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CYBER TRAFFICKING IN CONTROLLED DRUGS ON THE RISE

More forceful measures against illicit trafficking and the diversion of pharmaceutical products containing narcotic drugs or psychotropic substances via the Internet should be taken

In its Annual Report released today (3 March 2004), the International Narcotics Control Board (INCB) draws attention to an increase in cyber trafficking of pharmaceutical products containing internationally controlled substances. Citing uneven and lax implementation of laws governing the Internet, the Board urges Governments to take a more proactive stand.

To support legal action in such cases, Governments should ensure that illicit trafficking and the diversion of pharmaceutical products containing narcotic drugs or psychotropic substances are established as criminal offences. Such offences should be punishable by sanctions commensurate with their gravity.

In some recently seized Internet pharmacies in the United States, nearly 90 per cent of the orders were for internationally controlled substances, including hydrocodone, diazepam and alprazolam, substances for which increasing numbers of drug abuse emergency room admissions are reported. Besides being shipped by mail within the country, these Internet-ordered substances are also smuggled by mail to other countries.

Psychotropic substances offered for sale through the Internet have been shipped from Asian countries to European countries and the United States. Significant quantities have been intercepted in mail centres in Thailand and India. Pakistan has also been identified as one country of origin of such illegal shipments ordered via Internet pharmacies. Customs authorities in Switzerland have intercepted many mail deliveries from Pakistan.

Even Ritalin (methylphenidate), an amphetamine-type stimulant controlled under the 1971 Convention on Psychotropic Substances, has been sold via the Internet. The substance, which was placed in Schedule II of the 1971 Convention because of its high abuse risk, was advertised on some Internet pharmacy sites as a mild and harmless stimulant. Such advertisements are not only in violation of Article 10 of the 1971 Convention, which prohibits direct to patient advertising, but are a serious potential danger to the customers of these pharmacies.

Such illicitly operating Internet pharmacies cater to three vulnerable groups of customers: poly-drug abusers who take large quantities of these pharmaceutical products, former patients who became addicted to such drugs during treatment and cannot stop the habit, and people who buy prescription medicines via the Internet because such orders do not involve doctors' visits, can be comfortably placed from home and may be cheaper. However, without medical advice and examination, this last group of customers may easily become addicted to such medication.

A major reason for such risky behaviour is the dangerously widespread perception that misuse and abuse of pharmaceutical products is not as harmful as the abuse of illicitly manufactured drugs. Internet pharmacies, which can operate from any part of the world, play a major role in the increasing illicit supply of pharmaceutical products containing narcotic drugs and psychotropic substances. Illegally operating Internet pharmacies do not require a doctor's prescription or just offer on-line or telephone consultations.

Controlling Internet pharmacies is a complicated task, because these pharmacies are operating all over the world and can and do relocate their business in case of strengthened legislative and law enforcement efforts in a particular country.

Different national laws and regulations make it very difficult to consistently identify and investigate illicit use of the Internet. In addition, the sheer volume of letters and parcels shipped on a daily basis makes it extremely difficult for law enforcement agencies to detect illicit shipments and to identify sources of illicit supply.

It appears that some Internet pharmacies have established themselves as regular providers for internationally controlled substances not only to patients residing within the country but also routinely to customers residing outside their country. Thus, not only are they breaking the law in their own countries, they are also undermining the national laws of the countries they export to, and of course, the provisions of international treaties.

Orders of psychotropic substances via the Internet without medical prescription contravene the 1971 Convention. Import and export authorizations are required for international trade by the 1971 Convention and by Economic and Social Council resolutions. Such activities involving Internet pharmacies and mail order shipments may also be in contravention of those provisions of the 1971 Convention, whereby Parties to the Convention are required to license all trade in psychotropic substances, including export and import trade. In case suppliers of psychotropic substances are acting in contravention of the above-mentioned treaty obligations, they should be punishable under national law.

The Board also notes with concern that the judiciary in many countries still does not attribute adequate severity to diversions and trafficking of licitly manufactured controlled substances. It also calls upon national authorities to ask the judiciary to ensure that sufficient importance and adequate penalties be attributed to such offences.

Examples of successful dealings with offenders over recent years show the necessity for increased cooperation between national authorities within countries, such as law enforcement, customs and mail administration, as well as international cooperation between law enforcement and customs authorities.