

TOPIC No. 14

CONTROLLED DELIVERY

DURATION OF SESSION:	1 HOUR
SUGGESTED METHOD:	LECTURE
TRAINING AIDS:	OHP, POWERPOINT PRESENTATION
AIM OF THE SESSION:	

The session aims to explain the concept of controlled delivery to the participants and apprise them how this concept has been incorporated in the precursor laws in SAARAC region and requirements for a successful controlled delivery operation.

OBJECTIVE OF THE SESSION:

At the end of this session, participants will be able to suggest to the Competent Authorities cases fit for controlled delivery operations and participate in such operations.

POINTS TO BE COVERED:

- In order to effectively deal with precursor diversion attempts and expose the organised gangs behind them, it is not enough to merely intercept the consignments. What is required is a concerted and co-ordinated enforcement effort that must identify all the people involved in the diversion. It is in this context that the technique of controlled delivery comes to the aid of the enforcement authorities.
- 'Controlled delivery' is an investigative tool.
- The 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention) has recommended use of controlled delivery technique if permitted by basic principles of domestic laws of a country.

DEFINITION OF CONTROLLED DELIVERY IN 1988 UN CONVENTION

- The 1988 UN Convention defines 'Controlled delivery' as under:
 - 'Controlled delivery' means the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances, substances in Table I and Table II annexed to this Convention, or substances substituted for them, to pass out of, through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences established in accordance with article 3, paragraph 1 of the Convention".

- An analysis of the concept of 'controlled delivery' adopted in the 1988 Convention reveals that it contains the following ingredients:
 - It is a technique of allowing passage of illicit or suspect consignments.
 - Consignments have to be of contraband such as narcotic drugs, psychotropic substances or precursors.
 - The contraband may be substituted.
 - Passage may be allowed out of, through or into the territory of one or more countries.
 - Passage is allowed with the knowledge and under the supervision of competent authorities.
 - Controlled delivery is resorted to in order to identify persons involved in the trafficking.
- The concept of controlled delivery has found acceptance in the SAARC region. India, Pakistan, Nepal and Bangladesh. (definitions may be shown on slides) have already incorporated this 'concept' in their laws.
- Reasons for greater acceptance of Controlled delivery are:
 - Trafficking in drugs and precursors has become a truly trans-national crime. Controlled delivery is an effective method to deal with such crimes.
 - Controlled delivery alone can best unravel the chain beyond the 'cut-outs' in a smuggling diversion operation.
 - A carrier prematurely intercepted, even if he knows them, may not disclose further links during interrogation or may even mislead. Controlled delivery may lead to further links in the chain.
 - In case of post parcels or packets sent by courier service, addresses might be fake. Controlled delivery can help reveal the identity of the people behind these fake addresses.
- The following objectives can be achieved by use of controlled delivery.
 - To identify, arrest and convict violators of law.
 - To dismantle smuggling/trafficking organisations.
 - To broaden the scope of investigations and to identify additional and higher level violators.
 - To find out and establish knowledge on transporters, receivers and managers, e.g. that they were knowingly in possession of the contraband.
 - To identify assets for seizure/forfeiture.

TYPES OF CONTROLLED DELIVERIES

1. The 'Cold Convoy'.
2. Cooperating courier.
3. Under cover operations.
4. Postal consignments.

PRE-REQUISITES FOR SUCCESSFUL CONTROLLED DELIVERY OPERATIONS

- 1) Existence of legal provisions.
- 2) Bilateral Agreements/MOUs.
- 3) Competent Authorities.
- 4) Case-by-case Operation and effective decision-making.
- 5) Accurate information. - The following information would help in successful culmination of a controlled delivery operation:
 - Person acting as carrier - full particulars.
 - Details of post parcel/packet sent through courier service.
 - Shipping bill numbers/Bill of lading and other details of the movement of the goods in question.
 - Travelling details of the carriers.
 - Nature of goods.
 - Possibility in the change of routes.
 - Possibility of transshipments.
 - Possibility of handing over goods to another person during transit.
- 6) Knowledge of customs, port and postal procedures.
- 7) Effective surveillance - use of modern tracking devices.
- 8) Complete trust and understanding between the authorities of the participating countries.
- 9) Constant communication.

Instances of controlled delivery: