

"Corruption - a Hinder for the Fight against Drugs"



Andrejs Vilks, Rigas Duma,
Director,
ECAD Latvia

Corruption as Impediment in Fight against Drugs

**Andrejs Vilks, Director of
ECAD in Latvia**

Where is the policeman
rushing to?



Definitions of Corruption

- The application of vested authority and rights by officials for the personal profit.
- The use of public opportunities for the private interest (Machiavelli)
- The abuse of one's authority in order to gain personal profit (UNO Materials)
- In Roman Law *corrumpere* was understood as: to damage, to destroy, to spoil, to falsify, to bribe and meant illegal action.
- Requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof (EU Materials)

The Size of Drug Corruption

- According to the data from the experts 800 billions of USA dollars are involved in the realm of drug business annually.
- The results of the research which has been made by the World Bank Institute indicate that the quantity of bribes paid off all over the world compose 1 trillion of USA dollars annually.
- Approximately 400-500 billions of USA dollars can be expended on drug corruption annually.
- The facts about drug corruption in general are latent (less than 1% of them become known to law enforcement institutions).

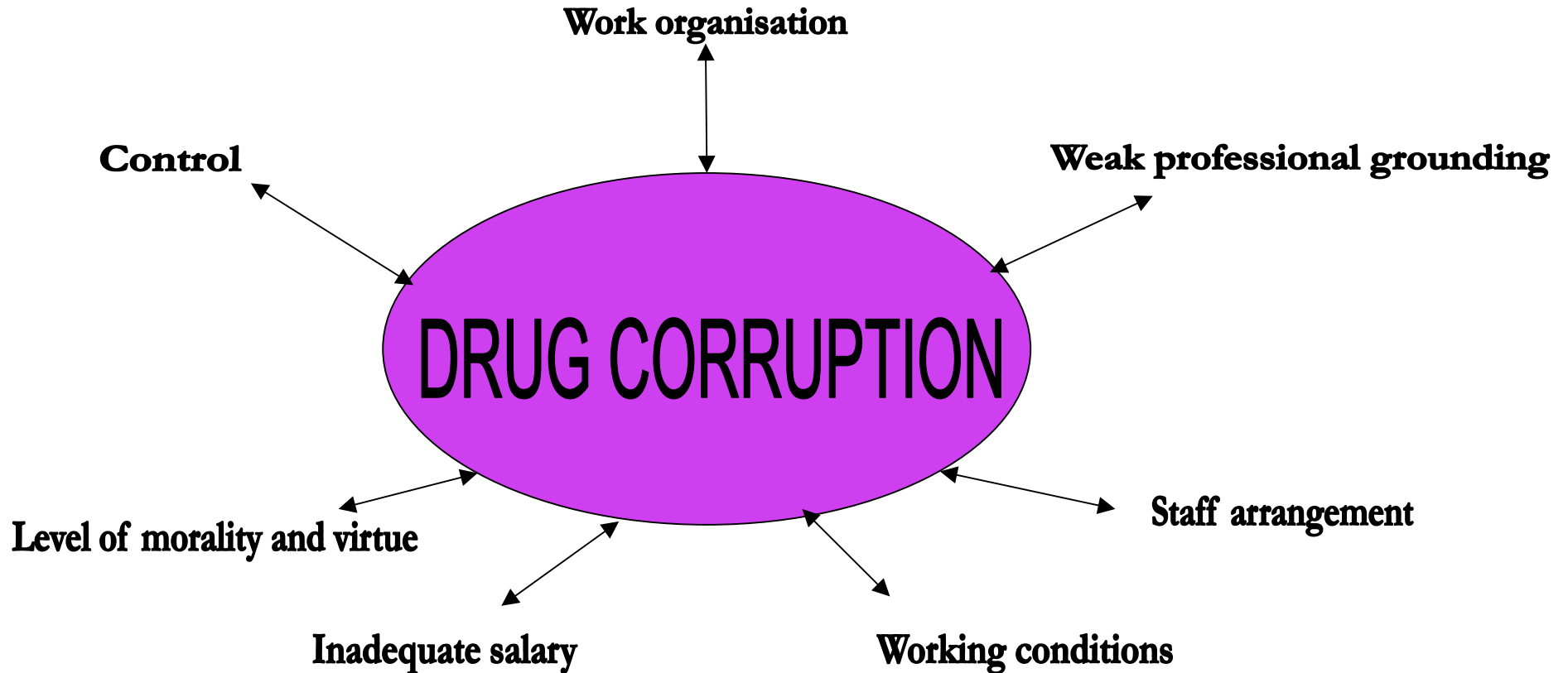
Corruption Hallmarks

- Conscious subjugation of official's mutual benefit to personal gain.
- Confidentiality of decision fulfilment.
- Reciprocal undertakings between decision-making officials and those who take the advantage of it.
- Co-operation between those who need particular decision to be made and those who can affect the making of this decision.
- Attempt to hide the corruption with any legal justification.
- Performance of dual functions – public and private.
- Plunderage, misappropriation of the state property by officials
 - misuse of authority for the unjustifiable personal profit.
 - conflict of interests between liability and personal gain.

Drug Crime Tendencies and Corruptibility

- Close connection between corrupted dignitaries and criminal (drug criminal) environment;
- Aspiration of drug criminal groups to cooperation with officials and even to establishing of mutual business;
- Organisation of new types of transnational criminal groups tending to close cooperation with government body.

Factors Determining Drug Corruption



Forms of Corruption and Drug Corruption

State Capture

- State capture – purchase with powerful (financial, economical, criminal, etc) resources of the decisions made by officials or public authorities.
- Types of state capture which may be connected with corruption in the sphere of drug addiction:
 - parliament capture (granting of privileges and particular posts to the members of parliament; creating of manageable body of deputies).

State Capture

- “Purchase” of laws, changes in legislative acts, parliament decisions and agreements;
- Development and acceptance of laws enabling corruption;
- “Purchase” of judicial authorities and the representatives of judicial body (making the decisions in judicial practice in favour of business structures dealing with drugs and drug-cartels).

Corruptibility of Laws and Legal Regulations

- Ability to establish such interrelations among subjects of law which increase probability of subjects' participation in corruption process (enhance the bounds of subjectivism while making the decision).

Probability of Corruptibility of Laws and Legal Regulations

Paragraph 253 of Latvia Criminal Code foresees :

- the responsibility for illegal production, purchase, transfer and transmission of drugs – up to 7 years of imprisonment with or without forfeiture of property (First part of paragraph).
- Illegal distribution and trafficking of drugs results in imprisonment up to 10 years with or without forfeiture of property; police control up to 3 years (second part of paragraph)

The Corruption of Executive Body

- Capture of high legislative body (Cabinet and Council of Ministers, Ministries, Premiers)
 - Making non-effective decisions in fight against drug addiction;
- Accepted laws, governmental decisions, national and international programmes are not ensured with necessary resources (technical, financial, material). The implementation of programmes dealing with fight against drugs “on the paper”.

- Government of Russian Federation in May, 2004 adopted the decision to enlarge the quantity of drugs which intend criminal liability (e.g. 1 gram of heroin).
- With the order of the president of Russian Federation in January, 2006 the changes in paragraph 228 of Criminal Code have been made (amendments about large and extra-large amounts have been carried out)

Politics Corruption

- In 2004 the heroin market turnover in Afghanistan made 25 billions of USA dollars; in 2005 30-32 billions of USA dollars.
- The president of Afghanistan - Hamid Karzai – avowed that “heroin, which makes 60-80% of Afghanistan GDP, demonstrates that Afghans are not the nation of paupers.”

Politics Corruption

- Government compensation for the destructed hectare of opium poppy comprises 1250 USD; dealers offer 16000 USD for the hectare (there are 2-3 harvest per year);
- In 2004 225 000 hectares of soil were sowed with poppy;
- Bolivia – Evo Morales; Panama – Manuels Norjega.

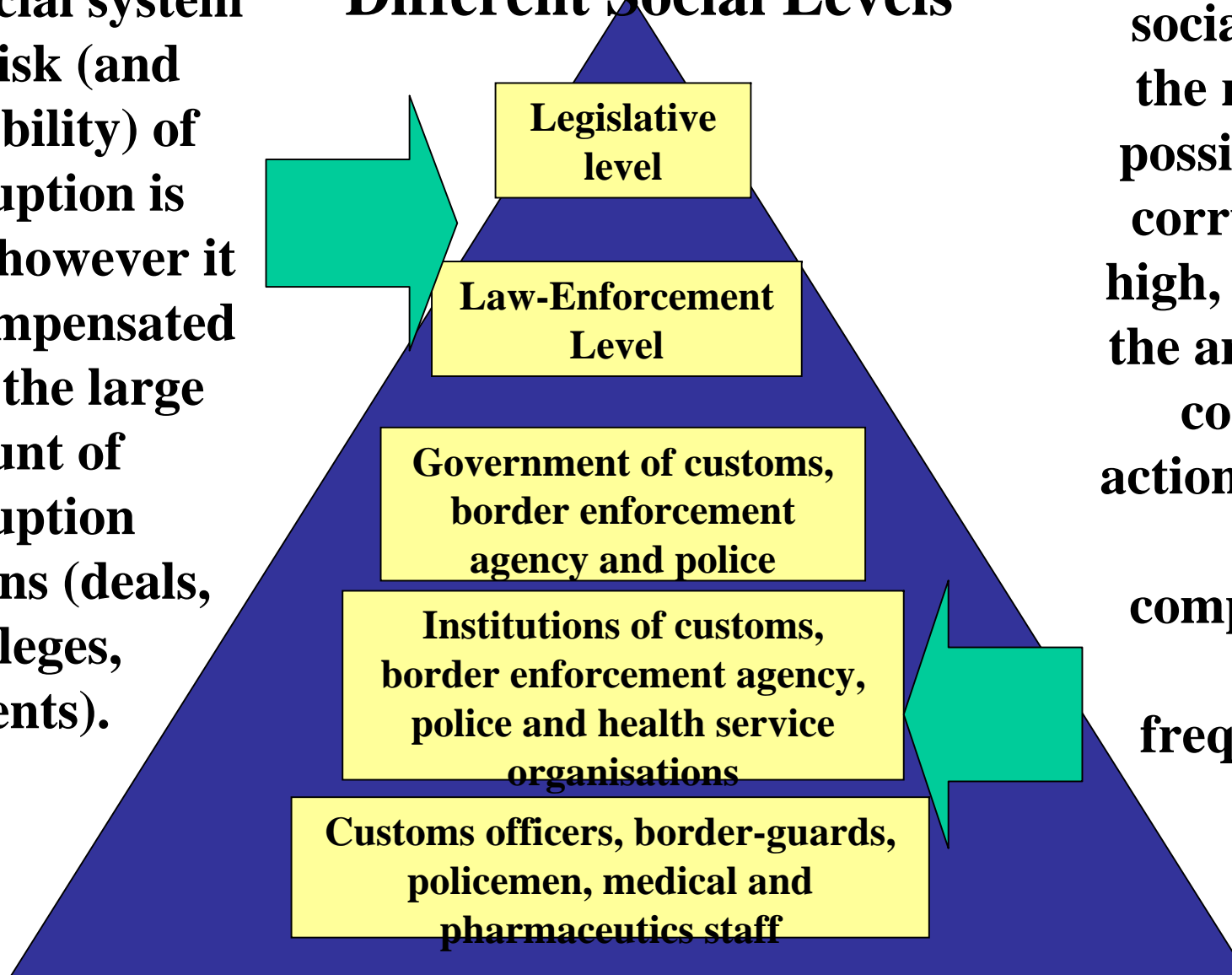
Politics Corruption



- From the year 1997 there have been 10 criminal cases brought against ex Prime Minister of Italy - Silvio Berlusconi, among them bribery of the judge and finance police.

Hierarchical Model of Drug Corruption on Different Social Levels

On high levels of social system the risk (and possibility) of corruption is low, however it is compensated with the large amount of corruption actions (deals, privileges, presents).



On low levels of social system the risk (and possibility) of corruption is high, however the amount of corruption actions is little which is compensated with the frequency of bribery.

Corruption in Institutions Which Fight against Drug Crime

- High risk of being corrupted (huge circulation of finances and another resources; political and administrative “pressing” from legal political and administrative governing institutions);
- Heads of the institutions are the objects of constant observation by organised criminal groups;
- Heads of the institutions are the objects of constant confrontation, psychological and emotional tenseness, blackmailing, menace;
- Heads of the institutions are the objects of involvement in business relations, bribery, etc.

Drug Corruption in Police

- Violation of rights during the investigation and during the apprehension;
- Appropriation of the goods and financial resources which belong to drug dealers;
- Distribution of confiscated drugs;
- Protection of structures dealing with drug business;
- Falsification of accusation;
- Presentation of falsificated applications;
- Use of operative research resources for private purposes.

Drug Corruption in Police

- Vallo Jäärats, former head of the drugs unit of Estonia's Central Criminal Police, has been on trial himself on charges of committing drug crimes and the abuse of his authority in March, 2006. He has been condemned to 4 years of imprisonment.

The essence of the crime done by former head of the drugs unit of Estonia's Central Criminal Police.

- According to the accusation V.J. while being a head of the drugs unit of Central Criminal Police, on the 21st of June, 2002 has found out about the operation dealing with the fight against drugs Juliett, performed by the police of Finland and Estonia, and has informed about this operation I.P., who, in his turn, warned the Finnish criminals and, as a result, the operation failed.
- Besides that, V.J. was accused in the conveyance of confidential information to R.P. from police data base, in exchange for the different privileges.
- Moreover, V.J. was accused in the purchasing from R.P. of 200 grams of cocaine and resold it to Parmasto. Accordingly, P. was also accused in the drug realisation.

Drug Corruption in the Police of Latvia

- In Riga regional court the process on the “policemen-drug dealers” case proceeds, where 10 ex police officers are involved. Ex-policemen are sued for several articles, among which there are illegal purchase and keeping in large amounts of drugs and psychotropic substances with the purpose of realisation (drugs were distributed even among the colleagues-policemen at a discount). Policemen were also on charges of extortion, bribery, etc. Policemen demanded bribes from the apprehended people. Bribe size was from few hundreds to several thousands of lats.

Prosecutor’s office submitted to the court 11 volumes of criminal case.

Drug Corruption in the Police of Lithuania

- In 2004 in Klaipeda two officers of patrol-guide duty were detected of amphetamine realisation in large amounts and criminal proceedings were instituted against them.

Drug Corruption in Pharmaceutical and Medical Institutions

- V.L., 49 years old, co-owner of several companies dealing with the medicaments: LV Pharma, Pharma Plus, JEL, Aptieka Rudens 1, Rudens Plus, Aptieka Rudens 8, Aptieka Rudens 10, Larusan etc. in May, 2005 offered the employer of the institution against corruption 50 thousand lats (85000 EUR) for the discontinuation of the verification of his company because of the state orders. Secondly, he requested to stop verification of the officials of Health Care Ministry. Third, to protect the company: bribe 50 000 lats plus monthly “pension” 1000 of lats for the employer of the institution is the record for the independent Latvia.
- The director of State Drug Agency in 10 days after apprehension of L. wrecked in car accident. Agency have been announcing the competitions on state orders of medications, and psychotropic substances. In the majority of cases the companies under V.L. management won in these competitions.

Drug Corruption in Pharmaceutical and Medical Institutions

- On the 27th of March, 2006 Riga regional court has begun to examine the criminal case, where J.O. is sued for illegally written out recipes on large amount of natrium oxibutirate – psychotropic substance used for the anaesthesia (38 324 criminal episodes proved). Moreover, content of the ampoule can be used for drug intoxication. In December, 2004 J.O. has written out the recipes for the reception of 22 000 ampoules of natrium oxibutirate.

Drug Corruption in Pharmaceutical and Medical Institutions

- During the period from 1999 – 2004 a doctor has written out more than 19 000 recipes to the not existing patients. This gave the possibility to Orbidan to purchase less than 3 lats per packing of natrium oxibutirate as if for the patients. Further he sold the substance for 15 lats. At his apartment 1500 ampoules of natrium oxiburate have been found with value 22500 lats (38000 EUR)
- According to the data from experts there are at least 5 doctors in Latvia who similarly abuse their authority to write out illegal recipes on large amount of drug substances.

Bank Credits and Internet are Used For the Creation of Drug Laboratory

- In 2005 in Yaroslavl (Russian Federation) two men after getting acquainted in the Internet with the procedure of establishing the laboratory for the production of drugs, have created a greenhouse in private apartment and with the appliance of modern technologies moved on to cultivating the marijuana (the seminal have been purchased through the Internet as well). For the development of business there have been received a credit from the bank (100 000 RUR).
- Similar case has been stated in Latvia.

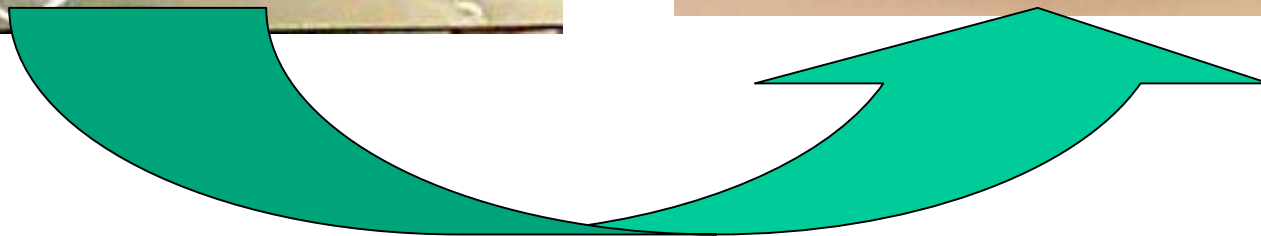
Drug Corruption in Moscow

- In May, 2006 two policemen and three officials from drug control institution have been apprehended for the creation of organised crime group dealing with extortion and abuse of their authority – beating of and money extortion from the drug dealers.

Drug Corruption on Municipal Level

- In 2002 E.D., who was a son of local drug dealer, has been elected as a deputy for the Caunas municipality.
- In 2003 E.D. was apprehended for the participation in the activity of organised crime group dealing with the production of synthetic drugs and counterfeiting of money. He has been condemned to 6 years of imprisonment.

Drugs and Corruption are United



Thank you for your attention !