
BANGLADESH

(Converted into text from the PowerPoint presentation made by Bangladesh at the Seminar)

Introduction

- Bangladesh is not a drug or precursor producing country.
- Bangladesh's close proximity to Golden Triangle & Golden Crescent has rendered our country vulnerable to traffic in and abuse of drugs.
- Bangladesh's Industrial base is not developed.
- Precursor chemicals are imported under license for industrial & other use.
- No records of diversion of precursor in Bangladesh.

Constitutional Provision of Bangladesh

Article 18 of Bangladesh constitution :

“Public health and morality. (1) The state shall, and in particular shall adopt effective measures to prevent the consumption, except for medical purposes or for such other purposes as may be prescribed by law, of alcoholic and other intoxicating drinks and of drugs which are injurious to health.”

Legislative mechanisms to comply with article 12 of the UN convention of 1988

Bangladesh Government has ratified all the 3 major UN Conventions and committed to fulfill the obligations of the following International Treaties

1. The Convention on Narcotics drug 1961 (as amended by the 1972 protocol).
2. The Convention on Psychotropic Substances 1971 and
3. The Convention against illicit trafficking of narcotics drugs and psychotropic substances, 1988.
4. Ratified the SAARC Convention on narcotic drugs and psychotropic substances, 1990.

Bangladesh has:

1. Enacted the Narcotics Control Act 1990.
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2. Framed the Narcotics Control Rules, 1999 to fulfil of the objectives of the Narcotics Control Act, 1990.
3. The Act as well as the Rules framed thereunder are adequate enough to impose effective control over the entire gamut of activities relating to import, export, possession, storage, distribution, retail sale and use of precursors in the country.
4. Also amended the NCA 1990 providing for quick investigation of drug offences within a time limit of only 15 days.
5. Incorporated precursor chemicals of table I & II of UN convention 1988 in the schedule of the Narcotics Control Act 1990 in pursuant to Article 12 of 1988 Convention and the political declaration of 20th special session of the UNGA.
6. Placed the drug cases of grievous nature under the Jurisdiction of Speedy Trial Court.
7. Pursuant to the political declaration made at the 20th session of the UNGA on 8-10 June 1998, Bangladesh Govt. has enacted the Money Laundering Prevention Act 2002.

Administrative measures

1. Establishment of the Department of Narcotics Control (DNC) on 2 January 1990 with Head Quarter and with 4 Zonal, 4 Intelligence Zonal, 25 Regional, 108 Circle Offices throughout the country. The total manpower of DNC is 1277.
2. DNC, Police, BDR, Customs & the Coast Guard have been empowered by law to intercept drug trafficking separately & collectively.
3. Establishment of NNCB (National Narcotics Control Board) headed by the Honorable Home Minister as the highest body to formulate policies regarding drug related issues.
4. Formed DDCC (District Drug Control Committee) at district level with DC of the district as it's Chairperson. This committee sits every month to review the drug situation in the district & takes remedial measures.
5. Establishment of a Specialized Chemical Examination Laboratory for quick examination of drugs and precursor chemicals in investigating cases and in conducting trials in the courts.

Relevant Provisions of the Narcotics Control Act (NCA) 1990

Section 9: Restriction on import, export, sale, purchase, manufacture, processing, transport, possession, use or any other kinds of the operations except for medicinal, scientific, or legitimate industrial purposes under license, permit or pass.

Section 11: Provision of issuing license/permit/pass.

Section 12: Restriction on issuing license to persons with criminal records.

- Section 19:** Penal provision of imprisonment for 2 to 15 years for precursor related offences.
- Section 20:** Imprisonment for 2 to 15 years and fine for keeping utensils and apparatus of precursors
- Section 21:** Imprisonment for 5 years and fine for allowing places, transport, establishment or apparatus.
- Section 22:** Imprisonment for 2 to 10 years for illegal handling of precursor chemicals without license, permit or pass.
- Section 23:** Imprisonment for 5 years and fine for breach of the condition of a license, permit or pass for a precursor chemical.
- Section 25:** Imprisonment for up-to 15 years for abatement or conspiracy.
- Section 27 & 28:** Cancellation and suspension of license/ permits of drugs & precursor chemicals.
- Section 32:** Inspection of license for drugs and precursors
- Section 33:** Seizure & confiscation of illicit drugs and precursors.
- Section 46:** Financial investigation and freezing of assets
- Section 50:** Specialized Chemical Examination Laboratory for quick examination of drugs and precursors

Other laws to deal with precursors

1. Money Laundering Prevention Act, 2002.
2. The Acid Control Act, 2002.
3. The Acid Violence Suppression Act, 2002

Amendment of 2000 to the Narcotics Control Act, 1990

Main amended provisions are:

- Incorporation of the precursor chemicals in the schedule of drugs.
 - Precursors are placed under the purview of the definition of drugs.
 - Provisions for warning on labels and packages on drugs and precursors.
 - Maintaining correct accounts of drugs and precursors.
 - Financial investigation.
 - Seizure and forfeiture of assets of illicit traffickers.
 - Freezing of bank accounts.
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- Application of Controlled Delivery Technique

The Narcotics Control Rules, 1999

Licensing: Systems for control, monitoring, supervision and preventing illicit trafficking and diversion of drugs and precursors.

Permit or Pass: No import, export, transport, shipment, manufacture, sale, distribution, purchase, possession, warehousing, use, etc. without a license, permit or pass from DNC.

Inspection: Handlers of the precursor chemicals have legal bindings to allow any kind of inspection by DNC.

Accounts: Maintenance of regular and accurate accounts, accountability for any misuse, damage or illicit diversion.

Mechanisms for monitoring trade in precursors

- Narcotics Control Rules 1999 has established a *licensing system* under the provisions of sections 9, 11 and 12 of the Narcotics Control Act 1990.
- This system monitors, supervise, and controls the entire perspective of the trade in precursor chemicals.
- No one can manufacture, process, import, export, transport, possess, sale or purchase any precursor except license, permit or pass issued by DNC.
- Violation is punishable under Section 22 of the Narcotics Control Act 1990.

Narcotics Control Rules 1999 made provisions for:

- Inspection by DNC before issuing license / permit is mandatory under Rule 3(4).
- License holder requires import authorization before import of each consignment.
- Importers are required to obtain NOC from DNC to clear the imported precursors at the ports of entry.
- After arrival of the consignment at the license premises, it is verified by DNC official.
- Trade of precursor is strictly monitored and controlled under Rule 6.
- Maintenance of correct accounts ensured under Rule 14.
- DNC inspects all the trade operations of precursors (Rule 15).
- A group of expert DNC Officials are recently working on improvement of this monitoring mechanism on the trade of precursor chemicals.

Number of licenses issued on precursors

- Import License: 61
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- Processing License : 12
- Retail Sale License : 36
- Permits for use: 28
- DNC monitor the trails and trends of operations: by examining accounts and trade information from time to time

Mechanism for collection of data on precursor chemicals

Legal instruments used in collection of data

- Application forms prescribed by DNC for various kinds of licenses, permits and passes.
- Forms prescribed for maintaining accounts for import, export, manufacture, sale and use of precursor chemicals: (Rules 3, 4, 5, 6, 8, 9, and 14).
- The Database and data management systems established in DNC.
- More sophisticated statistical forms are in the process of development.
- Computer Cell of DNC and it's Database are underway to further development.
- The field officials of the DNC have been oriented further.

Co-operation with chemical and trade industry

- Government Policy is to patronize the development of any kind of licit trade and industry.
- Govt. takes care for the assurance of regular and adequate licit supply.
- DNC's mechanism of control, monitoring and supervision imposed with great care to avoid public harassment and obstacles to trade commerce and industrial development.
- DNC is very careful in quick responding to any application for license, permit or pass.
- DNC's Inspection for issuing licenses and passes and verification of imported consignment are being done quickly.
- DNC keeps the flow of legal supply of precursor chemicals uninterrupted.
- Countries assessment of the needs of precursor is also made on the basis of actual requirement.
- DNC is holding regular meetings with the relevant authorities of industries and importing firms.

Procedure for import of precursors

- Importers need to obtain import license & import authorization from DNC.
 - Exporting countries send Pre-export Notifications.
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- No-Objection Certificates (NOC) is issued by DNC in reply.
- On arrival of the precursors, the stock and use are verified physically by DNC.
- DNC sends replies to Questionnaires of Biennial Reports to CND (Commission on Narcotic Drugs) regularly.
- Sends statements to INCB regarding precursor as and when required.

Mutual exchange of information on transaction, diversion and trafficking

- Bangladesh does not produce any other precursor chemicals except small amounts of Sulfuric Acid and Hydrochloric Acid for home industrial use.
- Bangladesh does not export any precursor chemicals
- Imports are from: India, Malaysia, Singapore, China, Japan, UK & Italy.
- Bangladesh Participates regularly in Workshop, Seminar and Symposium for multilateral exchange/sharing of information on drugs and precursors, it's diversion and illicit trafficking.
- DNC maintains close contact with the ROSA and DEA located in New Delhi, India.
- Exchange of information with USA, UK, France done regularly through their Drug Liaison Officers posted at Dhaka.
- Send information on illicit trafficking and diversion to INCB and SDOMD regularly.

Bangladesh has:

- Entered into a bilateral agreement with Myanmar for suppression of illicit trafficking of drugs and precursors in 1994.
- Signed a Memorandum of Understanding with the Islamic Republic of Iran on drugs and precursor control in 1995

Monitoring measures to prevent the diversion of precursor chemicals

- Bangladesh does not produce any heroin, amphetamine, methamphetamine, methaqualone, PCP, LSD, MDA, MDMA, MDE, cocaine or any coca preparation, mescaline or any other substances under the control of UN convention.
 - Little scope of diversion of precursor chemicals within Bangladesh.
 - Law, Rules and administrative mechanisms provide monitoring measures to prevent diversion of the precursor chemicals from licit to illicit channels through the systems of licensing, inspection, verification, maintenance of accounts and regular reporting systems.
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Bangladesh needs:

- To establish detecting devices at the entry ports (Air port, Land port & Seaport) to intercept diversion.
- To train DNC personnel and other law enforcing agencies on identification and handling of precursor chemicals.
- Special training on financial investigation, detection of money laundering, employment of control delivery technique, under cover operations etc.
- Special training on Data Processing and Data Management.
- Regular exchange of information on export-import of precursor chemicals is necessary among SAARC member countries.

Conclusion

In Bangladesh Precursor chemicals are indispensable for research, science, technology and industry. Range of the use of precursors is still limited and so diversion is unlikely to take place. International, regional and bilateral cooperation is of urgent need to prevent its diversion. Governments of all the SAARC countries should come forward with cooperation for harmonizing the provisions of narcotics laws in the line of the provisions of the UN Conventions and the SAARC Convention with a view to working together.

Multilateral Co-operation for tracing, freezing and forfeiting assets and mutual legal assistance is required for precursor control. Further Co-operation in communication, sharing information, networking, research and training should be strengthened amongst SAARC nations. Bangladesh is always ready to respond to the call of mutual assistance and co-operation with open and sincere mind in intercepting any kind of diversion of precursors at both bilateral and sub-regional levels.
