

UNIVERSITY OF ZAMBIA

SCHOOL OF LAW

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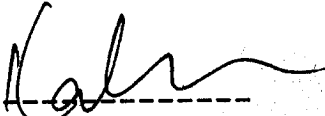
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DRUG ABUSE CONTROL IN ZAMBIA

A Legislative Response,

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UNIVERSITY OF ZAMBIA

SCHOOL OF LAW

OBLIGATORY ESSAY

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of the Bachelor of Laws Degree of the University
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TOPIC: DRUG ABUSE CONTROL IN ZAMBIA: A Legisla-
tive Response.

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said:

"Bring Cousin, I will do the work",
accompanied with a bright face of a good
hearted woman of the plains.

It is a great pleasure to acknowledge the
support and encouragement I received from
the members of my family, especially my wife
Espinah who took the full superintendence, single
handedly of my household while I was preparing
this work.

As the adage goes I say:

"A friend in need is a friend
indeed", has the whole truth
and nothing but the truth.

A. C. Nkausu
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PREFACE

My first feeling in writing this essay is one of sorrow. How and why have some of our youths turned to drugs? Why is it that some of our people are involving themselves in illicit drug transactions? How much I wished that thing did not happen! How much I wish that this essay: DRUG ABUSE CONTROL IN ZAMBIA: A Legislative Response, was not necessary!

But we have to face reality, many of our people are active in illicit drug transactions and some of our youths are victims of drug addiction. It gives me great torment and anguish of the great magnitude, when I realise the impact of drug abuse on individuals, families and the entire human race. Concern is indeed expressed, and experienced by many. It is because of this reality that I have picked a sense of satisfaction and a great pleasure to write on the topic which is of great concern in the world to-day.

Drug abuse and drug trafficking are a global threat and have no respect for national borders. Statistics on seizures and arrests,¹ both in the developed and developing countries demonstrate the scope of the problem and indicate the existence of world-wide networks for illicit dealings in dangerous drugs. This essay, focuses on the need for effective

The measures must attack and pursue the double objective of suppressing the supply networks and reduction of demand for dependence producing drugs. Significant progress can only be made by implementing a strategy based on a consistent and balanced approach to attacking both sides of the problem simultaneously.

Despite the extent of the problem of drugs, as we shall see in this essay, the facilities for treatment and rehabilitation of drug addicts are non-existent in Zambia. This essay, therefore recommends that there is an urgent need for greater efforts to address the demand side of the problem of drugs, and to mobilise resources at the national level. Programmes have to be developed and implemented for the prevention, treatment, rehabilitation and social re-integration of drug addicts. The Drug Enforcement Commission has an important role here in conjunction with other Government Departments such as that of Health and Community Welfare.

The international guidelines are already there. The international Conference on Drug Abuse and illicit Trafficking, held in Vienna in June, 1987² formulated a declaration and drew up a number of guidelines to help the United Nation countries assume a leading role

in their drug control efforts. In that direction, the Zambian Government has empowered the Drug Enforcement Commission to disseminate information on dangerous drugs and psychotropic substances for use by the Government.³ The Commission is also required, to actively disseminate information intended to educate the public on the evils and dangers of drug abuse, and other prohibited activities relating to drugs and the legal effects of dealing in property acquired from illicit drug transactions.⁴ Accordingly, the Commission has been holding seminars in its effort to broaden the scope of its traditional activities.⁵

This essay is organised with the purpose of conveying legal and social information and to raise awareness of various aspects of drug abuse and drug trafficking. It makes recommendations for rehabilitation and the possibilities of providing rehabilitation services for drug addicts.

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DEDICATION

This work is dedicated to the memory of my late father: THE LATE MR. SILVERIO MAFUTA NKAUSU INCARNATE IN Nkausu Mwanachingwala, my Nephew.

My satisfaction lies in the fulfillment of his desire to raise a University Graduate among his children. His desire has been at last achieved through me. It is my wish to extend his desire to his grand children.

May his soul find Grace in God's Love and forgiveness; and rest in peace.

Amen.

CHAPTER I

INTRODUCTION

The Zambian people have used drugs for many centuries. From the time immemorial all the Zambian tribes have used herbs, roots, bark, leaves and plants to relieve pain and control diseases. The use of drugs in itself is not evil, for drugs if properly administered are a medical blessing. Unfortunately, some drugs produce enticing side-effects such as a feeling of euphoria, a sense of "feeling good" and power. As a result a drug which may have been taken to relieve pain or as a recreation, may eventually lead into a problem of dependence and abuse.

Over the last two decades drug abuse and drug trafficking has escalated dramatically so that no nation is immune from the devastating consequences of drug abuse and drug trafficking; an upsurge in crime, violence and corruption, the draining of human, financial and other resources that might otherwise have been used for social and economic development. Another consequence of drug abuse is that associated with intravenous drug abuse - a high risk of spreading the Acquired Immune Deficiency Syndrome (AIDS), through the practice of needle sharing among drug abusers.

At the same time as the problem of drug abuse and drug trafficking has grown, many societies, including the Zambia Society has begun to demonstrate an intense concern over the problem. The former Party Secretary General of the United National Independence Party (UNIP), Mr. Grey Zulu expressed his concern when he said:

"If we do not arrest this situation we shall end up with a nation of confused people".¹

The Supreme Court of Zambia, in the recent case of Vafeen Fofana alias Mutombo Wa Mutombo v. The people² has expressed similar concern over the problem of drug abuse and drug trafficking, not in Zambia alone, but also world wide and held:

"Indeed the Court cannot lose sight - - - of the fact that drug trafficking is no longer a matter for domestic interest only but has assumed international proportions and the whole international community is concerned about this cancer. -- -- - this country too should be seen to be playing its part in eradicating trafficking -----".

The Court affirmed a six year sentence of imprisonment passed on the appellant by a Subordinate Court notwithstanding that there was a tradition that first offenders where a case carried an option of a fine should be afforded an opportunity of being fined.³ The whole

judgement is full of concern by the Court of the drug problem in the country and the entire world. Reasons for this concern include, among others those of mental health problems, increases in crime, family disruptions and other general health complications which arise as a result of drug abuse.

The earliest drug abuse in the country created problems of dimensions which the societies concerned were able to deal with. Drug abuse was generally kept within a small community well within geographic locations and cultural settings. Together with the expansion of the world trade and world communication, came the first trafficking in dangerous drugs. Drug abuse, as a result, is no longer confined to small cultural rural communities in Zambia. Evidence of unlawful production, distribution and consumption of drugs is everywhere. The erratic ebb and flow and sheer volume of "drug money" has affected the Zambian money supply and exchange markets.

The scope of the problem of dangerous drugs to-day in Zambia, and internationally has only begun to be realized. It begun to surface in the 1980s when a number of Zambians were arrested abroad for offences relating to dangerous drugs. Among some prominent Zambians arrested abroad included Mrs.
⁴
Susan Nyauhango Chakulya, the wife of the former

politician Mr. Wilson Chakulya, who was arrested in the Midlands Town of Dudley in England. She was accused of supplying 22 Kg of Cannabis which Police estimated at a street value of 25,000 pounds Sterling (about K37,000 in the 1983 exchange rate). In June, 1984, a Zambian Diplomat based in New Delhi High Commission in India was reported arrested at Frankfurt International Airport in the then West Germany after being found in possession of Marijuana.⁵ In the same month two more other Zambians were arrested abroad. One was a Diplomat's wife who was caught with dagga by the Egyptian Police⁶ and the other was said to have been an ex-member of the United National Independence Party's Central Committee, who was held by Indian Police in connection with illegal trafficking in mandrax tablets worth about K1.2 million. Few days later, it was reported that a former member of the Central Committee Mr. Sikota Wina and two other Zambians, arrested at Bombay Airport on drug smuggling charges had⁸ been remanded in custody in India for two weeks. When finally Mr. Wina arrived in Zambia after having been acquitted announced that:

"there are 29 Zambians on the wanted list in India to answer mandrax trafficking charges".⁹

In March, 1985, it was reported that another Diplomat at Zambia's Mission in New Delhi, India and a

Communications Officer at the Ministry of Foreign Affairs Headquarters had been identified with a highly organised heroin trafficking racket in which a Junior Zambian Diplomat in London had been arrested.

It was revealed that the Permanent Secretary for Foreign Affairs Mr. Peter Kasanda had confirmed the holding of Mr. T. M. Machai and that the New Delhi Diplomat identified as Mr. P. H. Sinyangwe, had already been recalled. Further, it was reported that the London based Zambian Diplomat, Godfrey Lubinga, had already appeared in a London Court. The highly informed source was reported to have revealed that the sophisticated network was involved in a triangular transaction in which high quality Indian heroin was shipped to the London Diplomat using a Diplomatic Bag via Lusaka. It was reported that the arrested Zambian official was used as a linkman and transit point between India and London and his role was to ensure receipt of the contraband by a Diplomatic Bag and communicate progress on its movement to both ends.

10

In March, 1985, the former Minister of State in the Ministry of Home Affairs, Senior Chieftainess Nkomeshya told Parliament that 39 Zambians were detained by Police abroad on drug trafficking charges. She said

26 of those being held were found in possession of mandrax, 11 had cannabis and 2 were facing charges of illegal dealings in heroin, and 3 of the persons facing drug trafficking charges were public servants.¹¹ The problem of drug trafficking among Zambians had clearly become a shame to the country. The former Zambian President Dr. Kenneth Kaunda, felt obliged to waive a Diplomatic immunity against a London based Diplomat on a drug charge. As a result of this, Dr. Kenneth Kaunda said:

"---- three Governments supplied information to him on how Zambians had become the centre of an international syndicate for mandrax¹² going to South Africa".

On the basis of that information, the former President ordered the arrest and detention of several prominent businessmen in the country, reportedly the muscles behind the drug trade. They were detained by Kaunda¹³ under the preservation of public security regulations.

The waiving of the Diplomatic immunity, the arrest and detention of suspected drug traffickers reflected the desire, by the Zambian Government, to fight the international scourge of drug abuse and drug trafficking. It is understood that the new

Zambian Government of President Frederick Chiluba has equally placed drugs as a top priority, the Home Affairs Minister, Newstead Zimba, says that he is convinced there are still big names behind the trade.

"I am disappointed to say with conviction that the decay of the Zambian society is a result of the desire to get rich quickly --- I am equally convinced that in the business sector, dominated by some foreign immigrants, some people are using Work Permits, --- merely as fronts to cover up the operations in drug dealings",¹⁴

Mr. Zimba said. So there is the picture of the scope of the problem of dangerous drugs the Zambian Society must face squarely in the face. By placing comparable emphasis on education and prevention, supply control, and law enforcement efforts aimed at halting the flow of dangerous drugs across the country's borders, the Government in 1989 enacted the Dangerous Drugs¹⁵ (Forfeiture of Property) Act which provides for the establishment of a special organisation to deal with the problem of drug abuse and drug trafficking and such related matters. In the same year the Government of Zambia established a special organisation called¹⁶ the Drug Enforcement Commission, a department under the Ministry of Home Affairs. It was realised that

it was in the best interest of the nation, and every nation in the world, to take a firm stand in combating all aspects of the drug problem. The enactment of the Dangerous Drugs (Forfeiture of Property) Act and the subsequent establishment of a special organisation to deal with the drug problem reflects the willingness of the Zambian Government to continue its role as a Member of the United Nations Organisation, in providing an international mechanism for sharing information and expertise, and for facilitating co-operation with Foreign Countries.

The problem of drug abuse and drug trafficking cannot be solved overnight, but only through continuous co-operation among Countries, over time. This is why in 1989, in response to the disturbing problems of drug abuse and drug trafficking involving Zambians in connection with Foreigners, the Zambian Government decided to strengthen its capacity to counteract the scourge and strengthened drug laws in the Country and established a special organisation to deal specifically with the problem. The special organisation is empowered by law to co-ordinate all the national drug control activities, to promote the implementation of the relevant treaties and to provide for effective

leadership in national drug control. Drug traffickers must now understand that strong measures are in place, the law has been strengthened and is being vigorously enforced, hence strict control is a reality in Zambia. By its opposition to drug trafficking, the Country is currently focusing its attention on the ever-widening circles of disruption caused by drug abuse, a problem that affects the entire world.

The National Drug Control efforts in Zambia is not quite a new phenomenon, it began during the colonial era as reported by Thayer Scudder that:

"Twenty-five years ago, there were only two cash crops in the valley: hemp (cannabis sativa) and tobacco".¹⁸

He further reported that:

"-----cash transactions involving hemp (lubanje in Tonga) have since decreased because of a rigidly enforced Government order proscribing cultivation -----" ¹⁹

In 1926, the Northern Rhodesian Government (before the
Zambian Government came into being) enacted the
Dangerous Drugs Ordinance,²⁰ which was similar to the
American²¹ and British²² enactments on the subject.
The Zambian Government involvement in the field dates
back to 1967 when Parliament passed the Dangerous
Drugs Act.²³ Recognising the Central role that must

be played by the Zambian Government in fostering a concerted international action against illegal drug production, trafficking and consumption, in 1989 decided to enact the Dangerous Drugs (Forfeiture of property) Act to supplement the 1967 Act on the subject and created the Drug Enforcement Commission. This new department integrated the structure and functions of the existing Government Drug Control Agencies such as the Police and health workers, and expanded the Government role in drug control.

The aim of this essay is threfold:

1. to clear some of the confusion and misunderstandings that surround the subject of drug abuse in Zambia;
2. to examine the fundamental legal mechanisms in the Zambian law for tracing, freezing, seizing and forfeiture or confiscation of drug trafficking proceeds ; and
3. to examine the basic terms in the mutual legal assistance to Foreign Countries as provided under the Zambian law.

In Chapter 2 the discussion centres on drug abuse, with particular emphasis on the Zambian situation. In Chapter 3 the essay discuss the issue of money laundering and further discusses the response

of the law as regards money laundering. The law emphasized is that obtained in Zambia, in particular under the Dangerous Drugs (Forfeiture of Property) Act. In the fourth Chapter the essay concentrates on showing how the legal mechanism in Zambia meet the required international co-operation, as provided for under the United Nations Convention Against illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,²⁴ in the world's concerted effort to wipe out the problem of drug abuse and drug trafficking in the entire world. Chapter 5 concludes the essay and makes suggestions on the improvement in the drug control efforts, both social and legal, in Zambia. All in all this essay endeavours to present evidence of the determination of the Zambian Government, working through the Drug Enforcement Commission, to address a problem that transcend the national borders and involve many nations, and to try to put an end to drug abuse and unlawful trafficking in drugs.

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CHAPTER 2

DRUG ABUSE

2.1 What is a Drug?

There is no precise definition of the term 'drug' which will convey adequately the range of substances available to a modern man. This is further complicated by the fact that none of the Zambian Statutes on the subject has defined the term. However, in 1969, the World Health Organisation (W.H.O) Expert Committee defined the term as:

"a substance that, when taken into the living organism, may modify one or more of its functions."¹

In 1982, the W. H. O. suggested modification such that the definition that:

"a 'drug' in the broadest sense is any chemical entity or mixture of entities, other than those required for the maintenance of normal health, the Administration of which alters the biological function and possibly structure."²

This modification clearly was proposed to exclude, food, water, oxygen, endocrine substances and the like in amounts required for normal health, but not meant to exclude drugs which are used to regain and hence maintain health.

2.2 What is Drug Abuse?

Attempts at defining drug abuse have been beset with several difficulties. Both the Dangerous Drugs Act and the Dangerous Drugs (Forfeiture of Property) Act, do not contain any definition of drug abuse. However, some circles have attempted to define drug abuse although earlier definitions appear narrow as some of them merely refer to drug abuse as the:

"excessive consumption of a drug."³

This definition of drug abuse tends to be seen in the terms of the self ingestion of substances in a manner that deviates from the approved medical usage. Jaffe, provides a more comprehensive definition of the phrase. According to Jaffe the phrase drug abuse involves the:

"use, usually by self-administration of any drug in a manner that deviates from the approved medical or social patterns within a given culture."⁴

In effect, the drug abuse problem encompasses medical, social, cultural and other variables and is not merely a medical or moral problem.

2.3 Types of Drugs.

Drugs range widely in their nature. Some people think only of Dangerous Drugs such as

cannabis or heroin when the word 'drug' is used, but this is a narrow idea of what drugs really are. There is for instance, a wide range of medicines prescribed by medical doctors. Such drugs as antibiotics, anaesthetics and sedatives. To this list added is a very wide range of proprietary medicines, household and industrial chemicals.

Examples of 'over the counter' medicine include such products as laxatives, medicated creams and lotions. All these preparations and many more contain drugs. Vitamins, although not drugs, may be used to cure specific deficiency diseases, and to this extent are substances capable of being abused. But such substances as alcohol and tobacco are obviously drugs. Even Tea and Coffee can be drugs too, because they contain the stimulant caffeine. Most of these substances are not among those⁵ substances controlled under the⁶ ~~Zambian~~ law, as amended, and are not even subject to international control. For a list of substances which are subject to control under the Zambian law and under international law see appendix A and B. It is because some drugs are not legally substances dealing in which is subject to control that some people think they are not drugs. As earlier on stated, this is a narrow idea of what drugs really are. Methaqualone

commonly known as "mandrax" was not legally a substance dealing in which was subject to control in Zambia until 1985,⁷ and so it was also not under international control until 1988.⁸ But this fact does not mean that "mandrax" became a drug only when it was legally recognised as a drug subject to control. It has all along been a drug although not under legal control.

2.4 The Extent of Drug Abuse in Zambia.

On the surface, Zambia looks like a parent's paradise, a safe place to bring up children - far away from the maddling around of drugs of the Western World. But underneath this seemingly clean and almost satinised image is a network of traders and drug abusers of all types of drugs: cocaine, heroin, mandrax and cannabis. Cannabis is the most commonly trafficked and abused drug in Zambia. It has always been thought that there was no drug abuse problem in Zambia, and that what was there was a transit problem of drug trafficking. The Drug Enforcement Commission established in 1989,⁹ and begun its effective operations in 1990, has so far identified more than a hundred drug addicts in Lusaka alone. But the number of addicts who are formally notified to the Commission is

probably only a small portion of the regular drug abusers. The reason is that many will not have sought medical treatment and will not, therefore, have been notified.

The illicit distribution and consumption of drugs have intimidated public servants. Recently in Zambia Magistrates openly admitted, at a Seminar, that they did not convict drug traffickers because of the threats to their lives.¹⁰ This is one clear indication of the extent of the problem of drug abuse and drug trafficking in the country. The next is the amount of seizures of dangerous drugs as obtained at the Drug Enforcement Commission.

1990

FIRST QUARTER - 1990 (January - March)

	Types of Drug	Quantity	Remarks
1.	Methaqualone (mandrax)	748,000 tablets	1 Guinean arrested.
2.	Cannabis	460,550 grammes	14 Zambians arrested

SECOND QUARTER - 1990 (April - June)

1.	Methaqualone (Mandrax)	420,000 tablets	abandoned at International Airport/Lus
2.	Cannabis	74,341.23 grammes	51 Zambians arrested.

THIRD QUARTER - 1990 (July - September)

1.	Heroin	5,000 grammes	Abandoned at the international Airport/Lusaka
2.	Coca Leaves	94,000 grammes	1 British National arrested.
3.	Methaqualone (mandrax)	323,017 tablets	2 Mali Nationals arrested
4.	Cannabis	127,162.43 grammes	20 Zambians arrested

FOURTH QUARTER - 1990 (October - December)

1.	Heroin	75.79 grammes	3 Zambians arrested
2.	Methaqualone (mandrax)	13,304 tablets	5 Zaireans arrested
			1 Sierra-Leonese arrested.
3.	Cannabis	279,961 grammes	18 Zambians arrested
4.	Cannabis resin	2,000 grammes	2 Zambians arrested.

Another indicator of the scale of drug abuse and drug trafficking in Zambia is the number of reports and arrests made by the Commission in say, one year, in connection with offences relating to illegal drugs. According to the statistics at Drug Enforcement Commission, a total of eighty-five (85) reports were received in 1990. Out of these reports 36 persons were prosecuted; 24 were successfully prosecuted; 6 were acquitted, and by the end of the year 15 cases were still pending before Courts of Law, while 24 persons were interviewed and released without being charged.

2.5 What are the causes of Drug Abuse in Zambia To-day?

There is no single cause of drug abuse in Zambia. Speaking of Great Britain, Dr. N. H. Rathod, a consultant Psychiatrist at St. Christopher Day Hospital, said it was not possible to say:

"with much justified confidence the specific causes of drug abuse ---" 11

This is true of Zambia as well. The reasons why people turn to dangerous drugs are varied as the types of people who abuse them. But one of the obstacles in combating the growing abuse of drugs in Zambia has been identified as deviant behaviour. Some of the factors which contribute to drug abuse are outlined below:-

1. Peer pressure. Whether peer pressure has a positive or negative impact depends on the quality of the peer group. Drug users seek the approval of their peers and as a result endeavour to convince others to join in their habit.
2. Curiosity. If so much has been written and said about drugs many people get tempted to experience them out of curiosity. The first taste, and its effect, may influence the individual to continue taking drugs.

3. Ignorance. As drug use has spread, myths have also spread. Some individuals often begin taking drugs as an experiment, some students in Secondary Schools, Colleges and Universities believe that substances are not dangerous, but that they can enhance their performance in their studies. If the drug provides the effect, the individual is seeking, then the lack of knowledge about the consequences to his health permits continued use.

4. Alianation. Human beings are said to be social animals. They require a sense of belonging, be it to a family, a tribe or a country. So an individual who feels isolated will normally take steps to find a group to belong to. Very often the receptive group will compose of other people who similarly feel isolated and who have turned to drugs as an escape. Feeling welcome in the new environment, especially where drugs are acceptable, can lead to disastrous ends, for the individual and the whole society.

The outlined factors may have some role to play among the causes of drug abuse in Zambia. However, there is no convincing evidence that any one or a combination of these factors is of greater significance than the rest. There is also no evidence that they are the only possible factors.

Many other factors may account for the causes of drug abuse in the country.

2.6 The Zambian Approach to Drug Abuse in the Country.

The approach to drug abuse in Zambia is the intergrated enforcement which is a three dimensional in nature. It's effectiveness focuses on;

- (i) trafficker arrest;
- (ii) drug removal and
- (iii) asset removal.

These activities are taken in consective, because to persue one and ignore the other is less effective to combat drug abuse and drug trafficking. For example, to arrest and subsequently incarcerate a trafficker but ignore the legal removal of his assets permit the trafficker the latitude of re-investing his illicit wealth through conferaderates still at large. The most important of all is the asset removal which strikes at the very reason for illicit drug trafficking - large, quick monetary gain which in turn leads to some people becoming drug abusers. We can therefore, here, see the benefits of the law enforcement agents proceeding on the three fronts to the extent that evidential situation can permit. Admittedly, it is a difficul

undertaking, but one which is worthwhile in the fight against drug abuse and drug trafficking.

The concept exposed in the preceeding paragraph is a new one in Zambia, but we can make use of it by borrowing from the experience of others like that cited by the Assistant U.S. Attorney. Robert J. Peery when he observed that:

"Financial information has tremendous impact! Don't overlook the value of financial information in narcotic cases. Everyone understands the value of money. The average juror does not know anything about narcotics trafficking but he knows the value of money and he has probably never seen \$20,000 cash at one time. The evidence that your defendant was purchasing luxury cars, homes, boats, etc. when he had no apparent legitimate source of income will have greater meaning for the average juror than the fact that the defendant had a quantity of narcotics with him when he was arrested.

- Financial information is easy to find and extremely reliable. It doesn't cause the headaches that informants sometimes cause (Documents can't be cross-examined.)
- Financial information can be helpful in identifying the leaders of an organisation.
- Financial information makes an impact on prosecutors, jurors, and judges - it frequently causes better prosecutions, quicker convictions, and longer sentences (it is also helpful in bail arguments)".¹²

We can see that these three dimensions are interwoven and are fluid, not static. In order to pursue these dimensions, the law enforcement agencies, have to be able to identify financial evidence which will result in the prosecution of drug violators as well as the identification and seizure of illicit profits and/or assets. This would be done by say looking at the financial aspects of drug-trafficking on the after-the-fact basis. This is, in many instances the only exposure to the drug trafficker's wealth. This may most likely be in the form of large sums of cash seized. In dealing with those instances, we would begin to understand the value of the application of the Dangerous Drugs (Forfeiture of Property) Act, particularly the provisions of Section 8 of that Act. Under this provision the authorities cannot wait until after a drug offence investigation has been completed and re-investigate the facts.

2.7 Why has the Problem of Drug Abuse Got Worse in Zambia?

There is no single explanation why drug abuse and drug trafficking has increased in the country. One possible factor is changes in the

social and cultural patterns which traditionally used to surround drug abuse and drug trafficking. Another factor is the expansion of World trade and communication networks which have made available all forms and types of drugs, for example quite a large amount of mandrax is manufactured in India, and is brought into Zambia by air, road, and by rail via East Africa.

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CHAPTER 3

MONEY LAUNDERING

3.1 WHAT IS MONEY LAUNDERING?

Money Laundering is a process through which cash is converted to an alternative form. The example is where money derived from the sale of illicit drugs is utilized in a manner that removes it as far as possible from the original drug offence or drug transaction. In the process the currency/monetary instruments loses identity or true ownership by the transfer through financial institutions, commercial enterprises and Sham companies.

The phrase "money laundering" is not explicitly used in the Zambian law for the simple reason that it is not a legal term. However, the Dangerous Drugs (Forfeiture of Property) Act,¹ does recognise the fact that illicit traffic in dangerous drugs does generate large financial and proprietary profits which adversely affect the legitimate economic and financial activity. The Act does recognise that the menace of illicit traffic in drugs cannot be fought effectively

unless the traffickers are deprived of the enormous profits derived from the illicit traffic. Bearing this in mind, the Zambian Government provided under the said Act for the forfeiture of property derived from or used in illicit traffic in dangerous drugs.

By the provisions of sections 5, 6, 10 and 11 the courts are empowered to forfeit, to the State, illegally acquired property held by a person which is established to be related to the illicit traffic of drugs. Furthermore, the provisions of sections 3 and 4 of the Act, prohibits the use, dealing in, receiving or holding and concealing of illegally acquired property. If any person knowingly or whilst having reason to believe that the property is illegally acquired does any prohibited act, he will be guilty of a scheduled offence. Such property will be subject to forfeiture. Both the phrase "illegal property" and "scheduled offence" are defined in Section 2 of the Act.

The legislative regime envisages the taking of necessary steps, by the authorised officers; to trace and identify the illegally acquired property. This is to be done for the purpose of freezing and seizure if necessary before the initiation of proceedings under the provisions

of sections 8 and 9 of the Act. The Act was enacted to supplement and strengthen the Dangerous Drugs Act.² It prescribes the mentioned measures to prevent the transfer, concealment etc. of such property deemed or suspected to be illegal property during the pendency of proceedings of prosecution under any of the two Acts. The Dangerous Drugs (Forfeiture of Property) Act is clearly an Act intended to deal with the problem of money laundering in relation to "drug money".

3.2 PURPOSE OF MONEY LAUNDERING.

The major reason for money laundering is to:-

- (a) conceal assets and profits derived from illegal drug transactions from the law enforcement agents for fear of being proceeded against in accordance with the provisions of Sections 8 and 9 of the Dangerous Drugs (Forfeiture of Property) Act;
- (b) hide the legitimate profits of legal enterprises from income tax in order to maximise profits;

- (c) avoid the discovery of illegal immigrants, their true occupation and sources of income; and
- (d) use hard currency illegally acquired and deposited abroad in services and commodities.

Money laundering is essentially a banking operation. The laundering may be done in the country where the crime is committed. The money will often be sent across an international border to a bank (see diagrams in appendix C which demonstrates the four different perspectives in in money laundering). The funds will then come back into Zambia in an alternative form such as motor vehicles, television sets and some other type of luxury goods.

Laundering schemes, used to move illegally obtained funds vary; and cash can secretly be transferred anywhere in the world. What actually happens in this area is well explained in the magazine called, "The Laundering Game - Cleaning Dirty Money is Crucial",³ which describes the American methods of money laundering (see appendix D).

3.3 OFFENCES RELATING TO PROPERTY

Sections 3 and 4 are the foundation of the Dangerous Drugs (Forfeiture of Property) Act. The Sections provide for two new offences which are not included in the Dangerous Drugs Act. These offences may be described as the "laundering of proceeds of crimes", because they deal with the use, holding, receiving or concealing of property which constitute an offence or illegal transaction under the Act. The full texts of the sections is:

"3. Any person who enters into or causes to be entered into any dealing in relation to any property, or in any manner uses or causes to be used any property, within or outside Zambia, directly or indirectly, on behalf of himself or on behalf of any other person:-

- (a) with the intention of promoting, managing, establishing, or carrying on any activity or conduct which constitutes a scheduled offence; or

- (b) with the intention of facilitating or assisting in the promotion, management, establishment or carrying on of the act, activity or conduct referred to in paragraph (a);
- (c) whether or not that scheduled offence has been committed or any person has been charged with or convicted of that offence---

"4. Any person who enters into or causes to be entered into, any dealing in relation to any property, or in any other manner uses or causes to be used or holds, receives, or conceals any property, within or outside Zambia, directly or indirectly, on behalf of any other person knowing or having reason to believe that that property or any part of it is illegally property---

Both of these money laundering offences are limited to actions involving property derived from any offence established in accordance with Sub-Section (a) of Section 3, or from an act of facilitating conduct in such offence, that is an illegal drug trafficking offence. Thus, the obligation to establish money laundering offences

goes only to laundering of the property derived from illicit drug trafficking. The phrase "or from an act of facilitating conduct" in such offence or offences ensures that the laundering of property derived from drug conspiracy or association offences is included. The Sections are broadly drafted. The importance of criminalizing the proceeds of other crimes has been addressed in other international instruments and
⁴ fora. In Canada, a legislation drafted in the similar manner has attracted some adverse comments, particularly from defence lawyers. For instance, Alan Gold, a prominent Toronto Criminal Law Lawyer, who wrote of the legislation;

"It is hard to over estimate the importance of this legislation. These provisions are not just of concern to those who might intentionally violate its provisions or the criminal law, but these provisions will impact on virtually every sector of the business and professional community. The so called 'money laundering' provisions do not just deal with that well-known expression, which would limit the provisions to clearly criminal conduct. Rather,

the provisions in fact are expressed in language so broad that anyone dealing in any form of property or proceeds thereof, from any where in the world, that may be viewed as derived from acts that would arguably be criminal under Canadian law with knowledge or even merely suspicious concerning these suspect origin is a potential accused for violation of the provisions. Accountants, Bankers, Brokers and Lawyers ignore these new⁵ provisions at their peril."

Similar sentiments may be expressed concerning the Zambian legislation under discussion. The broad scope of activities covered ensures that the offences include not only the actions of the Banker who, knowing or having the reason to believe the money is the proceeds of drug trafficking, transfers the money overseas or opens an account in a false or fictitious name for the trafficker, but also money couriers who transport money overseas, the trafficker himself who hides his profits, and his family member who purchases stocks, bonds or land using the trafficker's money and also using his name to conceal the true source of the property. The mens rea in both Sections 3 and 4 is particularly

interesting. It does not relate to the knowledge as to the background of the funds or property, but relates to the knowledge of the background of the person with whom one enters into arrangement. This is undoubtedly, a curious mental element which has its policy background in the desire to ensure that the banking institutions know their customers. The provisions applies the common law doctrine of "wilful blindness". This is where an accused person given certain circumstances is presumed to have had the knowledge or reasons to believe that the property was derived, by the person who claims to be the owner, from the proceeds of crime. The Canadian case of R V Sansregret⁶ at page 206 explains how the doctrine of wilful blindness arises in the following words,

"----wilful blindness arises where a person who has become aware of the need for some inquiry declines to make the inquiry because he does not wish to know the truth. He would prefer to remain ignorant. The culpability--- in wilful blindness---is justified by the accused's fault in deliberately failing to inquire when he knows there is a reason for inquiry."

The common law doctrine of "wilful blindness" is applicable to Zambia by virtue of the English Law⁷ (Extent of Application Act). This means that any

person may be found guilty under the provisions of Section 3 or 4 of the Dangerous Drugs (Forfeiture of Property) Act on the principle provided there is sufficient evidence that he knew or at least he had reasons to believe that the property he was using, receiving, holding or concealing was derived by any person from the proceeds of illegal drug transactions.

3.4 FORFEITURE OF PROPERTY OF LIABLE PERSONS.

The concept of forfeiture, meaning the loss of some right, property or privilege by reason of some specified conduct, is an ancient feature of the English Common Law. The justification for depriving a criminal of his profits is obvious. Indeed the Civil Law has long recognized through the maxim "ex turpi causa non oritur actio" the principle in the case of re Crippen⁸. In that case a wife died intestate, survived by her husband who was later convicted of her murder and hanged. Prior to his execution he made a will appointing a certain person his executrix and universal lagatee. A relative of the deceased wife claimed a grant of administration of her estate, but the husband's executrix claimed entitled to the administration as executrix of the deceased husband. It was held that the fact that the husband had been convicted of his wife's murder was sufficient "special

circumstances" to justify the court in passing over his legal personal representative and granting the administration of the wife's estate to her relative. Sir Samuel Evans said:

"No person can obtain or enforce any right resulting to him from his own crime; neither can his representative claiming under him obtain or enforce any such rights".

There is no reason why the same considerations would not also apply to strip the assets in possession of the offender which he has obtained say, through drug trafficking. This in effect is the basis of Part III of the Dangerous Drugs (Forfeiture of Property) Act which views forfeitures as an important complement to the traditional incarceration strategy for drug offences. The implementability of this legislation remains to be seen in Zambia. In the meantime, it is perceived as being a difficulty piece of legislation to implement. It is almost impossible to prove, in the absence of sheer luck, in a court of law. This may be an explanation why there has been no prosecution for the last four years since the Act came into force. One would be naive to think that Zambian financial institutions has not seen any instance of drug money laundering in the past four years.

3.5 SEARCH AND SEIZURE OF DRUG PROCEEDS.

The provisions of Section 8 of the Dangerous Drugs (Forfeiture of Property) Act provide for a mechanism for the preservation of an individual's assets thereby preventing dissipation by laundering process. The mechanism is analogous to the Civil "mareva" injunction.

The Act also creates new pre-trial orders called restraint orders which allow for "seizing" or "freezing" of assets which may be the proceeds of a drug offence. The orders are sought ex parte, without the defendant being present. They involve the director of Public Prosecutions making an application, supported by an affidavit stating:

- (1) the name and address of the liable person to be proceeded against;
- (2) the grounds on which he is liable;
- (3) the description of the property to be forfeited; indicating its estimated value, its location and any other matter, circumstance or information which in the opinion

of the Director of Public Prosecutions, is relevant to the application.

The application for such orders must be in writing to a High Court Judge. There must be grounds to satisfy the judge that there are reasonable and probable grounds to believe that there is any building, or place, and any property in respect of which an order of forfeiture may be made. If the judge is satisfied that there are sufficient grounds to issue an order authorising the forfeiture of that property an order of seizure may be made.

The provisions of Section 9 of the Act provide that before an order of forfeiture is made the court may require notice to be given to and may be given to any person who may have a valid interest in the property requiring him to show cause why a particular property should not be forfeited to the State. A restraint order can be used in respect to intangible property such as credit in a bank account as well as real estates. Such order will take into account the management and maintenance of the property pending trial, conviction and ultimate forfeiture. Any property may be subject to a restraint order, whether movable or

immovable, as provided under Section 24 and 27 respectively, of the Act. Such orders however, are subject to modification upon an application by an interested party under Section 9 of the Act. The purpose here is to protect the interests of third parties who may be completely innocent such as where there has been a commingling of that third party's property with that of a liable person. In such a case an innocent party may seek to have his property excluded from the operation of the restraint order.

3.6 FORFEITURE OF THE DRUG PROCEEDS ON CONVICTION

The provisions of Section 5 of the Dangerous Drugs (Forfeiture of Property) Act, specifically provides for the forfeiture of all the property which is the subject of a drug offence or which has been used for the commission of that offence. The only exemption is afforded in the circumstances where a conveyance which was used, for the commission of the offence, is proved that the use of such a conveyance was without the consent and knowledge of the owner or any person in charge of such a conveyance. It must be further proved that it was also not due to any neglect, default or lack of reasonable care by the owner or the person in charge of such a conveyance. This

provision contemplates that in order for it to take effect, there must be a conviction for a scheduled offence; and that the issue of forfeiture be dealt with as part of sentencing. Additionally, that any property that is the proceeds of a drug offence is liable for forfeiture if the scheduled offence was committed in relation with that property. The property need not necessarily be under seizure or restraint order, it may have even been seized under some other legislation. It may have been turned over to the authorities by consent or, it may not be under seizure at all, but nevertheless be liable for forfeiture.

3.7 FORFEITURE OF DRUG PROCEEDS WHERE ACCUSED HAS DIED BEFORE CONVICTION.

Section 13 of the Dangerous Drugs (Forfeiture of Property) Act provides that if the accused person charged with a scheduled offence dies before the disposition of the matter, the matter shall not abate. In such a case if a judge is satisfied beyond reasonable doubt, that the proceedings in respect of a scheduled offence was committed in relation to that property, the court will order that property forfeited. This is called in rem forfeiture. In rem is a technical term which may be used to designate

proceedings against the thing, in contradistinction to personal actions which can be said to be in personam. The provisions of Section 13 can be better described as quasi in rem, in that they require that an action be commenced against an individual personally even though the real object is to deal with the property. If there were no criminal charges, a statutory provision authorising the forfeiture applications, where the offender has died, would arguably be an encroachment upon the constitution in relation to "property and civil rights" in the country. The requirement to initiate criminal proceedings brings the provisions under Section 13 within the criminal law as provided for under articles 11 and 16 of the Constitution of Zambia.⁹

3.8 FORFEITURE OF DRUG PROCEEDS IN GENERAL.

The Dangerous Drugs (Forfeiture of Property) Act. Section 6 provides for the forfeiture of the proceeds of a drug offence both where there has been a conviction for a scheduled offence and where there has been no conviction provided, the court is satisfied that an offence under Section 3 or 4 has been committed. Under Section 11, the High Court, if satisfied that an order of forfeiture should be made under the

provisions of Subsection (3) of Section 10, but that that property cannot be made subject to such an order because it:-

(a) cannot be located or traced; (b) has been sold to a purchaser in good faith for valuable consideration; (c) is outside Zambia; (d) has been commingled with other property which cannot be separated or divided without difficulty; or (e) has been diminished in value; may order the offender to pay a fine in an amount equal to the value of that property, part or interest. Although the order of a fine in lieu of forfeiture is discretionary, once the Court orders such a fine, then the Court will impose, in default of payment of the fine, a term of imprisonment. The purpose of the mandatory default jail term is obviously to persuade the offender to liquidate his holdings if they are abroad or to produce the necessary funds from any bank account, of which the law enforcement agents may not may not have been aware of.

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CHAPTER 4

INTERNATIONAL CO-OPERATION

4.1

INTERNATIONAL DRUG CONTROLS

One of the busiest activities for law making in many countries today concerns drugs. As shown in the previous chapters of this essay, the existence of "drugs" in society represents a major concern of our citizens. This concern is reflected in political policies, legislation and judicial activity - such actions take place at international, national and regional levels in pursuance of the policy of prohibition. Typical of the international expression of concern was that made by the former United Nations Secretary General Sr. Javier Perez de Cuellar in February, 1990 when he said:

"Drug abuse is a time bomb ticking away in the heart of our civilisation. We must find ways of dealing with it before it destroys us". 1

It is this perception of the problem created by "drugs" which has led to exceptional co-operation at the international level. The first International Conference on the subject was held in Shanghai in 1909.² The International control system has been built up step by step, beginning

in 1920 under the auspices of the League of Nations, and since 1946 by the United Nations.³ The international cooperation has resulted in the preparation of International Conventions mandating wide-ranging activities to combat the supply of drugs, and the enactment of national laws in furtherance of the strategy of prohibition.

There is now a significant network of international instruments open for signature: the Single Convention on Narcotic Drugs, 1961,⁴ as amended by the 1972 protocol, which provides:

"... for international controls over the production and availability of opium and its derivatives, synthetic drugs having similar effects, cocaine and cannabis."

The Single Convention on Narcotic Drugs was supplemented in 1971 by the United Nations Convention on Psychotropic Substances.⁵ It extended the concept of international control to a wide range of synthetic drugs.

However, the Hon. Justice Michael Kerby in his keynote address delivered to the 9th Commonwealth Magistrates' and Judges' Conference, Sydney in Australia in 1991; said,

"Because a number of Governemnts ... had reservations about aspects of these conventions, an International Conference on Drug Abuse and illicit Trafficking was called together in 1987." 6

Zambia was represented at this Conference. 7

It was out of this that came the United Nations Convention against Illicit Traffick in Narcotic Drugs and Psychotropic Substances; 8
1988.

At a meeting of Commonwealth Heads of Governments, Kuala Lumpur in October, 1989, the political leaders of the Commonwealth stressed that:

"The Commonwealth should take the lead in promoting more effective national and international action on a number of key fronts. These included, among others, actions against drug trafficking and money laundering, including provisions for the confiscation of the illicit assets of convicted drug traffickers." 9

Stimulated by the concern about drugs expressed at the Kuala Lumpur Conference and the resolution urging all members of the international community to accord priority to the early ratification and implementation of the 1988 Convention, calls were made for:-

- (1) the speedy implementation of the commonwealth scheme for mutual assistance in criminal matters¹⁰ and for securing the efficient extradition of fugitive offenders¹¹ (many of them involved in drug offences);
- (2) enhancing the flow of information between Commonwealth countries including on developments of domestic legislation, case law, the conclusion of treaties, agreements and other arrangements;
- (3) Practical expert assistance in drafting the complex legislation which would often be required in order to give appropriate effect to the 1988 United Nations Convention; and
- (4) Practical expert assistance in negotiating bilateral and regional treaties to fight the illicit trade in dangerous drugs and psychotropic substances.

The multinational aspects of illicit trafficking in drugs greatly complicate law enforcement, investigation and judicial counteration. Witnesses, documents and other evidence are often scattered in States other than the State in which the accused person of a drug related offence is being tried. The rules concerning the production of evidence cause difficulties. An investigator or a Court carrying on an inquiry or a trial have a limited jurisdiction. Evidence sought may be in another country where both the investigator and the Court have no jurisdiction. In such a situation international cooperation becomes a necessity. This can be achieved through bilateral and multilateral agreements for mutual assistance among the countries. The type of assistance must include that relating to investigation, prosecution and judicial proceedings. The laws of the nations must be harmonised so that in each state there must be legislation granting wide powers to the Courts to assist in gathering evidence for use in other jurisdiction.

In each State there should be an appropriate authority which must have the capacity to receive requests for mutual legal assistance and to address such requests to other States. Such an

authority should also have the capacity to recommend that requests for mutual legal assistance be executed. If this was achieved the problem of obtaining the production of evidence which is in another state would be eliminated and international co-operation is the only answer. But in the absence of such co-operation, despite any interests and obligations, shared by the parties to say, the 1961 and 1971 Conventions, the fight against drug abuse and drug trafficking will not succeed. The differences in legislation provide drug traffickers with opportunities for evading capture and trial. For example, a trafficker may be resident in a country whose drug law is so lax that they enjoy virtual immunity from prosecution or from extradition to a country in which they are accused of a drug offence. But with international co-operation, it would obviously be a strong deterrent to traffickers if they knew that investigation, prosecution and conviction for drug-related offences is inescapable. Hence the importance of international co-operation in the enactment of appropriate legislation, and its strict enforcement; so as to deny drug traffickers any haven of refuge.

It is quite clear that the transnational dimensions of drug trafficking trade and drug

abuse, can only be addressed effectively by international cooperation among nations. The United Nations Organisation has devised and implemented a number of plans for this international cooperation through its agencies. The Commission on Narcotic Drugs for example, is concerned with and is responsible for treaties and the implementation of their provisions. It is charged with the duties of planning and making recommendations to the economic and social council of the United Nations on the control of dangerous drugs. The Commission acts as a policy-making body for the international drug control within the United Nations system. It is responsible for amending the schedules annexed to this essay as appendix B.

In addition, there is the international Narcotics Control Board. The idea of having this board within the United Nations is for continuous evaluation and overall supervision of Governmental implementation of drug control treaties. It reviews and confirms annual estimates of licit dangerous drug requirements submitted by Governments which limit the manufacture and trade in dangerous drugs to medical and scientific purposes. It monitors the licit movement of psychotropic substances as well. It may as well

require Governemnts, in cases of breaches of treaties, to adopt remedial measures.

Other plans for international cooperation include the development of drug control programmes and the provision of funds for their execution. For this purpose in 1991, the United Nations Fund for Drug Abuse Control was created. This organ carries out projects in such areas as drug law enforcement, public education, legislative reform and the like. There are also plans in place for intensified efforts and coordinated strategies in international drug trafficking and drug abuse. In 1984, the General Assembly of the United Nations adopted a Declaration on the Control of Drug Trafficking and drug abuse. The aim is to control and eradicate the complex problem of drugs. Shortly thereafter, preparations began for a Convention against illicit traffic in dangerous drugs and psychotropic substances. This was aimed at addressing areas not covered by existing treaties.

The first International Conference on Drug Abuse and Illicit Trafficking was held on the premise that both the demand and supply of drugs have to be addressed on the international level. The principle document adopted by that Conference

was a comprehensive multi-disciplinary outline¹²
of Future Activities in Drug Abuse Control.

That document contains recommendations for practical action to be taken by Governments to prevent and reduce demand for dangerous drugs. It recommends for the control, supply suppression of dangerous drugs and psychotropic substances and to promote policies for effective treatment and rehabilitation of drug addicts. A declaration adopted committed the participants to take vigorous international action against drug abuse and illicit trafficking. It expresses the determination of participants to strengthen action and cooperation at the national, regional and international levels towards the good of a society free of drug abuse.

In the face of the received problem of illegal drugs, the Zambian Government went in search of a solution. As happens very often here, the solution was seen in the United Kingdom's initiative in enacting the Drug Trafficking offences Act of 1986. Zambia took that complex bit of legislation on board and virtually copied it to come up with the Dangerous Drugs (Forfeiture of Property)¹³ act.

4.2 ASSISTANCE TO FOREIGN COUNTRIES.

The Dangerous Drugs (Forfeiture of Property)

Act, Part VII, provides for an increase in the level and scope of assistance that can be rendered by the Zambian Government to foreign countries in drug related matters. The Act augments, and in no way derogates from existing forms of cooperation, both formal and informal, nor does it preclude the development of enhanced arrangements in other fora; such as those provided for in a number of United Nations Conventions mentioned earlier in this Chapter.

The provisions of Section 36 of the Dangerous Drugs (Forfeiture of Property) Act, provides for the giving of assistance to foreign countries in respect to drug related matters arising in the requesting foreign country. The assistance under this Part includes assistance in.

- (a) identifying and locating persons; 14
- (b) serving of processes or documents; 15
- (c) examining witnesses; 16
- (d) search of person or premises; 17
- (e) seizure and transmission of property
or article; 18
- (f) facilitating the appearance of witnesses
and effecting a temporary transfer of

persons in custody to appear as
19
a witness;

(g) obtaining production of judicial
20
or official records;

(h) tracing, seizing and confiscating
21
the proceeds of a drug offence.

In effect this Part affords the widest measure of mutual legal assistance in the investigation, prosecution and judicial proceedings in line with Article 7 of the 1988 Convention in relation to Article 3, paragraph 1 of the Convention offences; thereby also dealing with money laundering within the scope of the Convention.

4.3 MEANING OF FOREIGN COUNTRY

For the purposes of the Dangerous drugs (Forfeiture of Property) Act, the phrase Foreign Country; "means any person designated by a Foreign Government as an authority competent to act on behalf of the Foreign Government for the
22
purposes of (that) Act."

4.4. ACTION IN THE REQUESTING FOREIGN COUNTRY

A request for assistance under the provisions of Section 36 of the Dangerous Drugs (Forfeiture of

Property) Act, may be initiated by drug law enforcement agency or judicial authority competent under the law of the requesting foreign country. The foreign authority of the foreign country should, if it is satisfied that the request can properly be made under the Act in discussion, send the request, through the Zambian President, to the Zambian authority. The Zambian authority is defined under the Act²³ as meaning "the Inspector General of Police". The requesting foreign country must ensure that the request contains all the information required by the provisions of the Dangerous Drugs (Forfeiture of Property) Act. Additionally, the foreign requesting country will provide as far as possible any further information as may be sought by the Zambian authority.

4.5 ACTION WHEN ZAMBIA HAS BEEN REQUESTED TO PROVIDE ASSISTANCE

Section 36 of the Dangerous Drugs (Forfeiture of Property) Act, provides for assistance to a foreign country, as may be requested, to be given by the Zambian authority under the direction of the President or at its own instance in the manner allowed under Part VII of the Act. The competent authorities in Zambia will, in complying with the request use only such measures of compulsion as

are available under the Zambian Law concerning criminal matters. But if under the Zambian law measures of compulsion cannot be applied to any person to take the steps necessary to secure compliance with a request under the Act, but nonetheless the person concerned is willing to act voluntarily in compliance, the competent authorities in Zambia will make available the necessary facilities.

4.6 EXPENSES OF COMPLIANCE

Except as provided in Section 47 of the Dangerous Drugs (Forfeiture of Property) Act, compliance with a request by the Zambian authority under the Act, will normally not give rise to any claim against a requesting foreign country for expenses incurred by the Zambian authority or other competent authority in the country. But, under Subsection (4) of Section 46, the Act provides that the requesting foreign country will be responsible for the travel and incidental expenses of witnesses travelling to and from that foreign country, including those of the accompanying officials.

4.7 SERVICE OF DOCUMENTS

A request under the Dangerous Drugs (Forfeiture of Property) Act may seek assistance in the service of documents relevant to a drug offence arising in the requesting foreign country. The Zambian authority under the provisions of Section 38 (1) will cause to be served the documents in accordance with the provisions of Section 93 of the Criminal Procedure Code.²⁴ After due service of the process the Zambian authority will transmit to the requesting foreign authority a certificate as to the service of the documents or, if they have not been served, as to the reasons which have prevented services. Subsection (2) of Section 38 provide that non-compliance with a request to appear as a witness in the requesting foreign country does not of itself make the witness liable to any penalty or liability in Zambia, although he may be liable under the law of the requesting foreign country.

4.8 EXAMINATION OF WITNESSES

A request under the Dangerous (Forfeiture of Property) Act, Sections 40 and 41 may be made by a foreign country to the Zambian authority, seeking for assistance in the examination of witnesses who

are within Zambia. Such a request will usually specify, as appropriate and so far as the circumstances of the case permit:

- (a) the names and addresses or the official designations of the witnesses to be examined;
- (b) the questions to be put to the witnesses or the subject-matter about which they are to be examined;
- (c) whether it is desirable that witnesses be examined orally or in writing;
- (d) whether that statement be taken on oath by a Zambian judicial authority as far as the Zambian law allows.

The request may ask that, as far as Zambian law permits, the accused person or his Legal Representative attend the examination of the witness and ask questions of the witness.

4.9 SEARCH AND SEIZURE

A request under the provisions of Section 42 and 43 of the Dangerous Drugs (Forfeiture of

Property) Act. made by a foreign country may seek for assistance in the search for and seizure of property in Zambia. The request will specify the property to be searched for and seized, and will contain, so far as reasonably practicable, all the information available to that foreign country which may be adduced in an application under section 118 of the criminal
25
procedure code for the issue of the necessary warrant or authorisation to effect the search and seizure. After compliance with the request for such assistance the Zambian authority will provide such certificate as may be required by the requesting foreign country concerning the result of the search, the place and circumstances of seizure, and the subsequent custody of the property seized.

In this Chapter an attempt has been made to examine a very real and powerful weapon - international co-operation in dealing with the problem of drugs - to strike at international illicit drug activities. It has been shown clearly the means by which the present "State-of-the-art", in the drug law enforcement, can be achieved and made more effective in the long term. If the international co-operation envisaged in this Chapter is implemented by all states in the world then, and only then, will we be seriously attacking organised illicit drug activity.

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CHAPTER 5

CONCLUSION AND SUGGESTIONS

Drug Law in Zambia lays much emphasis on trafficker arrest, drug removal and asset confiscation. The main participants are Government agencies, in particular the Police and Customs Officers. But Government efforts alone will not be successful in the fight against drug abuse and drug trafficking without the involvement of the community and the private sector. A number of activities can be implemented, for instance:

(i) Seminars for religious leaders.

Seminars for major religious denominations, aimed at increasing their involvement by exposing them to drug problems would go a long way in the fight against this scourge. The seminars should be designed to produce plans of action on primary prevention, treatment, rehabilitation and law enforcement.

(ii) Private companies can be encouraged to sponsor anti-drug programmes on radio, television and newspapers. The Education Unit of the Drug Enforcement Commission, in collaboration with say, "a Coca-Cola company, can sponsor say",

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- (ii) Private companies can be encouraged to sponsor anti-drug programmes on radio, television and newspapers. The Education Unit of the Drug Enforcement Commission, in collaboration with say,

the Coca-cola Anti-Drug programme for implementation in schools. The suggested programme would for example consist of the following:-

(a) "Be Active - Stay Free From Drugs" programme. This would run say, for five days in a week, consisting of the following major activities:-

(i) Morning Assembly. On say a Monday every week, a school assembly is held officiated by the Headmaster. In his address during the assembly, he would highlight on the Anti-Drug Programme, dangers and consequences of drug abuse and drug trafficking in the country. This may be followed by a pledge-taking ceremony to stay free from drugs.

The students and their teachers should wear anti-Drug buttons or badges throughout the programme as a symbol of unity.

- (ii) The school may provide a five-minutes Anti-Drug Talk. This should be aimed at creating awareness among students of the dangers of drugs and to provide teachers with the know-how of participating in efforts to prevent its use in schools. The "Just Five minutes Anti-Drugs Talk" may be given to students at the start of each lesson over a period five school days. The talk should cover a wide spectrum of drug-related subject. It can be given by a teacher in attendance.
- (iii) Formation of say, coca-cola Anti Drug Clubs. The formation of such clubs in schools should be similar to other school clubs. The aim of these clubs should be to enable the students to acquire leadership and coping skills, participate in anti-drug activities in community based programmes. The sponsors, at the end of the year may invite all the clubs to compete in various anti-drug championship to decide the champion club. This would enable club members to interact and share experiences.

The sponsors can choose a slogan, such as, "The choice of a New Generation". The Anti-Drug clubs would as well provide school children

the ability to choose between right and wrong. The clubs should be encouraged to be self-generating in terms of finance.

(iv) Preventive Drug magazine or sponsor a page in a popular school magazine with a circulation to all schools. The magazine may be used to educate the students and it may also serve as a channel for the clubs in networking purposes. The sponsors may also disseminate anti-Drug messages and organise various contests from time to time in the magazine.

(b) Drug Prevention Mobile Exhibition. In this area the Drug Enforcement Commission, Education Unit; can set aside a small number of officers to conduct exhibition shows to various parts of the country. The exhibition should be aimed at creating awareness among students on how to lead healthy lifestyles with drugs. The touring officers would also screen films, and distribute anti-drug brochures.

(c) Anti-Drugs Posters and leaflets. Different types of posters and brochures may be produced and

distributed. These should help in disseminating anti-drug information for different target groups.

(d) Special Training Programme for Local Residents in Drug Abuse Prevention.

The residents in particular localities should be trained or exposed to drug abuse prevention counter measures, treatment and rehabilitation and law enforcement.

At the end of such a training a plan of action should be designed for implementation by the residents. One major feature in such a programme should be minimal direct involvement of government agencies. Residents should be encouraged to take lead in planning and executing activities. Agencies can only come in to assist where necessary with implementation.

The other areas lacking legal emphasis in Zambia in relation to drug related matters, is the treatment, rehabilitation and social reintegration of drug addicts to prevent relapse. These factors are very important in the reduction of the demand for drugs. It is in this vain that this essay has attempted to present a number of important considerations and identification of urgent

needs, and priority action areas which deserve urgent attention. Consequently, here suggestions are made which will probably, help to enhance drug controls in Zambia.

As already observed, a significant trend is taking place in the country, with increasing attention being placed on drug demand and drug supply reduction. It is suggested here that Government should continue supporting this development. What is necessary at the moment is that efforts by the Government should be supported by an efficient criminal justice system which will ensure the arrest, prosecution and sentencing of drug traffickers. Lamenting on the Zambian criminal justice system, the former national President Dr. Kenneth Kaunda said:

"It is ridiculous that because of the constraints of the law ---a Magistrate could give a K50 bail to a person on a mandrax trafficking charge". 1

The success of the demand and supply reduction of drugs programme depends largely on its legal comprehensiveness and compatibility with the overall strategy to combat drug abuse and drug trafficking. It is suggested that Government adopt a multi-modality and multi-disciplinary approach in responding to the real needs of the society in this area.

The approach implies the participation of many branches of the governmental machinery. Included are the legislative organs, authorities concerned with public health, education, community and social welfare, the judiciary, economic affairs, law enforcement; and any other relevant sector in which the Government exercise responsibilities. For example, institutions of higher learning, research and other academic bodies and private sector organizations.

The demand and supply reduction of drugs should be regarded as a continuum of coherent activities ranging from prevention through treatment to rehabilitation as well as social reintegration. To achieve all these activities there must be a relevant legislative response adequate to meet the challenges of drug problems. By their nature drug related offences, unlike ordinary offences such as theft, assault and the like, do not have individual complainants. As a result drug offences are difficult to discover. To achieve the desired statutory goal, there is need to reform the law relating to drugs. Such reform should consider the concept of controlled delivery in drug case investigation. Under this concept, investigators would be legally allowed to participate, under cover, in the delivery of illicit drugs from one point to another. This is of course after the investigator

has discovered a consignment of drugs is about to be or has already been consigned; but has not yet reached the destination.

The purpose of a controlled delivery method of investigation is to discover organised drug syndicates, with a view to break it up. This is the only method which would succeed in my view in arresting the real culprits behind illegal drug transactions in Zambia. But if the law concerning accomplices remains as it is now, then controlled delivery method of investigation will not be available. This is because officers who may take part will be regarded as being aiding, abetting, procuring or counselling another to commit an offence. It is suggested here that the law should actually allow the investigators to participate under cover, provided it is with a view to identify those involved in illicit drug transactions with a view to arresting all the members of the syndicate.

The area of sentencing for drug related offences need proper legal guidance than there is now. In R V Loti Misepo, 2 the accused was sentenced to six months imprisonment with Hard Labour for being in possession of dagga. The case went to the High Court for review. Robinson, A.C.J. was of the view that in drug related offences,

"a fair balance should be strike between the social gravity of the offence to the community and the practical penal consequences to the offender"

The Court observed that at that time which was 1945, the Courts throughout Northern Rhodesia territory, had widely different standards of punishment. The Court was of the view that, some similarity in sentences in typical cases was desirable; and the Court suggested the following as a guide to sentencing in drug offences:

- (i) "growing or distributing as a business:
six months I. H. L;
- (ii) growing or distributing but not as a business (anyone found in possession of more than three packets to be reckoned a distributor) I. H. L.
graded up to six months according to the gravity of the circumstances;
- (iii) in possession for personal use: a fine of approximately one month's wages or one month I. H. L. in default".

An examination of a few case records at Magistrates' Courts in Lusaka, reveal that there still exists different standards applied by the subordinate Courts in punishing drug law offenders. It is very unfair to see a great variety of difference in sentences passed, especially in as far as the quantity of drugs and the purpose for which one had the drug for. Some people end up being punished severely for possessing a small quantity while one with a large quantity may end up receiving a very lenient sentence. It is suggested here that any future amendment to our drug laws, the suggestions by Robinson A. C. J. must be taken into account to minimise the differences in sentences and offer a more fair mode of sentencing.

Another suggestion worth considering in sentencing policy for drug offences is the denial of entry and exit, into and out of Zambia respectively, to persons convicted of drug offences.

It was noted at the beginning of this Chapter that the Zambian drug law emphasises on trafficker arrest, drug removal and asset confiscation. It is suggested that the legislation should extend and provide for voluntary and compulsory admission to treatment and rehabilitation centres of addicts. In the same vein, the law should give a special priority

to the establishment of rehabilitation and after care centres in order to maximise the chances of successful reintegration of drug addicts into active and drug-free lifestyle. At the moment, as this research found, there is not even a single rehabilitation centre or after care service throughout the country. One mother of a drug addict interviewed, revealed that she was suffering a lot of torment seeing her daughter on a drug "hook" every day. She strongly recommended for a rehabilitation programme, to give a chance to addicts to return to normal life.

Co-ordination of services is an important area which need legal attention in the country. Co-ordination is important in order to fully utilise the potential of the country. The Ministry of Health, Ministry of Community and Social Welfare, and the Ministry of Home Affairs are potential partners in the drug problem fight in the country. At the moment the law does not seem to recognise this potential. It would be very important to organise the services of these ministries and, probably, some other charitable service organisations such as Lions Club, Rotary and so on. In that direction it would be necessary to establish a responsible official body, say, a Cabinet Committee on dangerous drugs, preferably to be headed by the Vice-President. This Committee would be

responsssible for co-ordination and guidance of a comprehensive national programme against drug abuse and drug trafficking.

The Cabinet Committee should be backed by a law establishing a Central Drug Bureau, preferably, under the Ministry of Legal Affairs. The Bureau would be necessary for controlling and monitoring the drug problem in the country through legislation and research. Policy and the related legislation can only be sound if they are based on accurate data on the prevalence and incidence of the drug abuse problem. Government should encourage studies to determine the nature, extend and patterns of drug abuse and drug trafficking. This can be achieved in collaboration with the relevant research and academic institutions.

Based on the epidemiological exposition given in this essay, it is suggested that the Government re-examine existing policies and related legislation to assess their appropriateness, and degree of effectiveness.

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APPENDIX 'A'

SCHEDULE
(Sections 12, 13 and 14)

SUBSTANCES DEALINGS IN WHICH ARE SUBJECT TO CONTROL
UNDER PART IV

PART I

SUBSTANCES DEALINGS IN WHICH ARE SUBJECT TO CONTROL EXCEPT, IN THE
CASE OF ANY SPECIFIED IN PART II, AS REGARDS IMPORTATION AND
EXPORTATION

1. Acetorphine (M183)
 - Acetyldihydrocodeine
 - Allylprodine
 - Alphacetylmethadol
 - Alphameprodine
 - Alphamethadol
 - Alphaproline
 - Anileridine
 - Benzethidine
 - Benzylmorphine (3-benzylmorphine)
 - Betacetylmethadol
 - Betameprodine
 - Betamethadol
 - Betaproline
 - Clonitazene
 - Cocaine
 - Codeine
 - Desomorphine
 - Dextromoramide
 - Diamorphine
 - Diampromide(n-(2-(N-methylphenethylamino)propyl)propionanilide)
 - Diethylthiambutone
 - Dihydrocodeine
 - Dihydromorphine
 - Dimenoxadole
 - Dimepheptanol
 - Dimethylthiambutene

AS AMENDED BY S.I. NO. 144/85

Dioxaphetyl butyrate
 Diphenoxylate
 Dipipanone
 Ecgonine
 Ethylmethylthiambutene
 Ethylmorphine (3-ethylmorphine)
 Etonitazene
 Etorphine (M99)
 Etoperidine
 Fontanyl
 Furethidine
 Hydrocodone (dihydrocodeinone)
 Hydromorphenol
 Hydromorphone
 Hydroxypethidine
 Isomethadone
 Ketobermidone
 Levomethorphan
 Levomoramide
 Levophonacymorphan
 Levorphanol
 Metazocine
 Methadone
 Methadyl acetate
 Methyl-desorphine
 Methyl-dihydromorphine (6-methyldihydromorphine)
 Metopon
 Morphinidine
 Morphine
 Morphine methobromide, morphine-N-oxide and other pentavalent
 nitrogen morphine derivatives
 Myrophine
 Nicocodine
 Nicodicodine
 Nicomorphine (3,6-di nicotinoylmorphine)
 Noracymethadol
 Norcodeine
 Norlevorphanol
 Normethadone
 Normorphine
 Norpipanone
 Oxycodone
 Oxymorphone
 Pethidine
 Phenadoxone
 Phenampromide
 Phenazocine
 Phenomorphan
 Phenoperidine
 Pholcodine
 Piminidone
 Piritramide
 Proheptazine
 Propertidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl
 ester)
 Racemethorphan
 Racemoramide
 Racemorphan

- Thobacon
- Thebaine
- Trimopridine
- 4-Cyano-2-dimethylamino-4,4-diphenylbutane
- 1-(3-cyano-3,3-diphenylpropyl) 4-(1-piperidino) piperidine-4-carboxylic acid amide and its salts, and any preparation, admixture, extract or other substance containing any proportion of 1-(3-cyano-3,3-diphenylpropyl-4-(1-piperidino) piperidine-4-carboxylic acid amide
- 4-Cyano-1-methyl-4-phenylpiperidine
- 1-Methyl-4-phenylpiperidine-4-carboxylic acid
- 2-Methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid
- 4-Phenylpiperidine-4-carboxylic acid ethyl ester
- 2. Any ester (other than one expressly mentioned in paragraph 1) or ether (other than one so mentioned) of a substance for the time being specified in that paragraph.
- 3. Any salt of a substance for the time being specified in paragraph 1 or 2.
- 4. Any derivative of ecgonine which is convertible to ecgonine or to cocaine.
- 5. Concentrate of poppy-straw (that is to say, the material arising when poppy-straw has entered into a process for the concentration of its alkaloids).
- 6. Medicinal opium.
- 7. Any extract or tincture of cannabis.
- 8. Any preparation, admixture, extract or other substance containing any proportion of a substance for the time being specified in paragraph 1 or in any of paragraphs 2 to 7.

PART II

PREPARATIONS AND OTHER SUBSTANCES FALLING WITHIN PART I WHOSE IMPORTATION AND EXPORTATION IS EXCEPTED FROM CONTROL

- 9. (1) A preparation of not more than one of the substances to which this paragraph applies, when compounded with one or more other ingredients and containing not more than 100 milligrammes of the substance per dosage unit and with a concentration of not more than 2.5 per centum in undivided preparations.
- (2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine (3-ethylmorphine), norcodeine, pholcodine and their respective salts.
- 10. A preparation of cocaine containing not more than 0.1 per centum of cocaine calculated as cocaine base, being a preparation compounded with one or more other ingredients in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.
- 11. A preparation of medicinal opium or morphine containing (in either case) not more than 0.2 per centum of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other ingredients in such a way that the opium or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.
- 12. Preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate.
- 13. Pulvis Ipecacuanhae et Opii Compositus:
 - 10 per centum opium, in powder.
 - 10 per centum Ipecacuanha root, in powder, well mixed with
 - 80 per centum of any other powdered ingredient containing neither a drug to which Part II or III of this Act applies nor a substance for the time being specified in paragraph 1 of this Schedule or in any of paragraphs 2 to 8 thereof.
- 14. Mixtures containing not more than one of the preparations specified in paragraphs 9 to 13, being mixtures whereof none of the other ingredients is either a drug to which Part II or III of this Act applies or a substance for the time being specified in paragraph 1 of this Schedule or in any of paragraphs 2 to 8 thereof.

APPENDIX 'B'

INTERNATIONAL NARCOTICS CONTROL BOARD*

Vienna International Centre
P.O. Box 500
A-1400 Vienna, Austria

Convention of 19 February 1925 on Narcotic Drugs

Convention of 13 July 1931 for limiting the Manufacture and regulating the Distribution of Narcotic Drugs**

Protocol of 19 November 1948 bringing under International Control Drugs outside
the Scope of the 1931 Convention

Protocol of 23 June 1953 for limiting and regulating the Cultivation of the Poppy Plant,
the Production of, International and Wholesale Trade in, and Use of Opium

Single Convention on Narcotic Drugs, 1961***

Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961

LIST OF NARCOTIC DRUGS UNDER INTERNATIONAL CONTROL

The object of this document is to assist Governments in filling in the Board's questionnaires (forms).

Part One gives a list of "narcotic" drugs under international control; it is subdivided into two sections: the first section listing those drugs included in Schedule I of the 1961 Convention and/or Group I of the 1931 Convention and the second section listing those drugs in Schedule II of the 1961 Convention and/or Group II of the 1931 Convention. The names and descriptions used are those given in the 1961 Convention or in the official notifications of the Secretary-General of the United Nations. International non-proprietary names selected by the World Health Organization are printed in **bold** type; in many cases the chemical formula is given to facilitate identification.

Part Two lists the preparations for the export of which export authorizations are not required and which are included in Schedule III of the 1961 Convention.

Part Three is a list in alphabetical order of the names included in Part One and of other designations (mainly trade names) of "narcotic" drugs, their salts or preparations except, of course, exempted preparations.

Part Four contains tables showing the pure drug content of bases and salts as well as the equivalents, in terms of the pure drug, of certain extracts and tinctures.

For further information on the names and the chemical and structural formulae of the drugs, see United Nations document ST/NAR/1 entitled *Multilingual Dictionary of Narcotic Drugs and Psychotropic Substances under International Control*.

* On 2 March 1968 this organ took over the functions of the Permanent Central Narcotics Board and the Drug Supervisory Body, retaining the same secretariat and offices.

** Subsequently referred to as "1931 Convention".

*** Subsequently referred to as "1961 Convention".

PART ONE. — "NARCOTIC" DRUGS UNDER INTERNATIONAL CONTROL

1. Drugs included in Schedule I of the 1961 Convention and/or Group I of the 1931 Convention

Acetorphine (3-*O*-acetyltetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-orphavine)
 Acetyl-alpha-methylfentanyl (*N*-[1-(α -methylphenethyl)-4-piperidyl] acetanilide)
 Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
 Alfentanil (*N*-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1*H*-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]-*N*-phenylpropanamide monohydrochloride)
 Allylprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
 Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
 Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
 Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)
 Alpha-methylfentanyl (*N*-[1-(α -methylphenethyl)-4-piperidyl] propionanilide)
 Alpha-methylthiofentanyl (*N*-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
 Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
 Anileridine (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 Benzethidine (1-(2-benzoyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 Benzylmorphine (3-benzylmorphine)
 Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
 Beta-hydroxyfentanyl (*N*-[1-(beta-hydroxyphenethyl)-4-piperidyl] propionanilide)
 Beta-hydroxy-3-methylfentanyl (*N*-[1-(beta-hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide)
 Betameprodine (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
 Betamethadol (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
 Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
 Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)-piperidine)
 Cannabis (Indian Hemp) and Cannabis resin (Resin of Indian Hemp)
 Clonitazene (2-*para*-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
 Coca Leaf*
 Cocaine (methyl ester of benzoylecgonine)*
 Codoxime (dihydrocodeinone-6-carboxymethyloxime)
 Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloid when such material is made available in trade)
 Desomorphine (dihydrodeoxymorphine)
 Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
 Diampromide (*N*-[(2-methylphenethylamino)-propyl]-propionanilide)
 Diethylthiambutene (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)
 Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)
 Dihydromorphine
 Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
 Dimheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
 Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
 Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)
 Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
 Drotebanol (3,4-dimethoxy-17-methylmorphinan-6 β ,14-diol)
 Ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine
 Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)
 Etomidazene (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole)
 Etorphine (tetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-orphavine)
 Etoridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 Fentanyl (1-phenethyl-4-*N*-propionylanilinopiperidine)
 Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 Heroin (diacetylmorphine)
 Hydrocodone (dihydrocodeinone)
 Hydromorphanol (14-hydroxydihydromorphine)
 Hydromorphone (dihydromorphinone)
 Hydroxypethidine (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
 Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
 Ketobemidone (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine)

* For the calculation of estimates and statistics in accordance with the terms of the 1961 Convention, coca leaf preparations containing more than 0.1 per cent of cocaine and made direct from coca leaf should be considered to be coca leaf (preparations).

Levomethorphan* ((-)-3-methoxy-N-methylmorphinan)
Levomoramide ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
Levophenacetylmorphan ((-)-3-hydroxy-N-phenacetylmorphinan)
Levorphanol* ((-)-3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphinan)
Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
Methadone-Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
Methyl-desorphine (6-methyl-delta-6-deoxymorphine)
Methyldihydromorphine (6-methyldihydromorphine)
3-methylfentanyl (*N*-(3-methyl-1-phenethyl-4-piperidyl) propionanilide)
3-methylthiofentanyl (*N*-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
Metopon (5-methyldihydromorphinone)
Moramide-Intermediate (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Morphine**
Morphine Methobromide and other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is Codeine-N-Oxide
Morphine-N-Oxide
MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester))
Myrophine (myristylbenzylmorphine)
Nicomorphine (3,6-dinicotinylmorphine)
Noracymethadol ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane)
Norlevorphanol ((-)-3-hydroxymorphinan)
Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
Normorphine (demethylmorphine) or (N-demethylated morphine)
Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
Opium**
Oxycodone (14-hydroxydihydrocodeinone)
Oxymorphone (14-hydroxydihydromorphinone)
Para-fluorofentanyl (4'-fluoro-*N*-(1-phenethyl-4-piperidyl) propionanilide)
PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester))
Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine-Intermediate-A (4-cyano-1-methyl-4-phenylpiperidine)
Pethidine-Intermediate-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine-Intermediate-C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)
Phenampromide (*N*-(1-methyl-2-piperidinoethyl)-propionanilide)
Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphinan)
Phenomorphin (3-hydroxy-N-phenethylmorphinan)
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxazacycloheptane)
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
Racemorphin ((±)-3-hydroxy-N-methylmorphinan)
Sufentanil (*N*-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl]-propionanilide)
Thebaine (acetyldihydrocodeinone)
Thebaine
Thiofentanyl (*N*-[1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
Tilidine ((±)-ethyl-*trans*-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)
Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation:

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible:

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

* **Dextromethorphan** ((+)-3-methoxy-N-methylmorphinan) and **dextrorphan** ((+)-3-hydroxy-N-methylmorphinan) are isomers specifically excluded from this Schedule.

** For the calculation of estimates and statistics in accordance with the terms of the 1961 Convention, all preparations made direct from opium are considered to be opium (preparations). If the preparations are not made direct from opium itself but are obtained by a mixture of opium alkaloids (as is the case, for example, with pantopon, omnopon and papaveretum) they should be considered as morphine (preparations).

2. Drugs included in Schedule II of the 1961 Convention and/or Group II of the 1931 Convention

Acetyldihydrocodeine

Codeine (3-methylmorphine)

Dextropropoxyphene (α -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)

Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Nicocodeine (6-nicotinylcodeine)

Nicodicodine (6-nicotinyldihydrocodeine)

Norcodeine (N-demethylcodeine)

Pholcodine (morpholinylethylmorphine)

Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

PART TWO. — PREPARATIONS FOR THE EXPORT OF WHICH EXPORT AUTHORIZATIONS ARE NOT REQUIRED AND WHICH ARE INCLUDED IN SCHEDULE III OF THE 1961 CONVENTION

1. Preparations of:

Acetyldihydrocodeine,

Codeine,

Dihydrocodeine,

Ethylmorphine,

Nicocodeine,

Nicodicodine,

Norcodeine, and

Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of propiram containing not more than 100 milligrams of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

3. Preparations for oral use containing not more than 135 milligrams of dextropropoxyphene base per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations, provided that such preparations do not contain any substance controlled under the 1971 Convention on Psychotropic Substances.

4. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

5. Preparations of difenoxin containing, per dosage unit, not more than 0.5 milligram of difenoxin and a quantity of atropine sulfate equivalent to at least 5 per cent of the dose of difenoxin.

6. Preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate calculated as base and a quantity of atropine sulfate equivalent to at least one per cent of the dose of diphenoxylate.

7. *Pulvis ipecacuanhae et opii compositus*

10 per cent opium in powder

10 per cent ipecacuanha root, in powder well mixed with

80 per cent of any other powdered ingredient containing no drug.

8. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug.

PART THREE. — NAMES OF NARCOTIC DRUGS, THEIR SALTS OR PREPARATIONS, IN ALPHABETICAL ORDER

The names given in the 1961 Convention and the international non-proprietary names are printed in **bold type**. They are accompanied by a page reference to PART ONE, where fuller descriptions can be found.

The other names (mainly trade names) apply sometimes to pure drugs and sometimes to salts or to preparations (except exempted preparations); in such cases, reference is made to the names given in PART ONE. The list of trade names does not purport to be exhaustive, and the absence of the name of a preparation containing a narcotic drug does not necessarily mean that this preparation is not under international control. Moreover, it should be noted that it cannot be excluded that the same designation may be used for different drugs or preparations in different countries, and therefore, in such cases where ambiguity may occur, it is recommended that the name of the substance in question should always be checked against the chemical designation or formula.

For further information on the names and the chemical and structural formulae of the drugs, see United Nations document ST/NAR/1 entitled *Multilingual Dictionary of Narcotic Drugs and Psychotropic Substances under International Control*.

A

Acedicon → Thebaco
Acetomorphine → Heroin
Acetorphine, see page 2
Acetyldemethyldihydro-
thebaine → Thebaco
Acetyldihydrocodeine, see page 4
Acetyldihydrocodeinone → Thebaco
Acetylmethadol, see page 2
Adanon → Methadone
Adolan → Methadone
Adolens → Pethidine
Afluol → Methadone
Alcioid → Dextromoramide
Alfentanil, see page 2
Algantine → Pethidine
Algeril → Propiram
Algidon → Methadone
Algil → Pethidine
Algolsin → Methadone
Algoxale → Methadone
Allylprodine, see page 2
Alodan → Pethidine
Alperidine → Allylprodine
Alphacetylmethadol, see page 2
Alphameprodine, see page 2
Alphamethadol, see page 2
Alphaprodine, see page 2
Alvodine → Piminodine
Ambenyl → Hydrocodone
Amidalgol → Dioxaphetyl butyrate
Amidol → Dimepheptanol
Amidone → Methadone
Amidosan → Methadone
Aminobutene → Dimethylthiambutene
Amphosedal → Pethidine
Anileridine, see page 2
Anopridine → Piminodine
Antidol → Pethidine
Antiduol → Pethidine
Antispasmin → Pethidine
Asmalina → Pethidine
Assicodid → Hydrocodone
Assilauid → Hydromorphone

Atenorax → Etoxidrine
Atenos → Etoxidrine

B

Bellalgina → Pethidine
Bemidone → Hydroxypethidine
Benzethidine, see page 2
Benzylmorphine, see page 2
Betacetylmethadol, see page 2
Betameprodine, see page 2
Betamethadol, see page 2
Betaprodine, see page 2
Bezitramide, see page 2
Biatos → Hydrocodone
Biocodone → Hydrocodone
Biomorphyl → Hydromorphone
Bionin → Oxycodone
Bionone → Oxycodone
Biphenal → Hydroxypethidine or Pethidine
Boncodal → Oxycodone
Broncodid → Hydrocodone
Butalgin → Methadone

C

Calmodid → Hydrocodone
Cannabis, see page 2
Carbetidine → Etoxidrine
Cardanon → Oxycodone
Centralgin → Pethidine
Cimadon → Piminodine
Gitarin → Racemorphan
Ciradon → Ketobemidone
Clonitazene, see page 2
Cocaine, see page 2
Coca leaf, see page 2
Codeigene → Codeine-N-oxide
Codeine, see page 4
Codeine-N-oxide → Morphine metho-
bromide and other pentavalent nitrogen
morphine derivatives
Codeinon → Oxycodone
Codesona → Hydrocodone
Codimal → Hydrocodone

Codinon → Hydrocodone
Codinovo → Hydrocodone
Coditrate → Hydrocodone
Codone → Hydrocodone
Codoxime, see page 2
Cofacodide → Hydrocodone
Concentrate of poppy straw, see page 2
Cormorhin → Hydromorphone
Cosil → Hydrocodone
Curadol → Hydrocodone

D

Darvon → Dextropropoxyphene
Deatussan → Normethadone
Demerol → Pethidine
Depridol → Methadone
Deptadol → Methadone
Desomorphine, see page 2
Dextromoramide, see page 2
Dextropropoxyphene, see page 4
Diacetylmorphine → Heroin
Diaminon → Methadone
Diamorphine → Heroin
Diampromide, see page 2
Dianone → Methadone
Diaphorm → Heroin
Diecodide → Hydrocodone
Dicodion → Hydrocodone
Diconal → Dipipanone
Diconone → Hydrocodone
Dicotrate → Hydrocodone
Diethibutin → Diethylthiambutene
Diethylthiambutene → Diethylthiambutene
Diethylthiambutene, see page 2
Difenoxin, see page 2
Dihydrocodeine, see page 4
Dihydrocodeinone → Hydrocodone
Dihydrodesoxymorphine → Desomorphine
Dihydrohydroxycodone → Oxycodone
Dihydrohydroxy-
morphinone → Oxymorphone
Dihydrokon → Hydrocodone
Dihydromorphine, see page 2
Dihydromorphinone → Hydromorphone

Dihydrone → Oxycodone
 Dilaude → Hydromorphone
 Dimenoxadol, see page 2
 Dimepheprimine → Proheptazine
 Dimepheptanol, see page 2
 Dimethibutin → Dimethylthiambutene
 Dimethylthiambutene, see page 2
 Dimorphid → Hydromorphone
 Dimorphinon → Hydromorphone
 Dimorphone → Hydromorphone
 Dinarcon → Oxycodone
 Dinicotinyl morphine → Nicomorphine
 Dionine → Ethylmorphine
 Dioxaphetyl butyrate, see page 2
 Diphenoxylate, see page 2
 Diphenoxyle → Diphenoxylate
 Dipidolor → Piritramide
 Dipipanone, see page 2
 Disipan → Methadone
 Dispadol → Pethidine
 Dodonal → Pethidine
 Dol → Pethidine
 Dolafin → Methadone
 Dolamid → Methadone
 Dolamina → Methadone
 Dolanquifa → Pethidine
 Dolantal → Pethidine
 Dolantin → Pethidine
 Dolantol → Pethidine
 Dolaremil → Pethidine
 Dolargan → Pethidine
 Dolarin → Pethidine
 Dolatol → Pethidine
 Dolcontral → Pethidine
 Dolsona → Methadone
 Dolenal → Pethidine
 Dolental → Pethidine
 Dolestine → Pethidine
 Doleval → Pethidine
 Doin → Pethidine
 Dolinal → Pethidine
 Dolisan → Pethidine
 Dolisina → Pethidine
 Dolodorin → Oxycodone
 Doloheptan → Methadone
 Doloneurin → Pethidine
 Dolopethin → Pethidine
 Dolophine → Methadone
 Dolor → Pethidine
 Dolorex → Methadone
 Doloridine → Pethidine
 Dolormin → Pethidine
 Dolosal → Pethidine
 Dolosil → Pethidine
 Dolsin → Pethidine
 Dolvanol → Pethidine
 Dorexol → Methadone
 Dosicodid → Hydrocodone
 Dosilantane → Pethidine
 Dromoran → Levorphanol
 Drotebanol, see page 2
 Duodin → Hydrocodone

E

Egonine, see page 2
 Elorion → Heroin
 Emethibutin → Ethylmethylthiambutene
 Equimorphine → Oxycodone
 Eucalma → Dextromoramide
 Escofedal → Oxycodone
 Ethylmethylthiambutene → Ethylmethylthiambutene

Ethylmethylthiambutene, see page 2
 Ethylmorphine, see page 4
 Etonitazene, see page 2
 Etorphine, see page 2
 Etorphine 3-methyl ether (M 53) = Ether of etorphine, see pages 2 and 3
 Etixeridine, see page 2
 Eubine → Oxycodone
 Eucodal → Oxycodone
 Eucodamine → Oxycodone
 Eucosan → Oxycodone
 Eudin → Oxycodone
 Eudolak → Pethidine
 Eukdin → Oxycodone
 Eumorphal → Oxycodone
 Extussin → Normethadone

F - G

Feldin → Pethidine
 Felidin → Pethidine
 Fenadone → Methadone
 Fenpidon → Dipipanone
 Fentanyl, see page 2
 Furethidine, see page 2
 Genomorphine → Morphine-N-oxide
 Gevelina → Propidine
 Gratidina → Pethidine

H

Hepagin → Phenadoxone
 Heptadol → Methadone
 Heptadon → Methadone
 Heptalgin → Phenadoxone
 Heptalin → Phenadoxone
 Heptanal → Methadone
 Heptanon → Methadone
 Heptazone → Phenadoxone
 Heptone → Phenadoxone
 Heroin, see page 2
 H.E.S. → Methadone
 Hexalgon → Noripipanone
 Hubacodid → Hydrocodone
 Hycodan → Hydrocodone
 Hycomine → Hydrocodone
 Hydrocodal → Oxycodone
 Hydrocodin → Dihydrocodeine or Hydrocodone
 Hydrocodone, see page 2
 Hydrokon → Hydrocodone
 Hydrolaudin → Oxycodone
 Hydromorphinol, see page 2
 Hydromorphone, see page 2
 Hydropethidine → Hydroxypethidine
 Hydroxypethidine, see page 2
 Hymporphan → Hydromorphone
 Hypnorm → Fentanyl

I - K

Immobilon → Etorphine
 Indian Hemp → Cannabis
 Innovar → Fentanyl
 Ipropethidine → Propidine
 Isoadanon → Isomethadone
 Isoamidone → Isomethadone
 Isomethadone, see page 2
 Isomipeaine → Pethidine
 Isopedine → Propidine
 Isopromedol → Trimeperidine
 Ivonal → Fentanyl
 Jetrium → Dextromoramide
 Ketalgin → Methadone
 Ketobemidone, see page 2

Ketogan → Ketobemidone
 Ketogin → Ketobemidone
 Kolikodal → Hydrocodone

L

Laudacon → Hydromorphone
 Laudadin → Hydromorphone
 Laudamed → Hydromorphone
 Leptanal → Fentanyl
 Leritine → Anileridine
 Levadone → Methadone
 Levo-dromoran → Levorphanol
 Levomethorphan, see page 3
 Levomoramide, see page 3
 Levophenacylmorphan, see page 3
 Levorphan → Levorphanol
 Levorphanol, see page 3
 Lisofrin → Hydrocodone
 Lokarin → Dimenoxadol
 Lorfalgyt → Pethidine
 Lucodan → Hydromorphone
 Lydol → Pethidine

M

M 53 = Ether of etorphine, see pages 2 and 3
 M 99 → Etorphine
 M 183 → Acetorphine
 Mapperidina → Pethidine
 Mecodin → Methadone
 Medicodal → Oxycodone
 Medrinol → Pethidine
 Mefedina → Pethidine
 Mendelgina → Pethidine
 Mepecton → Methadone
 Meperidine → Pethidine
 Mephenon → Methadone
 Mepidon → Normethadone
 Mercodol → Hydrocodone
 Merperidin → Pethidine
 Metasedin → Methadone
 Metazocine, see page 3
 Methadol → Dimepheptanol
 Methadone, see page 3
 Methadone-Intermediate, see page 3
 Methadyl acetate → Acetylmethadol
 Methedine → Pethidine
 Methidon → Methadone
 Methobenzorphan → Metazocine
 Methorphanin → Racemorphan
 Methyl-desomorphine → Methyl-desorphine
 Methyl-desorphine, see page 3
 Methyl-dihydromorphine, see page 3
 Methyl-dihydromorphinone → Metopon
 Methylmorphine → Codeine
 Metopon, see page 3
 Miadone → Methadone
 Midadone → Methadone
 Mitizan → Pethidine
 Moheptan → Methadone
 Moramide-Intermediate, see page 3
 Morfikon → Hydromorphone
 Morpheridine, see page 3
 Morphinaminoxide → Morphine-N-oxide
 Morphine, see page 3
 Morphine methobromide, see page 3
 Morphine-N-oxide, see page 3
 Morphodid → Hydromorphone
 Morpholinoethyl-norpethidine → Morpheridine
 Multacodin → Hydrocodone
 Myristylbenzylmorphine → Myrophine
 Myrophine, see page 3

N

Narcidine → Phenazocine
 Narcobasina → Oxycodone
 Narcodal → Oxycodone
 Narcofor → Pethidine
 Narcophedrin → Oxycodone
 Narcosin → Oxycodone
 Nargenol → Oxycodone
 Nargevet → Oxycodone
 Narphen → Phenazocine
 Negadol → Thebacon
 Neocode → Hydrocodone
 Nicaroa → Normethadone
 Nicocodine, see page 4
 Nicodicodine, see page 4
 Nicomorphine, see page 3
 Nicophine → Nicomorphine
 Nicotinoylcodeine → Nicocodine
 Nisentil → Alphaprodine
 Noracymethadol, see page 3
 Norcodeine, see page 4
 Norlevorphanol, see page 3
 Normedon → Normethadone
 Normethadone, see page 3
 Normorphine, see page 3
 Norpethidine → Pethidine-Intermediate-B
 Norpipanone, see page 3
 Novahistine → Hydrocodone
 Novocodon → Thebacon
 Novolaudon → Hydromorphone
 Nucodan → Oxycodone
 Numorphan → Oxymorphone
 Nyodid → Hydrocodone

O

Ocytonargenol → Oxycodone
 Ohton → Dimethylthiambutene
 Operidine → Phenoperidine
 Opium, see page 3
 Opium preparations → Opium
 Optalgin → Methadone
 Opton → Oxycodone
 Opystan → Pethidine
 Oxikon → Oxycodone
 Oxycodone, see page 3
 Oxycodyl → Oxycodone
 Oxy-dolantin → Hydroxypethidine
 Oxykodal → Oxycodone
 Oxymorphone, see page 3
 Oxyptidin → Hydroxypethidine

P

Padrina → Hydrocodone
 Palfium → Dextromoramide
 Pamedone → Dipipanone
 Pamergan → Pethidine
 Panalgen → Methadone
 Pancodine → Oxycodone
 Pancodone → Oxycodone
 Pangerin → Dimepheptanol
 Pantalgine → Pethidine

Paramorfan → Dihydromorphine
 Parasedin → Methadone
 Pavinal → Oxycodone
 Penumbröl → Oxycodone
 Percodan → Oxycodone
 Percoral → Hydromorphone
 Permonid → Desomorphine
 Peronine → Benzylmorphine
 Petalgin → Methadone
 Pethanal → Pethidine
Pethidine, see page 3
Pethidine-Intermediates, see page 3
 Pethilorfan → Pethidine
 Phenadon → Methadone
Phenadoxone, see page 3
Phenampromide, see page 3
Phenazocine, see page 3
 Phenobenzorphan → Phenazocine
Phenomorphin, see page 3
Phenoperidine, see page 3
 Phenopropidine → Phenoperidine
 Phenylidimazone → Normethadone
 Phenylpiperone → Dipipanone
Pholcodine, see page 4
 Physeptone → Methadone
Piminodine, see page 3
 Pipadone → Dipipanone
 Piperidylamidone → Dipipanone
 Piperidylmethadone → Dipipanone
 Pipidone → Dipipanone
 Piridosal → Pethidine
Piritramide, see page 3
 Polamidon → Methadone
 Polamivet → Methadone
Poppy straw, concentrate of, see page 2
 Porfolan → Methadone
 Precedyl → Pethidine
 Prinadol → Phenazocine
 Prisolidene → Alphaprodine
Proheptazine, see page 3
 Proladone → Oxycodone
 Promedol → Trimeperidine
 Pronarcin → Oxycodone
Properidine, see page 3
Propiram, see page 4
Proxyphezone → Dextropropoxyphene
 Pyrrolamidol → Dextromoramide

Q - R

Quotidine → Methadone
 Quotidon → Methadone
 R 875 → Dextromoramide
 R 1132 → Diphenoxylate
 R 1406 → Phenoperidine
 R 3365 → Piritramide
 R 4263 → Fentanyl
 R 4845 → Bezitramide
 R 39209 → Alfentanil
Racemethorphan, see page 3
Racemoramide, see page 3
Racemorphan, see page 3
 Rapifen → Alfentanil
 Recindal → Hydrocodone
 Resulin → Hydrocodone

S

Sanasmol → Oxycodone
 Sauteralgyl → Pethidine
 Scolaudol → Hydromorphone
 Scopedron → Oxycodone
 Scopermid → Desomorphine
 Scophedal → Oxycodone
 Scophol → Oxycodone
 Sedamidone → Methadone
 Septa-Om → Methadone
 Simesalgina → Pethidine
 Sin-algin → Methadone
Sinkonin → Hydrocodone
 Sintiodal → Oxycodone
 Spasmedal → Pethidine
 Spasmexine → Pethidine
 Späsmo-algolsin → Methadone
 Spasmodolin → Pethidine
 Spasmo-dolisina → Properidine
 Spasmomedalgin → Pethidine
 Spasmoxale → Dioxaphethyl butyrate
 Stupenal → Oxycodone
 Stupenone → Oxycodone
 Sublimaze → Fentanyl
Sufentanil, see page 3
 Suppolsal → Pethidine
 Supradol → Pethidine
 Symoron → Methadone
 Synlaudine → Pethidine
 Synthanal → Methadone

T

Taurocolo → Normethadone
 Tebodal → Oxycodone
 Tecodine → Oxycodone
 Thalamonial → Fentanyl
 Thebacetyl → Thebacon
Thebacon, see page 3
Thebaine, see page 3
 Themalon → Diethylthiambutene
 Ticarda → Normethadone
 Tikapect → Normethadone
Tilidine, see page 3
 Tinafon → Normethadone
Trimeperidine, see page 3
 Tucodil → Hydrocodone
 Turanone → Methadone
 Tuscodin → Dihydrocodeine or Hydrocodone
 Tussionex → Hydrocodone

U - Z

Uquicodid → Hydrocodone
 Valbine → Oxycodone
 Valoron → Tilidine
 Valtran → Tilidine
 Vemonyl → Methadone
 Vendal → Nicomorphine
 Veryl → Normethadone
 Vilan → Nicomorphine
 Ydrocod → Hydrocodone
 Zefalgin → Methadone

PART FOUR. — TABLES SHOWING THE PURE DRUG CONTENT OF BASES AND SALTS AS WELL AS THE EQUIVALENTS, IN TERMS OF THE PURE DRUG, OF EXTRACTS AND TINCTURES

Pure drug content of bases and salts

Drug	Base or salt	Approximate pure anhydrous base content	Drug	Base or salt	Approximate pure anhydrous base content
		%			%
Acetyldihydrocodeine	Hydrochloride	90	Isomethadone	Hydrochloride	85
Alfentanil	Hydrochloride	89	Ketobemidone	Hydrochloride	87
Allylprodine	Hydrochloride	89	Levomethorphan	Tartrate	64
Alphaprodine	Hydrochloride	88	Levomoramide	Dihydrochloride	84
Anileridine	Dihydrochloride	83	Levophenacymorphan	Hydrochloride	91
Benzethidine	Hydrobromide	82		Methylsulfonate	79
	Hydrochloride	91	Levorphanol	Hydrochloride	88
Benzylmorphine	Hydrochloride	91		Tartrate	58
Betaprodine	Hydrochloride	88	Metazocine	Hydrochloride	81
Bezitramide	Hydrochloride	93	Methadone	Bitartrate	67
Clonitazene	Methylsulfonate	80		Hydrochloride	90
Cocaine*	Hydrochloride	89	Metopon	Hydrochloride	89
	Nitrate	83	Morphine**	Base	94
Codeine	Base	94		Hydrochloride	76
	Hydrochloride	81		Sulfate	75
	Phosphate ($\frac{1}{2}$ H ₂ O)	74	Nicomorphine	Hydrochloride	93
	Phosphate (1 $\frac{1}{2}$ H ₂ O)	71	Norlevorphanol	Hydrobromide	75
	Sulfate (3 H ₂ O)	80		Hydrochloride	87
	Sulfate (5 H ₂ O)	76	Normethadone	Hydrobromide	79
Desomorphine	Hydrobromide	77		Hydrochloride	89
Dextromoramide	Bitartrate	72	Normorphine	Hydrochloride	83
	Dihydrochloride	84	Oxycodone	Hydrochloride (3 H ₂ O)	78
Dextropropoxyphene	Hydrochloride	90		Hydrochloride	
	Napsylate	60		(without water of crystallization)	90
Diampromide	Sulfate	77		Pectinate	42
Diethylthiambutene	Hydrochloride	89		Terephthalate	79
Difenoxin	Hydrochloride	92	Oxymorphone	Hydrochloride	85
Dihydrocodeine	Bitartrate	67	Pethidine	Hydrochloride	87
	Hydrochloride	89	Phenadoxone	Hydrochloride	91
	Phosphate	75	Phenampromide	Hydrochloride	88
Dihydromorphine	Hydrochloride	89		Hydrobromide	78
Dimenoxadol	Hydrochloride	90		Hydrochloride	90
Dimethylthiambutene	Hydrochloride	88		Methylsulfonate	77
Dioxaphetyl butyrate	Hydrochloride	91	Phenoperidine	Hydrochloride	91
Diphenoxylate	Hydrochloride	93	Pholcodine	Base	96
Dipipanone	Hydrochloride (1 H ₂ O)	87		Hydrochloride	92
Egonine methyl ester	Hydrochloride	85	Piminodine	Ethylsulfonate	77
Ethylmethylthiambutene	Hydrochloride	88	Propерidine	Hydrochloride	88
Ethylmorphine	Hydrochloride (dionine)	82	Propiram	Fumarate	70
Etonitazene	Hydrochloride	92	Racemethorphan	Tartrate	64
Etorphine	Hydrochloride	92	Racemoramide	Dihydrochloride	84
Etixeridine	Hydrochloride	90	Racemorphan	Hydrobromide	74
Fentanyl	Citrate	64	Sufentanil	Citrate	67
Furethidine	Hydrobromide	81	Thebacon	Hydrochloride	90
Heroin	Hydrochloride	87	Thebaine	Bitartrate	68
Hydrocodone	Bitartrate	61		Hydrochloride	85
	Hydrochloride	81	Tilidine	Hydrochloride (1 $\frac{1}{2}$ H ₂ O)	86
	Bitartrate	64		Hydrochloride	
Hydromorphanol	Hydrochloride	77		(without water of crystallization)	88
	Hydrochloride	89	Trimeperidine	Hydrochloride	88
Hydromorphone	Sulfate	85			

Equivalents, in terms of the pure drug, of extracts and tinctures

Cannabis

One kilogram of tincture is equivalent to about 100 grams of cannabis.

One kilogram of extract is equivalent to about 7 kilograms of cannabis.

*Coca leaves**

One kilogram of tincture of coca leaves containing 0.1 per cent of cocaine, i.e. 1 gram of cocaine, should be considered to be equivalent to 200 grams of coca leaves.

One kilogram of fluid extract of coca leaves containing 0.5 per cent of cocaine, i.e. 5 grams of cocaine, is equivalent to 1 kilogram of coca leaves.

*Opium***

One kilogram of tincture is equivalent to 100 grams of opium.

One kilogram of extract is equivalent to 2 kilograms of opium.

* See note *, page 2.

** See note **, page 3.

APPENDIX 'C'

PIRESPECTIVES ON MONEY LAUNDERING

CRIME
LOCATION

CRIMINAL
DESTINATION

\$
ROUTE

LOCAL

LOCAL



OFFSHORE

OFFSHORE



OFFSHORE

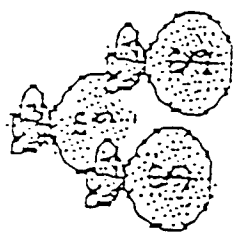
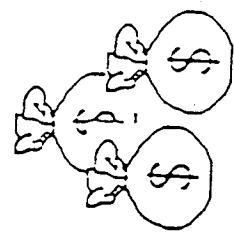
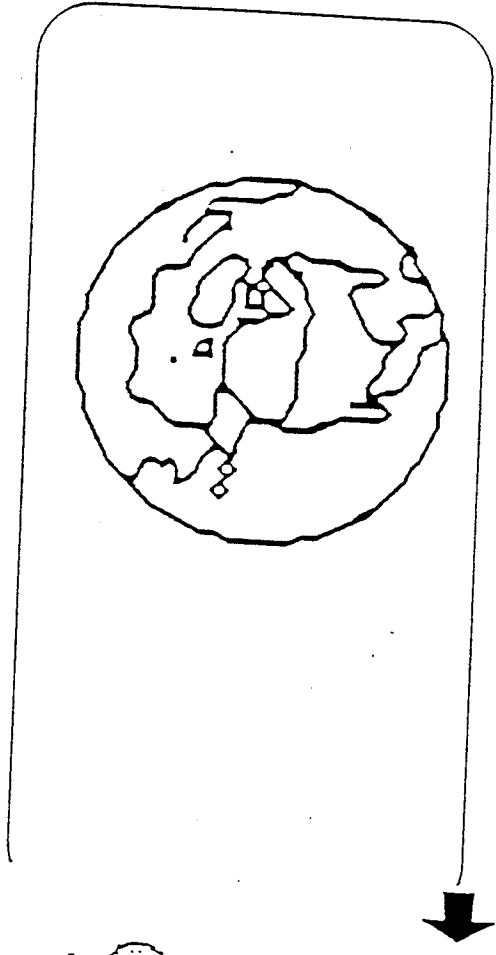


LAUNDERING THE PROCEEDS OF LOCAL CRIMES

LOCAL

OFFSHORE

1. FUNDS EXPORTED then IMPORTED

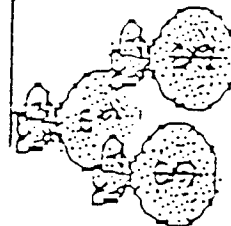
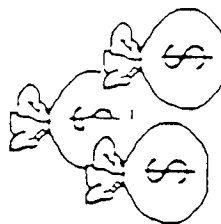


LAUNDERING THE PROCEEDS OF LOCAL CRIMES

LOCAL

OFFSHORE

2. FUNDS EXPORTED

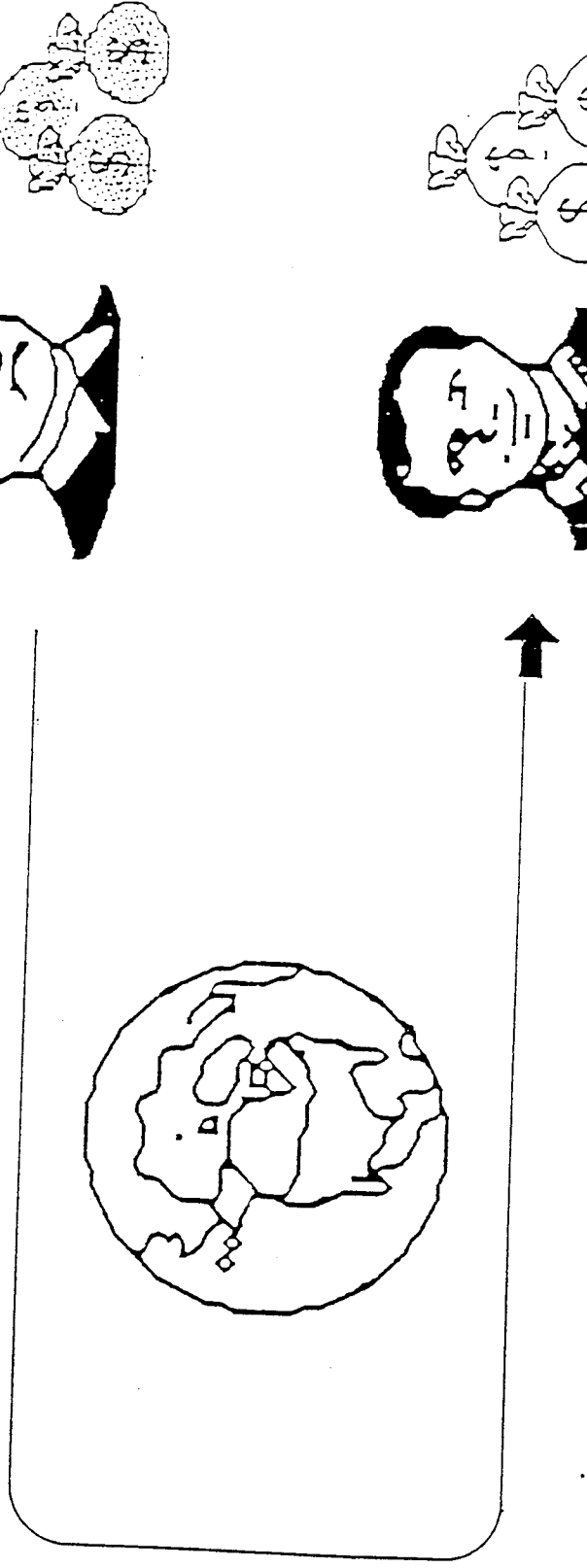


LAUNDERING THE PROCEEDS OF FOREIGN CRIMES

LOCAL

OFFSHORE

3. FUNDS IMPORTED then EXPORTED

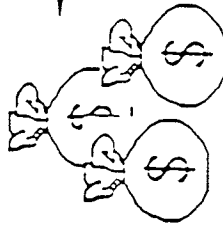
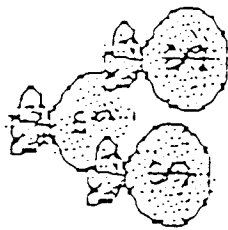


LAUNDERING THE PROCEEDS OF FOREIGN CRIMES

LOCAL

OFFSHORE

4. FUNDS IMPORTED



APPENDIX 'D'

THE LAUNDERING GAME

CLEANING DIRTY MONEY IS CRUCIAL

The new emphasis in North American law enforcement on pursuing drug profits, as well as the drugs themselves, has made cash itself a liability. It is even bulkier and heavier than its value in such expensive drugs as heroin and cocaine and poses far greater logistical problems for the traffickers who accumulate it. A million dollars worth of \$20 bills weighs 125 lb. and would fill a large suitcase. With a street value of \$100 a gram, the 500-kg load of cocaine seized near Fredericton last April would have generated nearly three tons of \$20 bills had it reached New York City.

There are two ways drug dealers get rid of their troublesome inventory: they either ship it out in bulk the same way the drugs were brought in, or they get it into the banking system. Either way, to protect the illegal proceeds the money eventually has to be laundered—its origins and ownership disguised—before it can be invested, converted to less suspicious assets or used to purchase expensive goods. The critical point occurs when the traffickers first try to put the money into the banking system. Said Insp. Bruce Bowie, officer in charge of the RCMP's Anti-Drug Profiteering Section in Ottawa: "Once it gets in there and starts spinning around, it's usually too late." According to police, there are several frequently used money-laundering techniques:

SMURFING: Designed to circumvent mandatory reporting requirements in American banks, traffickers employ so-called smurfs—couriers of innocuous appearance—to make large numbers of small transactions, always under the U.S. legal reporting limit of \$10,000, at various financial institutions. The smurf will purchase either money orders or bank drafts, which are then deposited in a single bank account, usually abroad. Smurfs are also employed to convert small denominations to larger bills, a process known as refining.

LEGITIMATE BUSINESS: Traffickers often take over or invest in businesses that customarily handle a high volume of cash transactions.

Retail stores, restaurants and food markets are popular. The drug money is intermingled with legitimate revenues on a regular basis. While the apparent business profits produced by the drug money are subject to tax, the illicit funds are hidden within the legitimate income. For legitimate owners, a side benefit of the scam is that it artificially improves the sale price of the business because it ostensibly exhibits a far better cash flow than it really has. The danger, of course, is that enforcement agencies can usually identify unrealistic revenue figures.

drug money either forward to the ultimate recipient or backward to the crime. The basic requirement: an offshore tax haven with bank secrecy laws and little or no regulation on the setting up of foreign corporations.

BROKERAGE HOUSES: Having ensured the collusion of a foreign bank, the money launderer places an order for securities through the institution, stipulating that payment to the broker will be made by courier. Because brokerage houses will generally accept large cash deposits if they believe that they are



A hoard of cocaine spoils: electronic transfers are speeding illegal money around the world

FOREIGN CURRENCY EXCHANGES: By dealing with currency exchanges, the trafficker can avoid conventional banks. And because currency exchanges keep no records that would identify the customer, the audit trail is broken. The exchanges permit traffickers to buy bank drafts in a foreign currency, which are easily transported out of the country.

DAISY-CHAINING: Similar to corporate layering, through which ultimate ownership is disguised through a series of interlocking companies that legitimate firms use to reduce taxes, money launderers employ it as a way to legitimize income rather than hide it. The best money launderers form dummy corporations in a number of foreign jurisdictions, often using local lawyers as nominee owners. By layering, it becomes progressively more difficult to trace

executing orders from a foreign bank, or an important customer of that bank, the drug trafficker will have the money delivered and is then free to sell the securities for cash at a later date.

DOUBLE-INVOICING: Another favorite tax-avoidance method adopted by the drug trade, it involves a trafficking organization's gaining control of corporate entities in two different jurisdictions. Then, one firm can order goods from the offshore corporation at inflated prices. The difference between the inflated price and the real value is deposited in another offshore account, sometimes even in a third jurisdiction. The domestic corporation, ostensibly charged high prices for the goods it purchases, can show a low level of profit, which also reduces high taxes payable in most Western countries.

REVERSE FLIP: The money launderer finds a co-operative property seller who agrees to a reported purchase price below the actual value and then accepts the difference under the table. That way, a launderer can purchase a \$2-million piece of property for \$1 million, secretly passing the balance to the co-operative seller. After holding the property for a while, the launderer sells it for its true value of \$2 million, thereby cleansing \$1 million of illegal profits.

LOAN-BACK: Having established a corporation in a tax haven, a trafficker then purchases a business in his own country with a nominal

ly involves individuals tightly bound by familial and ethnic ties that make it difficult for authorities in the West to detect. The system operates through a worldwide network of gold shops, money changers and trading companies, often controlled by the same family. A drug trafficker merely has to deposit his funds with a family-owned business in one country and withdraw them from a relative's business in another country. Authorities believe that most Asian heroin money travels that route.

Still, one of the most challenging but surest ways to launder money is to buy a bank. In the early 1980s, a group of cocaine traffickers in Miami actually obtained control of a small bank,

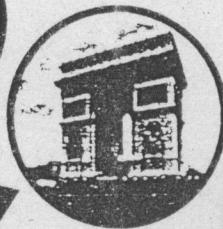
consisted of a Telex, a telephone and a machine in an office building. Appleton, that heavily armed Colombian gentleman, would arrive with suitcases of money. Canadian would then deposit the cash across the street in an account the bank had with the Bank of Boston. He then go back to his office and fax instructions for the money to be transferred to a bank in Curaçao. From there, it went to Switzerland. The banks each received a one-per-cent transfer fee and the Canadian launderer received a seven-per-cent commission on the banks—and authorities—did not know drugs were involved.

THE GLOBAL TRAIL OF DRUG PROFITS

1. Criminal syndicates in drug-producing countries such as Colombia and Peru purchase the raw cocaine, refine it, and smuggle the white powder, usually by boat or airplane, to Western countries for sale.

2. The street dealers generate massive revenues, but handling the vast amounts of cash generated by illegal drug profits is cumbersome. As a result, drug dealers have developed a number of enterprising ways to launder the illegal cash.

3. Ideally, the drug dealers want to get their profits into a stable banking system like Canada's, from which the money can be transferred electronically to foreign banks, usually in major cities like London, Paris or Hong Kong where it is then retrieved by drug traffickers.



FROM LEFT, CLOCKWISE: TAPINEN/BAUM/STYRONA; LENTZ/BLACK STAR; MCQUAY/FIRST LIGHT; MIENE/FIRST LIGHT; LLOYD/FIRST LIGHT; GREG HOFMAN

deposit. The balance is in the form of a loan from his secretly held offshore corporation. He is, in effect, borrowing his own money. Once he is set up in business at home, the launderer makes scheduled payments on the loan as if it had been legitimate—he not only repatriates illegal money, but also pays himself interest. He can even get a tax break by claiming those payments as business expenses.

UNDERGROUND BANKING: This is an effective form of money laundering because it usual-

ly they then used to launder millions. And Peter Appleton, director of the Alliance for a Drug-Free Canada, opened one while visiting Panama, just to prove it could be done. "There are consultants who advertise their services in the paper," he noted. And he added, "It cost \$5,000 in legal fees and another \$10,000 to capitalize it, but by the end of the day, I was the proud owner of Banco de Norte."

Appleton shared an office with another Canadian, a money launderer who taught him the tricks of the trade. He too had a bank, which

Such bank-to-bank wire transfers are regulated and are rarely questioned in the financial community. The transfers are the ultimate form of money laundering, but one has figured out a way to regulate transfers without crippling international commerce, which depends on the smooth flow of money. But with drug kingpins finding ways to launder cash almost daily, the regulations will increase.

HOLGER