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Department of Justice

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STATEMENT

OF

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ASSOCIATE DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

BEFORE

THE

CAUCUS ON INTERNATIONAL NARCOTICS CONTROL  
UNITED STATES SENATE

CONCERNING

INTERNATIONAL COMPLIANCE WITH MULTILATERAL AND BILATERAL  
NARCOTICS CONTROL TREATIES AND AGREEMENTS

ON

JUNE 24, 1986

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Chairman Hawkins, Members of the Senate Caucus on International Narcotics Control: I am pleased to appear before you today to discuss international narcotics treaties and multilateral and bilateral narcotics control agreements and cooperation.

The Drug Enforcement Administration and the Department of Justice recognize that international efforts in the war on illegal drugs play a key role in breaking the grower-to-user chains that stretch across six continents. Since 1981, the United States has conducted an aggressive campaign balanced between diplomatic initiatives to secure multilateral cooperation and bilateral efforts to ensure achievement of critical U.S. program objectives in key source countries.

Before discussing narcotics control treaties and other international efforts against narcotic traffickers, I would like to explain DEA's role in the domestic and international arena.

The Drug Enforcement Administration is responsible for the investigation and preparation for prosecution of major violators of controlled substances laws operating at interstate and international levels, and the management of a national narcotics intelligence system in cooperation with Federal, State, local and foreign officials. DEA is also responsible for ensuring that legitimately produced pharmaceutical products are not diverted into the illegal drug market. Our criminal investigators,

intelligence analysts, and diversion investigators work not only in the United States, but in select international areas, as well.

The unique requirements of narcotic law enforcement mandate cooperative efforts both within the United States and throughout the world. The Drug Enforcement Administration acts as liaison with the United Nations, Interpol, and other organizations on matters relating to international narcotics control programs. DEA works closely with the Department of State on international liaison, and with the Federal Bureau of Investigation, the U.S. Customs Service, the Coast Guard, and several other Federal agencies on numerous international operations.

The Office of International Programs in DEA is responsible for supervising, coordinating, and overseeing Special Agents in foreign countries, as well as all other aspects of DEA's foreign programs. While DEA's overseas operations are, by nature, complex and varied, the premise which led to their establishment is simple and logical: The most effective way to deal with a problem is to attack it at the source.

DEA currently has over 10 percent of its Special Agents assigned in 43 countries throughout the world. This will significantly increase in FY 1988 when an additional 47 Special Agents will be assigned overseas.

The key objectives of DEA's international programs are to

gain the support of other nations for narcotics control, and to strengthen narcotics control efforts and capabilities within foreign governments. Although methods of operation vary from country to country, DEA Special Agents assigned abroad generally concentrate on liaison, intelligence, and training matters.

Much of the intelligence currently available relative to the international narcotic traffic is directly attributable to the efforts of our agents abroad. Foreign police organizations, aware of DEA's numerous overseas offices and our communications and intelligence facilities, routinely use DEA as a reliable and expeditious conduit of information. This practice, in turn, adds to DEA's own intelligence base. It is estimated that about 90 percent of worldwide heroin and cocaine seizures are the result of this intelligence.

DEA is also deeply committed to the training of foreign enforcement personnel for which DEA provides the expertise and the Bureau of International Narcotic Matters the funding. Training is provided in-country and in the United States.

DEA conducts in-country courses to acquaint enforcement officers with basic narcotic enforcement skills. Instruction usually falls into the general areas of drug identification, enforcement techniques, technical advances, practical exercises, and, occasionally, legal and medical aspects. Recently, many of the basic schools have been expanded to include information on

financial investigations.

DEA also provides more sophisticated enforcement training at its Advanced International Drug Enforcement Schools, which are held in the United States. These schools for supervisory narcotic enforcement officials are designed to encourage the graduates to apply what they have learned to the circumstances and situations that prevail in their home countries. It is not uncommon, especially in countries where DEA has offices, to find that the entire hierarchy of a narcotic enforcement agency has graduated from an advanced DEA school.

DEA has sent training teams throughout the world to brief governments on the results of our programs. Special Agents have assisted foreign legislative bodies in drafting laws similar to Federal drug laws utilized in the United States.

Closely related to training is DEA's International Visitor Program. Foreign visitors receive briefings at DEA Headquarters and selected field offices. Guests include foreign diplomats, legislators, educators, judges, military personnel, as well as law enforcement officials.

Probably the most important aspect of DEA's International Visitor Program is the Executive Observation Program. DEA Country Attaches nominate high ranking law enforcement or government officials for these individualized visits, which are

funded by the Department of State. This program is designed to give ranking international officials an opportunity to have candid discussions with enforcement executives in DEA and other U.S. Federal agencies. As they meet and talk informally, mutual understanding and multilateral cooperation can be realized at the highest executive level in world drug enforcement.

### INTERNATIONAL COOPERATION ON NARCOTICS MATTERS

No matter how hard we fight the problem of drug abuse at home, we cannot make really significant progress unless we succeed in gaining cooperation from foreign governments, because many of the serious drugs of abuse originate in foreign countries.

When the "French Connection" was immobilized, many narcotics enforcement officers believed the world's supply of heroin could be quickly eliminated. Unfortunately, the vacuum was quickly filled with an increased supply of Mexican heroin. When early efforts in Mexico began to bear fruit, the market was flooded with Southeast Asian heroin from the "Golden Triangle." When enforcement efforts were concentrated there, heroin from Southwest Asia spread throughout the United States and Western Europe.

Since the influx of Southwest Asian heroin, DEA has

dramatically increased its presence in Pakistan. With the cooperation of the Government of Pakistan, an unprecedented number of controlled deliveries have been made to the United States and Western Europe. These deliveries have identified many trafficking organizations which were completely unknown to U.S. law enforcement officials. We are trying to use these Pakistan operations to convince other governments to consider controlled deliveries in certain situations.

These worldwide efforts are a necessary part of DEA's work since narcotics trafficking is not bound by national borders. In order to truly achieve success against traffickers, it is necessary to attack the problem at all levels. Source countries must do their part to eradicate crops; processing countries must immobilize clandestine laboratories; transshipment countries must halt the flow of drugs; consumer countries must reduce demand.

In the past, many foreign countries, especially drug source countries, considered drug abuse to be a U.S. problem and therefore not their concern. However, many of these countries have found that drug production and trafficking eventually leads to domestic drug abuse. This drug abuse situation is found in the Middle East, Southwest Asia and Southeast Asia, as well as in Latin America. Many countries have reassessed their belief that drug abuse is strictly a problem of the United States. As a result, many have begun to strengthen their domestic and international anti-drug efforts.

Conversely, now that the overwhelming majority of governments throughout the world are cooperating in a meaningful manner, many international trafficking organizations are redoubling efforts to protect their turf. Series of multilateral and bilateral enforcement efforts and treaties to formalize such efforts are necessary to continue our gains on the international level.

I will now turn to a discussion of the status of Mutual Legal Assistance Treaties (MLATs) and Extradition.

#### MUTUAL LEGAL ASSISTANCE TREATIES

The United States has been very aggressive in negotiating Mutual Legal Assistance Treaties (MLATs) which facilitate the exchange of information and evidence for use in narcotics and other criminal prosecutions. These treaties essentially enable police agencies in foreign countries to promptly gather evidence on written request for U.S. agencies without the delays and inefficiencies that may attend international relations.

Currently, the United States has MLATs with four countries: Switzerland, the Netherlands (including the Netherlands Antilles), Turkey, and Italy. Treaties with a number of other countries are awaiting ratification.

In June 1984, we concluded an Executive Agreement with the

Cayman Islands allowing the United States access to bank records solely upon certification by the Attorney General that the records are needed in connection with a prosecution or investigation of a drug-related matter. Such an agreement is important, because we know that to identify the masterminds behind international drug trafficking, we must track the flow of narco-dollars, not just the drugs themselves.

There are plans underway to conclude similar agreements with other United Kingdom dependent territories in this hemisphere, such as the Turks and Caicos Islands, the British Virgin Islands, Anguilla, and Montserrat.

Our basic strategy for MLATs has been three-pronged:

Press for agreements with bank secrecy jurisdictions, primarily in the Caribbean basin region. The drug traffickers rely heavily on the banking and business secrecy laws of countries like Panama, the Bahamas, and the Cayman Islands to shield the laundering of drug profits. Agreements with these countries will be extremely valuable in lifting the veil of bank secrecy which shrouds the laundering of narcotics assets.

Press European allies for expanded assistance in combating money laundering. Major European money

centers such as London and Zurich are the recipients of staggering amounts of drug money. The Department of Justice has also arranged under our MLAT with Switzerland for the authorities there to seized drug-related assets and forfeit that money to the Swiss Government. Estimates of the amount of drug money taken out of circulation by the Swiss through this process range from \$30 to 200 million. It is believed that the negotiation of an MLAT with the United Kingdom could be just as successful, particularly if coupled with strong support for Prime Minister Thatcher's recent legislation to give the British the power to move against narcotics assets and to forfeit such proceeds.

Step up negotiations of treaties with source countries like Mexico and Peru. Many significant drug cases require investigative assistance or authenticated evidence from the country where the narcotics were acquired.

MLATs also enhance the ability to coordinate international investigative efforts. For example, in the recent case of United States v. Badalamente, a team of prosecutors from New York City was able to use the MLAT with Turkey to obtain permission to travel to Ankara, meet with their counterparts, and gain access

to videotapes of witness interviews stored in Turkish investigative files -- evidence which had a significant impact on the planning of the drug trial in New York.

Negotiations with source countries are complicated by a host of factors. Some of these countries, Thailand, have legal systems totally unlike our own; some are driven to resist conclusion of effective MLATs by a combination of nationalistic traditions and pressure from the traffickers; and some other source countries have authoritarian regimes, which makes it difficult to negotiate acceptable agreements.

The following countries are ones with which MLATs would most assist our aims in international narcotics enforcement: The Cayman Islands, where the executive agreement is highly effective, but does not reach all drug offenses; The Bahamas, a major money laundering center; Panama, also a major money laundering center; the United Kingdom Caribbean Colonies of Anguilla, British Virgin Islands, Turks and Caicos, and Montserrat, where money laundering is on the rise; Jamaica, a source country for marijuana and an increasingly important transshipment country for cocaine; Mexico, a source country for heroin and marijuana and a transshipment country for cocaine; and the United Kingdom, a banking center.

#### EXTRADITION TREATIES

Our goal in pursuing extradition treaties is to make it impossible for a fugitive to escape justice just by purchasing an airplane ticket to another country or by operating beyond our reach.

To improve our ability to secure the extradition of fugitives, we presently have treaties with 103 countries. However, many of the treaties are antiquated and need updating. In the last few years, new extradition treaties have entered into force with several narcotics source countries such as Mexico, Colombia, and Turkey. We also have a new treaty with the transshipment country of Italy, under which the majority of requests involve narcotics cases.

Some of our most positive gains against international drug trafficking have come from the recent extraditions by Colombia of its nationals to the United States for trial, and vice versa. Colombian President Betancur has held the view that narcotics trafficking is an international problem and a crime against humanity and it needs to be treated in an international forum, even if that means crossing national borders to move offenders to the countries where they committed crimes.

Since the treaty was implemented in 1984, Colombia has extradited 12 of its citizens to the United States for trial, upon request, just as we have extradited two U.S. citizens to Colombia. This cooperative effort has sent shock waves through

the drug trafficking community by eliminating what traffickers previously considered to be a safe haven. Reportedly, a group of Colombian drug dealers offered to pay the multi-billion dollar debt of Colombia in exchange for prosecution in Colombia, rather than extradition and prosecution in the United States. Colombia immediately refused this offer.

Colombia's extradition program has been so effective that regrettably it has caused renewed violent by drug traffickers against the Government of Colombia. A Colombian terrorist group, the M-19, captured the Colombian Supreme Court building and killed the Chief Justice and 10 other justices of the Supreme Court in 1985. Since the justices were about to hear cases involving extradition of drug smugglers to the United States, it has been assumed by many that the terrorists were trying to prevent these extraditions.

In addition to the treaty with Colombia, we have recently signed and ratified extradition treaties with Thailand and Jamaica. These treaties were specifically negotiated with the goal of enhancing our international narcotics enforcement program, and will enter into force when our treaty partners complete their ratification process. We are currently negotiating a treaty with Venezuela, and expect to begin negotiations soon with the Bahamas.

Our basic strategy is to revise and renegotiate extradition

treaties whenever doing so will eliminate problems which detract from the effectiveness of extradition in drug trafficking cases. One key problem is the refusal of many countries to extradite their own nationals. This enables foreign nationals to use the home countries to mount drug smuggling operations with impunity, or to flee to their native country for sanctuary.

The second problem is that many of our current treaties do not cover all of the narcotics offenses we would like. Some treaties are so old that they do not call for the extradition of drug offenders at all. Others include substantive narcotics offenses, such as possession or importation, but do not cover conspiracy to traffic in drugs, thereby depriving us of one of our most effective prosecution tools. Many treaties predate our more recent legislation on racketeering, operating a continuing criminal enterprise, failing to report currency transfers, and, hence, do not list them as extraditable offenses.

The newest treaties address all of these issues. All of our newest treaties discard the old notion of listing extraditable crimes, and instead provide for the surrender of a fugitive for any offense punishable in both countries by one year's imprisonment or more. This should eliminate at least some of the need to constantly update and renegotiate treaties.

#### MULTILATERAL EFFORTS

We have been very aggressive in working on the international drug trafficking problem in multilateral settings. We believe our efforts in the negotiation of multilateral conventions and in attending multilateral conferences and meetings are important ways to obtain useful legal tools for combating the trafficking and to promote an increased awareness of the problem by other countries. These meetings often lead to joint operations between countries that are tantamount to informal multilateral and bilateral agreements. I would like to talk about just a few of these organizations.

#### International Drug Enforcement Conference (IDEC)

One of the most exciting developments in South America is the success of IDEC. The International Drug Enforcement Conference, called IDEC, was initiated by DEA in 1983 to foster cooperation and fellowship with South America and Central America by creating a network of law enforcement executives with the unified goal of eradicating drug trafficking.

During its short history, IDEC has achieved notable successes. Particularly impressive was a joint Peruvian-Colombian enforcement exercise in 1985 which was the result of IDEC meetings. In Operation Relampago-Condor, Peruvian Police, supported by the Peruvian Navy, and the Colombian Police disrupted an extremely sophisticated cocaine trafficking organization on their joint border.

IDEC most recently held its fourth annual meeting in April in Argentina. DEA Administrator Lawn and Commandante General Arturo Lopetegui, Director of the Gendarmeria of Argentina, co-chaired the meeting. Of 16 member countries, 14 attended. The following items were discussed: an intelligence center and communications system for Latin America; eradication of illicit cultivation; precursor chemicals used for the manufacture of illicit drugs; diversion of licit drugs; narco-terrorism; and Operation Stop Prop, to follow cocaine shipments through aircraft monitoring.

Since IDEC III, Colombia, Venezuela, and Argentina reported the enactment of new laws governing the sale and transfer of precursor chemicals. Resolutions were passed to work on multi-lateral extradition treaties; the enactment of more uniform penalties for narcotic crimes; adopt the goal of Operation Stop Prop; and the furtherance of regional narcotic enforcement programs.

#### The OAS Conference

In April 1986, a delegation of United States representatives, chaired by Deputy Attorney General D. Lowell Jensen, met in Rio de Janeiro with representatives of other members of the Organization of American States for the purpose of enhancing Western Hemisphere actions to control trafficking in illicit drugs, on both the international level and on the borders of each member state.

The conference proved to be highly productive in that the 22 member states, including Brazil, Colombia, Peru and Mexico, unanimously agreed to the creation of an Inter-American Program of Action. This Program calls upon member nations to implement a number of actions to reduce the demand for, production of, and trafficking in, narcotics. Those fronts are as follows:

A. That the General Assembly of the OAS establish an "Inter-American Drug Control Commission" whose mission includes the mapping of strategies to control drug trafficking and drug abuse; and monitoring the performance of member states in implementing and carrying out those strategies.

B. That the Inter-American Juridical Committee helps develop specific bilateral or multilateral instruments to make international cooperation more effective at the customs, investigative, and judicial levels.

C. That the Secretariat of the OAS establish a hemispheric data bank on drug abuse and trafficking in order to assist in the control and monitoring efforts.

The specific actions adopted by the member states as a cornerstone for implementing the Program contain several constructive measures. Most noteworthy among those provisions are the following:

A. Requirements that member states include in their policies for social and economic development initiatives that are designed and programmed to reduce the demand for drugs, to prevent drug abuse, and to combat drug trafficking.

B. Recommended actions for carrying out those initiatives, including:

1. Increased exchanges between member states of information on illegal drug marketing and trafficking;

2. Eradication of illegal crops, and the establishment of rigid controls for the manufacture, transportation, and marketing of chemicals and other materials used in drug manufacturing processes;

3. Enactment of legislation that would require the forfeiture of drug-acquired assets; strengthen law enforcement's ability to trace drug money; and designate money laundering as a punishable offense;

4. Promotion of increased cooperation between police, judicial, and customs agencies of the member states; and

5. Assignment of top priority to the development of educational, research, and rehabilitative measures to reduce the demand for, and abuse of, narcotic drugs and psychotropic substances.

C. A commitment to developing and approving mechanisms for extraditing drug traffickers and to making national laws on drug trafficking more uniform.

#### The Franco/American/Canadian/Italian Conference

The Franco/American/Canadian/Italian Conference was begun in 1971 as the Franco/American Working Group to respond to the French Connection heroin ring of the 1970's. Canada and Italy attended meetings for years and finally became members of the Conference. Mutual narcotics operations were discussed at the most recent meeting in Paris last March.

#### Italian-American Working Group on Organized Crime and Narcotics Trafficking

We are very enthusiastic about The Italian-American Working Group on Organized Crime and Narcotics Trafficking. Established in 1984, pursuant to meetings of the two countries' Presidents, by the Department of Justice and the Italian Ministry of Grace and Justice, it has met twice a year and is currently meeting in Italy to discuss drug-related and organized crime issues

concerning our countries. We have concluded a number of agreements with the Italians on such issues as joint investigations, information sharing, and extradition. DEA has participated in the debriefing of major traditional organized crime figures, which has resulted in over 300 indictments in Italy, and some cooperating individuals are expected to testify at major trials in the U.S. Such bilateral measures are a most effective means for combating drug trafficking.

#### United Nations Commission on Narcotic Drugs

Last month, representatives of member nations, including the United States, convened in Vienna, Austria to draft a new Convention on Narcotic and Psychotropic Drugs. The drafting process is expected to be completed by mid-August. The new Convention is expected to improve upon the existing 1961 Convention by adding the laundering of drug money; the forfeiture of assets; mutual legal assistance treaties which provide for the expeditious exchange of evidence in drug cases; and improvements in existing extradition agreements.

#### 1987 World Conference on Drug Abuse

Recognizing that no government is able to fight narcotics alone, the United Nations is planning a World Conference on Drug Abuse next year. The major objective of the conference should be to strengthen and, where necessary, call for the political

commitment of all nations to fight the effects of drug abuse and drug trafficking.

## CONCLUSION

This Administration has been extremely successful in drawing the attention of the world to the fact that drug trafficking is not an internal problem for only the United States and a handful of other countries, but a problem for all nations. Illegal drug trafficking became a spontaneously generated, major agenda item at the Economic Summit in May 1985 at which President Reagan and the other Heads of State from the seven Economic Summit nations (Canada, Federal Republic of Germany, France, Italy, Japan, the United Kingdom, and the United States) declared their concern for the need to improve both demand and supply reduction programs. Illegal drug trafficking was also highlighted at the Summit in Tokyo this past May, which shows a continuing concern about the problem by major countries.

We believe that multilateral and bilateral narcotics control treaties, more informal conferences with other concerned countries, and continued case operations on an international level provide a framework for continued narcotics enforcement on an international scale.

I appreciate the Caucus' interest in international treaties that enable the United States to maintain cooperative efforts to

control narcotics. I will be pleased to answer any questions you may have.