



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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22 February 2007

### VNM101945.E

Vietnam: The involvement of government officials and police officers in drug smuggling; counter-smuggling efforts undertaken by the government and police (2002 - October 2006)  
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Vietnamese citizens, particularly "ethnic minorities" (*Viet Nam News* 23 Aug. 2006), have historically produced and consumed opium (*ibid.*; UN 2005, 8). However, according to the United States (US) Central Intelligence Agency (CIA), Vietnam's opium production is now considered to be minor (US 17 Oct. 2006; INCB 2006, para 435). In a presidential determination signed by US President George Bush on 15 September 2005, the US removed Vietnam from its list of major drug-producing and drug-transit countries (US 15 Sept. 2005). The presidential determination states that the government of Vietnam has made "claims" that "they have virtually eliminated opium poppy production" and there is not enough evidence to refute these claims (*ibid.*). Nonetheless, sources contend that "[l]ow levels" of opium are reportedly still grown and consumed in Vietnam, particularly in remote highland areas (UN 2006, 55; US Nov. 2003).

The CIA states that Vietnam is a probable minor transit point for heroin produced in Southeast Asia (US 17 Oct. 2006). However, the US Bureau for International Narcotics and Law Enforcement Affairs reports that "significant amounts" of illegal narcotics enter Vietnam from the drug-producing countries that are part of the so-called Golden Triangle (US 1 Mar. 2006, 298): Lao People Democratic Republic (PDR), Myanmar and Thailand (UN 2005, 8). The drugs are reportedly then smuggled to Australia, Japan, Malaysia and various regions of China (US 1 Mar. 2006, 298). The United Nations Office on Drugs and Crime (UNODC) similarly reports that Vietnam has become an "important transit country" (UN 2005, 8), as does a situational analysis produced for the Australian National Council on Drugs (ANCD) (Burnet Institute/Turning Point 2006, 75). The ANCD research report states that "Vietnamese fishing fleets transport illicit drugs, among other commodities, to every country around the Gulf of Thailand and the South China Sea" (*ibid.*, xv).

The government of Vietnam is also facing a domestic problem with illicit drug-use, particularly with respect to heroin and amphetamine-type substances (US 17 Oct. 2006; Burnet Institute/Turning Point, 75; Harvard 7 Sept. 2006; *Viet Nam News* 23 Aug. 2006).

### Corruption among police and officials

There is scant information that links government officials or law enforcement agents with drug trafficking among the sources consulted by the Research Directorate. In 2006, media sources reported the arrest of four police officers who allegedly accepted bribes from drug traffickers and provided them with information on a drug investigation (Vietnam News Brief Service 25 Aug. 2006; Xinhua News Agency 25 Aug. 2006). In 2005, seven police officers were likewise reportedly arrested for accepting bribes from drug traffickers (*ibid.*).

A strategy report produced by the US Department of State indicates that while information on the collusion of officials in drug smuggling is lacking, "a certain level of corruption, both among lower level enforcement personnel and higher level officials is consonant with fairly large-scale movement of narcotics in

and out of Vietnam" (US 1 Mar. 2006, 297). Similarly, the UNODC states that corruption "at many levels of society" contributes to the drug-smuggling problem in Vietnam (UN 2005, 8). The ANCD report states that corruption is commonly linked to the drug trade and "can be particularly destructive [to] law enforcement" (Burnet Institute/Turning Point 2006, vii).

### **Government Efforts to Address Drug Smuggling**

Vietnam's constitution states that it is "strictly forbidden to produce, transport, deal in, store, and use unlawfully opium and other narcotics" (Vietnam 1992, Art. 61). Those found producing or trafficking drugs can be punished with life imprisonment or the death penalty (Burnet Institute/Turning Point, 77; AI Aug. 2003, 7). Amnesty International (AI) has criticized the country's drug laws as inhumane (ibid.). An Australian man was sentenced to death in 2005 for attempting to smuggle two kilograms of heroin out of Vietnam (ABC News Online 21 Dec. 2005).

Vietnam has acceded to the 1961, 1971 and 1988 UN Drug Conventions (UN 2005, 9; Burnet Institute/Turning Point 2006, 77). These Conventions are as follows: the Single Convention on Narcotic Drugs, 1961; the Convention on Psychotropic Substances, 1971; and the Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (UN n.d.). Vietnam has signed the Association of Southeast Asian Nations (ASEAN) declaration for a drug-free Asia by 2015 (Devaney et al 2006, 77; ASEAN 15 July 1998). The government also produced a National Drug Control Action Plan for the period of 2001 to 2005 (US Nov. 2003). In 2001, the country's main drug control legislation came into effect, the Law on Narcotic Drugs Prevention and Suppression (Burnet Institute/Turning Point 2006, 77; UN 2005, 9). According to the US Drug Enforcement Administration, the following agencies enforce the drug laws in Vietnam:

Counter-Narcotics Department: the drug enforcement arm of the General Department of Police (established in 1997).

Vietnam Customs Department, Narcotics Suppression Unit: [conducts] drug investigations at airports, seaports and border crossing points.

Civil Aviation Administration Security Department: responsible for law enforcement at Vietnam's airports.

Border Defense Force: military units specially designated to interdict drug smuggling into Vietnam. (US Nov. 2003)

### **Police efforts to address smuggling**

In Vietnam, "porous" national borders and long coastlines have reportedly made it difficult for police to stop drug smuggling (UN 2005, 6). Other factors constraining effective counter-narcotics operations include limited financial resources and a lack of skills and training on the part of Vietnamese police (ibid.; US 1 Mar. 2006, 295).

There have recently been several "significant" drug busts in Vietnam in Ho Chi Minh City, Hanoi and Phu Tho Province (US 1 Mar. 2006, 297; ABC Radio Australia 27 July 2005; *Thanh Nien News* 6 Sept. 2006).

The US Department of State reports that during the first 10 months of 2005, there were 9,936 drug cases in Vietnam involving 15,018 traffickers (US 1 Mar. 2006, 297). Police seized 256 kilograms of heroin, 55.1 kilograms of opium, 3,339 kilograms of cannabis, 33,756 amphetamine-type stimulant (ATS) tablets and 5,012 ampoules of addictive pharmaceuticals and other substances (ibid.). Reportedly, the opium and heroin seized by Vietnamese police has, for the most part, been manufactured in either Myanmar or Lao PDR (UN 2005, 23).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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**Internet sites including:** government of Vietnam, *People's Daily* [Beijing], *Jane's Terrorism and Security Monitor*, *The New York Times*, International Law Enforcement Reporter, World News Network.

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