

# Heroin Importation in Australia:

## The views and opinions of Law Enforcement & Narcotics Control Officers in Australia, Hong Kong and Thailand

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August 2004

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## **Law enforcement interviews**

### **Introduction**

This report provides a summary of the results of Interviews with narcotics control personnel tasked to respond to illegal drug production, manufacture, transit and import offences in Hong Kong, Thailand and Australia. The interviews were part of a PhD research "Opportunistic Entrepreneurialism: Heroin Importation and Higher Level Drug Dealing in Australia", conducted by the author at the Criminology Department, University of Melbourne and successfully completed in 2004. The overseas law enforcement interviews were particularly valuable in providing different perspectives and insights into illegal drug issues affecting Australia, and for comparative purposes. The law enforcement interviews enabled a broader, regional perspective on the issues across three countries, each with their own distinct culture, ideology, political context and law enforcement approaches. The interviews provided information about importers that was impossible to identify from an examination of law enforcement databases and reports. (The results would have been usefully compared to the results of interviews with heroin import offenders.)

While the views of law enforcement agencies in other countries in the region would have been extremely valuable additions to the thesis only two were able to be visited due to resource constraints. The two selected countries were chosen on the basis of an examination of available literature, an analysis of embarkation ports (origin) for heroin detected in Australia, and advice from Australian law enforcement.

Hong Kong has been the most relevant to Australia's heroin trade - it is the main hub for heroin distribution out of China and has strong ethnic Chinese links to Australia. Bangkok would be next, it is mainly small scale pax [passenger] importation but does have the interesting West African involvement (Customs informant 2000).

Preliminary analysis of Customs data showed that Thailand was the most common country of 'origin' for heroin importations detected in Australia and was selected on this basis. Initial advice from Customs was that many Number 1 importers, organisers removed from the hands-on activity lived in Hong Kong and it was on this basis that Hong Kong was chosen as the second country for law enforcement interviews.

It should be noted that connections for heroin importation to Australia are not limited to the three countries that were the focus of this present study. Had interviews also been conducted in China, Myanmar, Laos and other countries in the region, other connections would have been revealed. According to both law enforcement and heroin import interviewees, ports located in mainland China for example are now a more popular route for heroin bound for Australia and, Myanmar more than Thailand is the major production country.

### ***Selection of Interviewees***

It was not the aim of the present study to select a representative sample of narcotics and drug law enforcement officers from which generalisations could then be made. Rather it was to select information rich cases for study in depth and to choose participants: ". . . from which one can learn a great deal about issues of central importance to the purpose of the research . . ." (Patton 1990: 169). Thus, purposeful sampling technique was used. For overseas interviews the author relied on Australian law enforcement liaison officers based in Hong Kong and Bangkok to select appropriate people for interview based on criteria of the

author. This was that people had a global and preferably practical experience in narcotics control over several years. This method of selection gave access to high-ranking individuals who had a more global perspective on issues - access that would have been impossible without introduction through trusted colleagues. The Australian Customs and Federal Police liaison officers based in Bangkok and Hong Kong were briefed about the aims and nature of the research and they were requested to provide names of people who would be suitable key informants for the study, and who might be interested in participating in an interview.

Prior to the interviews the author sent individuals who had expressed a willingness to participate a resume of herself, a summary of the research, copies of the information statement and consent form, a copy of the interview schedule and, as a background to the type of work being done, a copy of a paper the author had recently published (Beyer 2002a). Where interviewees had email addresses personal contact was made this way in the weeks prior to the interviews taking place. Some queries were received to clarify what some of the questions were asking. In particular the concept of 'level of organisation', needed clarification.

At conclusion of each overseas interview interviewees were given a token gift and a thank you note with the University Logo. Also in acknowledgement for the time they gave to the research and their expressed interest each participant was sent a "stand-alone" report of the law enforcement interviews in December 2002 (Beyer 2002e). The report enabled interviewees to put their comments into the context and understandings of others in their field. Interviewees were asked for their comments on the report. None were received.

### **Drug routes**

Thailand shares its border with two of the three most prolific opium producers in the world – Myanmar and Laos. Thailand's close proximity to the production countries, its relatively sophisticated transport system and other reasons, have made Thailand an attractive country through which to transit heroin for shipment to other parts of the world. "Heroin and other drugs are able to get into Thailand very easily because the drug producing countries and the syndicates are right on our doorstep" (OC2).

Heroin is produced largely in the Shan State of Myanmar with manufacture happening deep inside Myanmar near where the opium is grown. People living along the border of Thailand and Myanmar are commonly related to one another making transport across the border relatively easy. Additionally, 'hill tribe' people living in the mountainous border regions commonly have connections with Thai Chinese on both sides of the Thai - Myanmar border:

Hill tribe people will do any type of role in the smuggling. Some grow opium and trade in opium and heroin and live along the border. They speak Chinese so the connection between them and the Chinese is based more on language than any family ties. Some area[s] in Shan State is mountainous area so they move the heroin by donkey and they have their own troops to protect the 'caravan' as it goes on its journey to the border. They will stop on the border of Myanmar and Thailand until everything is clear and the family on the Thai side turns on the green light. . . . Along the border [of Thailand] with Myanmar there are people living in tribes. There might be ten houses one side of the border and twenty the other and the people are related to each other. Therefore it is easy to arrange to have heroin cross the border because it is often done among family groups. Families who are involved can wait for the right time before moving the drugs and on either side of the border, drugs can be stored for long periods of time when necessary, to

avoid detection. . . . The family on the Thai side of the border will hide the drugs and wait for the customer to come in and pick it up. . . . (OPP1).

Estimates of the amount of heroin leaving Bangkok to Australia varied. One estimate was that 50% of the heroin in Bangkok Harbour – about 40kg per month - was destined for Australia. Another estimate was 15-20% and “The rest would go to USA and Europe. It is very difficult to guess what this is” (OLE3). In recent years it was considered that the traditional Thai routes for heroin had changed somewhat in response to the opportunities that arose when China’s borders were opened up. It is thought that now, transport of heroin to Australia from Bangkok is relatively rare with the more usual route now being Myanmar via China to Australia.

Thai police believe the people who arrange the large shipments of heroin from the Golden Triangle area bring it out through China and Taiwan. Obviously these same groups ship heroin on to Australia, USA and Europe using the same route across China (OA3).

It was considered that heroin dealers that did continue to use the Myanmar-Thai route, were using air cargo as the method of getting it to Australia, in preference to sea cargo (OC2). This was supported by the quantitative analysis that found air cargo method of transport was the method most used for transport of unaccompanied heroin weighing between 5 and 25 kilograms (n = 6 heroin importer groups. For the very large loads of 26kg or more, sea cargo was the method most used by detected heroin importation groups.

### ***Traditional route for heroin***

There are several methods by which heroin can be smuggled through the traditional transit country of Thailand – sea, air, walking or driving (OPP1). However,

In Bangkok, heroin is relatively expensive and considered to be an upper-class drug, so there is little demand for it among the Thai drug using population. Heroin going the traditional route through Thailand would be shipped out via a circuitous route to Australia, or carried out by air passengers (OA1; OLE3; AO2):

The heroin that goes out of Thailand to Australia does not go directly from Thailand because it is known that any cargo from Thailand gets extra attention by the Australian authorities. It may go via Singapore or even via private yacht. Because Australia is so tough their end with their searching of cargo from Bangkok, we have not been as thorough in our scrutiny this end of cargo going to Australia (OC2).

### ***Change in drug routes***

It was the view of all interviewees that the opening up of China in the late 1990s had affected trade routes for heroin. The type of syndicate supplying heroin to Australia are mainly Chinese from mainland China, and from Myanmar and Taiwan (OLE3). People who arrange the large shipments of heroin from the Golden Triangle area bring it out through China and Taiwan. These same groups ship heroin on to Australia, USA and Europe using the same route across China. It makes sense for traffickers not to specialise in supplying only one country (OA3).

The syndicates using the China route are Hong Kong Chinese with links to people in main land China. We have been seeing less heroin coming through Thailand as a result. Smugglers will make a deal with the Chinese in China and the US Chinese. The financier is Thai Chinese and the operator is Hong Kong Chinese (OPP1).

Not only had borders been opened up but also investors had bought legitimate factories in China to conceal heroin in professional packaging. It was the view of law enforcement that Hong Kong and Bangkok are now no longer part of the preferred routes for heroin destined to other parts of the world, including Australia. Heroin can now be taken overland from the growing/ production areas and out to the destination countries, direct from China.

Heroin going to the rest of the world, including Australia, now mainly goes direct from mainland China . . . There is no need for it to go through HK anymore and there are additional risks . . . because of the additional scrutiny by Customs if it comes to Hong Kong (OC1)

Thirteen or fourteen years ago we found that the Chinese syndicates were changing the way they did things. After the Chinese government opened its borders we found a lot of drugs were going through China to the rest of the world. . . . In the past Malaysia, Singapore and HK were the second transit countries but right now if the customer gives an order there is no need for this to happen. The drugs can be smuggled through Shanghai and then direct to Europe (OPP1).

Until 1997, law enforcement was not aware of any illegal goods coming across the Chinese border into Hong Kong. However now most heroin for domestic use comes across land from China (OLE1; OC1). It is estimated that about 4kg of high grade No. 4 heroin is needed to meet user demand per day in Hong Kong (OC1). Presently approximately 200,000 people walk across the one border from China into Hong Kong and 40,000 vehicles travel through three entry points to Hong Kong each day (OC1). Thus, heroin can more easily be smuggled in via this route than was the case before the border was opened.

### ***Australia a transit country?***

The issue of whether or not Australia is used by heroin import organisers as a transit country for illegal drugs to other parts of the world was a sensitive subject. The USA maintains a list of 'transit countries' and to be on this list is a black mark against a country, particularly in trade and status terms. A number of interviewees did not wish to express an opinion about the issue. Among those who did, opinions varied considerably. At one extreme it was thought that Australia was indeed an important and large transit destination, while on the other there was strong reasoning to argue against Australia being a transit country. Those who thought Australia was a transit country pointed out that the amount of heroin going to Australia, compared to the size of the Australian user population, was far greater than was needed to supply domestic demand. Australia was also considered to be an attractive transit country because it has a significant amount of trade and movement of goods in and out among which to hide illegal goods. Also it was attractive because there is less scrutiny by Australia of outgoing cargo and less scrutiny in the destination countries for goods arriving from Australia.

We think it [Australia] is a very important transit area in the region and could become even greater in the future to all parts of the world. There is a lot of trade into and from Australia" (OPP3).

For the amount of heroin that is headed towards Australia I would say that it is fairly certain that Australia is being used as a transit country for heroin to Europe and Canada. . . . Cargo from Australia is less likely to be the target of extra scrutiny in European countries and this also makes it an attractive transit point (OC2).

Those who thought Australia was not a transit country gave a number of reasons for their opinion:

It doesn't make sense for Australia to be a transit country. It is too risky and round about . . . The offenders importing heroin into Australia use controlled delivery methods [supervised by overseers] and very sophisticated hiding places and methods. Why do this if the drugs are going on to another place? Why not just re consign it? (OA1).

. . . all the anecdotal evidence would say it [Australia] is not used as a transit country . . . There have been suggestions . . . that the large seizures of heroin by Australian law enforcement were actually heroin . . . on its way to the USA via Australia. This is not known for sure however (AO2)

About 10 tonnes per year is consumed in Australia per year I think so there is a high demand. Counting the number of methadone users in WA years ago we estimated that they would have to have previously been consuming at least 500kg per year and [WA] is a small population (OA3).

One interviewee who thought Australia was not a transit country, acceded that some drugs may be finding their way to New Zealand via Australia:

It [Australia] is a transit country in a way. New Zealand law enforcement will say . . . the heroin and amphetamine they have . . . has come from Australia (OA2).

It was felt by some interviewees that some other countries had a vested interest in labelling Australia a transit country to justify their expenditure and resources in the region:

The USA DEA will say that heroin is transited through Australia because it suits their agenda. They have a huge presence in [Asia] and to maintain their level of resources they like to have statistics that show drugs are going to the USA so they will say Australia is a transit country to the USA - but there is no real evidence of this (OA 1).

### **Off-shore high level heroin organisers**

Motivation for illegal drug dealers was considered by the interviewees to be the huge profits. To this end the offenders and potential offenders are always on the look out for market opportunities (OA1; OA2).

A whole range of different types of people get involved with illegal commodities, with different specialities, in a whole range of different places. What they have in common is that they are all looking for opportunities to make a profit (OA1; OA2).

### ***Number 1 organisers (removed from the hands on activity)***

Number 1 organisers that is, those who make the arrangements for the heroin importation but who keep themselves physically remote from the heroin, were considered by the overseas law enforcement interviewees to often live in Hong Kong or in the North of Thailand. There were a number of reasons given for this:

Hong Kong is a centre for finance, communication and transport. Our belief is that the higher echelon have their bases in Hong Kong (OA2; OA3).

Thailand is now becoming more a base for organisers like is the case in Hong Kong, with the drugs not going through [Thailand or Hong Kong now] but out via China from Myanmar (OPP1; OA4).

There are some pretty good movers and shakers living in Thailand. Some unusual people are living there in very luxurious lifestyles with huge houses and condominiums and driving Ferraris. They have no apparent means of support and there is a great reluctance to tell you where their wealth has come from (OA4).

Number 1 organisers will either make contact with people living in other parts of the world themselves, or interested people will visit them in Hong Kong or Thailand. This is how the connections for drug runs are established (OPP1). An order for heroin may be made by someone located in Australia either to a number 1 organiser, or to the middleman directly, if he is known. Or, a buyer may be sought in Australia by a number 1 organiser or a middleman based overseas. "It works both ways". Once a number 1 organiser has identified a buyer they will then contact a 'middleman'. The middleman is the 'sales representative'. He is usually based in Thailand or Myanmar and they are people who have lots of contacts. They know all the right people, or they know people who know people (OPP2; OA1). The middleman does the arranging on behalf of the number 1 organiser and thus the heroin "never comes near the organisers" (OPP2).

The [number 1 organiser] will . . . order heroin for [the customer] through a broker or middleman who has the connections with the hill tribe people or the minority groups in Thailand. This relationship has been well developed for the last 60 years or so and is the original trading partnership for heroin (OPP1).

Middlemen were considered by the law enforcement interviewees to be the most essential and controlling part of a drug run – the lynch-pin of the whole drug run process.

The people who buy from the growers – the middlemen - they control the market. The middlemen are the ones the top level organisers rely on to get their supply of heroin from. They make an order and the middleman will arrange to buy a supply and provide it to the buyers that the top level organisers have lined up. . . . (OLE3)

Middlemen may have multiple number 1 organiser customers, and they may also have customers of their own:

There are some middlemen in the North [of Thailand] who also get involved with all levels of the trade. For example they will have their customers and they will buy from the growers and transport the heroin right through to the customer (OLE3).

Without the middlemen and their use of contacts to conduct and expedite the arrangements, it would be expected that many of the number 1 organisers would drop out of the business of illegal drug running. Number 1 organisers are "risk adverse" and are only involved because the risk to themselves is very low. They know that law enforcement focus is primarily on the heroin itself - on intercepting and seizing the heroin – and that low risk is associated with not being in contact with the heroin. Thus if a middleman can not be contacted to make the arrangements and supervise the run, number 1 organisers would be unlikely to fill the breach themselves as the risks would be considered too high.

### **Arrangements**

While some people contemplating importation of illegal commodities may already know how to run a business this was not considered to be always the case. Sometimes criminals evolved their business know-how over time, starting small and learning more as their criminal careers progress.

However, it was pointed out by a number of the interviewees that the amount of organisation involved in importing illegal goods to Australia is no different from that involved in organising legal import/ export transactions. The exporter must have a product, a source to obtain the product, have the financial side of things established, transport arranged and an identified market for the product (OA1; OA2). Indeed, one transport arrangement often made is to have the heroin merged in with legitimate export goods:



A person who already has a successful import/export business with Australia may be approached and a proposal made that they should include some additional goods. If this is tacitly agreed to then the criminal may contact someone in Australia that they know to see if a buyer can be located, or even a number of people who would be interested in buying the drugs when reach Australia. They may also use Australian contacts to help locate someone prepared to take control of the distribution once the drugs reach Australia (OA1; OA2).

A single drug run being organised by a middleman, may actually involve the investment of multiple number 1 organisers and multiple customers. For example, one person may have financed 30kg of the heroin load and another person 50kg - all within the same run (OPP2). Usually the middleman will take the heroin from Myanmar across China, having previously sent someone on to the destination country to collect the money from the customer. Particularly if the heroin goes by private vessel, rather than via a commercial craft, they may also send someone to the destination country to supervise the off loading as well as collecting payment. Locals in the destination country are often used as labour. The Australian based offenders then sell it on in 10 – 20kg lots to a number of customers (OA3). It was considered that many middlemen or their “overseers” will experiment with different routes and methods of import. For example, they may try different types of couriers at airports just to see what type of person gets through:

. . . through trial runs they will work out what the customs profile is for the targeting of individuals at airports. Once they know this they then of course don't use this type of person. It is like testing the market. There are many different ways this offence is committed and it is a continual contest between them and us (OA1; OA2)

If a method proves successful in avoiding law enforcement attention then the same method will be used again and again.

As confidence builds they send more and more illegal drugs and build it up, until eventually they are detected. If a ‘line’ [method] is detected the person/people at the top may try another line or try another method or place (OA1; OA2).

Similar types of arrangements and methods are involved in a drug run no matter what the type of drug is involved. High mobility and face-to-face meetings are two common characteristics. One of the main strengths of Number 1 organisers for example is that they are very mobile and may set up meetings and meet others involved in arranging a drug ‘run’ in one or a number of different countries - often in different countries to those through which the drugs will be transported.

There are a lot of meetings in person to arrange a heroin transportation. Organisers don't like to use the telephone they will meet face to face. Mostly they meet in Thailand, sometimes in HK, Malaysia or Singapore. They will use the telephone to set up the meeting but will not discuss arrangements by phone. Today you can fly anywhere in a few hours. It is easy for them, but not so easy for the police to follow them around or coordinate surveillance (OPP1).

### ***Composition and characteristics***

Heroin to Australia comes almost exclusively from the Golden Triangle region in Asia and as such the style of organisation for heroin trafficking to Australia is considered to be predominantly in the style of Asian business practise. For example one of the truisms of Asian business is that there is a tendency to prefer to do business with people known and trusted. This same style of doing business is seen in heroin trafficking:

It is considered risky to do business with someone you don't know. Family, ethnic ties and what part of the country you come from, people who have met each other and built up relationships over time. They may get to know each other through spending time in prison together, or through other business and non business associations and recommendations by trusted friends. The Asian way of doing [drug] business is different from that seen in the USA where there is less reliance on trust (AO1; AO2)

However, it may be argued that for most criminal enterprises it makes sense to deal with people known and trusted, regardless of cultural roots.

A difference between drug organisers operating in the Asia/ Pacific region and those operating from South American/ Columbia USA was pointed out by a number of interviewees. Similarly to what was found in the literature, it was considered that the top level organisers in the Asia/ Pacific region are not usually involved in the drug run from start to finish, and they are not hierarchical in their organisational structure. Columbian drug organisers like to control the run from purchase in the production country to distribution in the consumer country. "Wholesale quantities of heroin are usually brought into New York and, once there, be distributed into different warehouses in 100kg lots. From the various warehouses it will be sold in kilogram lots to buyers who transport it to different parts of the USA where it is then sold off and distributed in smaller, retail quantities." From the point of view of Number 1 organisers in Asia, it is much less risky if their involvement ends at, or before, the wholesale distribution stage and they are not handling the heroin in the destination country (OPP2). Thus, for the more sophisticated heroin importation runs to Australia, the business is usually undertaken in distinct compartments and often these component parts will have no knowledge of each other. Business arrangements are worked out with the people who can supply the drug, other people may deal with the movement of the heroin, and others take responsibility for the financial side of the deal (AO1; AO2). The Australian distributor takes possession and control once the heroin is in Australia.

South American/ Columbian USA drug organisations were considered by interviewees to be more likely to be vertical in structure – that is, controlled by one person or a small number of people at the top, with the same people employed and used for a number of operations/ drug runs. While people may come in and out as the need arises, the South American/ Columbian, USA drug organisation is essentially a stable entity. This is not the pattern for drug organisations in the Asia/Pacific region. The interviewees' views corresponded to the findings of the literature in their conception of high level drug organisations in the Asia/Pacific region more closely resembling independent merchants who may come together from time to time to facilitate a business transaction.

There was not a consensus about the extent to which heroin drug traffickers were connected to traditional crime organisations such as the Triads.

Groups of offenders and individuals can move between crime groups. Alliances form and dissolve and may reform as the need arises. Offenders may use their Triad connections but they also form connections outside Triad memberships (OA1).

Globalisation was thought to be resulting in more of a blending of styles and backgrounds so that there is becoming less of an absolute distinction between styles of operation. Joint ventures are becoming more common. "Trafficking groups are becoming more corporate" (AO1; AO2) Where Columbians and Asian syndicates are working on a run together, the heroin will usually go from Columbia to China and from there on to places like Australia. It would not usually go through Hong Kong, although Hong Kong may be the organisers' base

(OPP2). Another group of drug organisers operating in the Asia region mentioned by the overseas interviewees, were West African nationals – a term for people who have origins around the area of Nigeria.

The type of syndicate supplying heroin to Australia are mainly Chinese from mainland China, and from Myanmar and Taiwan. . . . For heroin destined for the USA it is mostly West Africans who are involved (Nigerians) (OLE3).

People from West African are considered to be major movers of heroin in Thailand, and also to be involved in a wide range of illegal behaviours including counterfeit currency and production of false documents – “They do anything” (OA4). This group were considered by at least one interviewee as “probably some of the best entrepreneurs in the world”:

As an example of their entrepreneurial approach: There is a certain amount of brand reliance in the market, so the buyers will tend to choose the well known brands of heroin that they know come from the Golden Triangle area because it is considered the best quality with 90% – 95% purity. Up until a few months ago there was one group of West Africans buying South-west Asian heroin which is cheaper and of lower quality – about 85% purity. They were repackaging it with false marks to give the impression it came from south east Asia and selling it to the buyers at a higher price than it would normally be worth to even further increase their profit margin (OA4).

West African criminals operate slightly differently from other groups with their favourite method appearing to be to send large numbers of small amounts - 200g of heroin at a time for example - usually by post or sometimes courier. Sometimes West Africans will have multiple couriers of heroin on the one airline flight with the thinking that at least some of them will get through Customs undetected.

### **Violence**

Because the business of drug trafficking by Asian background offenders is based more on trust and relationships, there is less violence involved than is the case in the USA, Columbian, South American trafficking groups. In these more hierarchical organisation “violence is quite often used to keep members in line” (OPP2). The Asian trafficking groups are relatively equal in status, with similar resources and access (OPP2). Within the Hong Kong region for example, it was considered that the various syndicates lived side by side in relative harmony.

There are about 20 – 25 syndicates specialising in heroin in Hong Kong that are under [law enforcement] investigation. The groups may know each other and they may talk to one another on drug business when necessary. They are competitors in the market place however, and will compete for clients and prices. What they like to do is to have a balanced market place. They will cooperate sometimes with each other and may swap ‘employees’ if a person with a certain skill is lacking in another syndicate arranging a job. People in the syndicates know the rules of the game. They also abide by territorial lines. The groups will normally use arbitration or bargaining to solve problems. There is very little violence (OC1)

### **Specialise or diversify**

There was no consensus about whether heroin importers diversified into other types of illegal commodities or specialised only in heroin. Some interviewees considered that in general the people involved in heroin trafficking did specialise (OPP1; OC2). Reasoning was the same in both Thailand and Hong Kong - that is, that the routes and markets for different types of drugs are very different from one another:

Different drugs have different routes and methods of transport and the markets they are aimed at are in different places . . . So there tends to be different syndicates specialising in different drugs (OC2).

Supporting the specialisation view was the opinion that particular types of drugs were also associated with different, distinctive lifestyles such as: cannabis with “hippy/greeny” lifestyles; and cocaine with the professional and fashionable set (AO2). “the type of people wanting a certain drug are very different from the people wanting another type of drug (OC2). The activity of drug trafficking in and of itself too was considered to often be a lifestyle choice, precluding diversification into other illegal commodities:

We have . . . found that people do not quit the business of illegal trafficking, even once they have made significant amounts of money. It seems to be a lifestyle with many (OPP1)

Diversification by South American and Columbian trafficking groups was considered to be relatively rare although they might “do a bit of people smuggling as the opportunity arises and if there is perceived to be money in it (OPP2). Previously the drug they have trafficked has been almost exclusively cocaine, however in recent years there has been a switch to heroin as the price of heroin has risen comparative to cocaine. “They usually concentrate only on the one, most lucrative, drug at a time” (OPP2).

Over the last 5 –8 years . . . heroin has become more lucrative than cocaine so they are increasingly trading in heroin. . . . using the same routes/ lines they already had established for cocaine (OPP2) [ South American and Columbian traffickers] might deal in different drugs at the same time, or might

Money and reduced risk were considered to be the motivators for diversification into people smuggling by drug traffickers with Canadian links,:

. . . heroin traffickers have become involved in human trafficking because they have found it to be more lucrative than drugs. It is also less risky as the penalties are much less than for drugs. They are using the same routes that were used for drugs . . . they do not traffick heroin and people at the same time together (OPP1).

There was divided opinion about the extent to which Hong Kong heroin syndicates were likely to diversify. On one hand it was considered that these groups would diversify wherever there was money to be made – “what seems to matter is the money that can be made” (OA1 OA2) -

and that therefore specialisation was rare:

. . . we have had cases where organisers have dealt in amphetamines, ice and heroin. They rarely specialise and will diversify, including into people smuggling (OLE1).

Other interviewees considered that Hong Kong syndicates who dealt in heroin did specialised in heroin, with only a few syndicates using the same established line for other types of illegal commodities:

People in Hong Kong syndicates dealing in heroin do specialise. This is because it is quite risky setting up and establishing a line that is secure for the business. It involves establishing a supply of heroin, and a customer base. There would be very few syndicates using the same line for other commodities, although they may occasionally deal with a selection of different drugs using the same line (OC1).

Although some interviewees thought that heroin organisers in Thailand did specialise, others considered that diversification was now becoming the norm and that any organisation moving heroin in Thailand can and will move other types of drugs as well, “they may also be involved in people smuggling as well as anything else they can make a profit on, such as diamonds” (OA1). A number of interviewees cited the seizure made in the Andaman Sea to support the diversification view. This seizure involved two drugs – heroin and amphetamines. The two most common drugs in Thailand are heroin and amphetamines although amphetamines are much more popular with the local Thai population than is heroin, which is considered to be expensive and for the rich. Thus, heroin being moved through, or organised by groups with links to Thailand was considered to be destined mostly for overseas customers, while amphetamines were primarily destined for the domestic Thai market. While the routes and markets for these two drugs are very different, it had been found that they were both being trafficked by the same group as part of the one run:

The same groups are involved with the two drugs. For example the seizure in the Andaman Sea, the traffickers took heroin from the Golden Triangle out to sea in one boat and swapped this cargo for amphetamines which they then took back with them for transport through Thailand to Bangkok. The heroin transferred to the other boat was destined for Australia where it is more popular. The same connections and syndicate was involved in the subsequent seizure that was made in Fiji (OLE3).

Some interviewees thought that specialisation may indeed have been the norm in the 1980s and 1990s, but that diversification was now becoming more and more common. It appears safe to say that while some high level heroin groups are prepared to specialise where the opportunity arises and the profits to be made make it worthwhile, there are other heroin groups who only specialise in heroin.

## **Law Enforcement**

As discussed in previous chapters, heroin trafficking and importation is a complex offence with inter-agency and inter-country implications. Given the nature of heroin importation offences, success in law enforcement responses to it depend very much on the consistency and adequacy of evidence gathering and laws, cooperation between national and international law enforcement agencies, and cooperation and resolve at political and diplomatic levels.

Occasionally law enforcement agencies are able to use the competitive nature of the heroin market in Hong Kong to their advantage.

[Sometimes] those involved will leak information to us about the other group. This is for the benefit of their own group of course so they can eliminate or disrupt a competitor in the market place. There are also some syndicate members . . . who provide information to law enforcement agencies for monetary rewards or for leniency of penalty (OC1).

## ***Offenders characteristics***

### **Most likely to be detected**

Couriers tend to be detected by chance and others through the use of Intelligence data. A person who fits the current profile of law enforcement is the most likely to be caught (OA1; OLE1) as are first time offenders and those repeatedly using the same methods or routes (OLE1). It was agreed by all the interviewees that the people most likely to be detected by

law enforcement were those in possession of the illegal drugs because the main focus of law enforcement is on seizure of drugs.

The basis of all our operations and the way we do things, our intelligence and focus is on seizing the drugs. We use surveillance at all levels and pass information back and forth between countries, however it is focused on seizure so it is the people in possession who will be arrested (AO2).

### **Least likely to be detected**

Offenders least likely to be detected are considered to be the organisers and financiers of the trafficking enterprise. Reasons for this are numerous. However it is also because police focus is not on the higher level offenders, it is on seizing drugs. Often the higher level traffickers are doing the organising in different countries than those through which the drugs are being transported and distributed (OPP2). These high level offenders are rarely, if ever in physical contact, or even proximity to the actual drugs and therefore are less of a focus. However, "we will try and follow drug runs for as long as possible through surveillance to try and arrest as many people as we can and as high up as possible" (OLE1). Nevertheless, . . .there is little incentive or priority . . . for . . . law enforcement to invest resources into dismantling the organisations responsible for large sales of heroin because the heroin . . . is destined for other countries . . . it is unlikely there will be a [drug] seizure . . . if they concentrate on targeting the organisers (OPP2).

Identifying drugs was considered to be the easier option for law enforcement - drugs are unambiguously drugs, while detected money may or may not be illegal. It is much more difficult for law enforcement to connect certain money with illegal activities, particularly as the money side of the drug trafficking business is kept separate from the commodity.

Previously drugs and money were more closely connected. However, now the drugs and the money side of things are more likely to be kept separate . . . as offenders have worked out how to run their businesses with the least amount of risk . . . It reduces risk because if they lose the money they will still have the drugs, or if they lose the drugs they still have the money (OLE2)..

Other reasons given for the low likelihood of higher level organisers being successfully detected included their ability to lead their lives (and often luxury lifestyles) in places out of reach of law enforcement.

Organisers of drug trafficking enterprises in Australia are generally living in, or will move to, locations where Australian law enforcement's ability to interact with the local police is limited. Getting evidence on these people is extremely difficult. We might know who they are but we can't take action (OA2).

The financial power and high mobility of the higher level traffickers were also factors enabling them to avoid detection. The huge amounts of money involved mean the well organised can afford to buy support - making it difficult to get evidence of their activities. They can afford excellent legal and accounting advice. They can and do travel from country to country at short notice to attend meetings. They also have time on their side. Police in contrast must observe jurisdictional boundaries that, even if they could afford it, precludes them from following offenders across countries. Coordination for surveillance between countries' law enforcement agencies is time consuming and sometimes complicated by competing priorities within agencies. The expense of police surveillance also means police are always time-bounded.

There is only so much time that we can dedicate surveillance as it is expensive. The offenders have all the time on their side (OPP1).

Immunity of high level drug traffickers in Asia : summary of reasons

1. The drugs and the organisers may be in different countries
2. The priority of law enforcement is on seizure of drugs while organisers are rarely in contact with the drugs
3. Components of a professionally organised drug run are separated and distinct from one another - the component parts do not overlap, nor are they clearly connected to each other.
4. Deficiencies in training and understanding of legal requirements, by law enforcement in some countries, means evidence gathering may not be of a standard needed to run a prosecution in another country where another part of the offence may have occurred.
5. Lack of powers to arrest persons located in other countries and weak extradition arrangements.
6. Weak or inappropriate laws for trafficking offences in some countries
7. Financial power and high mobility of successful high level drug traffickers

### ***Anti corruption strategies***

There is no time limit on how long an officer can stay in the drug enforcement field in Thailand.

Most people don't want to work in the narcotics area because is fairly low pay and it is quite risky. Many would like to get out to another area but it is very difficult and we usually have to stay. Also we don't get much kudos for our detections and good work is not rewarded by promotion or status because there aren't many positions to get promoted to (OC2).

In Hong Kong,

Corruption has always been a very sensitive thing . . . In the 1960s it was rife. Now I don't think we have a problem beyond what would be normal in western countries. It will never be stamped out altogether but it is pretty tight (OLE2).

In Hong Kong there are about 27,500 sworn police officers, 5,000 civilian employees and about 4,000 ancillary officers who are paid as part time employees. There are overlapping areas of responsibility in relation to drugs and financial transactions in Hong Kong, people are moved around within the organisations and police officers are well paid, reducing the chances of corruption.

Customs and Excise, who have historically dealt with drugs . . . still have a role. The Police Narcotics Bureau has specialist drug squads each under separate command - although their policy direction is centralised by the Policy Security Bureau, Narcotics Division which develops drug policy for law enforcement, education, treatment, money laundering and international cooperation and so on. There is the Independent Commission Against Corruption who look at corruption related crime as well as corruption within organisations (OPP4).

Police inspectors can be recruited from within or externally with at least a first degree. Competition is quite fierce for these positions. Salary for police is quite good and they can get housing and health cover and education for the kids as part of their employment package (OPP5).

Hong Police Narcotics Bureau has a Financial Intelligence Unit (equivalent of AUSTRAC) although, unlike AUSTRAC, it has a section that can do some investigations. The unit receives suspicious transaction reports from financial institutions and banks in Hong Kong. If a suspicious transaction seems to be part of some form of organised crime it is referred to

the organised crime section, or it may go to the commercial crime section within police. Corruption goes to the Independent Commission against Corruption - an independent body – and the Securities and Futures Commission may have some cases referred to it. Tax evasion may be given to the Inland Revenue department where it relates to Hong Kong tax, or if it relates to overseas tax evasion it will be looked at by financial investigations. Hong Kong Customs also has a financial investigation capability related to investigating drugs and they also investigate excise fraud (OLE2). “Law enforcement and the judiciary in Hong Kong is as good as that of Australia” (AO1).

In some countries in the region promotion through the police ranks is not necessarily based on merit. This of itself does not mean agency or the higher level officers are corrupt. It simply means they are playing along with the rules and the mores of the system as it exists. Such a system of promotion does however have serious implications for the morale and motivation of good officers further down the ranks and the prestige of the agencies themselves. It may also mean that those in positions of authority within an agency may not necessarily have the skills and experience needed to be affective in their positions.

Promotion in law enforcement agencies in Asia is not by merit but by good networking skills, payments to people above who make the decisions, and often depends on the social status of the person seeking promotion. Therefore some of the people in top positions actually may have very little understanding of what they are doing or should be doing (OA1).

### ***Inter country cooperation/ coordination***

The high mobility, well financed and international characteristics of trafficking offences works to the benefit of the offenders. Jurisdictional boundaries complicate the law enforcement response and the offence’s well financed, high mobility character make it prohibitively expensive for law enforcement surveillance. More crucial perhaps to mitigating against successful detection and arrest of drug trafficking offenders is the different politics, laws, legal systems and priorities of the various countries across which the offences may be committed. “Police have difficulty in targeting and conducting operations that span different countries as there are different rules and restrictions that are in place in one country and not in another” (OPP2).

It was thought by all interviewees that cooperation and coordination between countries was extremely important to affectively respond to drug trafficking offences and that it was occurring albeit very slowly (OA1)

. . . mutual legal cooperation, sharing of information and joint operations - . . .  
We have had many successes when this has occurred well . . . If we have conditions for cooperation between the countries then I think many traffickers would be detected and there would be a much greater level of control over their activities (OPP1)

Trans-boundary issues such as building capacity for interdictions, improving search and evidence gathering techniques are being worked on and these are being aided by the United Nations International Drug Control Program (UNDCP), based in Bangkok. Most work is currently occurring with Laos, Myanmar, Cambodia, China, Thailand and Vietnam.

We (UNDCP) have facilitated development of written memorandums of understanding between [these] countries. . . . There have been some very large seizures as a result of cooperation between the countries and there have been exchanges of prisoners. Successes like these have assisted in developing this cooperation further (OPP3).



However, change is slow and there are “cultural mind sets in different countries which can get in the way of change and making people less receptive to change” (OA1).

Possibly the weakest link in the group is Laos. This country is extremely important strategically as it is the link counter between the other five countries in the Golden Triangle area.

[UNDCP] are trying to assist Laos with their training but they don't have the financial backing from their own government and there are other political issues that take precedence over controlling drugs in that county. To a point they realise the problems. A lot of the production of opium in Laos is for domestic consumption and so there would have to be strong incentive to change and to develop alternative ways of making a living, as opium is a cash crop for the farmers there (OPP3).

However there are currently many other weak spots and loopholes, and laws and procedures are lagging behind what is required for successful prosecution of drug traffickers across the region. Criminals are taking advantage of these. If individual traffickers, or parts of a trafficking 'run' detected within Hong Kong, moves into mainland China, for example, Hong Kong police cannot continue their surveillance because they have no jurisdiction there.

We . . . lack a legal framework to allow us to provide mutual legal assistance with mainland China in the areas of collection of evidence, production of materials, search and seizure, transfer of persons for giving evidence and enforcement of confiscation orders (OC1).

While police in the second or third countries could take over the surveillance in their country, there may well be understandable competing priorities within the law enforcement agency that prevents this happening.

Thai law enforcement were optimistic that they were building a working relationship with mainland China law enforcement.

Information from China is very good. They treat us well in the same way as we treat them. We are coming closer and closer with our cooperation over drug traffickers. We have had some good results through cooperation. We have been able to send officers into China and we have been allowed to talk to the prisoners about their methods. China have been happy to help but previously we couldn't have done this. This was arranged through official channels. We have protocols (Memorandum of Understanding – a legal document signed by the minister of each country) but it is also important to enhance these through personal contacts. We also have the same types of memorandums of understanding with Myanmar, Singapore, Malaysia and Laos. We do have a treaty with first countries but when the conditions about the penalties arises then there is no cooperation and we have to negotiate. This can take a long time to resolve (OPP1).

Academics too were optimistic about the development of working relationships with China law enforcement and through various facilitating workshops had found law enforcement to be lateral thinking about the illegal drug problem.

I have been to workshops where the Chinese have been working with the UNDCP and they have been very frank about all of the issues. They have been able to take a long term and lateral view of the drug problem, and have supported the setting up of alternative crop programs, and road and infrastructure development to get local economies going which will help prevent drug use and a dependence on a drug economy (OPP4).

There were difficulties for both the production/ transit countries and the destination countries in working together on the mutual problem of drug trafficking. There are different understandings of various aspects of the offence which makes communication and working together difficult. "For example, of what constitutes fraud and money laundering. These offences are often poorly understood by law enforcement" (OA1). Different standards and levels of sophistication in different countries' law enforcement agencies " . . . makes it hard when you have to collaborate and work together on a case. We are constantly providing training wherever we are to get the local law enforcement up closer to our standard. There are some good people but it drops off sharply within organisations" (OA1). People in developing countries tend to have only a very basic education and this is of course also the case for those who become law enforcement personnel. It was thought that particularly in Laos and Cambodia this was an issue. Additionally, "It is very difficult to do a joint investigation with them because they don't have any equipment and corruption is institutionalised" (OA1).

Asia/Pacific law enforcement agencies just need to be skilled up. Then they will find it much easier to work with Western law enforcement who will commonly have the better information/ intelligence about what is going on in their countries (OA1).

### ***Categorising offenders***

In some cases individuals can be involved in any or all parts of the offence, including the import, storage and distribution. However, for individuals who are part of a larger syndicate these will usually fulfil a particular role (or speciality) in one of several component parts that make up the trafficking activity or 'run'(OC1).

Different countries and agencies' method of categorisation for heroin importation offending had many similarities. Greatest divergence was related to categorising the role of the individual offender in the offence. Most agencies categorised the role of individual offenders in some way and saw an advantage in doing so. The only exception was Australia Federal Police (AFP).

### **Hong Kong and Bangkok**

In both Bangkok and Hong Kong, law enforcement and customs agencies categorised drug trafficking offenders (import and export) by the type of role the offender played in the offence. In Thailand importers and exporters are categorised separately and within these broad categories individual offenders are rated as "top class, middle and bottom class, depending on their role in the organisation" (OLE3). Drug offenders operating within Thailand are categorised by geographical province and by place in the drug chain. For example, " street pusher . . . the middle person managing/overseeing the street pushers . . . those involved with the money or who are organising the supply of drugs" (OLE3).

In Hong Kong drug traffickers are segmented depending on whether they operate domestically only, or are involved in offences within and across other countries as well. "If they have links to consuming countries then they will be classified as a number 1 target" (OLE1).

### **Canada and USA**

In Canada and the USA individual drug traffick offenders are classified by role in the import/trafficking offence. "For individuals we look at the type of role they are doing . . . are they in the manufacturing side, the transport, or are they an overseers (that is looking over five or more workers), or are they the overall organiser?" (OPP2) A comprehensive coding system is used by the USA for drug offending. "A GO DEP identification tag [within the

database] tells at a glance quite a lot about the individual or organisation under investigation” (OPP2) including:

- level of significance - regional if it only operates in the USA or international if it involves offences committed overseas;
- whether other law enforcement agencies are already, or should be, involved in the investigation. Who should be, or is the lead investigative agency;
- Type of drug involved;
- Structure of the organisation - laboratory operation, import only, or an import and distribution organisation.

### **Australia**

Australian Customs record, for each of their detected offenders, type of drug, method of entry, weight and origin of the heroin. ACS also try and make an assessment about the level of sophistication of the organisation behind the importation. However, level of organisation is not tagged to each offender in the database, rather it forms part of the general assessments and intelligence processes. Additionally, ACS may often have incomplete data to make an assessment of level of organisation and role because ACS is not routinely fed back information from AFP investigations on each individual offender. It would be expected that often it is only after further investigation that level of organisation and role emerge. As ACS must by law, refer detected offenders to the AFP for criminal investigation and prosecution, this information is, in most cases lost to them. Additionally AFP do not systematically assess or record level of sophistication or role themselves. “We may describe their role but we don’t have standard categories for roles. However, we may call an offender a ‘principal’ or ‘courier’ . . .”(AO3).

Type of organisation was described for entities, as distinct from individuals, however (AO1). If an individual was part of an organised crime group, then this would be noted on the data base (AO4). Individuals were primarily categorised in the AFP data base by the type of offence they had been charged with. “We don’t label people - we charge them with an offence, so they will be categorised by offence” (OA2).

Australian police were the only agency that did not categorise individual offenders by the role they fulfilled in the import offence. They were also the only agency to express the view that it was not useful to do so. Comments included:

- “It is better to handle things case by case”;
- “It is no good trying to standardise this type of offence as it may be wrong”;
- “An entity or individual may change categories over time which would be misleading”;
- “it is a very subjective thing to put a label on something”;
- “Categorising is open to manipulation in that the agency may elevate the rating to make it look better”; and
- “Until an offence has progressed we wouldn’t know what role each person might be doing”.

## Summary of categorisations used by agencies for heroin import/export offences

HK customs Categorise by:	HK law enforcement Categorise by:	Thai customs Categorise by:	BK law enforcement Categorise by:	AUS law enforcement Categorise by:	AUS Customs Categorise by:	Canada law enforcement categorise by:	USA law enforcement Categorise by:
. individual or part of a syndicate?  . geographical area of operations  . role	. type of drug  ..quantity (sml/large)  .geographical area of operations  . role	. ONCB categories	. ONCB categories . role . province	. offence charged with  . commodity  . quantity  . in a crime group?  . Series or single episode?	. method . weight . drug . origin  . sophistication of the planning involved (five levels)	. type of drug  . quantity  . role	. GO DEP tag  . geographic scope  .type of drug  . structure of the organisation  . role

### Sharing information

Sharing of information between agencies within national boundaries, and between countries is intuitively essential for an effective response to illegal drug trafficking which is a trans national offence where multiple agencies may have a role. It is acknowledged by United Nations International Drug Control Program (UNDCP) that accurate and fuller information is essential to base programs in the region and to facilitate cooperation between countries to improve arrests and seizures. "Such information . . . will only be forthcoming by [training] . . . and gaining enough trust with them so that they will share information" (OPP3). UNDCP (and AFP) have facilitated a number of joint programs and conferences between countries in the region to facilitate cooperation, The UNDCP has recently launched a CD Rom computer based training program for narcotics officers across the six cooperating countries of Laos, Myanmar, Cambodia, China, Thailand and Vietnam. Having the same training and standards for searching, evidence gathering and interrogation methods across countries will assist in standardisation and greater acceptability of evidence in court, where it may have been collected in a second country.

Confidence to share information is increasingly being seen in the region, for example in China:

law enforcement is coming forward and revealing much more because of their current determination to stamp out drugs. Their training of officers is improving enormously and they have made some enormous seizures - 99% of all seizures in the region (OPP3).

Sharing of information is problematic on a number of fronts. Legal impediments, concerns about who is corrupt, a sense of competition between individuals and agencies, and political disincentives to do so are some of these. An example of the latter was given by two interviewees: The USA has developed a number of 'lists', one of which is a list of drug source/ transit counties. Hong Kong was a country previously on this list and "has fought very hard to get its present de certification" (OA2). Countries are very sensitive about ratings in the eyes of the USA – the ultimate sanctions for not cooperating being trade sanctions. It was pointed out that these types of lists and ratings are not without problems and can create a catch 22 situation, because:

there is no motivation for any country to disclose what they might be detecting – nor does it encourage an enthusiasm for following through any cases of

heroin detected . . . For example heroin in an arriving container, destined for a third port, may not be brought to light by the authorities. Not to overstate this but it is not necessarily a trouble free policy for the USA to have such ratings and lists (OPP5; OPP4).

Lack of sharing or pooling of information may have good reasoning behind it where corruption levels are unknown. However, lack of pooling of information has many negative consequences which ultimately work to the benefit of the drug traffickers. The existing systems and traditional ways of doing law enforcement work within and between agencies may have the affect of limiting effectiveness.

Within law enforcement agencies individual officers will often keep knowledge to themselves because they have paid for it and, or they are aware that knowledge is power. There needs to be work on training of what information is and how it can be used in an organisational, intelligence sense (OA1).

Most data in Thai narcotics agencies “stays internal and profile data is not shared” (OC2). Customs can do the investigations as well as the police. . . . The agencies in Thailand involved in narcotics investigations are competitive with each other and do not share information with each other. This is also because we are never sure who is corrupt or not in those other agencies. . . . The [Thai] government has an incentive scheme for detections though, where the agency gets cash rewards or things like an overhead projector, depending on how many kilos are detected. It is not much though. This is possibly another reason why agencies are competitive with each other (OC2).

## **Laws and methodologies**

### ***Conspiracy, extradition and penalties***

Traffickers can make use of any country even though they are of a different nationality and residence themselves so there must be good extradition agreements between countries. Extraditions between countries are slow and we are trying to build these as they are a key to prosecution of traffickers (OPP3). Thai law enforcement was relatively happy with its extradition laws with China.

We are joining now with Chinese police and customs. . . . We arrested three Thai offenders in Thailand also and they have been extradited to China. Traffickers can make use of any country even though they are of a different nationality and residence themselves so we have to have these good extradition agreements between countries. (OPP1).

And Australian law enforcement was relatively happy with extraditions between it and Thailand:

“Extraditions works OK. We use the Anglo/Siam treaty of 1911 for Thailand. The court works well in Thailand although the hearing process may be very slow” (OA1).

In the opinion of one interviewee, the reason why the USA rarely has heroin imported into it from Asia is because the heroin organisers are scared to import to the USA. This is because the USA has very aggressive extradition laws that enable it to extradite people to the USA for trial. There is also aggressive conspiracy legislation that enables the USA to charge and extradite people to the USA who are have been detected organising a run to the USA (OPP2).

We [Hong Kong law enforcement] can't extradite people from mainland China and we do not send people back to mainland China because they have the death penalty there for the same offence. Australia has the same convention.

They do not send people back to countries where they will face the death penalty for the offence. The penalties have to be brought more in line with each other or we need a special agreement worked out, whereby those caught in Hong Kong may be sent back to mainland China on the understanding that they will not be given the death penalty if convicted there (OC1).

The countries that have the death penalties cannot get cooperation or information from other countries that do not have it – Australia and countries in Europe. If we arrest traffickers travelling from Australia to China to organise a drug run then they face death. That is why there is reluctance of Australian authorities to tell us about these people. I think in the near future we will increasingly have this problem (OPP1).

International Narcotics Law Enforcement Agencies Conference – Sydney 2001. It was thought that there should not be a mix up between cooperation between agencies and “the new world order”. We have different standards for penalties but we should not have different standards for cooperation. The traffickers will be happy if the cooperation between countries is poor. They will make use of these loopholes for their own benefit. If traffickers are doing a deal involving Thailand and Netherlands the Netherlands will not give Thai officials any information about it. Thailand will only have their half of the picture and the Netherlands has only the other half of the picture. So the trafficker will be happy (OPP1).

### ***Different standards in law and legal systems***

There is a need for the various countries' law enforcement agencies to have a better understanding of the different legal systems in the different other countries so that their evidence gathering will be adequate for possible trials in other countries (OPP3).

At the coal face gathering evidence can be very difficult. For example indigenous law enforcement officers will tend to leave the paper evidence and just collect up the hard cash or the drugs. There is no continuity for things seized and there may be drugs and money siphoned off after seizure. The Briefs for some of these offences are tiny compared to what is required in Western systems. This is OK in some of these countries where the evidence of the police is law and there is an inquisitorial justice system. However it just doesn't stand up in western courts (OA1).

While law enforcement may be establishing and developing cooperation between themselves across countries in the region, there is still a need for laws and legal systems to be appropriate for the offences. This is perhaps the bigger challenge and one which works against the best efforts of the various countries' law enforcement agencies. Many countries through which heroin destined for Australia pass, don't have sophisticated laws to enable them to act against the drug traffickers (OA1):

Inappropriate laws and weak legal systems are common across countries in this region. The judges, magistrates and prosecutors are not well trained. They lack awareness of the issues and indeed lack an education. The legal system and prosecution outcomes may be open to being influenced by payments or favours and the laws themselves are frequently not sufficient to address the offences or they are applied inappropriately (OPP3).

The formal relationships between some of the countries in this region are not as good as they could be so we must use personal relationships that we have built up to get any cooperation, or to arrange coordinated investigations (OLE3).

Face to face contact is absolutely essential between the law enforcement officers of the various agencies. This is also essential in building cooperation between agencies in different

countries and for being able to detect heroin overseas that may be destined for Australia. Cooperation works where the officers meet face to face, develop friendships and trust with each other (OA3).

It is a reality that some people from developed countries throw their weight about on the basis that they are providing the money. Throwing money at a problem is certainly not the complete answer. The other half of the equation is cooperation and relationship building based on mutual respect. It is counterproductive to treat people as inferiors or expect them to be humbly grateful because they happen to be poor. It is very important that you don't demand too much or take the high moral or social upper ground. Many difficulties can arise if you are working in a non-developed or third world country and you treat the people as third world people. This is totally inappropriate and non-productive (OA4).

### ***Disclosure in courts***

In Canada we have very few informants now, compared with in the past, because in court we have to give full disclosure of sources. Instead to get around this we have to turn informants into agents and pay them millions of dollars. We also have to disclose what other countries do as well which makes working with them impossible (OPP1).

### ***Costs against police***

In the USA there are no costs awarded against law enforcement if they lose a case and individual officers cannot be sued if they did their work in "good faith" (OPP2).

In Hong Kong, if the court is satisfied that the prosecution has made out a prima facie case against the defendant, there will normally be no costs awarded against law enforcement in the event of a case being lost.

. . . we normally seek legal advice first on the adequacy of our evidence and the appropriateness of the charge before we try to proceed with our prosecution against a drug trafficker. As such, the number of costs awarded against [Hong Kong law enforcement] has been small (OC1).

"Thailand has very new conspiracy legislation and Hong Kong has conspiracy laws. However the police are scared they would lose the cases and this holds them back" (OPP2).

### ***Intelligence gathering***

Because the offence of drug trafficking involves considerable movement of the traffickers travelling from one country to another for their meetings, and the drugs moving across countries it is very complicated to organise and time co-ordinate joint operations that involve meeting them at airports and following them across jurisdictions and countries (OPP1). "Police have less money and resources and are less mobile than are the offenders" (OPP1).

Information from arrested offenders is not necessarily available to other agencies with an interest. The inability of law enforcement to speak to offenders arrested in other countries for offences that may have involved their own country was mentioned by a number of interviewees.

For example in Australia, Australian Customs Service may detect heroin importations and, or offenders, however AFP are responsible for the conduct and prosecution of illegal drug importers. Thus, ACS may not usually have access to the offenders to obtain information that would be useful to them in their border protection responsibilities and, as these issues are superfluous to the main work of evidence gathering for a conviction at court, they are not necessarily of the same priority to AFP and may not be collected. Hong Kong, Thai and

Canadian Customs however, do have the same powers as the police – that is they may do the detection, surveillance, investigation, arrest and interrogation they were able to ask the offenders about their operations in great detail.

We will certainly interrogate drug offenders for the purposes of getting the evidence we need for the court case and for digging out more information about the syndicates involved. However, we also question them to find out more about the way the activities are organised and run (OC1)

Unlike Australia, Customs in Hong Kong has the ability to try and persuade offenders to become informants for them.

By law we are able to offer informants lesser sentences/ leniency at court. We can also offer a money reward for information. Offenders can choose one or the other they cannot have both money and leniency. Most offenders choose leniency because the sentences are quite severe here. For example having 600grams of heroin attracts a 20 year sentence or higher (OC1).

### ***Money trails***

Following money trails is one of the few techniques that can be used to identify those at the top of the drug chain. However, offenders are very well organised now and even this is difficult.

### ***Undercover***

When an under cover operative is used there is always a lot of testing that goes on before they finally trust him. They will check out the person's family for example so that if anything goes wrong they can intimidate the person by threatening their family. The criminals also use their own counter surveillance methods to detect police surveillance (OPP1).

We have no laws to protect undercover officers so there is an increased risk for the officer. They are however protected in court so that their identity are not revealed (OLE3).

### ***Wire tapping***

. . . . the only way to get those at the top in trafficking offences is to wire them. So this type of legislation is essential. There are some countries though who do not actually want to use wire tapping evidence in court because they would have to disclose that this is what they have done to convict someone. They fear that this will deter traffickers from using the phone for their communication. At the moment police can keep an ear on what is going on because the organisers will use the phone where there is no tapping legislation. Police may have the power to listen in they just can't (and maybe don't want) to use it in court as evidence (OPP1).

Our [Thai] tapping laws are OK for money laundering but not for narcotic offences (OLE3)

### ***New technology***

Staying abreast with the technology that is available to the offenders is a big problem. There are constant innovations to assist transit. Law enforcement has to try and stay abreast of it (OA1).

All the time there are innovations in communications coming into the market and the police are always lagging behind because of the expense (OLE3).



Air express and modern communications and the internet assist the offenders and make it difficult for detection. You can buy amphetamine pills over the internet (OA4).

The way mobile phone services are set up is very helpful to drug traffickers. They provide a telecommunication system that cannot be traced to an individual. . . . they do not require complete identifying information with the sale of phone chips and anyone can use pre paid sim cards anonymously. This should be changed. If phone chips are changed regularly, say every 2 – 3 weeks then it is impossible to do any tracking because the companies are very slow at providing information (OLE3).

## **Prevention/ deterrence**

### ***Demand reduction***

Reduction of demand for drugs was considered to be possible through education and social development strategies (OA2; OPP1). Australia was considered by almost all interviewees to be a lucrative market in the region because of the higher prices that could be obtained for heroin in comparison to other countries in the region. “We could assist people here [Asian countries’ law enforcement] by not having a lucrative market for the drugs in Australia” (OA2). For example 1gram of heroin in mainland China is worth about \$100HK, in Hong Kong about \$400HK and in Australia about \$1000HK per gram (OC1).

There is huge money involved so there will always be people attracted to it (OLE3).

There appears at present to be a world-wide trend toward the use of amphetamines and chemicals and a move away from heroin. It is almost like there has been a takeover in the marketplace. It appears as though the producers and marketers of the chemical product are saying “don’t use heroin because you never know what it is cut with and it is dangerous. Use our product instead because it is much purer and safer”. Internet and the street grapevine is where the people are getting their information (OA4).

### ***Supply reduction***

As well as law enforcement efforts to seize illegal drugs and thereby reduce the supply to consuming countries, it was considered important to go back beyond this point to the growers themselves. It was pointed out that the producers of opium are mainly poor farmers living in under developed villages who have little or no alternative sources of income. It was unreasonable to expect them to give up the only cash crop they have without alternatives being offered. “This means helping the workforce to become skilled . . . given education and training opportunities that will give them greater choice and control over their lives. It is OK to beat people on the head but the bottom line is they need an alternative and they need assistance to change” (OPP3). It was thought however, that strategies to assist production farmers did not receive the priority and therefore funding it needed: “There is a reluctance to put the money into the non “sexy” areas - they like law enforcement (OPP3). It was observed that, rather than trying alternative strategies to the degree needed and deserved, more money than ever was allocated by the United Nations to law enforcement despite the obvious failure of law enforcement efforts over many years:

You only have to look at the progress of the drug problem under a predominant law enforcement response to see that law enforcement responses don’t work very well. We used to talk in terms of kilos. Now we are talking tonnes. Law enforcement is part of the answer but in practical, evidence based terms it is obvious it is not the whole, or even the main answer to the problem (OPP3).

The above view was mentioned by some law enforcement officers in Thailand. They too believed that the foreign countries pouring money into anti drug activities in the region “would

be better paying money to help [Myanmar] and other countries to move away from a dependence on growing heroin. Simple law enforcement is not enough. The people growing the heroin do not get much money for their crop and would be satisfied to grow something else that pays them money (OC2).

It was felt that the only ones to lose by farmers growing alternative crops would be the middle men - the buyers of the crop. These included buyers in, or with connections to the Wa Army in Myanmar. The Wa Army creates problems for the alternative crop and development projects because "they want to make sure the programs don't work" (OC2).

### ***Sentencing***

Severe sentences (OPP2; OC1 stronger extradition and conspiracy laws were a deterrent in the opinion of a number of interviewees (OPP2

In the 1960s trafficking drugs as an offence was very rare. Now that it is cheaper and easier for anyone to travel the world it is quiet common. Sentencing is not a deterrent because the money to be made is so large that people are still tempted to get involved (OPP1). In Hong Kong too stronger sentencing was considered to be only somewhat of a deterrent: "We believe that strong and effective law enforcement coupled with severe court penalties could to a certain extent deter people from becoming involved in illegal drug trafficking" (OC1).

I was talking to a person the other day who had just been caught with a couple of kilos of heroin that he was taking to Australia. He was 35 years old with three kids. The amazing thing was that he was trying to bribe the officers to let him go. The Thai officers got cheesed off with his efforts to bribe them and one of them got agitated and pointed to a poster on the wall that said if you are caught with 100g of heroin there is the death penalty. He was reading the sign and you could see the realisation hit him and he started shaking and then started crying. People get themselves into debt and they do stupid things without thinking too clearly (OA4). [are such harsh penalties useful in deterring people?]

### ***Seizure of property***

Seizure of property bought with drug money is also important.

### ***Harm reduction***

All law enforcement officer interviewees in both Hong Kong and Bangkok expressed the view that law enforcement was not the main answer to the drug problem and that education/ social development and alternative therapies or programs to assist addicts were needed

More addicts mean more traffickers so it is better to have addicts using something else. We have to have campaigns against drugs. The power of people is what is very important in changing people's behaviour. Laws on their own are not enough (OPP1).

The government in Hong Kong favours harm reduction because it knows there will always be a drug using population - whereas, "Hong Kong society at large adopts zero tolerance for drug abuses. . . They can't see the advantage in spending money on facilitating the addicts to live with their bad habits" (OC1). The government provides addicts with food, rehabilitation, methadone and other services to try and get them away from heroin. Addicts register with the Health Department and they are given a special card to enable them to get the methadone treatment. The cost is nominal about \$1 a time. Hong Kong has a comprehensive program of publicising the dangers of drugs. There is also funding for research into the problems.

## ***Bangkok***

Efforts to suppress drugs have not worked. The solution lies in changing the opinions and behaviours of the community. For example people don't think it is harmful to use methamphetamine, they think it is safe and they can't get addicted. The community needs to be educated about the harms and have a better understanding so that they make the right choices (OC1) .

Governments through the health departments must allow drug addicts to show themselves and be reported so we know how big the problem is and can treat them. "Putting drug addicts in places that are separated from other prisoners, such as on an island where they can survive separately would be a good thing" (OLE3)

## ***People smuggling***

some key informants believed that the people involved in smuggling people tended to specialise in people smuggling. It is less risky to smuggle people than narcotics because the penalties are less. (OPP2).

Hong Kong traffickers will diversify, including into people smuggling (OLE1

Chinese wanting to migrate (called "piglets") to the USA, Canada or a European country pay a lump sum to the smugglers. Then they are brought to Bangkok and they stay here a few weeks or months while false passports and identification documents are made up for them (OC2)

## **The environment**

The following environmental background information was given by the interviewees.

### ***Hong Kong***

Law enforcement in Hong Kong is relatively sophisticated in its monitoring and analysis of global and regional issues related to illicit drugs. In part this may also be due to the fact that Hong Kong is the major financial centre of Asia and as such, there has been a need to approach black market trades in more sophisticated way.

### ***Thailand***

Bangkok law enforcement is less resourced than that of Hong Kong, it has had considerable success with narcotics law enforcement activities over the past few years despite sharing its borders with the main opium producing countries of Myanmar and Laos.

### ***Australia***

Overall Australia's population is approximately 19.4 million, within an area of 7,692,030 square kilometres - an area about the size of Europe (Australian Bureau of Statistics 2002). Australia's coastline is approximately 37,000 kilometres (ACS web site: coastwatch) Each state and territory (except the Australian Capital Territory, which is policed by Australian Federal Police) has its own police force and state and territory laws. Within the context of illicit drugs, the Federal law enforcement agencies are responsible for upholding laws to do with the importation of illicit drugs, because these are federal offences, while state police are responsible for upholding laws to do with drug offences that occur within their state or territory boundaries. Where offences involve more than one state or territory, or where there is a mix of federal and state law violations, police may work together in joint task forces or in other ways.

## Other References for Beyer L R:

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## Interview Consent Form

This interview is part of a number of interviews that are being held with law enforcement personnel in Hong Kong, Bangkok and Australia as part of a doctoral thesis being undertaken by the researcher at the Criminology Department of the University of Melbourne in Australia. The research is analysing the characteristics of heroin importers in Australia from existing databases and is also interested in identifying the views of those concerned in counteracting offences relevant to heroin importation. The research will assist policy makers and law enforcement practitioners, particularly in the Asia-Pacific region, to better understand the important issues surrounding heroin importation.

You have been identified as a person who has professional expertise in this field and whose views would be of great value to the research. Your participation in the interview is voluntary and you can refuse to participate or refuse to answer particular questions, or terminate the interview at any time. The information obtained through interviews will not be able to be linked to identifiable individuals. However, the research is not protected by legislation so there are legal limits to the extent to which I am able to offer data confidentiality.

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I ----- voluntarily consent to take part in the above research which has been explained to me by the interviewer. I have received a Participant Information Statement to keep and I understand the purpose of the research and the extent and possible effects of my involvement.

SIGNATURE -----DATE -----

WITNESS ----- RELATIONSHIP.....

WITNESS SIGNATURE----- DATE-----

RESEARCHER'S SIGNATURE -----DATE-----

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## Information Statement

There is little academic research on the subject of heroin or other illegal drug importations. While some research has been conducted in Canada, United Kingdom and United States these findings are not necessarily relevant to the Asia-Pacific region. The current thesis aims to develop a description of the characteristics and patterns of importers of heroin to Australia - and in the region as it relates to Australia - and to test the findings against what is currently known.

The thesis is a combination of analyses of existing law enforcement data, and interviews. In relation to interviews, the thesis wishes to identify ways in which different agencies categorise and describe importers and in identifying any difficulties or barriers to law enforcement in its response to these offences. Results from the thesis will be of particular interest to policy makers and law enforcement agencies within the Asia Pacific Region. Attached is a copy of the questions I would like to cover in the interview.

It is anticipated that approximately 30 – 40 interviews will be conducted with law enforcement personnel in Hong Kong, Thailand and Australia. As a person identified as one who has knowledge and experience relevant to the issues to be covered in the thesis I would be very honoured if you would consent to participate in an interview with me. Your participation in the interview is voluntary and you are free to refuse to participate, refuse to answer any of the questions or ask for the interview to be terminated at any time. Interviews take about one hour and can be conducted at any location convenient to you. To fulfil the requirements of the University of Melbourne Ethics Committee I will ask you to sign a form that indicates that you have consented to participate in the interview. As a memory aid to my note taking and to ensure that I do not miss any of the points you make, I would prefer to audio tape the interview. However this is not compulsory to the interview.

Prior to any reports/these/papers being written I will post or email the write up of our interview to you so that you may check my interpretation of what was said and add any further comments if you wish. None of the people interviewed will be identified in any reports/these/papers, nor will any comments or quotes be attributed to any identifiable individual. Where specific quotes are used they will be attributed to a generic description rather than an individual. For example: 'Senior Customs Officer, Bangkok', or similar. By these means it is hoped that participants will feel able to express their opinions frankly. While every effort will be made to ensure anonymity however, the relatively small number of people being interviewed means that confidentiality can not be guaranteed. There is also no legislative protection of research results so there are legal limits to the extent to which data confidentiality can be assured. To ensure that reports/theses/papers do not inadvertently make public anything that may be of material benefit to current or potential heroin or other illegal drug importers I have undertaken to have them reviewed by Australian Customs and Australian Federal Police prior to any publication.

## Law Enforcement Information Statement (Continued)

I have a current Australian Commonwealth Government security clearance rating of “Highly Protected” and all data from interviews will be stored in a safe. When I return to Australia the data will be stored and processed within a secure access office at the Australian Customs Service.

If you have any queries please contact:

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If you have any concerns about the conduct of the research you can also contact:  
The Executive Officer, Human Research Ethics  
The University of Melbourne  
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## **Interview Schedule**

### **The study**

The research aims to develop a description of the characteristics and patterns of importers of heroin to Australia (and in the region as it relates to Australia), and to test the findings against what is currently known. The research also aims to identify any difficulties or barriers to law enforcement in this area.

### **Interviewees for the study**

Australian, Hong Kong and Bangkok law enforcement professionals and some academics with a professional focus on illegal heroin (and other drug) import/ transit offences, particularly as they relate to Australia, will be asked to participate.

### **Interview format**

The interviews are conducted at the office locations of the interviewees and conducted as a discussion, based on some open-ended questions. Normally the interviews are one on one, however, this can vary at the discretion of the interviewees. To fulfil University of Melbourne ethics requirements, participants will be asked to sign a form to indicate that they consent to participate in the study. Participants will also be given an information sheet about the study at the time of interview.

### **Interview content**

Below are the open-ended questions that I anticipate using. If there are any changes or additions to the questions below, they will be forwarded to participants some weeks before the scheduled interviews. However, these are the main points that I would like to cover. Information required is of a general, non-identifying nature only. Interviewees are most welcome to bring up any other issues they believe are important that I may not have covered.

### **Interview time**

Interviews are expected to take between 1 – 1.5 hours each.

### **Research findings**

Prior to any report/thesis/papers being written I will post or email the write up of the interviews to each of the relevant participants. In this way interviewees may check my interpretations of what was said and add any further comments if they wish.

I will be writing up and using the comments of the interviewees in ways that do not identify any individual. Where specific quotes are used in any report/thesis/paper they will be attributed to a generic description rather than an individual. For example: Customs officer Bangkok, or similar.



## Law Enforcement Interview Schedule (Continued)

### Interview Questions

#### Categorisation and organisation

1. In what way does your law enforcement agency categorise heroin importers and transiters? Are the same categories used for other types of illegal drugs or goods?
2. Does categorisation reflect the level of organisation involved in the import/ transit?
3. Is there a *difference* in level of organisation between those who import/ transit heroin and those who import/ transit other illegal drugs?
4. Do people tend to specialise? For example in the type of illegal good they trade, in method of transit/ import, quantities at a time and so on?
5. There is often a link made between 'organised crime' and illegal drug offences. How would you describe the type of organisation most usually involved in illegal drug import/ transit offences?
6. Is the *type of organisation* involved in getting heroin to Australia the same, or different to that involved in getting heroin to other destinations?
7. Which category of importer is most likely to be detected? Why?
8. Which category of importer is least likely to be detected? Why?
9. Of the heroin (and other illegal drug) import/ transit offences detected about what proportion of would be destined for Australia?
10. Do you think the heroin destined for Australia is mostly organised in Australia, or usually organised somewhere else?
11. Do you think heroin is sent to Australia to fulfil 'orders'?
12. Is Australia ever used as a transit country for illegal drugs destined for other countries?
13. Given the tiny drug market in Australia, what would you say influences or motivates people to import heroin (and other illegal drugs) to Australia rather than to bigger markets that may be closer?
14. Are the *type of people* importing heroin (or other illegal drugs) to Australia different to those importing to other destinations? For example are they generally older; have Australian connections; are they well established or new players; is their *method* of import/transit distinctive?; is the *origin* of the heroin distinctive?

## Law Enforcement Interview Schedule (Continued)

15. What are the limitations faced by law enforcement in your country in its response to heroin (and other illegal drug) importers/ transitors. For example are there legal or procedural limitations, resource limitations, inter jurisdiction or inter-agency communication issues, skill or training limitations, or does the nature of the offence limit law enforcement's impact?
16. What is needed to better *detect* persons engaged in illegal drug import/ transit offences?
17. What is needed to better successfully *prosecute* persons engaged in illegal drug import/ transit offences?
18. In your view can heroin (and other illegal drugs) ever be 1) stopped or 2) severely curtailed? What would be needed to achieve this?

### Deterrence

19. What is needed to better prevent or deter people becoming involved in illegal drug import/ transit offences?
20. What types of things would deter importers/ transitors of illegal drugs. Is there any evidence of the success of any of the current deterrents?
21. In your view is there anything that has not been tried that might work?
22. What is your view of harm minimisation as an approach to the problem of illegal drug markets? That is, managing the drug markets in ways that reduce the damage done in society?