

The Second World Summit
Attorneys General, Prosecutors General and Chief Prosecutors
14 November 2005

Statement by
Antonio Maria Costa, Executive Director
United Nations *Office on Drugs and Crime*

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Thank you, Dr. Al-Marri, for that generous introduction. It is a pleasure to be here today with so many friends, both old and new. In particular, I would like to express the United Nations appreciation to H.H. Sheikh Tamim Bin Hamad Al-Thani for all his support.

There is an old saying: "One picture is worth a thousand words". I think I can prove this today. You should have in front of you a copy of a photograph of young people, very young bodies piled on one another in a prison cell. It does not matter where they are: the image is electrifying.

This snapshot drives home several points. First, it shows how far, in so many countries, we still are from attaining the goal of a strong, fair and humane criminal justice system, under the rule of law. The inmates in the picture may be guilty of crime, or not: we just do not know. The fact is that, the world-over, the delivery of justice is not at the level civilized societies ought to have: an honest and efficient mechanism for the protection of those who respect the law, and a system of retribution, rehabilitation and reintegration for those who violate it.

The picture drives home a second point: if the inmates lying on the floor have been convicted, then their treatment is not humane. If they are not (yet) convicted -- and this matter is relevant especially to you all -- then the problem is far more serious: the criminal justice system in this case would seem to have failed, causing *inter alia* prison overcrowding.

If you are shocked by this picture the same way I am, then I invite you to consider your pivotal role in delivering change.

The key role of prosecutors and attorneys general

Around the world, prosecutors and attorneys general struggle to meet enormous challenges. Some of these are new, like the growing threat of terrorism, money laundering or cyber crime. Other challenges are not new . . . a continuing lack of resources to the justice system; government corruption; a culture that has grown complacent about the absence or the erosion of the rule of law; court inefficiency that causes impunity and, therefore, even higher crime; violence that, in some regions, makes a strong judicial infrastructure or the rule of law impossible.

These difficulties undercut the best of efforts to sustain your countries' legal systems. Clearly, prosecutors and attorneys general are only one link in the much longer chain we call a nation's judicial system. But make no mistake: you are not objects in the reform process. You are subjects, actors and promoters. I therefore ask you to take the lead, whatever the culture, whatever the country's income, whatever the legal system, and to respond proactively to the challenge that places the rule of law at the centre of democracy.

The UN crime control Conventions: the right ideas at the right time

Let me suggest where you can start this pro-active role. Think about the UN Conventions against Corruption and against Transnational Organized Crime, with its three Protocols. What are they, if not new ideas, born out of the international recognition that transnational crime and corruption are common threats? Aren't these Conventions compelling forces that command the collective attention of States in ways that earlier, home-based approaches to the rule of law and justice failed to do?

As you know, the United Nations *Office on Drugs and Crime* is the custodian of these instruments. They were negotiated in Vienna, in record time (18 months each), and came into force in five years. (Since, UNODC has acted as the Conventions' mid-wife, I like to say we scored "five out of five"). Following these instruments' entry into force, UNODC is now actively assisting Member States to create the legislative, regulatory and administrative processes necessary to implement them. Put another way, our job is to help countries breathe operational

life into the large, compelling vision contained in these Conventions. It is at this point that prosecutors and attorneys general enter the scene.

Action instead of words

This Second World Summit will let prosecutors and attorneys general share “war stories,” what you succeeded doing, where you failed, what works—what doesn’t. It is a chance to meet peers from other States, an opportunity to further international cooperation in the space of a few days.

From my perspective I see several areas where prosecutors could, and should, play a key role at this juncture. First and foremost, I would like you to be at the forefront of implementation of the drug, corruption, crime and terrorism control Conventions. In so doing, and second, I call upon you to intensify international cooperation: the willingness to extradite major criminals, drug traffickers, corrupted officials, terrorists and other thugs is key, as is the sharing of information and mutual legal assistance. This task will be easier, the more compatible domestic legislation is, and the greater the trust among you.

At this Conference you may also wish to consider the question of modernizing penal procedures as a means of combating transnational crime, corruption and terrorism. There are questions that still require answers in rich nations, as well as in poor ones. What role should modern investigative techniques play today? Video testimony . . . electronic surveillance . . . undercover operations . . . virtual delivery . . . and witness protection? Many of these issues spark heated debate. States need to find the appropriate middle ground where individual freedoms, human rights in general, and the need to provide human security coexist. There should not be political gamesmanship or ideological dithering in a world where terrorist attacks claim a growing number of lives, and where drug traffickers, corrupted officials, and mafiosi ruthlessly siphon off the health, the wealth and the security of nations. And there is more.

New Forms of Crime and Prosecutorial Responses

Open markets and easy communication; mobility of people, capital and services, internet itself -- one of modern society's greatest capital -- have created and have spread out unprecedented wealth. They have also offered to organized crime an unprecedented opportunity to develop and carry out new forms of crime, violence and fraud, hitting unprecedented numbers of victims.

There is much irony in the situation. First of all, all too often law enforcement stops at a country's border: not so criminals. Furthermore, thanks to the billion of dollars of accumulated wealth, criminal organizations can afford sophisticated technology, governments in so many parts of the world cannot. There are places in the world where trials are postponed because there is no paper on which to record the proceedings, or where police cars do not run for lack of fuel. Development assistance, so much focused on the hardware of development (roads, schools, hospitals and factories), has too often neglected its role in helping countries create the justice system infrastructure.

Rule of Law

The recent report by the Secretary General makes it clear that the rule lies at the very heart of the UN mission. It defines it as *“a principle of governance in which all persons, institutions, public and private entities, including the State itself, are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and which are consistent with international human rights norms and standards.”* Implementation, the same report says, requires *“adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.”*

Here lies the key to human dignity, civilization and democracy. And as cold and technical as this language may sound, the principles laid out are as familiar to the common person as the sound of a heart beating. No one, regardless the height

of the position or the size of the pocket-book, is above the law. As prosecutors, you have no other compass.

The challenge, of course, is also cultural and political, since notions like the separation of powers, participation in decision-making, legal certainty, and transparency presume the inherent equality of all people, and the entitlement of all citizens to unwavering standards of justice. It is a humanist perspective that supports fair courts, effective prosecutors and humane prisons – and the prevalence of reason, as opposed to habit, privilege, or force.

For those of you who labor within systems that continue to suffer from corruption, the burden, as well as the risk, is much greater. But so is the potential reward. Globalization and our shrinking world can work to your advantage: as each country's security continues to become even more dependent on the level of security at work in neighboring States, the collective pressure for reform and cooperation grows. And, of course, so do your opportunities and the recognition to be derived.

Aspects of Crime

A strong judiciary and effective law enforcement are prerequisites to the construction and maintenance of a civil society. However, at UNODC, we believe that prevention is also a powerful dissuading factor to crime, corruption and terrorism.

We recently published a report on "*Crime and Development in Africa*". The findings are troubling. Our data indicate that crime is both cause and consequence of mass poverty. In Africa like elsewhere, crime is the result of intrinsic vulnerability of young populations, without a future, urbanized in cities without services or economic opportunities, with weapons available as a result of conflicts. In turn, crime becomes an impediment to development, causing capital flight and stopping foreign investment.

We have just launched a similar work on the relation between crime, poverty and instability in the Caribbean and Central America on the one hand, and on the

Balkans and affected Eastern European countries on the other. Other regions will in due course also be assessed.

You can imagine the outcome of the analysis. When powerful criminal organizations mix with corrupt leaders and greedy officials in regions ravaged by conflict, crime and violence, what you get is a situation nobody, especially an investor, wants to touch. There is also good news in the report. Today, across the world, ordinary citizens are demanding democratic reform, calling corrupt leaders to task, and demonstrating the kind of leadership countries need to regain investors' confidence. This reform process needs people like you all: honest, committed custodians of the rule of law.

In Africa, in particular, we see change. Across the continent, new governments are elected on anti-corruption platforms, communities build integrity safeguards into local administrations, to weed out dishonest officials.

Success Belongs to Summit Participants

Every good speech, they say, ends with a call to action. This is mine: make this Summit a cornerstone of support to the United Nations drug, crime and terrorism control legal instruments. Decide that you want to help make them a reality, and then figure out the best way to deliver results. Be bold. Speak plainly. And concentrate, not on the many obstacles in front of you, but on the avenues, even the ones still unexplored, to bring the rule of law at the center of civilized societies.

Thank you for your attention.