

Brief report

European Conference on Drug Couriers
Mannedorf, Switzerland
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The full report of the European Conference on Drug Couriers is available in a single edition in English, French and German from
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European conference on drug couriers

Background and aims of the conference;

Most European countries are faced with increasing numbers of foreign nationals sentenced by their courts to long terms of imprisonment. The majority are there for drug offences and are generally termed drug traffickers or drug couriers. Many originate from different South-American countries, from Africa, Asia and more recently from the new democracies in Eastern Europe. Comprising an increasing proportion of defendants and prisoners they represent a significant challenge to the criminal justice systems of European countries in their detection and arrest, just and equitable sentencing and their humane imprisonment. CEP has a history of work and holding conferences in these areas, the 1981 CEP Seminar at Vienna on the theme of the foreign offender, the 1982 Seminar at Helsingor on the subject "Probation assistance to offenders of foreign origin" and the bilateral conference of the United Kingdom and the Netherlands Probation Service in 1992 which discussed foreign national drug couriers.

The idea of a European conference developing further the issues of drug trafficking and drug couriers had been considered by CEP members for some time. Peter Gründler, at the time Vice President of CEP and from the Ministry of Justice Department of the Canton of Zurich, developed this concept and made the conference a reality. Gathering a multi-disciplinary project group to assist, including representatives from the UK, the concept and the purpose of the conference was planned and refined. Planning benefited from previous preparatory work undertaken in a feasibility study by Dr. Deborah Cheney and a questionnaire was sent to relevant agencies identified by CEP members in their own countries.

The conference was intended, from its inception, to be inter- disciplinary drawing together representatives from within the criminal justice systems of European countries. Representatives from the criminal investigation services, the judiciary and legal representatives and the probation and prison services would come together to examine their working practices and relationships between each other. This was the first such interdisciplinary conference to be organised under CEP's auspices and it was a bold initiative to study an issue of significant and growing concern for different countries and their criminal justice agencies.

The conference would not have proceeded without the sponsorship and support of the Federal Ministry of Justice in Bern and the Ministry of Justice of the Canton of Zurich. This enabled the conference to benefit from the participation of representatives from Eastern European countries, their first representation at a probation-run conference.

Over four days delegates from 27 countries spanning Europe from East to West and encompassing many different disciplines and agencies gathered on an attractive setting overlooking Lake Zurich. It was a unique experience leaving delegates with a strong sense of the common problems involving drug trafficking and the different responses of their criminal justice systems. It was personally challenging for many of the delegates to meet and discuss attitudes, beliefs and values of professionals from different areas of the criminal justice world both from within their own countries as well as from other countries. The structure of the conference, workshops comprising similar professionals from different countries and interdisciplinary sessions stimulated by keynote presentations from prominent European speakers, provided a unique environment. Workshops and the keynote sessions were in French, German and English.

The opportunity the conference afforded delegates to enter into discussion with other professionals from different disciplines from within their own country was valued greatly.

The stated aims the conference set itself were to examine how Europe might get closer to the overall goal of making itself less attractive to drug couriers? What will any potential benefits and disadvantages be of better co- operation between agencies within countries and within Europe? The conference provided the opportunity to share information and understand the working practices of different agencies, examine each others' strengths and weakness' and any interagency good practice already in place.

How close did the conference get in achieving these ambitious tasks? The conference grappled with concepts and ideas that were challenging and provocative. The four days of the conference proved intense and there was time to debate, share assess and, above all, question. Visits to a Court specialising in drug cases, to a Swiss prison, (one for ordinary prisoners and another for foreign nationals prior to deportation) and to the anti- smuggling units at Zurich airport, took place on the third day of the conference. The main speakers provided a triple perspective upon the problem of drug trafficking and upon drug couriers. Jürgen Storbeck, Co-ordinator of the Europol Drug Unit, advanced his views on the value of pursuing the harmonisation of criminal law in Europe. He described the progress made to date in the co-operation between European police and customs services and the advantages and necessity of persevering with such approaches.

Dr Kai Ambos of the Max Planck-Institute presented his findings of a comparison of sentencing and execution of penalties in Germany, the Netherlands, Denmark and Spain. He began the debate posing important questions; who exactly constitutes a 'drug courier'? was one of the recurring themes of the conference, How do different countries legal systems classify drug offences and drug offenders? What discretion, if any, do courts exercise in the sentencing of drug offenders? His findings were revelatory and raised questions about the time and valuable resources devoted to catching couriers. It offered an inherent warning against complacency in celebrating success over imprisoning the courier, whilst the wider drug trafficking problem might be marginalized.

Dr Deborah Cheney's own paper examined the problems and practises of imprisoned drug couriers, foreign prisoners trapped within an alien system and country. Her paper raised questions specifically centring upon human rights and humane treatment - concentration upon which neither denies the obscenity of the crime of trafficking nor denies the need for punishment.

Additional presentations were presented by Dr Maria-Cristina Dorado, a criminological researcher from Oxford, who is undertaking an international comparative study of the circumstances, motivation and consequences of imprisonment on Colombian women drug couriers. Marcel Obrist described his project at a Swiss prison to better prepare Latin American prisoners for their release by the provision of a variety of rehabilitative projects.

Some of the most interesting ideas discussed at the conference could be summarised under the following headings;

- deterrent value of sentencing in drug trafficking
- treatment of foreign national prisoners
- advantages of greater co-operation between European probation agencies

- an Eastern European perspective - post 'cold war'
- harmonisation of sentencing in Europe for drug trafficking cases
- deterrent value of sentencing in drug trafficking

The role of deterrent sentencing in the case of foreign national drug traffickers was contentious and generated much debate. One view was that the length of sentences given for drug traffickers and couriers was immaterial to the drug organisers when considering which country to target; and that risk of detection and profit margins were more relevant to any such considerations. A contrary view expressed was that drug organisers took potential length of sentences into consideration when deciding which countries to travel to or through. It became clear during the conference how varied sentencing practice was between the countries represented. Some countries make no or little distinction between different drugs. Others' laws do not distinguish between possession, trafficking or intent to supply as in the British context. There was debate as to the value of making sentencing responsive to the offender as well as to the offence and what role the probation service can provide the court through pre-sentencing reports.

Treatment of foreign national prisoners

The treatment of foreign nationals in prison was less contentious than might have been imagined. That this group of prisoners would experience social and cultural isolation was not particularly disputed. However the extent to which the prison authorities should go towards alleviating such inherent disadvantages was more contentious. Here the comparisons of prison standards between West and East European countries was highlighted. Delegates from Eastern countries in particular, could not help but wonder if the conditions in Swiss Prisons (two of which were visited) were too good and a disincentive to refrain from further offending. A police chief from Eastern Europe commented that a prisoner's wages in a Swiss prison were greater than his own. Initiatives in the UK such as the Foreign Prisoners Resource Pack were viewed with interest by other countries as a way to inform foreign prisoners and to educate staff from an Eastern European perspective - post 'cold war'

The presence of representatives from eastern European countries provided the conference with a unique and poignant perspective. Those delegates who heard the representatives from states of the former Yugoslavia describe the effect of the break up of their country or the prison welfare worker from a Baltic state describing after-care and supervision for prisoners in terms of nightshelters and soup kitchens could not but be moved. It was sobering for those attending from western countries to realise the difficulty and dangerous working conditions which were the norm for many of other delegates. It was important for those not in the 'front line' of investigation and enforcement to hear of the daily risks taken by police and customs especially from Eastern Europe and the countries of the former USSR. These countries are adopting the 'drug war' language of the West and in particular their investigation methods. They are seeing an increase in their internal markets for drugs and are looking towards revising their penal codes to counter this perceived threat to their internal security. The sentences for drug related offences in many eastern European countries was relatively low compared with those available in the west. However most countries were reassessing their legal framework in light of an increasing internal market for drugs combined with increased drug trafficking through their borders and the trend was for a significant increase in sentencing for drug related offences.

Harmonisation of sentencing in Europe for drug trafficking cases

There was a general feeling that there were advantages in attempting this as the EU was a single market with the prospect of less border controls which suggested that there should be greater consistency in the law and the sentencing in drug cases. Given the problems of variations of legal definition and sentencing guidelines not to mention the resistance of countries to give up sovereignty on sentencing the possibility of harmonisation appeared a long way off.

Advantages of greater co-operation between European probation agencies

There was considerable discussion as to the possible benefits from greater co-operation between European 'probation' agencies at the conference. While acknowledging that a large number of foreign national drug couriers come from outside Europe many do not and there would be benefits from better liaison between European probation services in terms of: transfer of community and post release supervision, continuity of social work support for employment/drug abuse issues, repatriation of sentenced prisoners and the provision of reports to assist in sentencing. Discussion of the 'pros and cons' of the establishment of a body, affectionately termed 'Europrob', took place in workshops and later in the bar. It was felt that if two or three European countries could show the advantages of the greater co-operation between probation services then this could be an example to further progress for other countries.

Conclusion

The conference was a bold attempt at seeing whether there was value in a particular European perspective on the issue of drug couriers, whether there is a European character developing in criminal law and penal policy on this issue of such increasing importance in all countries. It was felt by many of those attending that a European response is needed to find common solutions to the judicial and ethical problems posed by drug trafficking and drug couriers. There was discussion of the advantages of a shift in the emphasis given to the detection and arrest of relatively low level drug couriers and the benefits of following the money, demand reduction, anti-drug public health education campaigns and even crop substitution and fair payment for raw materials from drug producing countries. Talk of the decriminalisation of drugs was mentioned though with no commitment or particular interest it was not on the political agenda of any of the countries represented. Consensus, which there was amongst delegates, was that increasing number of foreign nationals were going to be arrested in their countries and that they posed unique challenges to their own criminal justice system.