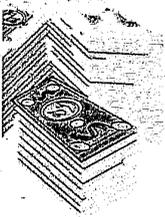




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**EAST EUROPEAN POLICY CONFERENCE ON DRUG AND CHEMICAL
ENFORCEMENT AND CONTROL**

**Warsaw, Poland
June 2-4, 1992**

CONFERENCE REPORT

145469

**U.S. Department of Justice
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**EAST EUROPEAN POLICY CONFERENCE ON DRUG AND CHEMICAL
ENFORCEMENT AND CONTROL**

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**EAST EUROPEAN POLICY CONFERENCE
ON DRUG AND CHEMICAL
ENFORCEMENT AND CONTROL**

Conference Report

I. INTRODUCTION

In 1991, interest was expressed by officials of several East European nations in learning from the United States Drug Enforcement Administration (DEA) about the U.S. experience establishing, administering and enforcing its pharmaceutical drug and precursor chemical diversion control laws. These inquiries were the impetus for the development of an East European Drug and Chemical Enforcement and Control Conference, sponsored by DEA, which took place in Warsaw, Poland June 2-4, 1992.

Government officials from nine East European countries representing the health regulatory field, customs, and law enforcement participated in the conference. The countries represented were: Bulgaria, Czechoslovakia, Hungary, Estonia, Lithuania, Latvia, Poland, Romania, and the Ukraine. A distinguished international faculty of presenters was assembled for the conference. Their experience encompassed regulatory and enforcement matters related to drugs including policy formulation, implementation of the treaties, and development and direction of licit and illicit drug regulatory and enforcement programs.

A range of topics was covered, with primary emphasis on control mechanisms and the international and national framework for administering drug and chemical regulatory and enforcement programs. The conference agenda also included overviews of drug and chemical trafficking, investigative and enforcement techniques, and discussion of the financial aspects of drug law enforcement cases.

The escalating drug trafficking and abuse problem in the East European region was acknowledged by conference participants. Not only has East Europe become a source of clandestinely produced drugs, in particular amphetamine, but it has become evident that the region is being used by major drug trafficking groups for transshipment of illicit drugs. In addition, the disruption of the Balkan drug trafficking route has caused traffickers to redirect their illegal trade through other East European countries.

The general discussion sessions revealed a recognition by conference participants that many countries' laws will need to be changed and/or updated to enable authorities to adequately deal with real and potential drug problems. It was acknowledged by the group that universal cooperation in law enforcement efforts is necessary for success in fighting the drug war. Concern about additional problems and difficulties imposed by the conversion from state-owned to privately-owned industries also surfaced. The opinion was prevalent that government responsibility lies not with running businesses, but with protecting the public health and welfare. Drug abuse treatment issues were of interest to the conference participants as well.

II. AREAS FOR PRIORITY CONSIDERATION

The presentations and discussions which appear in summary form in this report emphasized a number of areas suitable for the consideration of all governments in formulating laws, agencies, strategies, and techniques to combat the growing abuse and traffic in drugs. The following is a list of primary measures and activities which may merit the consideration of governments in designing programs to attack this traffic. Some of these have particular relevance to the countries of East Europe, which are in the process of reestablishing democratic societies and free market conditions.

A. The Control of Pharmaceuticals in a Free Market

Countries may need to reexamine and strengthen controls over the production, export and import, and internal distribution of narcotic and psychotropic drugs in view of the special requirements which result from free market conditions. State run economies traditionally controlled much of this activity through informal and administrative rules. Without clear legislative controls, new levels of production and new efforts in marketing and exportation could result in massive illicit traffic and abuse.

B. The Control of Chemicals in a Free Market

In order to satisfy the requirements of the 1988 Vienna Convention (the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988) and to be able to combat the increasingly widespread problem of the diversion of certain chemicals for the illicit manufacture of drugs, countries need to establish appropriate legislative controls regarding export, import and internal distribution of these chemicals. As in the case of controlled pharmaceuticals, the illicit diversion of these materials may rapidly increase under new economic conditions.

C. The Control of Banking and Currency Transactions in a Free Market

In view of the establishment and growth of private banking and exchange facilities, countries may need to reexamine their laws in terms of adequacy of financial record keeping, reporting and disclosure. Investigations involving the transfer of money and securities also require special police skills, a high degree of prompt international cooperation, and the capability of rapid legal action. Seizure and forfeiture of money and assets of criminal organizations can be used to increase and improve police capabilities.

D. Enforcement Strategies

Governments must invest considerable time, money and resources in the investigation, prosecution and incarceration of drug defendants. It is therefore desirable for the police to adopt strategies which will have the greatest impact in providing protection to society. However, such strategies may require the use of investigative techniques and prosecutions which current legal structures may not recognize or sanction. This is especially the case with regard to investigation of conspiracies, the use of undercover officers, informants, and wiretaps. Without these or similar legal and administrative means, police can only apprehend and prosecute the more obvious type of violators such as the street-level dealers and drug couriers. Countries may need to examine the adequacy of their laws, practices, and legal ability to cooperate internationally, in view of the challenges of modern international drug traffic.

E. Investigative Techniques

Modern international drug trafficking is a highly organized, covert activity based on stealth, subterfuge, corruption, violence, and intimidation. Witnesses are few and will seldom complain to authorities. This situation has made necessary the development and use of basic law enforcement procedures, including:

Undercover officers--police officers who can successfully pose for brief periods as drug traffickers, thereby gaining the confidence of violators and accumulating evidence sufficient to establish the illegal intentions and activities of these violators.

Informants--frequently the only means of gaining information and introductions sufficient to pursue an investigation is through individuals who offer their services either for a reward or consideration of mitigation of charges pending against them.

Controlled deliveries--the carriers of illicit drugs are, more often than not, relatively low-level violators in larger criminal schemes of distribution and supply. For this reason it is sometimes advantageous to allow a detected shipment of illegal drugs to proceed until the recipients have been identified and implicated.

Electronic and video surveillance--one of the most effective means of identifying those responsible for organizing the illicit drug traffic and disrupting their operations is by means of electronic and/or video surveillance. Because these techniques involve invasion of privacy,

judicial examination of the justification is a necessary protective safeguard of individual liberty.

Although all of the above techniques have application to other types of crime, they are uniquely necessary and effective in attacking the illicit drug traffic. However, they are all subject to abuses of authority and need to be carried out under appropriate administrative and legal guidelines. Countries may need to reexamine their laws and practices to ensure that these techniques can be effectively employed, but within a system that safeguards against governmental abuse.

F. International Cooperation

Much of the illicit traffic in drugs involves persons of various nationalities and operations in various countries, often at great distance from the point at which an overt act may be detected. For these reasons, prompt cooperation and speed of communication between the police forces of affected countries is absolutely indispensable. This requires the mutual development of complementary laws, procedures and communications equipment. Countries may need to examine and provide for these special requirements.

G. Sanctions and Penalties

Trafficking in drugs is a particularly lucrative, vicious and destructive class of criminal behavior. It is therefore necessary to impose penal sanctions commensurate with the crime. Lengthy imprisonment of significant drug traffickers protects the public from their destructive activities during the period of incarceration.

Drug abusers represent a variety of types of delinquency and health problems. Some abusers are heavily dependent and have lost the ability to control or account for their behavior. Others are youthful offenders engaged in delinquent experimentation, while still others may be irresponsible adults or professionals engaging in occasional drug episodes, though not yet addicted. Nevertheless, these individuals may constitute a significant threat to themselves and others in the operation of vehicles, aircraft, heavy machinery, or the impaired practice of their profession. Countries may wish to consider a range of sanctions and programs to deal with such diverse types of disapproved behavior.

H. Information Systems

Accurate information concerning the drug problem is needed at all levels of government, whether for budget planning, strategic and policy decisions, or to support and target operations. Much of the information concerning drug traffic and

abuse is collected from a variety of sources, such as hospital admissions, laboratory analyses, arrests, Customs and other seizures, surveys, etc. However, in general, a specific institutional means is required to bring the information together in a comprehensive way and disseminate the result to all appropriate agencies and officials. Countries may wish to examine ways to collect and organize information needed to utilize scarce resources to maximum advantage in attacking the drug problem.

I. Government Administration

The strength and diversity with which the drug traffic is conducted demands a response from several of the traditional services of government, such as the national and local police, the Customs service, the frontier patrol, drug and commerce regulatory agencies, the foreign ministry, the armed forces, statistical and intelligence services, and others. Governments need to consider the means by which each service is encouraged to pursue its particular mandate and expertise in a coordinated way under a national policy, and which minimizes unproductive interagency rivalries.

III. SUMMARY OF PROCEEDINGS

Opening Remarks

The conference was opened with remarks by Mr. Marian Miskiewicz, Minister of Health of the Government of Poland; Ms. Krystyna Siewkiewicz, Vice Minister of Health; Prof. Dr. Witold Wieniawski, the President of the Polish Pharmaceutical Society; Mr. Gale Day, Head of the Technical Service Division of the United Nations International Drug Control Program; and Mr. Gene Haislip, Deputy Assistant Administrator of the Drug Enforcement Administration. Mr. Haislip and Ms. Siewkiewicz co-chaired the conference.

Minister Miskiewicz thanked the DEA for organizing the conference and stated that it was taking place at an opportune time for the East European countries as they undergo rapid changes, both political and social. This sentiment was echoed by all of the speakers, who noted in addition that positive changes have been accompanied by negatives, such as drug trafficking. The value in sharing drug enforcement experiences and information was noted, and the hope was expressed that this conference would be the start of regular dialogue between East European countries.

Mr. Haislip stressed the need for the East and West to become allies in the war on drugs to protect our children, social order, and economic growth. He provided an overview of the U.S. war on drugs as an example of the social and monetary costs of the drug problem. In 1992, the U.S. Federal government will spend \$12 billion on various programs directly and indirectly related to drug abuse and drug trafficking, such as treatment, law enforcement, criminal justice, and incarceration. This is augmented by expenditures at the state and local level. In addition, an estimated \$58 billion will be spent for indirect health and human suffering costs.

In the past year there were at least 300,000 drug-related hospital emergency room cases United States, and a minimum of 6,000 drug-related overdose deaths reported by coroners. Those deaths do not include drug-related shootings or deaths due to traffic or industrial accidents which occurred as a result of drug use.

The U.S. Public Health Service has reported that 23 percent of acquired immunodeficiency syndrome (AIDS) cases result from intravenous use of drugs such as heroin, cocaine and methamphetamine.

The indirect costs of illicit drug use can only be estimated, but they are enormous. Employees who work under the influence of drugs are less productive, four times more likely to receive an on-the-job injury, as reflected in workers' compensation claims, and have more frequent extended absences from work.

The illicit drug trade siphons vast sums from the economy--money that could be invested in legitimate business is instead drained off to the black market. In the United States in 1991, this drug money was estimated to exceed \$50 billion.

Other costs associated with drug abuse include the disruption of social order and the threat to public safety. The outstanding example of this is Colombia, South America, where the drug traffic has claimed many lives over the years. These include an attorney general, two ministers of justice and one former minister, three presidential candidates, at least 70 journalists, hundreds of judges, and thousands of law enforcement officers. Another example closer in proximity to East Europe can be found in Italy. Two judges, Giovanni Falcone and Paolo Borsellino, have recently been assassinated in retaliation for their pursuit of organized crime, in whose illegal activities drug trafficking plays a major role.

During the 1970s, drug abuse appeared principally to be an American problem. But in view of the rapid spread of drug abuse and trafficking problems to both developed and developing countries, it is now understood as a global problem. Much more heroin was seized in Europe in 1991 than in the United States: 4,000 kilograms versus 800. Significant amounts of cocaine are now being seized in Europe: in 1976, 46 kilograms were seized; in 1991, it was 14 metric tons. The amount of cocaine seized in Europe over the last five years has increased 420 percent, and arrests for cocaine trafficking have increased 38 percent. European law enforcement officials have recently seen the spread of hallucinogenic drugs, such as LSD and MDMA.

East Europe is increasingly affected by similar problems. Its borders have been opened to commerce. Free trade invites opportunities to make large sums of money rapidly in the illegal drug trade. There are clear indications of increasing drug trafficking in East Europe today, and as economies stabilize and individual income rises, the drug threat will most certainly intensify and traffickers will redirect their efforts from saturated western markets to the East, as they have already begun to do. Drug traffickers know no borders, their activities are not inhibited by differences in political ideology. Their successful operations take place in a world of state-of-the-art telecommunications, transportation and technology. Traffickers are not confined by borders, policies, or politics, as are government authorities. Only through a cooperative, united effort directed at this problem by authorities throughout the world will all citizens be adequately defended against the drug threat.

IV. DRUG TRENDS

The United Nations (U.N.) representative, Mr. Gale Day, presented the U.N. perspective of the drug trafficking and abuse problem throughout the world in a discussion of trends and responses thereto.

In the past three decades, since drug abuse became a major issue, a common trend has been that the problem has become more complex. More types of drugs are being produced by a greater number of sources, more types of drugs are being abused, trafficking routes have multiplied and burgeoned, and controversy about the drug problem has intensified.

In the past, governments concentrated their efforts in the drug war primarily on supply reduction, and major successes have been won. However, traffickers have not been put out of business. It was recognized that the more difficult strategy of demand reduction, using a range of educational approaches where results are not immediately apparent, should be part of the overall drug enforcement effort.

New trends have developed in supply reduction. Enforcement organizations have begun to look at indirect ways of curtailing supply, rather than simply focussing on drug interdiction. This was the main impetus behind the 1988 Vienna Convention. Thus, controls are imposed on the commerce in chemical precursors and other substances used in the manufacture of illegal drugs. A notable trend, also addressed in the 1988 Vienna Convention, has been to focus on the drug traffickers' profits through laws regarding the forfeiture of assets derived from drug trafficking and improved laws and techniques to deal with money laundering. This Convention also encourages such measures as controlled delivery and mutual legal assistance. These are important tools in drug law enforcement that have not in the past been as readily available as would have been desired.

The United Nations International Drug Control Programme (UNDCP) is ready to provide assistance to the East European nations with their drug regulatory and enforcement programs. The trend for international cooperation in drug programs has been established. Nearly every country in East Europe has been visited by UNDCP within the past year in order to set up programs of cooperation. This includes not only reinforcing already existing cooperation regarding the international Conventions which the U.N. administers, but also planning UNDCP assistance. Such assistance might consist of help in revising or drafting laws; U.N. laboratory-provided training, equipment, reference samples, or documentation; or equipment and advisory services related to enforcement.

A major effort in drug law enforcement training is being prepared in the Balkan States, with UNDCP serving as coordinator of various training available from other

countries. Also, UNDCP is working closely with the World Health Organization to develop initial programs of assistance in general planning and in assessment of drug abuse. In fact, an unprecedented degree of coordination of international assistance to states along the Balkan Route is being attempted--in order to achieve success in this endeavor, the UNDCP needs as much information as possible from the governments being assisted and those providing the assistance.

Mr. Day concluded his presentation with the exhortation that all governments and organizations must work together to fight drug abuse and trafficking. He pledged full support of the UNDCP in this effort.

A. Structure of International Drug Traffic; Major Trends

The Chief of DEA's financial investigations, Mr. Greg Passic, and the head of DEA's cocaine strategy and investigative efforts, Mr. Robert Nieves, presented a discussion of the organization, methods and resources of the international drug traffic using examples of the Colombian cocaine cartels and the traffic in heroin across Eastern Europe.

Mr. Nieves explained that about a half dozen Colombian families control the major drug cartels. These cartels conduct their business much like any successful corporation, maintaining tight control at the various levels of drug production, transportation, distribution, and over the movement and investment of profits from drug sales. Certainly the cartels' wealth equals or exceeds that of many international corporations. Very thorough records are kept of all transactions down to the "street" level of distribution--employees' salaries, equipment costs such as pagers, etc. What sets the cartels' business activities apart from those of legitimate industry is the fact that the commodities the cartels are marketing are harmful and ultimately cause great suffering to the consumer. Another major difference between a cartel and a corporation engaged in legal commerce is the violence that the cartel will resort to when it encounters resistance or obstacles to its trade. The cartels have resorted to violence to deal with government interference (i.e., law enforcement efforts), disloyalty within their ranks, double-crossing by business associates, and in competition with each other.

There have been some positive results in law enforcement efforts to deal with the cocaine problem. Serious blows have been dealt to the Colombian Medellin cartel, with key figures of the organization incarcerated. Larger cocaine seizures are being made by law enforcement authorities, not only in the United States but also in Europe and Asia. In addition, a number of South American governments have made significant commitments to fighting the drug war, and a number of important enforcement initiatives have been mounted this year.

On the negative side, another major Colombian cartel in the city of Cali has taken over much of the market. Perhaps the most important criminal organization in the world today, this organization is known to have focussed trafficking efforts beyond the Western Hemisphere, recognizing the market potential of other major industrialized nations besides the United States. Furthermore, the viability of East Europe as a transit area has been recognized. Shipments of cocaine from the cartels have already been seized in East Europe en route to the West. As industry and business become privatized in this part of the world, the threat looms of East European commerce being used by the Colombians and other traffickers as a money laundering vehicle. Again, the need for international cooperation and for information sharing must be emphasized.

A discussion period followed these presentations. A participant from Poland questioned what approaches were being made by the Andean cocaine source countries to the problem. Examples were given based on DEA's knowledge and experiences in that area: within Colombia there has been a major change in attitude toward the drug problem in recent years, and the country has become one of the United States' best law enforcement partners in that region. In the last year, 300-400 law enforcement officers' lives have been lost in the effort. A major obstacle for Colombia is the inadequacy of its judicial system to deal with the problem. The Colombians are working to overcome this obstacle. This points to the pressing need for justice systems in all countries to have the ability to deal with powerful and violent criminal organizations. In Bolivia, DEA has noted considerable progress in working with law enforcement counterparts.

B. Trends in Clandestine Laboratories

Mr. Haislip next gave a report on illegal manufacture of stimulants and hallucinogens. When viewed from historical perspective, the clandestine manufacture of drugs such as amphetamine, methamphetamine, fentanyl, and methaqualone is a relatively new phenomenon, made possible by great scientific and technological advances in this century. The lure of clandestine drug production is obvious--the profits are enormous. These drugs were originally developed for legitimate medical use. In the case of amphetamine, for example, the drug was heavily marketed and large quantities were legally manufactured. The resultant abuse problem, widespread in the United States, was addressed through law enforcement actions and the application of production quota reductions. The U.S. production quota in 1991 was about 170 kilos, or about .05 percent of the amount produced in 1978. Now it is clandestine laboratories which satisfy the illicit demand for stimulants. (Indeed, clandestine chemists use scientific literature available from legitimate research.)

This problem has developed in a similar manner in Europe and Asia, where the lure of huge profits from clandestinely manufactured drugs such as amphetamine has caused a surge in the production of such drugs, primarily for export to wealthier, neighboring markets. For example, seizures of clandestinely produced drugs from East Europe rose fivefold in Great Britain in 1991. So lucrative is this activity, that Scandinavian authorities have evidence that some of their citizens have invested in the illicit production of these drugs by their neighbors to the East.

The chemicals and equipment to clandestinely manufacture narcotic drugs and psychotropic substances are readily available at reasonable prices, because the chemicals and equipment are used for various purposes by a wide spectrum of legitimate industry. No great skill or knowledge is required to manufacture some of these drugs and many of these clandestine chemists are referred to in the United States as "cooks" because they simply follow a recipe to produce the drugs.

The United States has used two important legal tools to deal with the clandestine laboratory problem, in addition to enforcement activity. One is emergency scheduling, whereby a substance can be controlled for up to 18 months while information to permanently schedule the substance is being gathered. The second is by invoking the analog provisions of the U.S. Controlled Substances Act, which stipulate that if a substance is structurally or pharmacologically similar to a controlled drug, criminal penalties can be imposed for its illegal distribution. Both of these laws have been used effectively to control problems with fentanyl and amphetamine analogs, among others.

An important tool the United States has used in curtailing the clandestine laboratory problem has been chemical control. Thirty-one chemicals are currently under control in the United States. There has been a swift and measurable response to this action: since the law became effective in 1989, there has been a 53 percent decline in domestic lab seizures. Hospital emergency room reports of methamphetamine overdoses between 1989 and 1991 declined about 54 percent and PCP overdoses declined approximately 57 percent.

A key to the success of the U.S. chemical control program has been the establishment of a good working relationship with the chemical industry.

C. International Trends in Pharmaceutical Trafficking

Mr. Terry Woodworth of DEA's Office of Diversion Control introduced the topic of illicit traffic in pharmaceuticals. He noted that international trafficking of legitimate narcotic drugs and psychotropic substances varies by region. The problem changes continually--the drugs involved, their source, the transit routes, etc. The DEA has observed some long standing trends, however, including the diversion

of and trafficking in methaqualone, secobarbital, pemoline, fenethylamine, and the benzodiazepines. East Europe appears to be the source of clandestinely produced fenethylamine (a Schedule II stimulant under the 1971 Psychotropic Convention) which has been trafficked in significant quantities to Mid-East countries during the past several years. Pemoline, a Schedule IV drug, is legally manufactured in East Europe and subsequently diverted from international distribution channels to the illicit market in Africa.

Throughout the world, the benzodiazepines are one of the most commonly diverted of the licit psychotropic substances, in part because they are so widely available--there are more than 30 benzodiazepines controlled under the 1971 U.N. Convention. Regular seizures of the drug diazepam are made by law enforcement in all parts of the world. This drug is commonly used in the manufacture of counterfeit versions of other drugs, such as methaqualone.

A new problem is the increasing abuse and traffic in anabolic steroids, which the United States recognized by placing this category of drugs in Schedule III in early 1991. These drugs are frequently used by youth and others to improve athletic performance and/or appearance. The DEA has observed that the U.S. law has had the effect of increasing the black market price of steroids in the United States and increasing the smuggling of steroids from foreign markets, particularly from both East and West Europe, Canada and Mexico.

Another area of concern to many conference participants was the traffic in cannabis because of the abundant natural supplies in southwest Asia. In the United States, marijuana formerly had a reputation as being harmless and was of relatively low potency. Recently, however, the trend has been to breed higher-yielding, more potent strains of the plant, having a much higher tetrahydrocannabinol content. U.S. enforcement efforts against illegal outdoor marijuana cultivation, including aerial surveillance, have caused a surge in indoor hydroponic growing. The DEA's supply reduction efforts in the past year led to the seizure of \$53 million in assets from individuals engaged in illegal marijuana growing and trafficking. Demand reduction strategies have shown success as well--there are few people today who maintain that marijuana is harmless. Indeed, marijuana must be considered as a "gateway" drug for youth.

D. East European Drug Trafficking Trends

1. Janos Nagy, Deputy Director General, Customs and Finance Guard of Hungary

Mr. Nagy next discussed major trends in trafficking in East Europe, with an emphasis on the Hungarian experience.

The changing political situation in East Europe has had some negative social repercussions. While East European countries have in the past been transit countries for illicit drugs, they are more and more becoming distributor and consumer countries as well. Unemployment, activity by organized crime elements, drug trafficking, and drug abuse have increased. The situation in Yugoslavia has caused changes in the Balkan drug trafficking route, so that traffickers are now transitting Hungary and Romania. Enforcement activity along the Balkan Route is not very successful because of poor equipment and lack of personnel.

East Europe attracts traffickers as a transit region; these countries also are becoming distributors and consumers of illicit drugs. Travel possibilities have increased with the opening of borders. Tourism has increased greatly in Hungary, for example, and authorities have seen border traffic between Hungary and Romania increase 40-fold. The overcrowded border points make it easy for traffickers to avoid detection. To deal with this border problem, Hungary has established six new customs/law enforcement teams around the country for drug law enforcement operations, with technical assistance from the U.N. Each has communications ability and specially equiped vehicles with canine crews.

In Hungary, authorities have seen an increase in the number of drug cases and in the size of drug seizures. They also are seeing organized crime involvement in money laundering as a result of liberalized banking laws. An increase in drug-related crime has occurred; drugs are being stolen from hospitals. Forged prescriptions are prevalent.

Regarding Hungary's illicit drug market: drugs such as heroin and cocaine are not at present favored by users. However, whereas in the past primarily heroin was seized, today cocaine is encountered with greater frequency. The most frequent users/abusers of drugs are students, the new "high society," and entrepreneurs. Hungary is amending its criminal code to allow tougher punishment for drug activities, such as possession and distribution, while making a distinction between the user, addict, and dealer.

Mr. Nagy stressed the need for national legislation to be implemented by all East European countries to better deal with the drug problem. He also stressed the need for bilateral cooperation and agreements between countries regarding drug trafficking and organized crime, mentioning that some such agreements between Hungary and neighboring countries have been concluded.

2. Subinsp. Andrzej Koweszko, National Central
Bureau Chief, Interpol, Warsaw

The discussion of trends continued with Mr. Koweszko echoing Mr. Nagy's statements on the inadequacy of national law to deal with the drug problem, especially in regard to organized crime involvement. Appropriate investigative systems and sanctions against such elements must be developed. Polish law is particularly inadequate in addressing those who deal or traffic in drugs (as opposed to addicts, who are viewed as victims), and it is not adequate to implement the 1988 Vienna Convention. It contains no penal sanctions for the purchase, possession, or transport of drugs. However, there currently are initiatives to adjust Polish legislation to conform with this convention. As is typical throughout the world, financial constraints and lack of awareness of the drug threat--a belief by legislators that law enforcement should focus on other crime--pose formidable obstacles to enforcement authorities.

An overview of Poland's drug problem revealed that drug addiction is growing moderately; 70 percent of addicts are under the age of 24 and dwell primarily in urban areas. Thirty to forty percent of these individuals have had encounters with the law. It is mainly drug addicts who are carriers of the HIV virus. Abusers generally use domestically produced illicit substances because they are more affordable. Poppies are cultivated for their opium content, from which "compote" is synthesized for personal consumption. For Polish youth, inhalants--glue, solvents--are gateway drugs.

Interpol reports that increasing quantities of Polish-sourced drugs are being seized and Poles apprehended. Illicitly manufactured amphetamines are a relatively new problem in the country, and they are Poland's most serious problem as a source of illicit drugs. Authorities have found that international criminal organizations are involved in the Polish amphetamine trade. This drug is produced in large quantities for export. For example, Poland is the source of 20 percent of the amphetamines seized in Germany and 13 to 14 percent of those seized in Sweden.

In response to a question whether Polish illicit amphetamine was produced entirely for the export market, or if there was domestic abuse of the drug as well, Mr. Koweszko explained that the drug remains too expensive for local purchase, but its cost is on the decline. Authorities are aware, however, of amphetamine addicts in the country. Authorities are fearful of two trends which may develop: the production of clandestine drugs for domestic consumption, and the smuggling of "natural" drugs (i.e., cannabis, opium) to the West from the eastern republics of the Commonwealth of Independent States (CIS). There are many potential sources for

these drugs in those countries, although there is as yet no sophisticated smuggling system in place.

3. Discussion on Illicit Traffic

The representative from the Ukraine related that in his country millions of hectares of wild cannabis are growing. The cannabis, apparently not very popular in the Ukraine, reaches all republics in the CIS. He agreed with the Polish participant that amphetamine is not widely used domestically, in part because there is a considerable amount of opium available--there are many farms, and many grow poppies. There is a 1987 law which, among other things, bans the public from growing poppies on private farms, but it is not observed in practice. The law did have a positive impact on the number of drug-related crimes by addicts, but those crimes are now rising. Enforcement officials in the Ukraine have found that 70 to 75 percent of crimes against property are related to drugs. The number of registered addicts in the Ukraine has been increasing as well, a surprising 12 percent annually. He added that the Ukraine is a transit country between mid-Asian countries and West Europe for hashish and marijuana.

Recent drug law enforcement activity in the Ukraine was described. In 1992 the Ukraine adopted a new law regarding police investigative activity which allows for the use of audio- and videotape as evidence. Enforcement officials are expecting detailed regulations to be generated which will assist their operations. The important role of undercover agents was mentioned--in the course of undercover work a large number of criminal organizations in the Ukraine have been identified, which would not have been possible otherwise. The hope was expressed that the exchange of information between countries would become more prevalent. This participant concluded with the statement that international judicial standards applying to drug law enforcement must be built for the most effective international effort against traffickers.

The representative from Bulgaria observed that the primary drug trends in Bulgaria are an increase in heroin abuse and the production of amphetamine derivatives. The threat posed by the cocaine cartels is recognized in Bulgaria in particular because it is a transit country on the Balkan route.

During previous discussion, there had been mention of methadone powder smuggling in the CIS. The representative from Estonia said that the sources of trafficked methadone base have not been identified. One clandestine laboratory had been seized. Regarding other illicit drugs, in cooperation with Finnish and Swedish authorities, huge amounts of strong steroids have been seized in Estonia which originated for the most part in the CIS.

Aspects of the drug problem in Lithuania were described. The drug problem in Lithuania was virtually nonexistent before the Afghan war, from which a number of soldiers returned as addicts. A statistic of .02 drug abusers per 10,000 citizens was offered. Further change in the drug situation was noted after the Baltic republics proclaimed their independence from the former USSR in March 1990. Former Soviet troops continue to serve in Lithuania and are seen as a potential channel for drug flow. Cargo transported by military aircraft between Lithuania and Central and Southeast Asia and the Far East is not subject to inspection. The participant also commented that recently crossings have been observed by nationals of other countries along the Poland/Lithuania border. Law enforcement officials suspect such individuals may attempt to establish smuggling operations. He concluded with the concern that Lithuania must not become a drug transit country and requested assistance in their struggle to organize against the spread of drugs.

V. LEGALIZATION OF ILLICIT DRUGS

In the general discussion period following the coverage of trends, the U.N. representative was queried on the U.N.'s position on legalizing certain drugs. The response was that the U.N.'s position reflects that of its member countries: narcotic drugs and psychotropic substances are listed in the various schedules according to their abuse potential, and no change to this is foreseen.

Mr. Haislip pointed out the pervasive health problems throughout the world with tobacco and alcohol, which are not controlled in any fashion. Experience with a non-controlled, highly addictive substance such as tobacco indicates that to legalize any illicit narcotic drug or psychotropic substance which has a documented abuse potential would, without question, be disastrous and would create additional public health problems. Also, it was pointed out that consideration of legalization as an alternative has arisen to some extent from the public's frustration with the slow progress in alleviating the drug problem. Mr. Haislip expressed the view that the intensive debate of this issue which occurred in the United States in the 1970s had confused the public and helped spread youthful drug abuse. He noted, however, that such views are now less popular in the United States as a result of the tremendous damage which citizens have themselves observed.

VI. DRUG TREATMENT PROGRAMS AND METHADONE

Touching on the topic of drug treatment, a Czechoslovakian participant asked during the discussion period about treatment alternatives and the U.S. experience with methadone. Mr. Haislip responded that the use of methadone for treating

narcotic addiction is widespread in the United States, and it has been a controversial program.

Methadone is manufactured in the United States, subject to a current quota limit of approximately 2,000 kilograms. Greater than 90 percent of the annual production is used only for treating drug addicts. However, this drug is associated with an inordinately large number of drug overdose deaths as reported by hospital medical examiners. Statistics reveal that for every five deaths associated with heroin overdose, there is one death associated with methadone reported, although much more heroin is available in the illicit market and methadone ostensibly is tightly controlled. This situation occurs because addicts participating in drug treatment programs receive supplies of methadone to self-administer, which they sell to other drug abusers. The problem may reflect poor administration of drug treatment programs; a large number of programs are operated for profit and are not government-administered. There may be greater interest in profits vs. drug treatment in many instances. The DEA has not advocated elimination of these programs but better control and management.

VII. MONEY LAUNDERING AND THE EUROPEAN COMMUNITY COUNCIL DIRECTIVE

It is difficult to comprehend the enormous assets--cash, real estate, personal property such as automobiles, boats and aircraft, etc.--which have been and continue to be amassed by drug traffickers. Mr. Passic reported that DEA seizes annually more than one billion dollars in drug trafficker assets. Methods used by Colombian drug trafficking organizations to launder illegal drug profits were illustrated through descriptions of several DEA cases. In a typical money laundering scenario, funds deposited to a bank account opened in the United States will be transferred to an account with a European financial institution, then transferred once more to another account with no hispanic organization name associated with it. The movement of illicit drug profits is kept separate from the movement of the drugs, and the money is moved between many countries to confound the application of the law to these financial schemes.

Attacking money laundering and seizing traffickers' assets have proven to be successful weapons in the drug war. All countries must structure applicable national laws so that they have the ability to employ these methods. Furthermore, information on financial transactions must be shared among countries; the sophistication of the trafficker organizations demands a coordinated international law enforcement effort. Four recommendations were offered for the development of a successful effort:

- 1) Each country must have adequate asset seizure/forfeiture laws.
- 2) Specially trained police units capable of doing financial investigations should be developed. (DEA assistance was offered to train law enforcement officials in the art of financial investigations.)
- 3) A system of communication must be established to exchange information among law enforcement officials of different countries.
- 4) Liaison must be established with the banking community.

The last recommendation is important. Law enforcement authorities must have a good working relationship with banking officials in order to have success working the financial aspects of an illegal drug case. The banking community must be assured that drug law enforcement officials are only interested in pursuing the drug traffickers, not in interfering with legitimate banking business.

Mr. Peter Hobbing, Principal Administrator of the European Community Commission, discussed important elements of EC Council Directive number 91/308/EEC, dated 10 June 1991. This directive addresses prevention of the use of the financial system for the purpose of money laundering. Pointing out the intrinsic relationship between precursor chemicals and money laundering, he explained that the control of chemicals and controls to prevent money laundering go hand in hand as "before and after" strategies of dealing with the illicit drug problem. The former strategy seeks to prevent production of illicit drugs before they are manufactured; the latter strategy seeks to eliminate profits after the drugs have been disposed of by seizing those profits. European Community member states are required to bring into force the laws, regulations and administrative decisions necessary to comply with the Directive before 1 January 1993.

VIII. DRUG LAW ENFORCEMENT TECHNIQUES AND STRATEGY

The presentation on money laundering and the European Community directive was followed by DEA representatives discussing drug law enforcement techniques, and DEA's experience working the financial aspects of drug law enforcement cases. A caution was mentioned: safeguards to protect innocent citizens must be in place before some techniques are employed. For example, wiretaps cannot be employed without a judicial warrant and only after the circumstances for employing the wiretap have been examined by an independent judicial authority.

Mr. Anthony Senneca, Deputy Director of DEA's Office of Diversion Control, described six methods or concepts to employ in the investigation and prosecution of

high level drug traffickers. These methods enable enforcement officials to identify trafficking organizations; their customers, sources, and scope of operations; the drugs involved; the movement of money; the location of assets; etc. The methods/concepts are: 1) technical investigative equipment; 2) consideration of a case from a conspiracy or illicit association standpoint; 3) use of intelligence databases; 4) use of controlled delivery techniques; 5) use of informants and witnesses; and 6) use of court-authorized wiretaps. Many years of drug enforcement experience have led DEA to conclude that the greatest impact in the drug war can be realized when government resources are targeted at the top levels of trafficking organizations. The DEA has had considerable success using the methods described here to identify and apprehend those who are responsible for and who organize the drug traffic.

At this point, the issue of assistance was raised. Mr. Haislip stated that DEA can offer case assistance through its rapid communications ability. The U.S. Department of State's Counselor for Regional Narcotics Matters in the U.S. Mission to the European Community, Frank Albert, stated that the United States is well aware of current and potential drug-related problems in East Europe and the newly independent states (NIS) of the former Soviet Union, and is trying--as exemplified by this conference--to assist officials in these countries in addressing those threats and understanding related developments. The United States has provided modest support both multilaterally through the UNDCP and bilaterally for counternarcotics programs in East Europe, and hopes to be able to continue this support in the future. The United States also will work closely with members of the European Community as they develop their own bilateral and multilateral counternarcotics programs in the region.

Mr. Albert concluded his remarks by saying the U.S. government hopes to remain in close contact with authorities concerned with narcotics in East Europe and the NIS, and urged the latter to maintain full communication on related matters with U.S. government representatives in their countries.

IX. GOVERNMENT ADMINISTRATION OF DRUG AND CHEMICAL CONTROL PROGRAMS

A. The U.N. Conventions

The conference next turned to topics relating to government administration of drug and chemical control programs. The design and operation of national control programs must seek to prevent drug abuse and trafficking, prevent a nation from becoming a source for drugs, and they must ensure that controls are enforced. Dr. Istvan Bayer, former Director-General of Hungary's National Institute of Pharmacy

and consultant to the U.N., provided an historical perspective of the international drug problem in the context of the three U.N. Conventions or treaties. Dr. Bayer's presentation, which concluded with a forecast of problems and proposed international action for the future, was followed by a discussion of national obligations under the Conventions.

Four major obligations form the foundation of the treaties, which serve as a framework for national drug and chemical control programs. Each country which is party to the Conventions must: 1) adopt appropriate national legislation; 2) introduce necessary administrative measures to carry out treaty obligations; 3) establish necessary penalties/sanctions; and 4) cooperate with other countries and international drug enforcement authorities.

B. Government Administration of a Control Program

Mr. Gitchel of the DEA discussed various problems of government administration. Diversion control programs have been found to be most effective when administered by a single government agency which has both regulatory and enforcement authority. A comprehensive diversion control program will, however, incorporate the expertise of the varied government agencies whose activities have a bearing on drug law enforcement. These activities include those related to health and the legitimate use of narcotic drugs and psychotropic substances; the legitimate production, supply and marketing of such drugs; control of precursor chemicals; and control of the abuse of and trafficking in such drugs.

There are vital health and commercial issues which must be provided for and encouraged by appropriate government agencies. But consideration must also be given to the problems of over-production of drugs, over-prescribing, and illegal dispensing--activities associated with legal drugs which lead to drug abuse. Also to be considered is who has authority to monitor physicians and pharmacies for illegal activity. Furthermore, who determines a nation's legitimate drug and chemical production amounts? Legitimate pharmaceutical and chemical needs, as determined by government, must establish production amounts. In a free market economy, unlimited sales result in increased production. Absent tight controls on the internal distribution and on export goods, amounts produced in excess of legitimate need pose a threat of diversion to the illicit national and international market.

Ideally, a national drug and chemical control system assigns to a single government agency the regulatory and enforcement authority relative to health, commerce, and law enforcement in regard to narcotic drugs and psychotropic substances. Legislation must exist to provide adequate authority for either the single agency's required activities in these health, commerce and law enforcement

areas, or for clearly established authority and responsibility if multiple agencies are involved.

Regarding national chemical control, implementing a chemical control program need not be a great burden to a national administration. If one governmental agency is designated the competent authority for both drug and chemical control, that agency can administer the requirements of the three U.N. Conventions. Regarding the enforcement of a chemical control law, the United States has found that a permit system alone does not provide sufficient control--authorities must be able to act on reasonable cause and stop chemical shipments suspected of being ultimately destined for illicit drug production.

C. Program Essential Elements

Essential elements of a national drug and chemical control program include the ability for the government to:

- 1) List precursor chemicals and to schedule drugs, including a mechanism to place drugs in a schedule or to disapprove a drug or drugs for medical use (i.e., to place them in a special Schedule).
- 2) Register and/or license handlers of drugs (and, ideally, listed chemicals). These include manufacturers, distributors, laboratories, pharmacies, physicians, and researchers. Such registration or licensing should be drug-specific for manufacturers, i.e., a firm may only manufacture those drugs for which prior approval has been obtained from government authorities. Also, authorities should have the ability to administratively revoke or deny a registration in response to illegal activity--it should not be necessary to press criminal charges for all violations.
- 3) Establish production quotas for certain drugs, limiting their use to legitimate medical need only and for government-approved sale. Manufacturers should not establish production amounts independently. Furthermore, governments of countries receiving exports should be consulted on their medical need.
- 4) Require record keeping, by drug or chemical, for all scheduled drug and listed chemical transactions. The records should be retrievable and subject to government civil inspection as a condition of obtaining registration or license. Also, regular reports on production and distribution should be required of all manufacturers and distributors, as a means of monitoring legitimate medical need and for abuse. These

reports can be checked against the annual U.N. reports to assist in determining if industry production requests are reasonable.

Additionally, the following requirements should be basic to all control programs:

- Narcotic drugs and psychotropic substances should be dispensed only pursuant to a legitimate medical prescription, and penalties must exist for prescription forging.
- A government-approved permit system for drug and chemical imports and exports must be established. Information regarding the permits must be shared with other governments and among government agencies, e.g.: if a health department issues an export approval, customs must receive a copy of the permit to verify if the shipment left the country and if the quantity shipped was correct.
- A strong penalty structure must be established, including criminal, civil, and administrative provisions. For example, a manufacturer should receive a civil fine for failure to keep records; a license should be administratively revoked for deliberate falsification of records; and criminal charges should be brought against a company or individual who illegally manufactures or distributes a narcotic drug or psychotropic substance.
- Regarding illegal drugs, special law enforcement tools should be built into the penalty structure, such as asset forfeiture and seizure, a possession penalty, a second offense provision, conspiracy, stronger penalty for sale to youths, administrative inspection authority, etc.
- The laws must be enforced. In particular, facilities which manufacture and distribute narcotic drugs and psychotropic substances must be inspected on a regular basis to determine compliance with the law. Authority to administratively revoke a license in the public interest, for gross or repeat violations, should exist in order to encourage compliance with the law.

Continuing with the theme of national drug and chemical control programs, conference participants were provided an overview of Germany's drug problem and its national system and applicable laws by Mr. Herbert Bayer, a Unit Chief with Germany's Bundeskriminalamt. As in the United States, Germany's control system involves the joint effort of police, customs and health authorities. Germany also has a special chemicals/ clandestine laboratory enforcement unit; 40 to 50 clandestine

labs are being seized annually. Mr. Bayer stated that the lab enforcement activity will be strengthened when the European Community Directive 91/308 is implemented.

In the general discussion period that followed, the representative from Estonia stated that although there is a tendency to complain about scarce resources, it is important to talk about steps taken and planned. He provided information on what the government of Estonia has done in the area of drug control. Estonia, the representative related, recognized the importance of establishing a national drug regulatory system that includes the participation of customs, health and law enforcement and began preparing for this in 1989. Recognizing the importance of establishing controls at the inception of privatization, the government of Estonia requires a license for all pharmaceutical activities. Since it is a small country, the drug control program of another small country, Iceland, was chosen after which to model the Estonian program. The Estonian Ministry of Health was designated the competent authority, beginning in May 1991.

X. CONSIDERATIONS FOR A NATIONAL CONTROL PROGRAM

In the final program segment, Mr. Haislip wrapped up the discussion of national control systems with a description of considerations for a national program. These might include:

- 1) Measuring the extent of the abuse and diversion problem. A determination of what the problem is must be made and its severity determined in order to allocate resources to fight the problem. Data that may be examined in this regard include arrest and drug seizure statistics, laboratory analysis of seized drugs, hospital admissions for drug overdoses, medical examiner data on drug overdose deaths, drug theft information, and other pertinent data.
- 2) Determining a national drug enforcement strategy. A national strategy should be comprehensive and integrated, not simply a compendium of isolated activities. Primary considerations in formulating a strategy include: regulation of industry, medical practice, law enforcement, customs activity, international liaison, and data collection and analysis.
- 3) Determining who executes the strategy. There are many governmental agencies whose activities to a greater or lesser extent are involved in the drug law enforcement function--customs, police, border patrol, immigration, health, commerce, etc. In addition to the enforcement functions, drug treatment and rehabilitation must be considered. To avoid conflict or duplication of effort, a clear division of functions should be established.

- 4) Establishing intergovernmental coordination of the strategy. An effective national program uses the resources of as many government agencies as can substantively contribute to the effort. However, policy and program decisions and direction cannot be fragmented among many agencies, nor in the interest of effectiveness can they be filtered through many layers of bureaucracy. In practice, governments need a mechanism to clearly and authoritatively establish national policy and ensure a coordinated anti-drug strategy among the various agencies.

XI. CONCLUSION

In conclusion, representatives from several countries indicated they currently had a small but growing drug problem. There was recognition that particularly as a result of the changing economy in the region, expansion and/or deterioration of the problem is a very likely possibility. One goal of the conference is to assist East Europe in avoiding some of the mistakes in drug matters that others have made. A major error in the past was an attitude by authorities and public opinion makers that there are "hard" and "soft" drugs--that some drugs and their "recreational" use was relatively harmless. Every drug to which this attitude applied in the past was abused to such an extent that it reached epidemic proportions in the United States, including marijuana, LSD, and cocaine. Also, this attitude was reflected in the criminal justice system, where for many years, only light sentences were given for drug offenses. The East European governments might profit from these mistakes and adopt laws and measures which serve to prevent repetition of avoidable problems.

The conference concluded with an emphasis on the need for international cooperation and information exchange among participants in the drug enforcement effort. The hope was expressed that this conference will serve as the beginning of open lines of communication and the establishment of contacts between counterparts in the different countries.

Office of Diversion Control
U.S. Drug Enforcement Administration
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