



Against Drug Threat – International Law Enforcement Agencies in Concert

Ben L C Leung
Head of Customs Drug Investigation Bureau
Customs and Excise Department
Government of the Hong Kong Special Administrative Region

ABSTRACT

This paper aims to enumerate the strategies and triumph of the significant joint operations between Hong Kong Customs and our Mainland and overseas counterparts in combating transnational drug trafficking activities. We accord very high priority to the eradication of drug trafficking.

A three-pronged approach is adopted, namely drug investigation, control of precursor chemicals used in the illicit manufacture of drugs and recovery of drug proceeds.

Two of the successful joint operations - Operation “Cold Remedy” and Operation “Tsunami” - are illustrated in this paper. The former is a multi-agency operation among Hong Kong Customs, Department of Health, the US DEA/HKCO and other overseas authorities to monitor the export of pseudoephedrine, a precursor chemical, whereas the latter is our joint operation with the Anti-smuggling Bureau of Shenzhen Customs in combating cross-boundary drug traffickers.

Introduction

Drug trafficking has become one of the major criminal activities of organised crime groups that plan, operate and control the deals across national boundaries. Transnational drug crimes attract the attention of law enforcement agencies of all countries and places as illicit drug markets know no borders and their transnational nature puts them beyond the reach of any single government, rich or poor. It is imperative for effective and strong enforcement mechanisms to be set up to suppress the problems. In realising that ultimate success in the eradication of drug crimes requires determined, effective and coordinated action at the international level, Hong Kong Customs accords very high priority to international cooperation and maintains close links with the work partners around the

world in any joint investigation to meet its obligations in anti-drug work.

International Framework and Multilateral Agreements

Hong Kong is committed to concerted international efforts in combating illicit drug trafficking. At present, three major international anti-drug conventions apply to Hong Kong, namely the 1961 Single Convention on Narcotic Drugs as amended by the Protocol of 1972, the 1971 Convention on Psychotropic Substances, and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The conventions provide a treaty-based framework for international cooperation to address the drug problem. They also involve the assumption of responsibilities in formulating domestic anti-drug policy.

While the cross-border dimension of drug trafficking has been understood and translated into a highly developed system of international cooperation, the opening up of global markets has heightened its significance. More than ever, Hong Kong recognises that a multilateral and coordinated response is needed to tackle drug activities. To strengthen multilateral cooperation to combat transnational crimes and drug trafficking activities, Hong Kong has signed Mutual Legal Assistance in Criminal Matters Agreements with 15 countries and Surrender of Fugitive Offenders Agreements with 13 countries. In addition, a number of agreements are currently under discussion. The agreements form the base to secure better coordination and cooperation.

Law Enforcement Agencies in Concert

To promote closer participation and assistance across state and territory wide jurisdictions in the international anti-drug arena, law enforcement agencies are taking active steps to surmount difficulties, which include lack of cooperation agreements, lack of proper joint operation procedures, insufficient trust between countries due to historical or political reasons, different legal systems, language barriers, etc.

Hong Kong has also made great efforts in the fight against transnational drug trafficking activities, which resulted in diminishing its role as a drug transiting centre over the past years.

As external cooperation is one of the anti-drug strategies to restrict drug supply, Hong Kong, being a prime player in the drug war, has adopted a collaborative approach at the international level.



From time to time, we conduct joint operations with our counterparts, which culminate in prominent results. In the following paragraphs, we illustrate two successful examples.

Operation “Cold Remedy”

This is a multi-agency operation among Hong Kong Customs, Department of Health of Hong Kong, the US DEA/HKCO and other overseas authorities to monitor the export of pseudoephedrine, a precursor chemical for the production of methamphetamine. The operation was initiated when four shipments of 19.2 million cold tablets containing pseudoephedrine were seized in the US, Panama and Mexico in early 2003. The shipments were exported under valid licences issued by Department of Health. There was evidence that drug traffickers imported these pseudoephedrine preparations and illegally diverted them to the clandestine laboratories for conversion into methamphetamine, destined for the US market. Intelligence also showed it was a new trend that traffickers in Mexico made use of fictitious importers to source pseudoephedrine combination products for illicit manufacturing of methamphetamine.

To suppress the emerging trend, Hong Kong Customs, in collaboration with Department of Health and US DEA launched a joint operation coded “Cold Remedy” commencing from July 2003 to monitor export shipments of pseudoephedrine tablets. Under the joint operation, Department of Health would screen all export licences and identify those shipments involving pseudoephedrine tablets for Hong Kong Customs and the US DEA’s profiling and monitoring respectively. US DEA would coordinate with Mexican and Panamanian authorities as well as other concerned countries through their network for tracing the movement of targeted shipments and planning enforcement actions.

To ensure the timely exchange and effective use of intelligence, efficient monitoring of suspicious pseudoephedrine shipments and taking of appropriate enforcement actions, a number of initiatives had been taken which included the following:

- (a) setting up contact points for constant and immediate communication;
- (b) involving high level officials to show commitment of participating agencies and achieve better decision making;

- (c) joint-agency approach to enhance information assessment for improved intelligence dissemination in supporting the operation; and
- (d) regular operational meetings between concerned parties to review progress, strategy and resource deployment. (Note – two meetings had been held in Washington DC, with the attendance of senior officials of Hong Kong Customs, Department of Health of Hong Kong, US DEA and Mexican authorities.)

During the 16-month operation, there were nine cases effected in Mexico and the US with a total seizure of 66 million pseudoephedrine combination tablets and 19 arrests made by the Mexican US authorities between September 2003 and December 2004. After a series of stringent enforcement actions taken in Central and North America, diversion activities have severely been curtailed. Intelligence indicated that drug syndicates have refrained from involving Hong Kong as a source of pseudoephedrine preparations for their clandestine manufacture of methamphetamine.

Admittedly, multi-agency cooperation is the key to success in this operation. Recognising it as a very effective tool in preventing pseudoephedrine preparation diversions, DEA HQ launched an initiative to request all their country offices to introduce the model to their host countries to share the efficient practices and work together to stop the trend. While sharing Hong Kong's exemplary experience, all concerned parties agreed to extend Operation "Cold Remedy" to ensure that the trend would not revive.

Operation "Tsunami"

Operation "Tsunami" is a joint operation between Hong Kong Customs and the Anti-smuggling Bureau of Shenzhen Customs to neutralise cross-boundary drug trafficking syndicates. Over the past years, Hong Kong-China based drug syndicates operated their drug manufactories and manned the drug storages in Mainland China. Traffickers only brought small quantities of drug into Hong Kong through the boundary control points to meet the demand of the local market. Intelligence revealed many of the trafficking activities were concentrated in Guangdong province, in particular, cities close to Hong Kong. In view of the modus operandi, Hong Kong Customs deployed more resources to focus on cross-boundary traffickers. The intelligence-driven operations often resulted in seizures and arrests. Despite successful interdiction of drug smuggling activities, it was not too often that high level syndicate members were netted and we could hardly get hold of their activities



once they crossed the control point. With insufficient intelligence in hand, investigation became a tough job to law enforcers.

Understanding that organised crimes are evolving and we must accelerate our paces to cope with the situation, Hong Kong Customs has established cooperative mechanisms with the Anti-smuggling Bureau of Shenzhen Customs under a joint operation codenamed Operation “Tsunami” since 1 April 2004, in an effort to combat cross-boundary trafficking activities. The scope of cooperation included exchange of intelligence, assistance in investigation and mounting of synchronised operations. Through the gathering of ideas and experiences, joint intelligence analysis and field study, we found out the operational limitations and enforcement loopholes. The joint venture contributed a harmonised thinking and both eventually worked out an effective plan to overcome the hurdles.

Operation “Tsunami”, representing a strengthened cooperation of law enforcers, proved to be highly successful. As a result of intelligence exchange, joint movement monitoring and continuous surveillance on the key targets mounted in Hong Kong and on the Mainland, together with a series of raiding operations, two Hong Kong-China based drug syndicates involved in drug manufacturing and cross-boundary trafficking acts were crushed in May and July of 2004. Smashing one clandestine laboratory, officers of the Anti-smuggling Bureau of Shenzhen Customs arrested 20 high and mid level syndicate members and seized 16.4 kilograms of heroin, 2,600 tablets of MDMA and 1.2 kilograms of assorted drugs/chemicals, with drug proceeds amounting to HK\$450,000.

The success of Operation “Tsunami” demonstrates not only the ever closer partnership with our Mainland counterparts, but also the strong commitments and determination of both sides in tackling cross-boundary drug trafficking rings. More essentially, the operation brings long-term benefits by showing a joint striking force with an enhanced deterrent effect on transnational drug deals.

The Way Forward

Drug trafficking is a global shared problem that brings threat to every country. To counteract the increase of collaboration among transnational criminal groups, law enforcement officers must work in alliance beyond the territory boundaries for the common goal. It is the assertive anti-drug policy of the Hong Kong SAR Government to be fully committed to international cooperation against drug threat at all fronts.