am trying to show you the way to use the basal spray. This one here is the dispenser of the basal spray. You got to put the basal spray in each one of the bushes. You know, its impossible to make it any other way, by machine. Its got to be manmade. Each plant you have to put the basal spray. Next, please.
  - o Some coca leaves. Next,
  - o Then its important to know. This is a coca bush then we use basal spray, but here we can see its growing up another time because each, because if we don't kill by roots of the plant it begins to grow. We can put the basal spray all over the coca leaves but we don't kill the roots of the plant then it grows for another time. Its clear, you can see there. Its because the coca bushes are strong plants. If you don't kill the roots you are working without effect. Next, please.
  - o Its another coca bush with basal spray. Next, please.
  - o Another coca bush with basal spray.
  - o Here is a Peruvian trafficker. You can see a poor man. You can see its very dangerous this kind of people. I am going to show you later. Next.
  - o This is the way they pack coca leaves. This pack weighs about 80 kg each. Next.
  - o This is the way they carry packages of coca leaves for taking over through jungle until they get tot he second place to transform the coca leaves into cocaine.
  - o I am going to show you how dangerous it is to find the traffickers in my country. This is the machine gun used by the traffickers in my country. Next, please.
  - o Here we've got more weapons used by the traffickers, it shows that it is dangerous to deal with the traffickers in Peru. They don't hesitate to shoot because they are not afraid to die or to kill. Next, please.
  - o A close-up of a machine gun used by traffickers. Mr. Pinto can recognize it because this is a machine gun made in Brazil. (Laughter)
  - o More weapons. The container we can see with cocaine paste or with cocaine base (basic cocaine). Next.
  - o This is basic cocaine made and put into basic cocain wet cloth and then pack it well and keep dry, and then all the liquid is eliminated. Now, we can see the socalled "Cheese" of cocaine paste or basic cocaine. This is the way we almost always find cocaine.
  - o The last one. I am here showing a container or transformation of coca leaves into cocaine paste. They make sometimes containers of wool or sometimes they use strong plastic false teeth and make portable containers of transformed cocaine.

(End of Slides)

If you wish to see these slides you may see them again another time.

You can see that it is a hard work in my country. First, to deal with the traffickers and second, to deal with the coca bushes.

## Conclusion

### The Nature of the Problem of Drugs in Peru

Peru, together with Bolivia, it is said to admit is the greatest producer and exporter of cocaine paste and hydrochloride of cocaine in the world.

The very diverse geography of Peru permits the indiscriminate and almost uncontrollable development of the cultivation of the coca leaves.

The coca leaves, a traditional product of consumption by the ancient Peruvians, has been converted through its transformation into cocaine paste and hydrochloride of cocaine into one of the worst scourges of mankind. Its use has increased at an alarming rate in later years. The chief points of destination are the United States of America, Europe and Asia.

The Peruvian State, conscious of its duty with all the nations of the world, constantly undertakes special operations to achieve the total elimination of illegal areas of the coca leaves under cultivation in order to prevent the proliferation of the addiction to drugs.

Here, I want to say we are in Peru, hand to hand with Drug Enforcement of Administration Office of the American Embassy in Lima. They gave us help to deal with the traffickers. Thank you very much to the North American people, Mr. Moor.

### Peru, Legal and Illegal Exporter of Cocaine

Cocaine, which in the year 1860 was isolated from the coca leaf by Dr. Albert Nieman, was used since that date in medicine because of its great anesthetic capacity. This use diminished notably since the year 1905 with the discovery of novocaine and silocaine.

However, its use increased incredibly for indiscriminate extramedical purposes. Peru continues to be the principal legal exporters of cocaine for medical purposes, but, as it was mentioned above, due to the great demand for cocaine in foreign countries, there originated an enormous production of the so-called cocaine paste. This turn gave a start to the illicit traffic of drugs in great quantities.

The problem of the illicit traffic of drugs and narcotics in the entire world should not be confronted in an isolated manner but one must be made conscious of the fact that this is a world problem and consequently requires the total concern of mankind to combat it at its roots and thus avoid the slow degradation of human beings.

The Civil Guard of Peru, through my person, offers its most ample support and decided cooperation to all the police institutions of the world in order that, together, the illicit traffic of drugs could be effectively combated; and at the same time, invoke the Japanese Government to formulate an International Agreement with the different countries of the world that produce in one manner or the other drugs or narcotics so as to bring about the control and eradication of the illicit traffic of drugs.

## DISCUSSION

**AUSTRALIA:** How many kilograms of coca leaves does it take to make one kilo of coca paste?

**PERU:** Well, if you want to make one kilogram of cocaine paste, you need 100 kg of coca leaves. If you want to make one kilogram of hydrochloride for cocaine, you need 100 kg of cocaine paste.

If you want to make one kilogram of cocaine past from 100 kilograms of coca leaves to put in the container, then you need: 1 unit muriatic acid and 1 unit sulfuric acid, putting inside the container coca leaves, muriatic acid and sulfuric acid have to be thre 24 hours,

moving coca leaves with all the liquid inside. After 24 hours ... excuse me ... one person works in making cocaine paste because they use almost the hands to move these coca leaves, and muriatic acid and sulfuric acid hurts the hands. Most of the traffickers forming coca leaves into cocaine paste have their hands hurt. That's one way of discovering.

After 24 hours, you need kerosene, you know what it is for, of course. After 24 hours you put inside the kerosene and then it makes the chemical reaction. Okay? And the cocaine begins to fall down because ... after 2 or 3 hours of the chemical reaction you put off the container, first the coca leaves and then try to dry the container putting off all the liquid in the bottom of that container. It's a kind of glue, almost sometimes white, sometimes light yellow, like cream.

After they put off all the liquid, this kind of glue, they put this kind of glue into cloth, here, and make it begin to dry. You understand me?

And then they find it dry, and they get cheese, that's the way, the form of cheese cocaine, because they begin to dry this way and they get cheese of cocaine paste.

In the United States, the price of one kg of hydrochloride cocaine is at the present time, more or less, is 1 million dollars. You can see how hard the traffickers work, because it's a lot of money, 1 million dollars for each kilogram of hydrochloride cocaine.

NEPAL: Mr. Reyes, excuse me, why they use these?

PERU: Because each cocaine paste, to transform the cocaine paste into hydrochloride, they use ethylic ether and acetone. And they need good laboratory to transform the cocaine paste into hydrochloride, they cannot make hydrochloride like they make the cocaine paste. For the authority they need a laboratory using ethylic ether and acetone. The exact way to transform cocaine paste into hydrochloride, I know, because I am a policeman myself.

CHILE: The problem of laboratory only in the ... they don't have the forest area with laboratory in the urban area?

PERU: In our cities we almost ceased to control laboratories because either it's so inflammable, okay, it's dangerous and cocaine paste has special smell. If somebody in ACP is working cocaine paste or hydrochloride, then we can't have the problem. They use laboratories in a little town, in little cities in Peru.

INDIA: Mr. Reyes, about this rehabilitation of drug addicts, you said you consider them as sick persons. Would you tell us the regulation to distinguish between the addict and the trafficker?

PERU: I have told you in my report, the so-called 'police hospital,' that works special kind of doctors who are in charge to determine whether he is or not an addict, okay. If a person is an addict, or if we find somebody using drugs, we send him to a police hospital and after the medical test, the doctor is going to say, this person is an addict, but if an addict is a criminal too, first, we send them to a rehabilitation center and after this, we put the addict to judge, whether to send him to a penitentiary if he is a criminal.

Does this answer your question?

INDIA: No, that means the doctor decides whether he is an addict or not, is that correct? Then how does the doctor decide whether he is an addict and a trafficker?

PERU: Oh, we can't have to know, they only are going to make a test to tell us if a person is, or is not, an addict. To deal with trafficker is our business, it's not the doctor's. He is only deciding whether this person is, or is not, an addict.

INDIA: How do you establish that he is a trafficker or not?

PERU: Well, if you found some people walking around with cocaine and more, he used coca cocaine, first he is a trafficker, and second, he is a consumer.

We have the exact quantity of drug. May be you can have 5 packages, each package of cocaine paste. And you tell the police, I am an addict, it's for my own use. Okay, I am

going to send you to a doctor in order to make him test. The doctor made the test and said this person is not an addict then he is not, then he is a trafficker.

**KOREA:** Is there a gangster in your country? (Organized crime)?

**PERU:** Mafia? No, we don't have mafia, we may have a big group, but not like Mafia, like in the United States, that controls almost all over the country. We have some organizations but not as Mafia.

**KOREA:** You showed ... according to the pictures you showed the machine gun. How is it used?

**PERU:** Well, they use it, for instance, they are carrying 100 of packs of coca leaves, with the person who is carrying coca leaves, always 10 or 15 people go with this kind of machine guns, in order to protect the trafficker. No, you want to put under arrest these people, you got to reach strongest at them. Sometimes the police have no machine guns for the traffickers and sometimes we have to look at them, because we don't want to be killed. (Laughter) Because its so dangerous. They are ready to kill. Its their business to kill.

If they found someone in their way and either you put away or they kill, using this kind of machine guns.

**MALAYSIA:** Mr. Reyes, about carrying machine guns by the traffickers, is it legal or illegal? Where did they get it, did they buy it?

**PERU:** Of course, it is illegal. I think that these weapons were imported into my country from Brazil, because Brazil is the fourth country in the world for producing weapons. And between Peru and Brazil, we got a large frontier, only jungle is the frontier (showing the map) Here is South America. This is Peru, this is Brazil. This is green country, Brazil. All these green, in between there is a jungle. All this is jungle. There are thousands of ways, by walking, by plane, by vehicle, and it is almost impossible to try to stop the machine guns of Brazil coming inside of Peru.

And then, Brazil, of course, they send a lot of cocaine paste, because the frontiers are almost free. But it is illegal.

**BRAZIL:** To tell the truth we send them weapons, but they send us cocaine. Its a fair deal. (Laughter)

**PHILIPPINES:** Apart from the surveillance mounted by the police to collect information about illegal cultivation of these coca leaves, do you get sufficient cooperation from the members of the public, the information about the illegal cultivation of the coca leaf?

**PERU:** Well, sometimes no, because the common people think if I want to plant coca bushes I only have to forget it, because they are going to world alone, and they are going to produce a lot of coca leaves for me, and going to send traffickers and going to earn so much money. Okay, sometimes, almost always, they shut their mouth and don't have information, because they earn, hand-to-hand with traffickers, work with them. They don't mind what the traffickers are going to do with coca leaves. They only want money, easy money. They don't give us enough information. I have to send my own people to villages, and we don't have enough policemen and enough money to make our use as we want. United States helped us. I am repeating this, but they gave us a very good help. They gave us not money but sometimes even kind missions to deal with the traffickers.

**PHILIPPINES:** When you speak of drugs, the Golden Triangle and Golden Crescent, now I find that Peru is worse than the Golden Crescent and the Golden Triangle. (Laughter) Don't you think the punishment required, the maximum is 15 years for an offender ...

**PERU:** First I am going to explain to you that the Golden Triangle is worst. Why? Because heroin, morphine, if ... not a physical dependent ... the heroin gives the people physical dependent. You know, if an addict in heroin, in 36 hours he is going to die with weak pain in his body. Okay? But coca, mentally dependent. You need the drug, but you are not going to

die. But if you use heroin, and if you don't get the drug in a hurry, you are going to die, that's why its worse.

I am not trying say by country. We have the big problem and I always tell you, we know we have a big problem, and this person is going out to your country, but it could be easier to save addict of cocaine than addict of heroin.

U.S.A.: With your permission, Sir, I would like to first congratulate Mr. Reyes and his country for combating with their problem in great efforts. North American countries specifically United States has a great interest in combating cocaine, because we are your biggest customers. We have the money apparently.

I just would like to touch on a few points. No. 1 is, you mentioned the exportation of the cocaine by land, by sea, by air. And you also in answer to Mr. Sengh's question concerning organized crime, do you feel there is organized crime infiltrated, that has already infiltrated specifically concerning the exportation of the cocaine in large amounts?

PERU: Your question is may be Mafia of the United States have some arms in my country. May be they get their hands to keep cocaine of my country and give it to your country.

U.S.A.: What leads me to that point is, I must have misunderstood concerning the drug law that you have in your country, it doesn't seem to touch on security, for instance, airports or shipping areas to stop the exportation of cocaine.

PERU: No, for instance, we have 65 dogs, 32 of these dogs are being trained in our country. Apart from this, police is trying to search to stop the traffic of the cocaine to ... out of Peru. Sometimes we are lucky because in the police yachts we find all of the things we want. Sometimes we are lucky and find 100 tons. You see my statistics. Hundreds of tons. Sometimes we are not lucky.

U.S.A.: If I might ask you one other question concerning juveniles, specifically the addicts. In America the police often have problems with the controls of interrogation of juveniles, specifically addicts, to determine where they received the drugs from, how they receive them. You mentioned that juveniles up to 24 hours are held and then turned over to their parents ...

PERU: Young traffickers too, 24 hours then we have to send them ...

U.S.A.: Within 24 hours ... is there a period of time used for interrogation for these juveniles and if there are any specific controls of the interrogation.

PERU: Of course not. But I told in my report too the juveniles don't commit crimes, they commit 'anti-social acts.' They are no criminals in our law, because they are underage. Over 18 years old, they are ready to be sent to a penitentiary. Less than 18 years old, they make only anti-social acts,' and we cannot catch the underaged traffickers more than 24 hours. We don't know this form of the categorization, but we can not. We may need to change our law.

CHAIRMAN: Thank you, Mr. Reyes, for your presentation.

Morning Session II  
Fri., October 15, 1982

CHILE  
Mr. Avila

## PRESENTATION

### The General Situation of the Cases of Drugs

Chile, an occupied country by the traffickers, only as way to other markets.

#### General Situation

Controlled. It doesn't have serious drug problems as compared to its neighboring countries, Peru and Bolivia.

#### Drugs

Cocaine, comes in by the north zone till the Central Areas specifically Santiago and Valparaiso, our principal port. To prepare shipping to the North America, either by plane (commercial lines) or ships.

Cocaine comes from Peru or Bolivia, obtained by international Chileans traffickers in basic paste from Peru or "washed base" as it is called in that country. From Bolivia it is carried as cocaine sulfate.

These purchases are made by the Chileans traffickers because in our country there are some of the best chemists in the world to elaborate the hydrochlorate of cocaine with the correspondent procedures to be sent to North American markets.

#### Chile

Until 1973 Chile exported greatest quantities of cocaine in a clandestine way to U.S.A. In these years were the most important international traffickers, the best chemists and great number of "ass keepers" (its the same as couriers) used by these traffickers.

Because of a military government assumed the power, in November 1973, Chilean police created a Department that may realize a total repression to the traffic of drug existing till those days, and so it formed the Stimulants and Drugs Control Department (O.S.7) with jurisdiction in all our country.

At the end of 1973, 1974 and 1975, the Chilean Police carried to the United States, 21 Chilean traffickers requested by the authorities of this country to be submitted to the respective trials.

Later on it has been realized a total repression to the traffic of cocaine, doing important inquiries in Chilean, Colombian, Peruvian and Bolivian traffickers and in the year just passed by 2 North American traffickers were sent to trials in the States, and also the attached of the yatch named "Erin" in Arica's port for a boat stationed up north.

### Problems of Drugs for Being Attached

There are not great drug's problems to be attached in Chile; due to the fact that our country is only used by the traffickers as a way in the traffic of it, the matter that till nowadays has been controlled by the organisms in charge of the traffic control.

In respect to marihuana, we must point out that Chile has some hemp plantation in the central area of the country that are "authorized" for industrial usage; from these places some addicts extract the tops of the plants to process and consum them.



We must let known that these plants have a very low T.H.C., and because of this the addicts get a kind of marihuana of very low quality. The same we have seen in prefecture.

We have to add that laboratories in Chile, until October of the last year, made tablets called "Desbutal," like sleeping pills, a medicine controlled by National Health Service (S.N.S.) and sale was realized with medical checks; due to the high number of people that started to use them to "fly," this tablets had to be cut out of the laboratories and at the moment the tablets have not been made any more.

#### **Organization and Operation of the "Control Drogas y Prevencion Delictual (O.S.7)" Drug and Crime Prevention Department (O.S.7)**

##### **General Background**

The Drug and Crime Prevention Department (O.S.7) from the Office for Order and Security from now on O.S.7 Department, is a Police Division from Carabineros (Professional Police Corps, one of the official branches of the Armed Forces), intended to prevent and repress crime in general, with special emphasis on research, prevention and repression of the illicit traffic of drugs and narcotics as to their preparation, marketing, transportation, importation, theft, possession, use and consumption; to denounce and bring to Court those responsible or implicated in such criminal activities, according to the pertinent legislation.

The professional tasks of this Division will be exercised at the national level, its jurisdiction covering the whole territory of the Republic, through its personnel that will move into areas threatened by illicit traffic and consumption of drugs and through Drugs and Narcotics Control office operating in the cities of Arica and Iquique, or the part of Concepcion, South of Chile, and others that might be created in the future.

In matters pertaining to drugs and narcotics and toxic drugs, the O.S.7 Department is the technical organism of Carabineros in charge of channeling and qualifying the actions and polices that might be developed on the subject by State, private or foreign institutions.

##### **Objectives**

The O.S.7 Department directly reports to the "Direccion de Orden y Seguridad" and in addition to its general functions of prevention and repression of crime, it is the specialized institutional organism for the control of illicit traffic and consumption of drugs and narcotics. Department O.S.7 will cover the whole of the national territory, acting through the human and material means assigned to that purpose.

Its professional functions and responsibilities are oriented towards the following aspects:

- a) To prevent and repress illicit traffic of drugs and narcotics under its various forms such as farming, preparation, importation, exportation, marketing, transportation, theft, possession and consumption.
- b) To accuse and bring to Court those guilty or implicated in the aforementioned criminal activities, as described in the pertinent legislation.
- c) To investigate those crims that, although not specifically pertaining to drugs, might be involved with or related to it.
- d) To promote campaigns or crusades, with the cooperation of other institutions, if necessary, to communicate the harmful and negative effects of drug abuse in Public Health.

## **Organization**

The Department O.S.7 has the following organizations:

- High Command Sections
- Drugs and Narcotics Control
- Special Investigations
- Technical Assistance
- Juvenile Affairs

The following Divisions will also report to the Head of the Department in technical, didactic and operational aspects:

- First Division of Drugs and Narcotics control from the Arica Police Headquarters (Prefectura).
- Second Division of Drugs and Narcotics Control from the Iquique Police Headquarters (Prefectura).
- Third Division of Drugs and Narcotics control from the Concepcion Police Headquarters (Prefectura).

### **Heads of Divisions of Drugs and Narcotics Control**

They have the responsibility to direct, orient and control administrative and police tasks of their Division, with the mission to fight against and to eradicate, through prevention and repression, all forms of illicit traffic of drugs and narcotics, according to the pertinent legislation.

- To be concerned with preventive and educational efforts to prevent the abuse and consumption of drugs among young people and school children.
- To plan all actions on drug and narcotics traffic through the work of informants and data obtained from information work done by the officers in charge.
- To process and classify all information and reportings received and obtained by the Division, related to illicit traffic of drugs and narcotics, qualifying them and assigning the pertinent actions to the officers in charge, according to their importance and possible consequences, while channeling and verifying their development. To this end they will require from the Technical Assistance Division, the necessary advice and documentation data and Intelligence work, in order to better plan the investigation. They will keep the Head of the O.S.7 Department informed on the course and progress of proceedings.
- To devote themselves to the study and implementation of new techniques and systems to achieve control and repression of drug traffic, presenting initiatives and projects to the Head of the O.S.7 Department, so that after a proper evaluation they might be channeled to the Higher Command.

### **Special Investigation Division**

Their function is to investigate criminal actions related or concurrent with illicit drug traffic such as smuggling, sexual assaults, etc. In addition, this Division investigate on occasions and when specially addressed, aggressions to well-known personalities, civil and military authorities, personnel from Carabineros, contrabands and large thefts, as well as lend security services to persons who, through their positions or importance, might need security and protection.

To plan and design the Division's work especially in connection with crime prevention and security escorting.

- To maintain a doctrine of permanent cooperation and liaison with the "Drug and Narcotics Control Division," in order to join efforts and means in case the said

Division might need more personnel or logistic support to act on an important case or proceedings on drug and narcotics.

#### Technical Assistance Division

In addition to its corresponding responsibilities, it must direct, manage, caution and control the personnel and logistic means of the Division it is in charge of, whose specific mission is to assist with tactical and technical support the other Divisions of the O.S.7 Department. To this end, they will have photography laboratory, kardex, various technical equipment, pertaining to their special work, and audio-visual means for the prevention and education task carried out by the O.S.7 Department.

#### Juvenile Affairs Division

Its basic task is to struggle through prevention and repression, drug addition among young people, especially teen-agers in school, according to the corresponding legislation. About this we have treaty with the Ministry of Education.

#### Neighborhood Services

These services are carried out through patrols in charge of officers, to investigate reportings or information on drug traffic or crimes related to that kind of illicit trade.

#### Description of the Legal Procedures of Drugs

As you can see, in my country the legal procedure is very simple and easy.

The sequency of the legal procedures for drug delinquents since arrested till the processing period, is as follows:

The individual is arrested and taken to any police station of Chile, together with all the elements or drugs used to perform the delit.

This police station is compelled to submit the criminal to the Justice of Crime Office, in 24 hours from the very moment he was arrested, only twenty-four house.

Once the Court knows the situation, it has to initiate the corresponding process. We have difference from Brazil because the processes take place in our court, not at the police station. Meanwhile, the individual is sent to jail, where he must expect the process to come to an end and its condemnation.

#### Work of Capture and Number of Cases for Drugs during 1981

	<u>Number of Cases</u>	<u>Capture</u>	<u>Total of Confiscation</u>
Cocaine	12	34	19 kilos, 748 grs
Marihuana	157	347	1.474 kilos, 397 grs
Amphetamine	8	18	3.706 tablets
L.S.D.	1	2	2 dose (about L.S.D. in my country in this case last year we had a few occasional cases.)
Solvents (Neopren)	39	56	Bags with rest of sticking Juvenile (C#276)

### Delits connected to the Traffic or Consume of Drugs during 1981

Marihuana	1 (case) -- 1 arrest for damage in aggression with steel arm. 1 (case) -- 1 arrest for theft. 1 (case) -- 2 arrests for theft.
Amphetamines	1 (case) -- 2 arrests for theft. 1 (case) -- Death for ingestion (overdose).
Solvents (Neopren)	There are 8 cases registered of deaths of youngsters by inhalation of flying fragrant solvents; according to information of the Public Health Ministry (Legal Medicine Institute).

#### Comments of the Law No. 17.934

In the official paper No. 28.553 of May 16, 1973, it was published that texts of the Law No. 17.934 which repress the traffic and consuming of drugs and narcotics and which replaced the Law No. 17.155 of June 11, 1969.

It is composed of twenty-four Articles plus two transitory ones and it considers all the punitive figures in this kind of offences. The operation of this Legal Department is based upon the Regulations No. 535 of Public Health Ministry, in which are contemplated the different drugs that produce or not serious toxic effects to the health.

a) Delits that study the drug's Law.

This Law punishes the following conducts:

- 1) To manufacture narcotic substances from those which the regulation considers as producers of serious toxic effects; violating the prohibitions for legal restrictions.
- b) To make those substances violating the prohibitions and legal restrictions.
- c) Prepare those substances violating the prohibitions and legal restrictions.
- d) Extract those substances violating the prohibitions and legal restrictions.

2-a) Traffic without authorization in narcotics and raw materials that can be used for its obtainment.

Traffickers are:

1. Those who import, export or obtain drugs unless those who may justify or be evident that are assigned for attention of a medical treatment for a personal use.
2. Those who remove or carry, unless those who may justify what is mentioned above.
3. Those who own, keep or carry with them such substances or raw materials, unless they may justify the above indicated.
- 3) Supply, having authorization for it, the substances or the named raw material, with infraction to the legal rules or regulations.
- 4) Prescribe, with abuse of medical reason or therapeutic or give them in a dose higher than the required one.
- 5) Be associated or be organized to elaborate or traffic with narcotics substances violating the prohibitions or legal restrictions or regulations, knowing in advance the following ideas for the application of the punishment.
  1. Individuals that exercise the command in the organization or manufacturing or traffics.
  2. Individuals that took participation in an association or that voluntarily and consciously had provided to some members, for the assignment of these details, the following elements:

- a. Cars
  - b. Arms and Ammunitions
  - c. Instruments
  - d. Lodging, hiding places or places for meetings
- 6) Induce, promote or facilitate the use of the consume of narcotics substances.
- 7) Conspire or propose the elaboration of the traffic of narcotics substances.
- 8) Have elements or instruments usually assigned for the elaboration, manufacturing, preparing or extraction of narcotics substances.
- Fall in confiscation, the cars that the doors have used for the perpetration of some of the delits contemplated in this law and those belonging to thirds that had been used with their consent and knowledge for the perpetration of this action.

## DISCUSSION

**PERU:** I think that the first work of the policeman is the prevention of crimes because if we have good prevention system all the crimes are going to be decreased. In my country, we have some missions in order to prevent crimes, specifically drug abuse. I would like to know if in your country, there is some missions about the prevention of crimes, and preventing drug abuse?

**CHILE:** Yes, in my country the main measures against the drug abuse is just prevention. So, as I have pointed out, we have a treaty with the Ministry of Education in order to prevent these problems.

And this treaty appoint some juries, in other words, we have ... we want with this treaty to following monitors for drugs. And so, some of one duties of this monitor are, for instance, to detect the extent of students drug abusion are surrounding. To coordinate their preventive action and the detection of drug habits through direction of those institution that supply ...

Another example, to give the election to the local and the whole community of the need of prevention and special care for drug addicted children and juveniles that meet. We have one division about this problem situation. As I told you, the Juvenile Affairs Division. Its basic task is to struggle through prevention and repression, drug addiction among young people, especially teen-agers in school, according to the corresponding legislation with conference, giving instruction to teachers, parents and general population.

**BRAZIL:** Mr. Avila, about your description of the legal procedure for drugs, let's see, "the police station is compelled to submit the criminal to the Justice of Crime Office, in 24 hours from the very moment he was arrested." What is the court situation, once the court knows the situation. I would like to ask you how court, the about public prosecutor here.

**CHILE:** Okay. In my country we don't have ... we don't use the public prosecutor.

**BRAZIL:** Who arrest them?

**CHILE:** Only the police. They come to the court without public prosecutor. For that reason, I told you, the procedure is very simple, because we don't have public prosecutor. Police arrest the man.

**PERU:** In Peru, we used to have only 24 hours. The under-age traffickers or addicts in our country is actually the same. But with adult traffickers or adult addicts, we changed ... the time is more, you see with 15 days, which is enough to make a good investigation than only 24 hours.

**CHILE:** No, of course, it sin't enough. But in some cases we arrest one person, we stay with him in our quarter to ensure acuses for other charges, only suspect or ...

PERU: Yes, I know what you mean.

AUSTRALIA: What is the punishment for drug offenses?

CHILE: The maximum punishment is 20 years in prisonment. We don't have fines as punishment.

U.S.A. (Mr. Link). Yes, Sir. Your definition of Law No. 17.934 states identifies traffickers as those who merely possess the drug. Is that correctly stated here that just merely having the drug in your possession ... I am referring to No. 2 and No. 3, under "Traffickers are:" Does that make them a trafficker under your law, the fact that only have it in their possession?

CHILE: Yes.

U.S.: That is, if I have a marihuana joint in my pocket, I am a trafficker in your country?

CHILE: We have to investigate first, we have to demonstrate if he is an addict and not a trafficker.

U.S.: Thank you. I see.

CHILE: I would like to add something about our police. In my country we have 2 kinds of police as I told you. Civilian Police and Carbineros. We use uniforms. I have to use uniform but my work is under cover. So, my hair is long, sometimes I have to wear blue jeans. But both police work together closely so we don't have problems between these two kinds of police. On the other hand, although they are in different organization, we have the same aim that is to fight against the criminals. So we don't have problems between us. For instance, Civilian Police have all the information concerning international police. When we need some information, we ask Civilian Police.

We have no problem. We work close together.

PHILIPPINES: Mr. Avila, you stated a while ago that your country's cocaine smuggled from Bolivia and Peru, do you have a treaty or working relationship with Peruvian police?

CHILE: Of course, we work together with Pervian and Bolivian police because we know that this problem is common between our countries.

PERU: In our relationship with Chile, we always work together the Civilian Guard and Carabineros work together in order to check the smuggling of cocaine paste to Chile. We sometimes make coordinated operations, almost always work with the same idea, stop smuggling.

PHILIPPINES: Thank you.

CHILE: Something about this structure, I would like to add something about the judicial power. This power is completely independent of the government. About the executive power on the Ministry, we can see the Ministry of Defense, army, navy and air force are police, but only carabineros (uniformed police) taken up in the government, no civilian employees ... police. Our General Director is one of the members of "Juntar Velfalno." (?)

SRI LANKA: Mr. Avila, our immediate neighbor, Peru, supposed to be producing the biggest amount of cocaine. Is it supposed to be purified in your laboratories in your country? You claim to have rather good chemists and scientific people in your area. How is it that in your report you did not showed us there have been any laboratories detected by the Carabineros.

CHILE: Because this statistics belongs to last year, 1981, and in that year we didn't have any case of chemist or we didn't find out laboratory. In my country, we have illegal port about drug abuse action.

SRI LANKA: Its not very clear.

CHILE: Its not very clear? No, I tell you in my country the problem about drug abuses is very small so we found out laboratory ...

SRI LANKA: What you are saying is that drugs have not been consumed in Chile?

CHILE: No.

SRI LANKA: So its no problem of yours, but it may be a problem to others where its manu-

factured there, purified there in your country and in your laboratories and its endowed to other places like Japan, Canada, America ...

CHILE: Okay, okay. But you have to remember that in my country, the problem of drug abuse is minimum.

SRI LANKA: I am only looking at the international angle. You are only looking at it from personal angle where your country is concerned. Your country is purifying this no doubt to America and all these, but its not a problem, but its a problem to America, where they are using all the dollars on your people. (Laughter)

CHILE: We work about our problem.

SRI LANKA: This is an international problem, that's why they are all ... We are all here.

CHILE: I see, I know its an international problem, but we have to start working in my country first, okey?

SRI LANKA: Their problem within the country is small, but outside is big. I don't think they are aware of it.

If that is so, they would have checked all the laboratories. The Chileans knew their problems were very great concerning other nations, they would have focused their activities to the laboratories which are in operation in Chile.

CHILE: Actually, in my country, I cannot say we don't have laboratories, but it is controlled, fortunately. Okay?

CHAIRMAN: Thank you, Mr. Avila.

Afternoon Session I  
Friday, 15 October 1982  
1:30-5:00 P.M.

U.S.A.  
Mr. Drew

## PRESENTATION

For those of you that are not familiar with DEA, we have offices in about 59 countries throughout the world; we have about 178 agents stationed in those offices. DEA stands for Drug Enforcement Administration. It is an administration underneath the U.S. Department of Justice. It is the sister agency of the FBI, although considerably smaller, and the scope and extent of our investigative efforts is considerably more narrow. Everything we do is drug-related, whereas the FBI's efforts, up until recently, examined everything else except drug-related matters.

On January 21st of this year, the FBI was authorized to initiate drug enforcement investigations, concurrently with DEA. There has been a lot of speculation as to whether or not DEA and FBI would become one agency, or whether DEA would become a division of the FBI. And some of the remarks in this document I am going to read from address that question.

As of right now, and we believe for quite a while into the future, DEA will remain a separate agency. The FBI will continue to investigate drug enforcement matters as will DEA. By including the FBI in the investigation of drug related crime, we have increased the manpower available to work against narcotic abuse by some 8,000 agents. And we have increased the territory we cover by the number of officers the FBI occupies in areas where I

know there is no DEA presence.

We feel that this concurrent jurisdiction will do much to enhance our enforcement effectiveness on drug abuse.

I am going to read here a comment that was made by the Attorney-General of the United States, William French Smith, regarding this matter. It says--addresses the FBI-DEA effort.

"With concurrent jurisdiction over the investigation of federal drug offences assigned to the FBI, I am fully confident that an infusion of FBI resources and expertise to supplement those of DEA will aid our national drug enforcement effort.

With the Drug Enforcement Administration itself, we are requesting a relatively minor program decrease--and here we are talking about budgetary matters--from current services to be allocated proportionally among DEA's programs. These decreases will be achieved through improved operational efficiency and reductions in redundant administrative activities. There will, however, be no reduction in authorized positions for DEA.

I am also creating a high level Justice Department Committee to oversee the development of drug enforcement policy and to assure that all the departments' resources, including its prosecutorial and correctional efforts, are effectively engaged in the effort against drug traffickers.

DEA has made significant progress in controlling the availability of South-west Asian heroin. Much of the South-east Asian heroin destined to the United States in 1980 and 1981 never reached this country, while supplies of opium in South-west Asia continue to be abundant, and enforcement pressure will be maintained on South-west Asian heroin availability by the appropriate domestic and foreign field officers.

Furthermore, assets seizures of major narcotics traffickers have increased substantially. In the past two years alone, DEA seized approximately 255 million dollars of drug-related assets. Seizures this year are expected to exceed the total dollar amount of the DEA budget. Continued efforts in the assets seizures area will no doubt have a considerable effect on major drug trafficking."

That's the statement made by the Attorney-General. The last paragraph speaking of seizures is a relatively recent enforcement technique that both DEA and the FBI are engaged in, and in that we are trying to hit the trafficker where hurts him the most, and frightens the reason that he traffics.

It is the excerpt taken from statement made by the Acting Administrator of DEA, Mr. Francis Mullen, relative to the effects of drug abuse and the scope of U.S. Government strategy. He is speaking now at the Congress.

"My interests and objectives are to keep the United States Government at the forefront of the drug war. The public has entrusted us with their faith to address this insidious problem, which is a major cause of crimes against the public. Violent crime associated with drug trafficking is unacceptable. The drug money induced the erosion of our financial and tax structure is unacceptable. The injurious health repercussions our youths are suffering are unacceptable.

Clearly, the drug problem is one which requires federal leadership not only to manage the influence and motivate state and local authorities to implement worthy drug control programmes."

The impact of federal drug law enforcement: First, let me state that in the United States law enforcement system, we have what's known as Federal Law Enforcement Agencies and State Law Enforcement Agencies. And within the State Law Enforcement Agencies, there are a number of Municipal Law Enforcement Agencies, such as city, town, county. The



Federal Law Enforcement Agencies are those which have jurisdiction over the entire United States, in every State.

The Federal Drug Law Enforcement can act aggressively in several areas: Internationally, to stop production at the source, and to assist in the introduction of drugs and money before they penetrate U.S. borders. Domestically, to investigate and develop cases of the highest levels of violators, to strike at organized crime, to hold to a minimum the availability of control substances, to seize for forfeiture the profits and proceeds of drug trafficking, and to strengthen the cooperative federal, state and local drug enforcement apparatus to increase the likelihood of law enforcement activity and all levels of drug trafficking.

As far as our foreign operations and cooperation goes, this is the statement that has been made by Mr. Mullen to one of the Congressmen. The Congressman asked how many people do we have in foreign nations? And the answer, as I mentioned earlier, was 178 agents are assigned overseas: The total of 276 people. The Congressman asks: Are those people able to get a lead on a shipment that will be coming out and contact our customs so that they will be able to be on the lookout for that particular shipment? Mr. Mullen's answer: With some regularity we are able to do that working with foreign police. DEA agents are very active for foreign police agencies, and this has been a very successful programme. The question again: Do we find most of the foreign police being receptive, and especially in an area where the drug may be produced? Mr. Mullen's answer: We find that most are receptive. What we do; we run into in some areas such as South-east Asia the traditions and customs where the growing of opium has been carried out for centuries, and we are trying to encourage the police to go in and eradicate, and the government to substitute other crops. And we are having to overcome decades and centuries of tradition. But we find in most instances that the police are cooperative. And in addition to the working relationship, we are training many of these foreign police at our training academy in Georgia. So, we have a very good relationship with most. On occasion, we did have some difficulty in the not too distant past; but we feel this is really the case.

The last thing I would like to say about the foreign investigation is: He mentions that in keeping with the principle that the United States Government should present a single point of contact with foreign drug enforcement counterparts, DEA will continue to be responsible for the conduct of drug investigations in foreign countries.

This means that I think all of you who have had some contact with DEA in your countries, there really isn't anyone else for you to contact. But this is the statement that we are going to continue along that line. DEA will maintain the responsibility in foreign countries as the point of contact.

Okay, now I would like to get into the statistical drug situation. I am going to read a small summary of the situation on each of the drugs.

Heroin assessment in the United States: All of the heroin and cocaine, most of the marijuana, and a portion of the illicit dangerous drugs consumed in the United States and Europe are cultivated, processed and trafficked through South-west Asia, South-east Asia, South America and the Caribbean. Traditional organized crime syndicates have re-emerged in the trafficking of heroin from several sources to the United States.

Heroin retail sales generated over 8 billion dollars in 1980. Far more important, however, are the health consequences. Although the level of domestic heroin abuse is less severe than the extreme experienced in 1976, heroin availability and abuse again have been on the increase since mid 1979. From 1979 to 1980, heroin-related injuries rose 25 percent, from 9,700 to 12,900. There were over 850 heroin-related deaths in 1980, a 20 percent increase from 1979. The national addict population is thought to be approximately 450,000; primarily in the 26 to 39 age group. As a point of emphasis, one study of 243 addicts esti-

mated they committed one half million crimes in 11 years.

An estimated 4 metric tons of heroin were smuggled into the U.S. in 1980, up 7 percent from 1979. About 60 percent was refined from opium cultivated in South-west Asia—Pakistan, Afghanistan, and Iran. In 1980, Mexico was the source for 25 percent of the U.S. heroin, which is in sharp contrast to four years earlier when Mexican heroin accounted for over two-thirds of the U.S. market. This reduction is a direct consequence of the Mexican Government's aggressive opium poppy eradication programme.

The balance comes from the Golden Triangle of South-east Asia—Burma, Northern Thailand and Laos. This region suffered two successive droughts, greatly diminishing opium production from 1978 through 1980. There was a bumper crop in 1981, and production will provide enough heroin to glut the world market.

Availability of South-west Asian heroin in the United States is likely to increase. Because of greater availability, new users will probably be drawn into heroin abuse. South-west Asian heroin now predominant and readily available in the North-east Corridor—that's the north-east portion of the U.S., from the State of Maine down to Florida—will continue its westward spread. New York will continue to be the major center for the U.S. heroin traffic, but Detroit is likely to increase in importance. Abuse trends in Chicago will worsen if the area's heroin supply is reoriented toward South-west Asian heroin sources in Detroit. A center for South-west Asian heroin distribution on the West Coast may also emerge clearly during the period.

Supplies of opium in South-west Asia will continue to be abundant. The prospects for effective enforcement action in the region remain bleak. By itself, in an exceptional year, Pakistan can outproduce the Golden Triangle. Afghanistan is likely to be an unknown factor in South-west Asian opium production so long as the stalemate in Soviet occupation continues. Although new opium laws have been enacted in Iran, it remains to be seen whether the Government can regain control of opium production within its territory.

The upheavals in the Middle East indicate further difficulties for the U.S. efforts to stop heroin shipments near their source. The Franco-Italian trafficking syndicates will probably maintain their access to supplies of Middle Eastern opiates and are likely to increase their already formidable position in the U.S. market.

Resource problems and the inaccessibility of much poppy cultivation will continue to limit the effectiveness of the Burmese narcotics control programmes in the near future. The Government has made some progress in checking the insurgencies that rage in the opium producing areas, but even with this success, they will remain preoccupied with security problems.

The Mexican Government continues to move aggressively to locate and destroy poppy fields. Additional sprayer helicopters are being purchased and mobility increased in response to aerial reconnaissance reports of spreading poppy cultivation.

We are speaking in the first paragraph of retail heroin price and purity, where they obtain that figure; they take a sample of heroin and determine its purity and its cost, and they attach a price to a pure milligram of that heroin. And by watching the price and the purity, they can get an idea as to the availability of the heroin. When there is a lot of heroin around, the purity level goes up, and the price goes down. So, we look for that combination to determine what kind of a market there is.

Heroin-related injuries is another thermometer that we use to try to determine how much heroin is out on the street. And we do this with a system called "DAWN"—Drug Abuse Warning Network. That's a system whereby hospitals and doctors and so forth are required to report heroin-related injuries; by that we mean over-doses or anything associated with the abuse of heroin. As those injury reports increase, we assume that the number of heroin users

is increasing also.

And we divide up the statistics—these heroin retail price and purity indexes—by area of the country. By doing this, we can sometimes determine where the most likely area is that heroin is entering the country; where the price is the highest, it's probably the farthest from the source.

Cocaine has been increasingly available in the United States during 1982. Seizures as of September were already double the amount recorded in 1981, in part reflecting intensified enforcement activity. Despite the impressive interdiction efforts, including two seizures of over 500 kilograms and one of 1,600 kilograms, cocaine prices have remained stable in most parts of the country. Retail purity has increased from an average of 11.6 percent in 1981 to 14.8 percent in the second quarter of 1982. Nearly every major city reports cocaine to be readily available and widely used.

Colombia provides between 50 and 75 percent of the cocaine sold in the United States. Colombian traffickers dominate the financing and smuggling of cocaine hydrochloride processed in Peru, Ecuador, Bolivia and Brazil. The second most important source for the U.S. is Peru, where higher quality and slightly lower prices attract North American and European buyers. This traffic as yet is not highly organized. Bolivia is a minor source of finished cocaine, but produces much larger amounts of coca paste and base that are then processed in Colombia, Brazil, or Chile. Bolivia and Peru are the world's principal sources of coca leaf.

While the enforcement resources concentrated in the Caribbean and southern Florida have resulted in disruption or displacement of some cocaine trafficking, Miami continues its role as the center in the U.S. for importation, whole-sale distribution, and financing. Cocaine seizures in the south Florida area dominate the national totals. Although some shipments were rerouted through alternate ports of entry, one result of the recent aggressive and well publicized enforcement operations in Florida has been a reported accumulation of cocaine in Colombia.

Some of the increased aircraft smuggling in other parts of the country probably is due to the enforcement pressure in Florida. Major seizures from private aircraft have occurred this year in New Mexico, Louisiana, Tennessee, Georgia and New York. Intelligence reports and seizure data demonstrate increased activity as far north as Maine.

Because the preferred methods, commercial flights and light aircraft have been closely scrutinized, there has been a substantial increase in the use of commercial and cruise ships for illegal cocaine importation. However, air couriers with ingested cocaine filled balloons have continued to inundate U.S. ports of entry. Between March 1 and August 12, 1982, there were 100 seizures involving this method at New York, Miami and Los Angeles. Generally, travelling in small groups, the couriers prefer the major, more active entry points, including Atlanta, Dallas, Houston, New Orleans and San Juan. Venezuelan passports sometimes are used in the belief that they arouse less suspicion among U.S. entry control personnel.

DEA estimates that in 1981, somewhere between 30 and 60 metric tons of cocaine successfully entered the United States, roughly comparable to the 1980 estimates. Examination of abuse data reflects increasing availability as well as widespread popularity of cocaine.

Marihuana would be our next subject. Marihuana use in the United States has continued at a high rate during 1981/82. Colombia supplies an estimated 80 percent of the imported marihuana and 75 percent of the total U.S. supply. Jamaica, Mexico and domestic cultivation account for the remainder.

Traffickers smuggling marihuana from Colombia continue to rely extensively on the risky but profitable method of smuggling multi-ton shipments in a variety of boats and ships. General aviation aircrafts also are used routinely. Islands in the Caribbean play important

roles as transfer and storage sites for the major smuggling organizations.

Most of the marihuana coming to the U.S. from Jamaica probably is transported in private aircraft. Some small, single and twin-engine planes capable of carrying 500 to 3,000 pounds are popular. Most of the deliveries are to the southern Atlantic seaboard. The frequency of smuggling by boat has increased in the 1980's.

The cultivation of commercial grade marihuana within the U.S. is a burgeoning phenomenon capable of reaching epidemic proportions. Seizures by the Drug Enforcement Administration have increased sharply since 1980, and the value of the annual crop is estimated at 2 to 3 billion dollars.

Although marihuana is cultivated in nearly every state, the bulk of commercial production occurs in California, Hawaii, Kentucky, West Virginia, Oklahoma and Mississippi. Cultivators fall into three basic categories: The amateur grower who produces enough for personal consumption; the small entrepreneur who supplies a restricted retail market; and the group which controls extensive growing areas and employs others to do the actual growing and harvesting.

Marihuana fields often are located in remote areas that are difficult to reach. When planted on existing farms marihuana is usually interspersed among licit crops, particularly corn. Growers using small, scattered plots prefer to locate them on or adjacent to U.S. forest land. The larger scale producers employ extensive irrigation systems, hothouses, and fertilizers. Yields range from a few ounces to one pound of dried marihuana per plant. For sinsemilla, a high THC variety which is made from the flowering tops and leaves of unfertilized female plants, up to 2 pounds may be obtained from a single plant.

Marihuana production can be extremely profitable. A pound of sinsemilla or the other high THC varieties sells for 600 to 900 dollars at the farm, 1,600 dollars wholesale, and 2,000 to 3,000 dollars retail. This yields a profit for the grower of about 850 dollars per plant; a strong incentive for increased domestic cultivation.

Federal, state and local officials have responded to the escalating domestic marihuana production with enforcement operations in the major growing areas. The effectiveness of these programs has caused some California traffickers and cultivators to relocate to other states.

While foreign sourced marihuana will continue to dominate the U.S. marihuana market in the near term, exotic varieties of marihuana, such as sinsemilla, will almost certainly command a greater share of the total market. This projected upward consumer demand for exotic varieties of marihuana is due to its allegedly higher THC content.

Cultivators are also experimenting with developing more potent strains. For example, marihuana plants in Missouri were recently identified as a dwarf mutant strain which produced a large number of buds with fewer leaves. Further, in Oregon, marihuana cultivators are improving marihuana seeds from some traditional hashish producing countries in the mid East in order to produce plants with greater cannabinoid content. Domestic cultivation with its high profits, combined with continued foreign importation, may well produce keener competition among traffickers, possibly lowering some retail prices, and increasing the possibility of violence.

We have a very serious problem with stimulants also.

The availability and abuse of amphetamine and methamphetamine substances, as reflected by almost all available indicators, continued in a pattern of steady increase during 1981, consistent with the last several years. From 1977 to 1981, amphetamine-methamphetamine related emergency room episodes rose over 100 percent with a 42 percent increase recorded from 1979 to 1981. A total of 2,708 injury episodes were reported in 1979 compared to 3,846 in 1981.

Additionally, data from federally funded treatment centers show a similar pattern of increase. In 1977, 2,732 admissions per quarter were reported for amphetamine abuse. Through six months of 1981, this figure rose to 4,684 quarter, an increase of 71 percent.

Amphetamines and methamphetamines, in a fashion similar to cannabis and cocaine, appear to have maintained their appeal to a broad spectrum of the drug sub-culture over a relatively long period of time. When broken down to a geographic level, the injury data cited earlier clearly show long range and steady increases in every part of the United States.

Distribution of the amphetamine-methamphetamine type substances is found in most cities of the United States, but currently appears most prevalent in the New York, San Francisco and Philadelphia metropolitan areas. Drug injury and/or treatment information from each of these cities show domestic increases in recent years in the use of these substances. In 1982, other western cities, including San Diego, Phoenix and Denver, have reported significant increases in abuse levels.

Concurrent with the rise in amphetamine, methamphetamine abuse has been a sharp increase in illicit manufacture. In 1977, DEA seized a total of 56 clandestine manufacturers of these substances compared to 146 in 1980, and 110 in 1981.

Intelligence and abuse data related to those seizures suggest that the manufacture of stimulants in the north-east is primarily for distribution in that region. Intelligence also indicates the heavy trafficking of methamphetamine by West Coast motorcycle groups both in the west and in other parts of the U.S. The involvement of highly mobile motorcycle gangs in the trafficking of methamphetamine is a significant factor in the widespread availability of this substance.

Other stimulant substances include phenmetrazine, commonly found in the form of legitimate drug called "Preludin," methylphenidate found as "Ritalin," and anorectic drugs such as benzphetamine, diethylpropion and phendimetrazine.

In the past four years, injury episodes from these substances have shown sharp increases in every geographic area, showing trends similar to the amphetamine-methamphetamine group.

Methaqualone, a depressant: From the period of early 1979 through the third quarter of 1980, methaqualone abuse grew sharply. The heavy abuse of this drug was recognized early in the Miami area where it accounted for 34 percent of all drug treatment admissions in 1979. On a national basis methaqualone injury mentions reported to the DAWN system rose from 2,890 in 1979 to 4,892 in 1980, an increase of about 70 percent. In all, 23 of 24 DAWN cities reported increases in methaqualone during 1980.

Since 1980, methaqualone abuse has abated somewhat, although it remains a serious problem with 4,037 injury mentions in 1981. This drug remains particularly popular in Chicago, St. Louis, Philadelphia and New York. In Florida and Georgia State legislatures have reclassified methaqualone as a Schedule I substance, prohibiting legitimate distribution.

The primary source of illicit methaqualone is laboratories in South America. Methaqualone is trafficked primarily from Colombia to Florida, and trafficking of methaqualone is linked to the trafficking of cocaine and marijuana. Bulk methaqualone powder, along with diazepam which is utilized in the manufacture of methaqualone counterfeits, originates in Europe, with shipments controlled by major trafficking organizations.

In conjunction with the rise in methaqualone trafficking, domestic clandestine manufacturing also increased. In 1979, DEA seized seven methaqualone labs, compared to 15 in 1980 and 13 in 1981. Some areas also reported the distribution of counterfeit methaqualone tablets, some of which contained diazepam.

The reduction in methaqualone availability in the U.S. since 1980 is largely the result of two major initiatives: Diplomatic efforts designed to curb the importation of illicit manu-

factured bulk methaqualone from Europe to Latin America have been highly successful. Secondly, enforcement activities aimed at curtailing high level traffickers have resulted in numerous major seizures of methaqualone, the arrest of high level traffickers, and the closing of a number of clandestine laboratories.

In this light, the trafficking of counterfeit methaqualone containing dangerous amounts of diazepam continues to increase as the illicit supply of methaqualone from Colombia decreases.

Barbiturate abuse, as measured by deaths, injuries and treatment admissions, has shown long range declines over the last five years.

Barbiturate injuries rose in 1980, but then declined to the levels of 1978 to 1979. Deaths related to barbiturate abuse have fallen from 916 in 1977 to 466 in 1981.

For the most part, barbiturates that are abused are legitimately manufactured. There is little illicit manufacture at the present time. The decline in barbiturate use in recent years appears to be a consequence of restrictions brought by re-scheduling, by growing awareness of the dangers of barbiturate abuse, and by the utilization of other depressants such as methaqualone and diazepam.

**Diazepam:** Reports of drug abuse mentions are often associated with accidental or intentional over-dosage. Since 1971 to the present, diazepam has consistently ranked number one in the list of mentions in all facilities collectively, including emergency rooms, crisis centers, medical examiners and outpatient clinics based upon the DAWN.

Since the late 1970's however, diazepam abuse apparently has declined, although its use as a methaqualone counterfeit is increasing.

Injuries have dropped from 15,139 in 1979 to 11,539 last year. The majority of these incidents involved diazepam obtained through legal prescription and used for suicide attempts.

Then, we will go right on to hallucinogens if there are no questions, okay?

**PCP:** All available indicators point to a decline in PCP availability and abuse in most parts of the U.S. A broad geographic look at this decline can be seen in the chart. And you will notice in the chart that there is in fact a decline.

In the north-eastern U.S., PCP injury rates have declined sharply in Philadelphia and Buffalo, while remaining stable in Boston. In New York city, the number of injuries increased during 1981, and local officials report that the popularity of PCP varies from year to year. Two PCP laboratories were seized in the north-east during 1981.

The regional decreases observed in the south-east since 1979 conceal the steady escalation of availability in the Washington D.C. area, which for some time has been one of the major PCP manufacturing centers in this country. During 1981, 13 clandestine PCP manufacturing operations were terminated in the Washington area. Injuries have increased 16 percent in Washington since 1979.

In the mid-west, PCP injuries have fallen in every city except Kansas City. Chicago and Detroit, traditionally centers of PCP activity, reported injury reductions of 30 and 40 percent, respectively. Four PCP laboratories were seized in this region last year.

In the south-central area, PCP abuse increased in Oklahoma City and Denver, while declining elsewhere. Five laboratories were seized.

Since 1979, injuries attributed to PCP decreased 53 percent in the west, reflecting significant declines in all major cities. The West Coast apparently continues to be an important PCP manufacturing and distribution area, as eight laboratories were seized in 1981.

**LSD:** On a national basis, LSD injuries declined significantly in 1980 but since have remained stable. Much of the LSD available in the V.C. is believed to be manufactured on the West Coast

In the north-east, injuries have declined steadily in New York City, while increasing in

Buffalo and Philadelphia. In the south-east, total injuries rose 45 percent from 1980 to 1981, reflecting sharp increases in Washington D.C., and New Orleans. Mid-western cities have reported stable or falling injury rates since 1979. In the south-west, total LSD injuries have increased; Denver reported 105 LSD mentions last year, compared to 78 in 1979. On the West Coast, the LSD situation appears stable in the major cities.

And now, the last category, narcotics and analgesics. During recent years, the widespread use of pharmaceutical narcotic substitutes for heroin has become common among addicts and heroin users in a number of cities. Initially, this trend appears to have developed as a response to poor heroin quality. Recently, there is increasing evidence that these drugs have become used in conjunction with heroin as a form of bi-modal narcotic use, or frequently as the primary drug of choice. Examples of this trend include the widespread use of Dilaudid in the Washington D.C. area, and the use of Talwin in St. Louis and New Orleans. Additionally, the combination of Empirin No. 4, which contains codeine, and Doriden, has become a major problem in Newark, Philadelphia, and Los Angeles. Sold under the street names of "Fours and doors" or "loads," this combination resulted in 55 deaths in the above three cities during 1980 to 1981.

Talwin and pyribenzamine represent a serious and rising drug abuse problem. Talwin is the brand name for pentazocine, a potent analgesic and a Schedule IV controlled substance. Pyribenzamine is a non-controlled antihistamine. The effect of the two drugs dissolved and injected together is reportedly similar to that of heroin.

At the national level, the increase in abuse is seen in the growing number of pentazocine injury mentions. In 1981, the Drug Abuse Warning Network reported 2,230 injury mentions, compared to 1,450 in 1979. A number of cities including New Orleans, St. Louis, and Cleveland, report pentazocine injuries exceeding heroin injuries. Pentazocine for abuse is obtained through diversion from legitimate supplies, rather than by clandestine manufacture.

That completes the statistical statement of the state of affairs relative to drugs of abuse in the United States. Attached to the back of that is a copy of the Controlled Substances Act. This is a rundown of how the United States classifies its drugs and regulates the drug industry in the United States. You will find in there a description of how a substance is scheduled. In other words, whether it's considered to be a drug that has a high potential for abuse and should come under very severe restrictions in terms of distribution, or whether it has a very low potential for abuse and would therefore have much less stringent requirements for its use.

Also attached is a diagram showing the federal trafficking penalties. For example, if someone traffics in a Class I or Schedule I substance such as heroin, the first offence carries a maximum sentence of 15 years imprisonment and a maximum fine of 25,000 dollars. Non-narcotic would be 5 years, and 15,000 dollars; and so forth.

Below the regulatory requirements shows you what limitations are placed and what requirements there are for the use or distribution of these substances. And you will notice that, as you go from Schedule I to Schedule V, it becomes more and more easy to obtain Schedule V drugs, compared to Schedule I drugs.

The last page you have on there is a copy of a cable we have received recently, based upon an inquiry we have had from the Ministry of Justice in Japan asking about which states allow a user amounts of marijuana. The statement speaks for itself. Please be aware of the fact that Federal Law pertaining to possession implies in every state, whether that state has a law that it is less severe than the Federal Law, Federal Law still can be enforced if that is the decision.

I just have a couple of more things here. There are a couple of cables here: We received a cable today from our Headquarters, indicating that the effective October 15th at noon time, which will occur some time tomorrow morning in Japan, the President is announcing

the creation of a special area taskforce in the United States, similar to the ones that were utilized in Florida over the past year and a half. He has authorized the creation of between 1,100 and 1,200 new law enforcement—federal law enforcement positions to fill this taskforce. So, what we are saying is that in addition to DEA's 1,700 somewhat special agents and the 8,000 FBI agents, we are going to add another 1,100 to 1,200 agents. The sole purpose will be to interdict and stop narcotic activity.

Some of these taskforces will include and require support from the Immigration and Naturalization Service, U.S. Marshal Service, U.S. Customs, Bureau of Alcohol, Tobacco and Firearms, Internal Revenue Service, Coast Guard, and the Department of Defence.

Another statement by the White House on their federal drug strategy points up an increased awareness of the need for international narcotic enforcement activity. And the Secretary of State of the U.S., Mr. Schultz, has issued a statement to all his Embassies in counselor post, urging them to step up their diplomatic efforts to encourage other countries to join the fight against narcotic abuse, especially in countries that are growing the problem—the source countries.

That's about all I have. Any questions or comments?

## DISCUSSION

**AUSTRALIA:** One question I have. I've noticed in your cocaine report that you've got a similar problem with us; as far as the importation method is concerned, that's the internal concealment. But you had a 100 seizures of that type last year. Is there any particular method used at the airports to detect that particular drug?

**U.S.A.:** Let me find out where you are first?

**AUSTRALIA:** On the first page on cocaine.

**U.S.A.:** Oh, I see. There is no real effective method that I am aware of. I know—I was in Los Angeles this past summer, and I had an occasion to talk to some of our agents in that airport, and I talked to some of the agents who were involved in that activity. And it isn't a very pleasant way to investigate a case, but their primary means of detecting this smuggling method is just by using the narcotic profile: If someone seems to fit the profile, or if they have outside information from an informant. There is no real good way.

**AUSTRALIA:** That's pretty much the same as ours.

**CHAIRMAN:** Thank you, Mr. Drew. Let's have a break here until 2:50 p.m.

Afternoon Session II  
Fri., 15 October, 1982

NEW ZEALAND  
Mr. Manks

## PRESENTATION

We will have a brief outline on the role of the police and the Customs and the Health Departments in New Zealand. Firstly, the police: By 1965, the New Zealand police had become concerned at the likely illegal importation and use of drugs in New Zealand. Con-



sequently, Drug Squads were established, whose duties included among other things determining the extent of the drug problem and dealing with drug offences.

In addition to the above Drug Squads, the Criminal Intelligence Section, Crime Control Unit, Surveillance Section and officers operating an undercover programme, spend most of their time working on drug enquiries. Major drug investigations are carried out by Drug Squads with the assistance of those others—of these other specialist squads, whilst most minor offending is dealt with by uniformed and CIB officers in the course of their normal duties.

Next, the Customs: The Customs Department is charged with the responsibility of ensuring proper compliance with the legislative provisions covering the movement of goods and persons into and out of New Zealand. Appropriate sections of the Customs Act define the Customs control of such movements and provide the powers by which this control may be exercised.

Supplementing these general provisions and powers, Customs officers are provided with additional authorities in the Misuse of Drugs Act and the Misuse of Drugs Amendment Act, when they are dealing with the movement of controlled drugs.

To the extent that they are concerned with importation and exportation, all Customs officers have an enforcement role in the anti-drug activity. In addition to the controlled drugs that are detected, Customs' success can also be claimed for the prevention of importation. This can be achieved either by the interception of narcotics overseas prior to their arrival in New Zealand, or by the containment of vessels and aircraft during their stay in New Zealand to prevent narcotics being landed.

Thirdly, the Health Department: The Department administers the legislation covering the import and export, manufacture and distribution of medicines, some of which became diverted to become drugs on the illicit market.

To comply with the requirements of the United Nations Single Convention on Narcotic Drugs 1961, and the Convention on the Psychotropic Substances 1971, the Department provides estimates and statistics of trade in drugs covered by these conventions, which are the major drugs of abuse. Where licences are required for manufacture, trade and distribution, these are issued by the Health Department.

The Health Department also covers the concern of the treatment and rehabilitation. The Minister of Health's recently established Drugs Advisory Committee has made its first objective to determine the extent of the problem created by the misuse of drugs, and to apply this to the treatment of drug dependent persons. Treatment continues to be given at hospital based clinics and by voluntary agencies, using various methods of counselling and methadone maintenance programmes. This methadone maintenance programme is the takeaway system which also caused some problem, to which I might make a comment on that later.

One other aspect of the enforcement is the drug dogs. New Zealand police and Customs use drug detector dogs to assist field staff to locate illicit drugs.

Both departments use Labrador dogs now, because of their retrieving qualities and excellent temperament. The police presently also use German shepherds, but are gradually replacing this breed in favour of the Labrador, whose success rate has proved to be far greater. All dogs are trained to locate cannabis in its various forms, opium and its derivatives and cocaine. It is normal for dogs to train and then work with one-handler for their operational life.

Now, this is really the meat of our Drug Enforcement Bureau. We have set up the National Drug Intelligence Bureau, in short, NDIB. NDIB is established at Police National Headquarters as a joint operation of Police, Customs and Health Departments. A Board of Control comprising the Commissioner of Police, Comptroller of Customs and the Director-General of Health, is responsible for broad policy objectives and general direction of the Bureau.

The Bureau is staffed by Police and Customs officers, and has a liaison role with the Health Department.

The decision to establish the NDIB was made in 1972 by the Ministers of Health, Police and Customs. The decision was in accordance with a suggestion made at a United Nations Regional Conference on Illicit Drug Trafficking, that countries establish a central office at which all data on drug trafficking would be available.

The primary function of the Bureau was then, and still is, enforcement; hence, the principal role played by police and Customs. The Department of Health is also vitally concerned because it is responsible for licit drug control and is the competent authority for the United Nations drug conventions and amendments, to which New Zealand is a signatory. This Department also supplies New Zealand representation to the World Health Organization and reports to the United Nations Commission on Narcotic Drugs.

The functions of the NDIB are based upon the collection and dissemination of drug offence data domestically and internationally. The Bureau is responsible for communications to and from overseas authorities on drug matters, particularly those relating to police or Customs functions. The Bureau also maintains liaison between the Head Offices of the Police, Health and Customs Departments.

By recording information on modus operandi, movements and supply source of major drug offenders and by coordinating the flow and use of this information in New Zealand and overseas, the NDIB plays a major role in drug enforcement.

Legislation in New Zealand: There is much prior legislation before 1969, but I won't mention that, because they are now outdated; and so, we move now to, let's say, the more or less modern legislation: We see that the Poisons Act 1969, creating dealer and user offences in relation to drugs used in medicine, and the Narcotics Act 1965, controlling the use and dealing in a long list of substances including all the more common drugs of abuse.

The Narcotics Act was originally subject to much criticism, because it artificially deemed all drugs mentioned in it to be narcotics, and because it imposed the same maximum penalty on a heroin dealer as it did on a person who passed a cannabis cigarette to a friend, both being regarded as suppliers. The Narcotics Act also introduced a presumption of dealing if a person was found in possession of more than a certain quantity of drugs, and gave the power to search without warrant on reasonable belief that drugs were to be found on the premises.

In 1975, the Misuse of Drugs Act replaced the Narcotics Act. And within this legislation, drugs are divided into three classes according to their perceived harmfulness, and the penalties vary according to which class of drug is involved. The presumption of dealing is included, as is also a presumption that a supply of a Class C controlled drug to a person of or over 18 years is a sale.

I mention "Class C" drugs there, and perhaps it would be appropriate at this stage that I just mention briefly what some of these Class A, B, and C drugs are. We have classed them according, as I said, to their perceived harmfulness, and the penalties vary accordingly.

For example, a Class A drug—here is a long list, but the most, probably the most common one listed there in Class A, is heroin; Class B, which is regarded as a lower than Class A, we conclude, cannabis resin, cocaine, morphine and opium. Then, Class C, we have cannabis fruit, plant, seed, and coca leaf. So, the penalties, as I said, vary according to the class of the drug.

In 1978, the penalty for dealing in Class A controlled drugs was increased from 14 years to life imprisonment; and the penalty for dealing in Class B controlled drugs from 10 to 14 years.

The user offences are punishable by a maximum of six months for Class A drugs and

three months for B and C. Offences of various types are included in the Act to punish most types of behaviour indulged in by drug users or dealers, including aiding an offence against the corresponding law of a foreign country in relation to dealing offences.

Other noteworthy aspects of the law include briefly, forfeiture of motor vehicles, ships, aircraft, etc. to the Crown, automatically takes place when a person is convicted of permitting the vehicle, etc. to be used for the purpose of the commission of an offence against the Act. Also, forfeiture of the illegal gains, proceeds and assets of drug dealing may be sought. Also entertain a provision for the internal, that is, body orifice, searches of suspect couriers, or dealers. Another provision is the interception of communications by listening devices on the warrant of a high court judge. And tracking devices may also be placed on consignments of Class A or B drugs, located in and on vehicles, in an attempt to locate the offenders.

Turning now to international cooperation: New Zealand is committed to international cooperation in respect of the suppression of drug trafficking. It is a member of the United Nations Commission on Narcotic Drugs, and contributes to the United Nations Fund for Drug Abuse Control. It is also a signatory to the United Nations Single Convention on Narcotic Drugs 1961 and the Convention on Psychotropic Substances 1971.

It also participates in meetings of the Operational Heads of National Narcotics Law Enforcement Agencies, Far East Region, and last year we hosted the 1981 meetings.

Both the New Zealand Police and Customs are regularly involved in training projects within our principal areas of concern, that is, South-east Asia and the South Pacific. Under the auspices of the United Nations and the South Pacific Commission, New Zealand Police and Customs have travelled to various Pacific Islands and given instruction on drug enforcement. We have one police officer assisted in the United Nations sponsored course in Malaysia in 1980, and last year we hosted a course in New Zealand.

Every two years, New Zealand Customs conducts a Developing Countries Course for Customs. Participants in this course come from countries throughout South-east Asia and the Pacific. Although the course is designed for general customs matters, aspects of drug enforcement are covered.

As a member of INTERPOL, the New Zealand Police participate in matters of international police interest, including the dissemination of drug-related information. In this regard, the INTERPOL Office at Police National Headquarters and the National Drug Intelligence Bureau cooperate closely.

The New Zealand Customs Department is a member of the Customs Cooperation Council. And this Council is vitally concerned with international customs activities directed at suppressing drug trafficking.

To counteract the involvement of New Zealand and New Zealanders in international drug trafficking activities, the New Zealand Police and Customs have, through the NDIB, developed good working relationships with drug law enforcement agencies throughout the world. This has been of particular importance with regard to cooperation with our principal heroin source area, South-east Asia, and also the principal domicile of New Zealand drug entrepreneurs in Australia. The establishment of police liaison positions in Bangkok and Sydney has had a marked effect on the development of effective cooperation between the law enforcement agencies of New Zealand, South-east Asia, and Australia.

Education: The Government has placed responsibility on the Department of Education for drug education directed at three major target groups: These are the post-secondary students, parents and school students.

A Health Education Resources Project has been established by the Department to coordinate efforts in drug and health education. Inter-departmental consultative meetings are convened with police, customs, social welfare, justice and health, so that the government

departments involved understand developments and share expertise.

Because the field of drug education is acknowledged as a complex area, a Consultative Group—Drug Education has been set up. It comprises recognized authorities who can provide the Department with advice on specific resource developments, information on current research both overseas and in New Zealand, and guidance about future developments.

Moving now to our current illicit drug scene; firstly, cannabis. This is the most favoured illicit drug of abuse in New Zealand. The abuse of this drug continues to increase each year. A disturbing aspect is the abuse of cannabis by almost all sections of the community. Although no authoritative surveys have been carried out in New Zealand, it is clear that a significant proportion of the community, particularly those in the 18 to 30 year age group, use cannabis with some degree of regularity.

Cannabis is grown in New Zealand throughout the year, the main season being between November and March. However, the quality of New Zealand cannabis is poor when compared with cannabis grown in some other countries.

Despite the dramatic increase in local production, cannabis continues to be imported into New Zealand in substantial quantities, usually in the form of Thai sticks.

Cannabis oil and resin: All the cannabis resin and oil seized in New Zealand in 1980 is believed to have originated in India, Nepal and Pakistan. The seizures of cannabis oil have declined markedly over the last few years due to the disruption in 1979 of an international drug smuggling syndicate.

Heroin: Heroin found in New Zealand is generally in the form of No. 3, rock, or No. 4, white powder. Purity rates in 1980 ranged from 1 to 33 percent, the average being 10.9 percent. The most common forms of diluents used for cutting the heroin were glucose and lactose.

All the heroin seized in New Zealand has been sourced in Southeast Asia. We are, however, aware of the large production of illicit opiates in countries such as Iran, Afghanistan and Pakistan, commonly referred to as the Golden Crescent or Brown Belt areas. The main reasons for opiates from this region not reaching New Zealand are the lack of a direct transport route, and the failure, as yet, of criminals with New Zealand connections to establish a presence in the area.

Hallucinogens: LSD was first encountered on the illicit market in New Zealand in 1969. It was introduced in many forms including gelatine capsules, tablets, blotting paper and micro-dots. New Zealand, as I mentioned earlier, has seen over 200 varieties of LSD.

LSD gained in popularity until 1973. The drug was imported mainly from the U.S.A. Seizures of LSD declined noticeably in 1975 and 1976, as the popularity of heroin, cocaine, South-east Asian cannabis and its derivatives increased. These drugs were regarded by users as less dangerous than LSD, which can cause unpredictable reactions. Indications are that the LSD seized in New Zealand still originates in the U.S.A. LSD is not known to be manufactured in New Zealand, although two people have been apprehended attempting to do so.

During 1979, New Zealand first saw the drug Bromo-DMA. Like LSD it is believed to originate from the U.S.A. Often, it is sold as and has the appearance of many contemporary forms of LSD.

Cocaine: Although the attached Annex shows that seizures of this drug were very small, availability of the drug is considered to be greater than is superficially apparent.

Intelligence suggests that cocaine is quite widely available, and that its popularity rests not so much with the street users but with white-collar professional groups. This is a pattern of use experienced in some other developed countries. Cocaine is imported from South America, generally through the United States.

Next, turning to the licit drugs: The absence of heroin during 1980 caused some drug

users to turn their attention to drugs from licit sources. The diversion of licit drugs to the illicit market has been a problem for some years, but the changing availability situation in 1979-1980 caused it to become more positively evident. Licit drugs generally reach the illicit market as a result of theft from pharmaceutical manufacturers and warehouses, drugstores and chemist shop burglaries, and drug offenders supplying false information to doctors.

Medicines most commonly abused are largely in the psychotropic category. Most drug deaths in New Zealand are associated with this form of drug abuse.

Lastly, just a small chapter on solvent sniffing. The deliberate inhalation of a variety of common products is a problem highlighted in recent years. A wide variety of substances are being inhaled by young people. The number of solvent abusers in New Zealand is not known, and will probably never be known. The limited research in this area indicates that adolescents form the greatest number, and they tend to come from disrupted homes, be of a different ethnic background to the majority, and are in a low socio-economic group. Many agencies are involved in attempting to deal with the problem, including the schools, social welfare, youth aid section of the police, public health service, psychological service, child health clinics, and Red Cross support schemes and hospitals.

And lastly, there is an Annex there, attachment, which outlines the seizures reported to the National Drug Intelligence Bureau over the last three-and-three-quarters of years. And just to give you an absolute update on the situation in New Zealand, over a cable which I requested that the National Drug Intelligence Bureau sent to me just to give you an outline of the situation as it is right at this very point of time. So, the following is just a very brief resume of the current drug scene.

Firstly, they tell me that there is--they tell me, I say that because I haven't been back to New Zealand for the last three years. So, they say that at this moment there is very little heroin available as the result of recent police and customs activities. This is reflected in the diminishing number of addicts reported to the center for treatment. This problem, namely, the heroin, is now seen as being under control. I think that we have our fingers crossed there.

They go on to say that over the previous 12 months, we have intercepted New Zealand carriers carrying heroin internally. Instances were encountered where the heroin, Rock No. 3, had been swallowed and inserted either in the rectum or the vagina. Quantities were around 30 to 100 grams. They believe that the source of this heroin was Pinang in Malaysia.

On cannabis, they say that this continues to be recognized as the drug of major abuse. At this time in New Zealand, cannabis cultivation is under way for the forth-coming season, that is, September, November through to March. They expect to see an upturn in plants seized from now on.

Cannabis resin, hashish, is being intercepted in small quantities, mainly in parcel post, although there have been some seizures related to shipping from India. It does not fear to be available in large quantities.

New Zealand at present is seeing cannabis oil reappearing on the market, which is being sold in capsule form. The source of this oil has not yet been established, but indications are that it is from the Indian Sub-continent.

As the result of an operation one year ago, a clandestine laboratory was located, which was manufacturing substantial quantities of a Class A controlled drug known as the Bromo DMA. But however, since the discovery of this laboratory, seizures of Bromo DMA have fallen off significantly. Some small quantities of this drug, and LSD, are still being intercepted mainly in the mail form.

Although cocaine is talked about often, there is still no firm indication that it is significantly available in New Zealand. Small seizures continue to be made, but there are no large seizures of significance.

Finally, from New Zealand's point of view, the main problem is policing. Because, as you know, we have rather large coastlines, and the use of yachts and shipping, particularly for the importation through Australia is always a problem. We also have the problem of transit of drugs through to the Pacific Islands to disguise the source, and also transit passengers using New Zealand as the staging point to Australia are also very common.

## DISCUSSION

**INDIA:** Mr. Manks, what I could not understand from your talk: Cannabis is cultivated legally in your country?

**NEW ZEALAND:** Definitely not.

**INDIA:** No? I see, it's illegally cultivated?

**NEW ZEALAND:** Yes. Sorry that the report does not so indicate. Maybe it was a little bit brief in that respect. But definitely it is—definitely illegal.

**INDIA:** But it is illegally grown in New Zealand?

**NEW ZEALAND:** Illegally, yes.

**INDIA:** But hashish, you have identified the source countries as the Indian Sub-continent. To me it is a little strange why the traffickers in New Zealand would not try to obtain hashish from their own indigenous plant of cannabis, because it would be far cheaper to convert it into hashish in New Zealand, and besides, transportation problem would not be there.

**NEW ZEALAND:** Yeh. I can only mention the reasons being, first, that cannabis in New Zealand is a very low quality. I have the particulars of the grade in my notes here; they are very very low quality. And probably also, the supply is probably insufficient. I would probably say that that from the Indian Sub-continent is of a higher grade quality, and probably a lot more popular.

Actually, John Spurling probably being in the same situation might know the reason for that.

**AUSTRALIA:** I am not sure the figures, but I know it takes a great deal of cannabis leaf or cannabis plant to produce one kilo of hashish.

**INDIA:** How many kilos?

**AUSTRALIA:** I am not so sure. I don't have those figures with me.

**NEW ZEALAND:** It's close to 10 to 1.

**AUSTRALIA:** Ten to one; for 10 kilos of finely produced hashish, or probably get more than a kilo, or just as much. And secondly, the drug routes in Australia just don't have the exportation. They don't have the knowhow of how to produce hashish or hashish oil from the cannabis plant. We only ever had one report, I think, where it was tried and it was badly bungled.

**NEW ZEALAND:** Just a comment further on that I do have the clear figures here of the cannabis in New Zealand. New Zealand cannabis has only 0.3 percent and 0.8 percent in the leaf material.

**INDIA:** Then, why do they grow at all? Why do they cultivate it illegally, if it's so low quality? They must be having a market for them to cultivate it. When they do have a market for this low quality, they should also have a market for low quality hashish.

**NEW ZEALAND:** I think generally, historically it is always being imported and continues to do so. It probably fixes a greater price on the New Zealand market, which of course would be the main reason for the traffickers to have the attraction to the imported variety. I am sorry I can't give you any definite reason. I can only just make an assumption.

**INDIA:** You know, you have the plant, and you do have the market for that type of quality.

And as for the expertise, I think it's very well known, I mean, the process to go into production, all over the world; and your country does have a good scientific pool of chemists. So, it must be very easy to extract oil or hashish, or extract even heroin from opium, which is not much of a secret. The chemicals are available, and the apparatus is available. So, what just strikes me is, you know, the economics point of view.

**AUSTRALIA:** Perhaps New Zealand might be in the same situation as Australia, where there are no longer any large plantations. There are a whole series of smaller ones spread out. So, the cannabis yield from particular crop or plantation isn't right anyway. I believe that it can be imported more cheaply than it can be manufactured within Australia.

**JAPAN (Mr. Toda):** I would like to ask you two points. No. 1: Concerning the body—concealment in the body cavity. Two years ago there was a meeting in Malaysia where your delegate told us that your agency was going to use a sonic scanner for this purpose—for investigating the body. I would like to know the efficiency of this method.

**NEW ZEALAND:** I am sorry I haven't been back in New Zealand for the last three years, and they did not give me any information on this. So in fact I didn't even know they were using it. Are they using it now?

**JAPAN (Mr. Toda):** I think—No, they said they would like to use.

**NEW ZEALAND:** They were going to use?

**JAPAN (Mr. Toda):** Yes. Not yet using?

**NEW ZEALAND:** Well, I haven't heard that they are. I have not heard that they are using it. I understood that they are still just carrying out body search for that particular activity, which has proved successful. But sorry, I can't—I don't know whether it's being used. I am sure if it is being used now they would have told me so.

**JAPAN (Mr. Toda):** Thank you very much. No. 2: In your country report, Chapter 5, you said "the user offences are punishable." And I would like to know how do you identify the user, in order to arrest and send him to the court?

In Japan, in order to identify whether this is a user or not, we have to take his urine from his body and identify whether this is including methamphetamine, and after that, we arrest and send him to court. How about in your country?

**NEW ZEALAND:** You are asking for the procedure how we determine a user?

**JAPAN (Mr. Toda):** Yes, yes.

**NEW ZEALAND:** It is, I understand, a clinical examination, and it is just on that basis alone that we can determine whether the guy is a user.

**JAPAN (Mr. Toda):** In that case, do you ask a doctor?

**NEW ZEALAND:** Yes, yes. Because it is a clinical examination.

**JAPAN (Mr. Toda):** I see. Especially for heroin, or?

**NEW ZEALAND:** For all.

**JAPAN (Mr. Toda):** For all. Okay, thank you very much.

**NEW ZEALAND:** No more questions? Well, thank you very much.

Afternoon Session III  
Fri., 15 October, 1982

### GENERAL DISCUSSION

CHAIRMAN: Mr. Toh Cheng Ho (Singapore)

CHAIRMAN: Gentlemen, we shall now start our general discussion session. Now, I have never been Chairman before in any meetings or international conferences. I really do not know what to do. Now, according to Mr. Tamai, we can discuss anything we like, related to the subject of this Seminar: Prevention on narcotic offences. So, would you please raise your points of view? Or, maybe, investigation techniques of your own law enforcement agencies.

I will start with my subject on the solvent sniffing. Because, in Singapore we are having an increasing trend of this solvent sniffing, and the trend is disturbing. And at present we do not have any law or regulations over the abuse of this solvent by the abusers. So, I would like to hear from you whether there is such problems in your country. All right? So, let us start from Mr. Mustafa of Bangladesh.

BANGLADESH: Thank you very much. In our country, these things are practically not known. What they do; they smoke like cigarettes coca which is made of the ripe coconut, or ganja or tobacco. It's diluted, and they inhale through month. Another type is mixed with drinks, or as medicine. That's the way of taking the indigenous pipe smoking and sniffing that we have known.

CHAIRMAN: That means there is no such abuse of organic solvent in Bangladesh?

BANGLADESH: No. The sniffing is not known to us. Sleeping pills and others are taken as medicinal use. But the sniffing of organic solvents are not detected in our country.

NEW ZEALAND: Just to carry on from that, I would just like to slightly say—how do you combat, or how do you legislate against, or how do you ban things like glue, thinner or cleaner, fingernail polish, gasoline etc.?—Cannot ban these substances, and it is virtually impossible to legislate against them since they are easily obtainable on the market.

CHAIRMAN: That's right. In Singapore, we are facing the similar problems. On my trip to Japan this time, I was told to get the view of the Japanese officers. I think Mr. Tamai will be able to tell us something about this, because they have some regulations and control measures on the abuse of this organic solvent in Japan.

JAPAN: In Japan, the abuse of organic solvent is increasing steadily, especially among the juveniles. And we have the law which prohibits the sniffers of organic solvents. And this year, we strengthened the punishment of this kind of crime. Before that, we had only the punishment of fine. But from this October, we have the punishment of imprisonment of below one year.

NEW ZEALAND: Yeh. But how does your law operate to legislate against the abuser to prevent it? For example, I mean, glue is readily available in the shops, and a person can buy very easily. It is virtually impossible to really get to the problems; I mean, your law would only be effective in so far as your just find someone who is actually under the use. It seems to be virtually impossible to do that. So, how does your law operate; is your law only effective so far as you are able to locate the offender?

JAPAN: That's right, the law operates mainly when the offences are being made. As, Tamai mentioned that we reinforced—regulations, punishment regulations for abusers. There was no imprisonment so far until October this year for abusers; only a fine was imposed. But we have had penalties to those who sell toluene to the abusers with the knowledge that this is an abuser. So, this is some of the factors to work on prevention of such substance dealers.

PERU: On behalf of my country, I would like to say my opinion as a kind of recommenda-



tion to the Seminar.

First, our countries have to put more emphasis in the prevention of the use, abuse of drugs.

Second: The problem of use and abuse of drugs has to be taken as no isolated problem by the countries, because it is a world problem.

And third: The Government of Japan, maybe through the Japan International Cooperation Agency, can arrange some treatments with those countries who are producers of drugs, like my country.

There are three recommendations I would like to present to take place in the recommendations of our Seminar.

**CHAIRMAN:** Thank you. Gentlemen, please feel free to discuss any problems that are of interest to use. Mr. U Tin Tun.

**BURMA:** My question is to Mr. Drew of the U.S.A. In your country report, you have written something about the opium producing areas in Burma. It has been stated that the government will remain preoccupied with the security problems. It is right. Of course, the government is actually preoccupied with security control; but to fight against the insurance, we would get double profit, you see; eradication of poppy cultivation, and also trafficking of narcotics. Just to clarify.

**U.S.A.:** Yes. I agree, thank you. Those are very short statements; it doesn't say enough, really, but perhaps you are right. And the other thing that isn't mentioned here is that Burma, over the last couple of years, has done an outstanding job in improving their narcotic - their attacks against narcotic prevention. I would like to commend upon it.

**BURMA:** Yes, yes, thank you.

**HONG KONG:** In Hong Kong, whenever drugs are found on the ship, on the cargo ship, the police and the customs find it extremely difficult to prove the ownership of the drugs, because normally, the drugs are placed in a common place, that proving the ownership is very very difficult. So, normally drugs found in the cargo ships will be just seizure only, and very rarely that we have enough evidence to arrest any one for possessing of the drugs seized. So, I don't know whether you have the same problem in your country. This is the first point.

The second point, which is only even more difficult to prove the owner of the cargo ship that he has knowledge that the drugs are being stored in this ship. So, we are now trying to impose heavy penalty not only for those found possessing the drugs, but on the shipowners, so that they realize that they have the responsibility to employ better crew members.

And having said this, I remember, Mr. Manks from New Zealand, you have a law that if anyone found permitting the ships or vehicles being used for a purpose of commission of an offence, then, automatically that vehicle or ship will be confiscated. Have you ever, in New Zealand, confiscated any cargo ships? Not a small boat. Any cargo ships.

**NEW ZEALAND:** No, no. Well, I think I have to find out, but I am sure as for the ship captured, there is a provision that the owner or the master of the ship should be responsible for it.

**HONG KONG:** Even though you cannot prove that he has any knowledge - just the drugs found in a common place?

**NEW ZEALAND:** Right, I am sure that he is still responsible.

**HONG KONG:** He is still responsible? Thank you.

**BANGALDESH:** About what Mr. Ho just mentioned, in 1981 two of the ships were confiscated with narcotics, and especially the responsibility went to the captain of the ship. It was found out afterward that there were smugglers, carriers among the crew members but we could connect none of them to the confiscated narcotics. I think this is a big problem for us.

**U.S.A.:** One question for you, Sir. You said the drugs were not confiscated?

**BANGLADESH:** Drugs were confiscated.

**U.S.A.:** Drugs were. I am sorry, okay. We have commonly in trouble when we have problems—situations like you have. I can recall number of instances involving to stopping at vehicles in the United States, where they made searches of the vehicle and revealed drugs, and the drugs could not be connected to one individual in the vehicle. Depending on the State, I believe—I am not sure, but I think depending on the individual state law, they sometimes allow for the drugs to be attached to the owner of the vehicle or the driver of the vehicle even though it could not be proven that he is actually the owner of the drugs. Some States do not allow that. But there is one consultation, and especially I don't know how much narcotics you had on the ship, but it could have been a large amount, I don't know. But there is one consultation that we have to remember here.

If we apprehend someone with narcotics, or search a place, and find narcotics, and the case is thrown out of court because of some real problem that we had, there is still the satisfaction that we hurt that dealer—he lost money. And that's the name of the game. That's why he is in business dealing drugs, for the money. So, if you've got 5 kilos, or whatever; you still took the drugs. You didn't prosecute, but you still hurt him. As we say in America, you ruin his day; okay? Because you've got the drugs.

Our navy ships, especially large ones; we might have a crew of between 5 and 7,000 people. Commonly the crew members will not keep the drugs in their cubicles, in their staterooms; they will hide them in little corners of the ships, so that just for the purpose that drugs cannot be attached to them. During the search, if we find that stuff and we cannot capture anyone, well, that's bad. But we still got the drugs. And when that dealer went back to get his stuff and wasn't there, it will hurt. We realize such in illegal searches also. Although I don't know how it is in your country, but some police in the United States are liable for civil suits. In an illegal search, we can be sued by these individuals if we illegally search someone, or a house or whatever.

But if you do conduct a search, and for some legal reason it is thrown out of court, you should still be satisfied anyway, because you still got the drugs. That's 10 kilos or 5 kilos or whatever less, that's going to hit the streets, and go to those users. That's number one satisfaction. No. 2: You hurt the dealer in the pocket money. And that should be your satisfaction. So, never feel bad if you didn't get a prosecution out of it.

**CHAIRMAN:** Now, talking about forfeiture of ships, aircraft, or vehicle in Singapore, now in Singapore a person has been convicted of an offence under our Act—the Misuse of Drugs Act, the court may order to forfeit any of the aircrafts or ships or vehicles which has been proved to be used in any manner in connection with the offence. This section shall not apply to any ships or hovercrafts of more than 200 tonnage, or to any aircraft belonging to any persons carrying on a regular passenger service to and from Singapore by means of such aircraft. And no ships, aircraft or vehicles shall be forfeited under this Section also if it is established by the owner that such ship, hovercraft, aircraft or vehicle was unlawfully in a possession of another persons without the owner's consent.

**HONG KONG:** But to prove the consent of the owner and the knowledge of the owner is extremely difficult.

**CHAIRMAN:** Yes, I agree with you.

**U.S.A.:** May I just ask Mr. Ho a question? I think the People's Republic of China is becoming more and more international, changing a lot of their policies; in the not distant future they are going to be administering Hong Kong borders. Have you any contact between Hong Kong Narcotics Law Enforcement community with the PRC counterpart?

**HONG KONG:** Yes, yes, we have. Actually, Hong Kong we now realize that the traffickers are using Huang Chao Airport as a transit port for smuggling drugs into Hong Kong. And we

have a few cases recently where we stopped traffickers in Malaysia and in Thailand before the border, a flight to Huong Chao and the final destination was Hong Kong.

So, with this in view, we have established contacts with the Government of China as to improve better enforcement actions over the border. So, we are currently taking a keen interest on this border.

**U.S.A.:** Have they accepted those contacts?

**HONG KONG:** Yes, they are very cooperative, and they realize that they have the duty to stop the drugs being in transit through their airports.

**JAPAN:** A couple of minutes ago, recommendation was made by Mr. Reyes, and I hope we will discuss about this recommendation because drug problem is all over the world, and discuss and make it a resolution, I hope. Thank you.

**BANGLADESH:** We have been discussing about the drug problems with Australia or the U.S.A. But the main problem, I think, in my opinion, is to control its production in the areas identified to be the main producing areas and locations. There are some people who are sustained on it, which is their main source of living. And they have no substituted cash production crops. I think the priority problem for us is to fight with this kind of menace, and what kind of solutions can we think of in our effort.

**CHAIRMAN:** Talking about the narcotics producing countries, they are mainly Golden Triangle area and the Golden Crescent areas; are they still being rich?

**BANGLADESH:** No, I think there are people who depend on a small quantity of cultivation of narcotics, and for them at least to get other sort of substituted crops is important.

**INDIA:** Mr. Chairman, after now, whatever we have discussed, it appears that the strategies being adopted by most of the countries are aimed at eradication of the drug problem at the source, because that is the direct strategy. But I don't think that it should be taken in isolation. That is, the drug, just like any other economic activities, is based on the phenomenon of demand and supply. Now, there are many countries here which are not the producers of drugs but they are only the consumers. They are the countries where the demand exists. They have the money. And I think so long as the demand exists, we would not succeed in eradicating the source, because it is highly profitable. So, side by side with the eradication of the source, efforts have to be made to reduce the demand. And once the demand is reduced, there may not be an urge—the profitability goes down, for the supply countries to produce the drug. So, I think we should also have to, like, to some extent, in Singapore where you have a power to take anyone and put him to a test, a urine test—most of other countries don't have this power; but this reduces your demand, doesn't it?

**CHAIRMAN:** Yes. That's right.

**INDIA:** So, don't you think that if we also attack the problem at the demand level, you will automatically also be reducing the supply?

**CHAIRMAN:** Yes, since we are unable to cut off the supply totally.

**INDIA:** Yes, but so long as the demand exists, the supply would be there.

**U.S.A.:** I think it's a little difficult—what you are suggesting is of course a very good idea. But it's something like trying to tell an alcoholic to stop drinking while he has very access to alcohol. It's impossible. But we have some over-simplification, I agree, but I think that there should be at least equal efforts on both sides. They are equally important.

**INDIA:** So, I am not minimizing; I am only saying that we also have to stress on the demand potential. After all, alcoholism—there is no law against consumption of alcohol; but we do have a law against consumption of drugs. So, it's not parallel. But merely attacking at the source countries, like we are attacking the Golden Triangle and the Golden Crescent—It has not helped us, up to now, to that extent. So, mere suggestion that maybe if we also attack at the demand side might help.

**NEW ZEALAND:** I was just thinking about what Mr. Singh has just said. I really believe that there is a situation of putting the cart before the horse. Another situation; if we give a child candy; you give a present of candy and then tell him not to eat it. I think the main thing is to eradicate the source so as it is no longer available. But rather to penalize the people for consuming it; a sort of, we are going backwards, you know.

**AUSTRALIA:** I can just make a comment there, too. I am a little bit inclined to agree with Mr. Singh. I think one of our biggest problems, and particularly from the law enforcement point of view, is the tendency for most user countries to treat their drug addicts as unfortunate people, when they are not; I don't feel they are unfortunate people—and I am expressing a very personal opinion now. I think we have to put, as Mr. Drew said, at least an equal effort in the cleaning up of our own house before we try and clean up the homes of others. When I hear users of drugs are poor and unfortunate people, I think; they are not poor; and they are not unfortunate because they create their own problem. It's not good blaming either suppliers and the traffickers one hundred percent for the problems we have got from the drugs. The problem starts with the user, we've got to attack the users. And in my country, Australia, receivers of stolen goods are punished more heavily than the thieves.

I get very tired, at times, of hearing the excuses made by drug users—not reasons; they are excuses. We've got extraordinary links to find out why people use drugs. And we see the police forces utilizing man-power and time for being pushed by the governments to utilize manpower and time to find out the causes of the drug abuse problem; I don't believe that from a law enforcement point of view, that's their function anyway. That's a social problem that should be looked after by other agency. I think the law enforcement agencies are inclined at times to devote far too much time and try to find reasons why, when in fact they do find out, why somebody uses drugs; but there are drug traffickers anyway. It doesn't help us.

I just think that at times we make a little bit too much noise about source, and blame the source countries while we are in troubles which were created by ourselves and our own people. As I said, this is, of course, a personal point of view.

Certainly we need cooperation; certainly we must work together. Our experience in Thailand where we have three men is, in the last 12 months or so, showing very good results. And if we can continue to work together—and it's only because of cooperation—if we cooperate, then we can do something about it. But it has to be done on both ends, equally. Not good putting all the blame in one place.

**CHAIRMAN:** Thank you, Mr. Spurling. Now, referring to Mr. Singh's comments on the demand and supply, I would like to take this opportunity to clarify with Mr. Motevally of Iran, who on the other day posed me a question.

He says in Iran, the problem of drug addiction can never be solved if the heroin or any drug is still available in the illicit market. Now, this is your point of view, I think, it is also a problem faced by you in Iran. And of course, there is no definite answer to these questions. In Singapore, we have our operation currently to try to struggle with the fight on demand and supply sides of the drugs. It was obvious that the treatment of drug addicts can best be achieved in the control and drug-free environment. Therefore, we have advised agents treatments—institutional treatments and rehabilitations of drug addicts in the drug rehabilitation centers. And besides that, also we have after-care service and places to treat extra addicts on a close supervision to ensure that they are free from drug abuse again.

And on the other hand, we impose very strict penalty on the drug offenders, especially the traffickers and manufacturers. So, we have never claimed that we have terminated the drug offences in Singapore, but more or less we can say that we have been able to contain the problems so far.

Do you agree with me, Mr. Motevall?

**IRAN:** I believe in my country, addicts cannot stop addiction when heroin is available to us.

**U.S.A.:** The treatment they give to an addict to cure him is to take away the heroin—to keep away from him the drug.

**IRAN:** I believe heroin has mental effects—when it is available, addicts would go on again to addiction, and would smoke heroin.

**CHAIRMAN:** I get your point of view. I have no reason to disagree with you on this point. But try and put strict penalties contains the problems, and this is what we are doing in Singapore. Maybe we are a very small country, that the control measures can be easily carried out; not like the countries like India or Iran where they have quite a big population. Now, Mr. Ho.

**HONG KONG:** Now, we all agree that we should tackle the problem at the source of supply. Now, we have in this seminar two distinguished representatives from Thailand and from Burma. Just one thing for the consideration of Mr. Tamai. You may wish in the future seminars to invite representatives from Laos. And also we have Mr. Motervally from Iran; you may also wish to invite representatives from Pakistan and Afghanistan as well, because these countries are the drug producing countries. Their views, experiences and the problems are of great interest to everybody here.

**Mr. TAMAI:** We know the need to invite them, but according to Laos it is very difficult to invite; but as for Pakistan, we are going to invite next year, but not Afghanistan.

**JAPAN:** Last year we had some participants who proposed that why don't you invite officers from Burma; and so, we accepted the suggestion, and here is now Mr. U Tin Tun. We are always trying to invite participants from most effective countries. But even if we send invitation, acceptance of invitation depends on that country situation. It is not always accepted. Some countries refuse to come. We know very well which countries should be invited to this seminar. But anyway, we are always trying our best to better this seminar.

**CHAIRMAN:** Now, since we have no more subject to discuss, before closing the discussion session, please allow me to take this opportunity to clarify with Mr. Osman from Malaysia. Now, he asked me whether there was any death in the DRC of Singapore—Drug Rehabilitation of Singapore—what he meant undergoing "Cold Turkey Treatments".

**MALAYSIA:** Cold Turkey Treatment, that's right. Is there any?

**CHAIRMAN:** Yes. I am going to inform you now. So far, there has been no death or mishap undergoing this treatment at the DRC.

**MALAYSIA:** Thank you very much, Mr. Toh.

**CHAIRMAN:** Thank you. Okay? We shall now close the general discussions. Thank you very much.

GENERAL DISCUSSION SESSION ADJOURNED

5:00 P.M.

15 October, 1982

