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**Special Session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of Narcotic drugs and Psychotropic substances and related activities, 1998.**

INCB/JUD

Recommendations by the International Narcotics Control Board

**MEASURES TO PROMOTE JUDICIAL COOPERATION**



**INTERNATIONAL NARCOTICS CONTROL BOARD**

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## Introduction

1. At its fifty-first session, the General Assembly adopted resolution 51/64 of 12 December 1996 by which it decided to convene a special session on international drug control in June 1998. In that resolution, the General Assembly invited organs, organizations and specialized agencies of the United Nations system to contribute fully to the preparations for the special session of the General Assembly, in particular by submitting to the Commission on Narcotic Drugs, as the preparatory body for the special session, concrete recommendations on the issues to be addressed by the special session.

2. At its sixty-second session, held from 5 to 16 May 1997 at Vienna, the International Narcotics Control Board (INCB) decided to respond to the invitation by the General Assembly by presenting a series of documents containing concrete recommendations that INCB has made on issues to be dealt with at the special session of the General Assembly, identified by the Commission on Narcotic Drugs, acting as the preparatory body for the special session.

3. The series of documents of the Board refer to the conclusions and recommendations made by the Board in its annual reports or similar documents, over the last years for consideration of Governments. The documents are meant to facilitate Governments to reach agreement in their deliberations of the various subjects to be discussed at the special session of the General Assembly. Documents have been prepared on:

- < Measures to counter illicit manufacture of, trafficking in and abuse of stimulants (INCB/STI)
- < Measures to enhance the control and monitoring of precursors frequently used in the manufacture of illicit drugs (Document INCB/PRE)
- < Measures to counter money-laundering (Document INCB/MON)
- < Measures to promote judicial cooperation (Document INCB/JUD)

4. A further document which will outline concrete recommendations of the Board on the issue of demand reduction will be made available to the second session of the Commission on Narcotic Drugs, acting as preparatory body for the special session, to be held from 27 February to 5 March 1998, in the course of the forty-first session of the Commission on Narcotic Drugs.

5. The documents of the Board are available in English, French and Spanish, the working languages of the Commission on Narcotic Drugs.

## MEASURES TO PROMOTE JUDICIAL COOPERATION

6. In its Report for 1996 (E/INCB/1996/1), the Board devoted the first chapter to an examination of the links between drug abuse and the criminal justice system. The recommendations made by the Board on this issue and contained in paragraphs 36 and 37 of the Report for 1996 are reproduced below.

### Recommendations

7. *“The Board calls on all Governments to address themselves carefully to the problems faced by their criminal justice systems and to develop strategies and practical measures to make their systems more efficient. The impact that the criminal justice system can have on combating illicit trafficking and drug abuse justifies Governments and the rest of the international community giving those strategies and measures their full attention. The special session of the General Assembly on drug control, proposed for 1998, could be an occasion to determine principles relating to good management of criminal justice systems.*
  
8. *The Board calls again on Governments that have not already done so to accede to the international drug control treaties and to implement fully their provisions. In sum, the Board concludes that:*
  - (a) *Governments should keep their laws under constant review to ensure compliance with the international drug control conventions, including the establishment of the required criminal offences and appropriate punishments, rehabilitation and treatment programmes;*
  
  - (b) *A more strategic approach to preventing and combating illicit trafficking in drugs should be adopted, along with more severe penalties for serious offences, in order to disrupt the operations of trafficking groups;*
  
  - (c) *Parties to the 1988 Convention should use it among themselves as an extradition treaty and a mutual legal assistance treaty. States should reconsider the traditional exceptions to extradition, including blanket refusals to extradite their nationals;*
  
  - (d) *Legislation should target the investigation, prosecution and conviction of participants in organized trafficking groups, while balancing due process and democratic protections;*

*(e) Governments should consider reversing the onus of proof regarding the lawful origin of alleged proceeds or property liable to confiscation in all judicial proceedings related to drug trafficking;*

*(f) While still retaining criminal sanctions against drug abuse and trafficking, greater use of treatment and non-custodial sentences, as well as shorter terms of imprisonment, should be made for minor offenders in accordance with the provisions of the 1988 Convention, thereby reinforcing cooperation between the criminal justice, health and social systems;*

*(g) Consideration should be given to establishing specialized units investigating drug trafficking cases within or linked to law enforcement agencies. Close coordination between all relevant agencies, such as customs, coastguard and police departments, should be encouraged, and training should be provided;*

*(h) International cooperation should be strengthened not only among enforcement agencies, but also among judicial authorities.”*