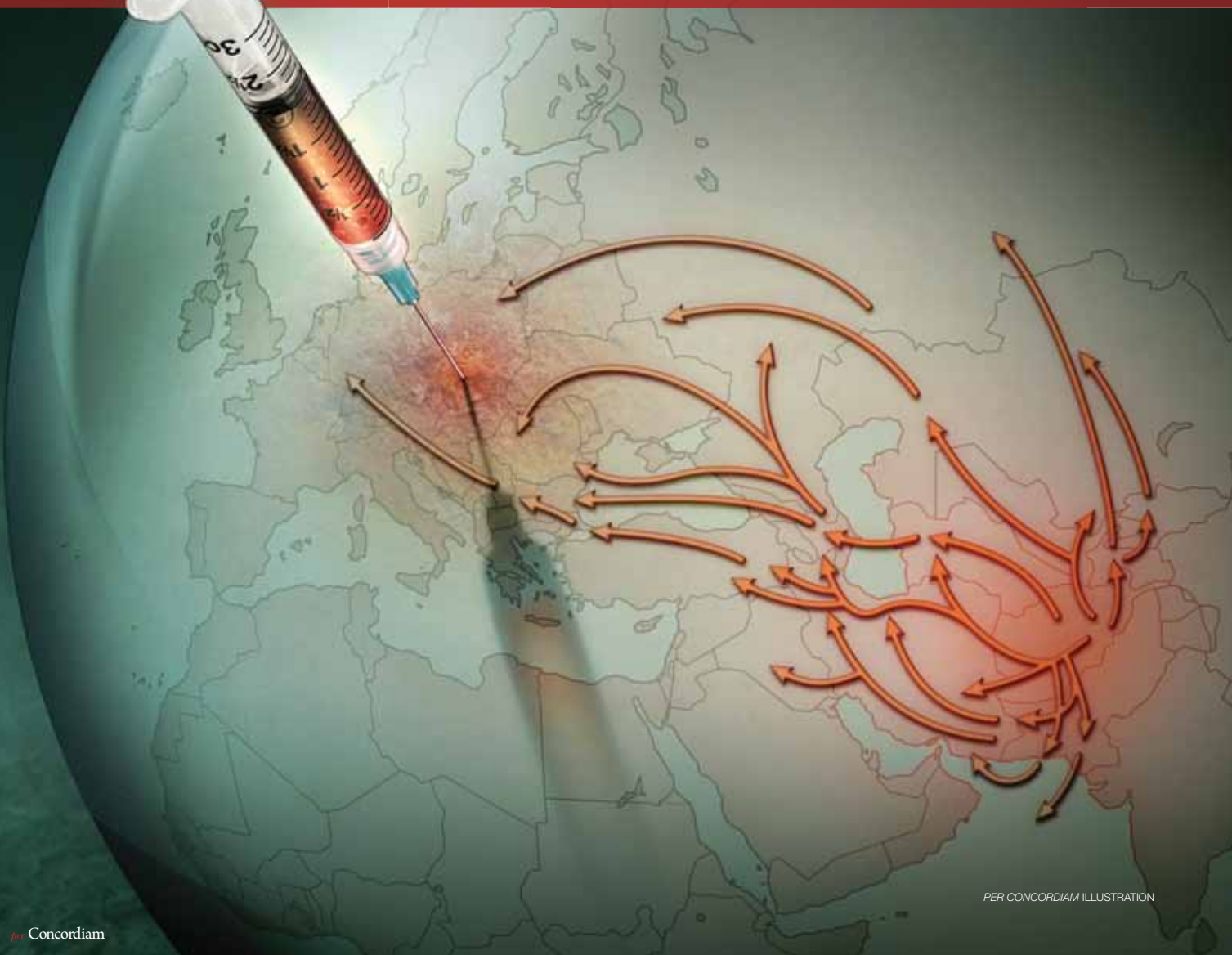




A Multinational Approach to Stopping Drugs

German police have a history of partnerships to combat heroin and methamphetamine trafficking



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By Jörg Beyser

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The very open borders that make Europe the envy of the world also provide opportunities for criminals who traffic in drugs. Stopping the flow of narcotics such as heroin and methamphetamine has required a multinational approach on the part of Europeans and their allies.

In Germany, the responsibility for thwarting drug trafficking resides with the Federal Criminal Police Office, the state Offices of Criminal Investigations and the criminal police stations of the local police headquarters. The Federal Criminal Police Office is the central agency for all criminal police forces as well as for information and intelligence exchange.¹

Since Germany is a federation of states, it is the responsibility of the states — the “Länder” — to authorize the objectives and responsibilities of their police forces; the states are in charge of law enforcement and threat protection, not the central government. But after September 11, 2001, new counterterrorism legislation was passed that granted certain federal agencies, such as customs and the federal police and in particular the Federal Criminal Police Office, limited investigative powers to enhance national security.

The State Office of Criminal Investigations is the law enforcement agency in charge of prosecuting certain serious offenses, specifically the illicit trafficking of narcotics in cases that go beyond the area of responsibility of a local police headquarters and are of state, national or international importance.²

Consequently, the authority tasked with combating serious drug-related crime originating and/or committed in Bavaria is its State Office of Criminal Investigations. Only cases of illicit international narcotics or medical drugs trafficking that require investigation abroad may lead to shared jurisdiction with the federal criminal police.³

OPENING BORDERS

On June 14, 1985, Germany, France and the Benelux countries signed an agreement in the border town of Schengen, Luxembourg, to establish a border-free travel zone throughout which authorized travelers could move freely without passport controls. This was the first step toward the abolition of controls along the common internal borders and toward the freedom of movement of people and goods within the Schengen zone. To reconcile free movement with security, border controls were relocated to the common external border. In addition, the Schengen Information System was set up — a highly specialized data bank enabling



Polish police and customs officers work at the Center for German-Polish Police Cooperation at the Swiecko border checkpoint.

Schengen states to exchange data on certain categories of people and objects.

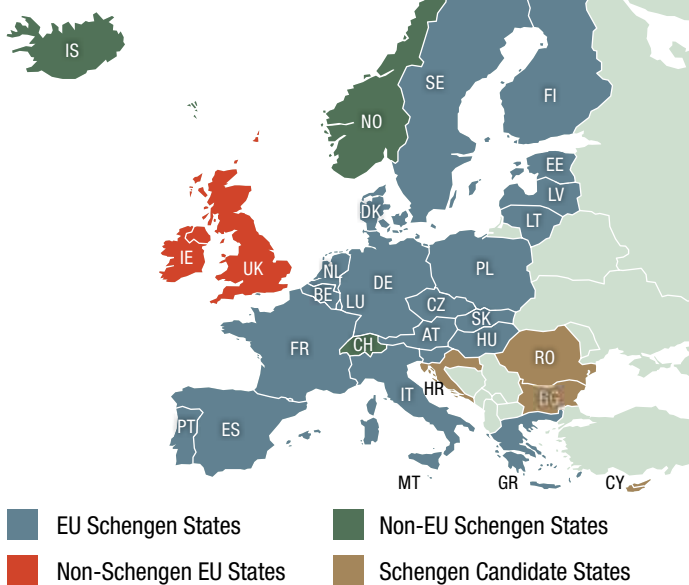
The Schengen zone doesn't correspond exactly with the countries of the European Union (EU). Twenty-six states fully implement the Schengen Agreement, and some states — the United Kingdom, Ireland and Denmark — have maintained certain opt-outs. Four EU countries — Bulgaria, Romania, Croatia and Cyprus — are not yet participating. Bulgaria and Romania are experiencing structural and technical problems with border security and have so far been unable to protect the EU's external border to the required extent. On the other hand, four non-EU countries — Iceland, Norway, Liechtenstein and Switzerland — associate with Schengen by treaty. It appears that Croatia will implement the agreement in 2015, and Cyprus still has to solve its border issue with Northern Cyprus.

Although the abolition of 26 internal borders between Schengen states permits law-abiding citizens to enjoy free travel throughout Europe without controls, that same freedom of movement lets criminals transport illegal goods across the common external border.

THE BALKAN ROUTE

At the end of the 20th century, ethnic conflict in the Balkans attracted worldwide attention. The Balkans cover almost 550,000 square kilometers in Southeast Europe and have a population of about 55 million of different ethnic, cultural and political identities. In each Balkan country, democracy, the rule of law and new state structures are threatened by corruption and organized crime.

THE SCHENGEN ZONE



Source: The European Commission



The shortest routes connecting Europe to Asia all run across the Balkan Peninsula. It has always served as a link between the continents, but also as a smuggling route for all kinds of illegal goods going from Asia and the Near and Middle East to Europe and vice versa. At present, these routes are used for the illegal trade and trafficking of narcotics, particularly heroin. The so-called Balkan route is a network of different subroutes. The most frequently used are:

- **Classic Route:** starting in Turkey and going through Bulgaria, Macedonia, Kosovo, Serbia and Bosnia and Herzegovina to Western Europe;
- **Northern Route:** also starting in Turkey, then crossing the Black Sea and Ukraine or Bulgaria and Romania, and going toward Hungary, Austria and the Slovak Republic;
- **Southern Route:** going through Greece, Macedonia and Albania to Italy.

All these routes pass through at least one EU member state, so the gateway to Western Europe is wide open once criminals manage to cross the external border without detection.

Heroin smuggled into Western Europe is grown and produced in Afghanistan. According to the United Nations Office on Drugs and Crime,⁴ three-quarters of the heroin trafficked worldwide comes from Afghanistan. Of approximately 106 tons that reach Europe every year, about 85 tons are transported along the Balkan route — 60 tons along the classic route and 25 tons along the southern route to meet the average demand of about 80 tons in western Europe.

A STRATEGIC APPROACH

To fight drug smuggling and illegal trafficking along international routes, Working Group South East was set up in 1972, initiated by the United States. One reason for this was

that after the crackdown on heroin production and distribution rings in southern France, evidence emerged that morphine-base transports going from Turkey to illegal heroin laboratories in southern France were crossing into southern Germany. It was assumed Munich would serve as a meeting point for the organizers and a base where drug couriers were to be recruited. Some feared that after the so-called French Connection in Marseille was busted, illegal heroin production would move to Bavaria. Since about two-thirds of the heroin meant for consumption in the U.S. had come from France, it was necessary to avoid the emergence of a new large criminal network in Munich and Bavaria.

The Federal Criminal Police Office, the lead agency for international cooperation, left it to the Bavarian State Office of Criminal Investigations to set up the institutional framework for the cooperation desired by the U.S. As a result, a German-American working group to fight drug trafficking was founded. Initially, the German side was represented by members of the Bavarian State Office of Criminal Investigations, the Munich Customs Investigations Office, the then-Munich city police, the then-border police, the Federal Criminal Police Office and the State Office of Criminal Investigations of Baden-Wuerttemberg. On the U.S. side were representatives from the Customs Service, the Armed Forces, and the Bureau of Narcotics and Dangerous Drugs, which today is called the Drug Enforcement Administration.

Over time, representatives from countries bordering Bavaria joined the initiative and, step by step, Working Group South East turned into an efficient international expert body of customs and police officers, including those from Southeast Europe. From the very beginning, the Bavarian State Office of Criminal Investigations has held the chairmanship and been responsible for the administration of this cooperative endeavor. The most recent participants come

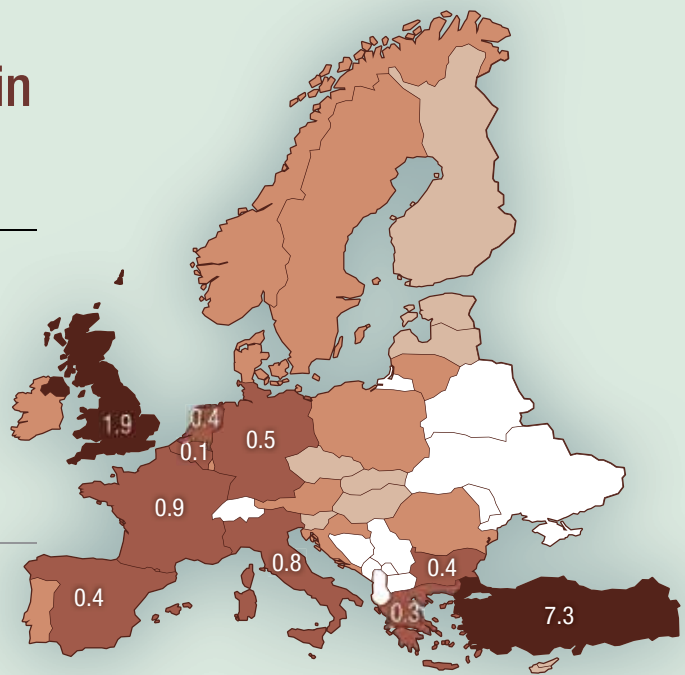
Amount of Seized Heroin 2011

METRIC TONS



Amounts are noted for the 10 countries with the largest seizures.

Source: European Drug Report 2013



A German customs officer searches for crystal methamphetamine in Nürnberg in January 2013. She was part of a German-Czech counter drug operation that lasted more than six months.

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from Switzerland, Bulgaria, Hungary and other states on the Balkan Peninsula or bordering it.

To fight illegal drug trafficking, the Working Group promotes exchanging information and sharing experiences and plans and coordinates joint enforcement operations along the southern route. The state police forces are kept up to date by the Bavarian State Office of Criminal Investigations and make regular random checks in the border area. These checks are called “dragnet control”⁵ and have proven effective in fighting drug trafficking in Bavaria.

Narcotics trafficking along the Balkan route continues to be a highly topical issue, as a recent case still under investigation by the Bavarian State Office of Criminal Investigations proves: Police seized a block of what looked like concrete that had been transported on a truck driven by an Albanian national. The block actually contained 684 kilograms of marijuana.

Apart from its commitment in Working Group South East, the Bavarian State Office of Criminal Investigations participates in other international and national committees dedicated to combating illegal narcotics trafficking.

CRYSTAL METH

A few years ago, the work of the narcotics squad of the Bavarian State Office of Criminal Investigations pointed to another transnational drug issue that was brought to our attention at an early stage: the crystal meth problem.

Crystal meth is a form of methamphetamine, part of a group of amphetamines composed of light crystalline substances (crystals up to 7 centimeters). Methamphetamine was first synthesized in Japan in 1893. From 1938 on, it was sold in Germany under the product name Pervitin.

During World War II, Pervitin, also called tank chocolate, was consumed by German soldiers as a stimulant to ward

off fatigue. The drug reduces fear and enhances alertness and endurance, so it alleviated hunger and thirst and made soldiers more aggressive. Some Japanese kamikaze pilots used meth before they took off on their suicide missions. Pervitin was also used to set records that initially seemed impossible to achieve. With the help of the drug, Austrian climber Hermann Buhl was the first to climb the Nanga Parbat (8,126 meters) in the Himalayas in 1953.

For their own safety, police officers need to be aware of the negative effects of the drug: It is a strong stimulant, inflates self-confidence and can make people delusional and insensitive to pain. Crystal meth users tend to be violent. As one addiction specialist noted: “The longer they’ve been on the drug, the more aggressive they become.”⁶

Crystal meth consumption quickly results in severe psychological dependence. Compared to amphetamine, concentrations of methamphetamine in the body are higher and accumulate over shorter periods, particularly in the brain. Crystal meth is highly addictive and ruins the body quickly.

Crystal meth addiction is easy to recognize. Users’ physical appearance declines rapidly, characterized by extreme weight loss and tooth decay. U.S. publications often show rotten teeth — “meth mouth” — which is partly a result of crystal meth addiction.

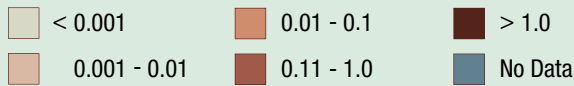
THE CZECH CONNECTION

Crystal meth is relatively easy to produce. Since 2009, its production has been in the hands of Vietnamese criminals running meth labs. These people, residents of the Czech Republic since the days of the Iron Curtain, sell the drug at so-called Vietnamese markets.

The profit margin for drug dealers is huge: Production of 1 gram of crystal meth costs between 3 and 4 euros, but

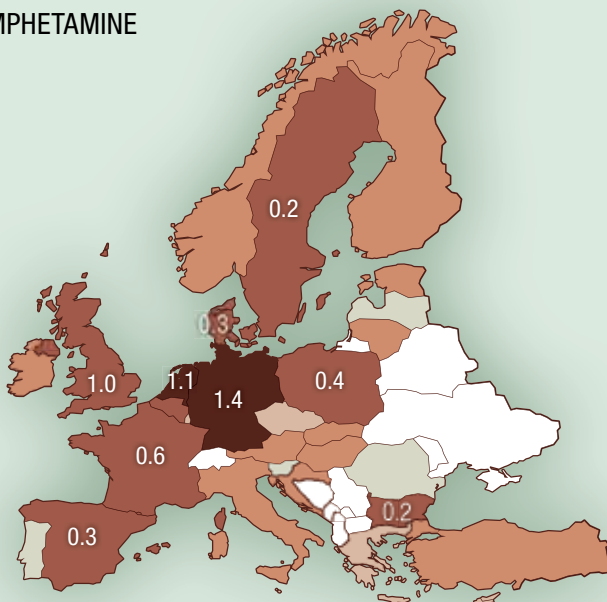
Amount of Seized Stimulants 2011

METRIC TONS

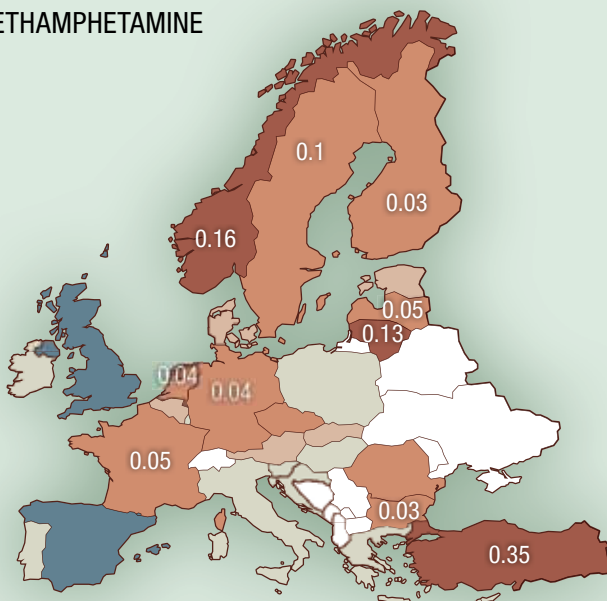


Amounts are noted for the countries with the largest seizures.

AMPHETAMINE



METHAMPHETAMINE

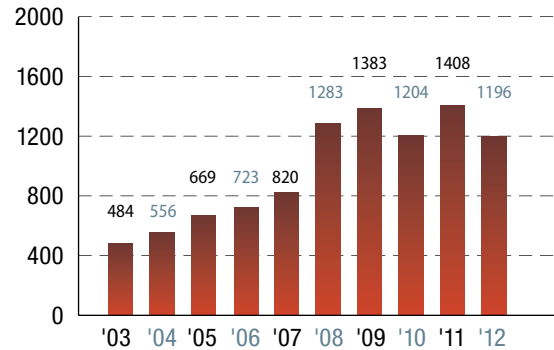


Source: European Drug Report 2013

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QUANTITIES OF (METH-) AMPHETAMINE SEIZED IN GERMANY, 2003-2012

(kilograms)



Source: Federal Criminal Police Office

once the drug is smuggled into Germany, it can sell for as much as 200 euros, although the average sales price in Bavaria is about 80 euros.

After initial difficulties and years of “awareness raising” among the Czech authorities, the issue was put on the political agenda. In February 2013, participants in the “Hof Dialogue” between Germany and the Czech Republic confirmed that drug-related crime along their common border was a top priority for interagency cooperation in exploring root causes.

Although the then-Czech government was committed to the issue, the October 2013 elections changed the composition of the Czech Parliament. It remains to be seen whether the joint declaration will still be relevant. Jakub Frydrych, director of the National Anti-drug Central Office of the Criminal Police and Investigation Service of the Czech Republic, has declared his nation’s 38,000 crystal meth users the biggest drug-related problem. The number of meth addicts in the Czech Republic increases by about 2,000 each year, with much of that growth concentrated in the region of Bohemia that borders Saxony and Bavaria.

Crystal meth-related crime in the Czech Republic accounts for 54 percent of all drug offenses. According to estimates based on the quantities of medication containing pseudoephedrine sold in pharmacies, about 1.5 to 2 tons of crystal meth were produced in the Czech Republic in 2009. Crystal meth production on the basis of precursors purchased abroad (ephedrine and pseudoephedrine in their pure form, medication



German police discover 684 kilograms of marijuana hidden in a granite block.

BAVARIAN STATE OFFICE OF CRIMINAL INVESTIGATIONS

containing pseudoephedrine) does not figure in these estimates. Czech authorities estimated 2011 meth production within its borders at 4 to 4.5 tons, rising to about 6 tons in 2012-2013.

SUMMARY

Combating illicit drug trafficking and smuggling calls for cooperation at the political level among all states concerned, but it also requires cooperation in practical terms among their law enforcement agencies, particularly in transnational investigations and enforcement operations such as “controlled transports.”

But even if cooperation is good, one factor remains critical and should never be underestimated — time. Fighting drug-related crime is a long-term effort. Actions limited to days or months are insufficient. The example of Working Group South East proves that it takes a long-term commitment to achieve success.

Major drug crimes are difficult to detect, investigate and control. Producers, sellers and users usually maintain a conspiracy of silence. Therefore, police checks are required to find out whether crimes have been committed, which means that the drug squads’ clear-up rate always depends on the resources available. And the allocation of resources, in turn, depends on strategic and political priorities.

Because of users’ dependence on drugs and the craving for them, drug-related crime not only leads to further offenses directly or indirectly related to acquiring drugs, but entails enormous costs for national health care systems. Drug abuse can lead to death.

Another factor not to be overlooked: Consumption of certain narcotics may lead to a resurgence of diseases thought to be under relatively good control. In the U.S., for instance, crystal meth consumption in the city of San Francisco led to a dramatic increase in HIV infections among the male homosexual population. The same thing seems to be happening in London.

Drug abuse requires action. Efforts to combat the consumption of narcotics need to include society as a whole and, of course, the police. For decades, the Bavarian State Office of Criminal Investigations has been successful in containing the problem.

Europe’s open borders offer new freedom and opportunities to its citizens, but they also offer opportunities to criminal syndicates and offenders unthinkable in the days of regular border control. Nations need to strike the right balance between freedom and security, because if we give up security for the sake of freedom, we will lose both.⁷ □

1. Cf. Art. 73, 10, 87 Basic Law of the Federal Republic of Germany (GG).

2. Cf. Art. 7, 3, 2 BayPOG.

3. Cf. Art. 4, 1, 1 Law on the Federal Office of Criminal Investigation and the Cooperation between Federal and State Authorities in Criminal Police Matters (BKA Law).

4. United Nations Office on Drugs and Crime (UNODC).

5. A tactical enforcement action: random checks and searches of vehicles and persons in the border area and on “through roads,” i.e. international transit routes with cross border traffic, irrelevant of incidents and occurrences, Art. 13, 1, 5 BayPAG (Cf. Fn 3).

6. Dr. Härtel-Petri, doctor in charge of the addiction medicine ward at the Bayreuth county hospital.

7. An intentional inversion of Benjamin Franklin’s (1706 - 1790) quote: “Those who surrender *freedom* for *security* will not have, nor do they deserve, either one.”