



# Department of Justice

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**STATEMENT OF**

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UNITED STATES DEPARTMENT OF JUSTICE**

**BEFORE THE**

**UNITED STATES SENATE  
COMMITTEE ON FOREIGN RELATIONS  
SUBCOMMITTEE ON AFRICAN AFFAIRS**

**HEARING ENTITLED**

**“CONFRONTING DRUG TRAFFICKING IN WEST AFRICA”**

**PRESENTED**

**JUNE 23, 2009**

Good morning, Chairman Feingold, Ranking Member Isakson and distinguished members of the Subcommittee. On behalf of the Drug Enforcement Administration's (DEA) Acting Administrator, Michele M. Leonhart, I want to thank you for your continued support of the men and women of DEA and the opportunity to testify about the scope and dynamics of drug trafficking in West Africa as well as related threats.

### OVERVIEW

Over the past decade, international drug law enforcement efforts have focused principally on the major source countries, and limited resources have been dedicated to other areas impacted by the global drug trade, such as the African continent. DEA investigative efforts and those of other western law enforcement agencies have chronicled the significant increase in Africa's utilization as a transshipment point, storage, cultivation, and manufacturing point for narcotics destined for Europe, and, to a lesser extent, other consumer markets, including the US. The versatility of transnational criminal organizations is well-known, as is their penchant for finding and exploiting vulnerable regions of the world to further their illicit activities. Unfortunately, Africa is such a place, with its strategic geographic location, and, in many instances, weak governments, endemic corruption, and ill-equipped law enforcement agencies.

As a single mission agency, DEA's focus in Africa is to disrupt or dismantle the most significant drug, chemical, money laundering, and narco-terrorism organizations on the continent. A secondary – but no less important - part of this mission will be the long-term effort to address law enforcement capacity building endeavors and mentoring programs with our African counterparts. The cocaine, heroin, chemical, money laundering, and narco-terrorism threats in Africa have an impact on the U.S., particularly since some of the drug trafficking organizations (DTOs) that smuggle illicit drugs in the U.S. are the same as those using Africa as a base of operations for smuggling operations into Europe and the Middle East. By expanding DEA's operational capabilities into Africa, DTOs will increasingly find it difficult to operate in Africa with continued relative impunity. While DEA is increasing its presence in Africa, a critical part of DEA's overall Africa strategy calls for broad interagency support from U.S. government partners for assistance in capacity building and mentoring programs with African law enforcement counterparts.

DEA's presence in Africa consists of four offices established on the continent of Africa (Nigeria, Ghana, Egypt & South Africa), and is anticipating opening an office in Kenya. DEA is striving to enhance its intelligence collection and operational capacity to address the African drug threat. At the same time, DEA is working closely with its U.S. law enforcement, military, intelligence, and diplomatic counterparts to counteract the wave of drug-related crime impacting many African nations. DEA also is engaging foreign law enforcement agencies and governments in an effort to coordinate counter-narcotics strategies in Africa. While DEA remains a single-mission agency with a law enforcement focus, decades of experience in drug source and transit countries has evidenced the need for close coordination with U.S. government agencies focused on intelligence and capacity building programs. DEA alone does not have the resources or

authorities to implement parts of our Strategic Concept for Africa; and therefore will continue to work cooperatively to leverage the resources and expertise of our interagency partners.

### **DRUG THREATS IN AFRICA**

For DEA, the principal drug threats in Africa are: cocaine, Southwest Asian heroin, methamphetamine precursor chemicals, drug money laundering, narco-terrorism, and other drugs such as marijuana, hashish, and khat.

#### *Cocaine*

West Africa is a transshipment location for metric-ton quantities of cocaine being transported to Europe by South American DTOs. A 2007 U.S. government assessment estimated that between 180 and 240 metric tons of cocaine transited established transshipment points in West Africa most ultimately destined for Europe. Colombian and Venezuelan traffickers are entrenched in West Africa and have cultivated long-standing relationships with African criminal networks to facilitate their activities in the region. Criminal groups take advantage of Africa's porous borders, poorly-equipped and under-trained law enforcement agencies, and corrupt government officials to facilitate their trafficking operations. The significant rise in cocaine trafficking from South America to Europe, via established routes in Africa, presents a threat not only to Europe, but also to the U.S. The same South American DTOs responsible for transporting major cocaine shipments to the U.S. are using the African continent as a transit base/storage location for cocaine destined for European markets. The drug proceeds from cocaine trafficking return to these South American DTOs to further their illegal activities in the U.S., Africa and Europe.

#### *Southwest Asian Heroin*

DEA investigations, intelligence and seizure information identify Africa as a staging ground and transit location for Southwest Asian (SWA) heroin entering global markets. The heroin is principally smuggled by West African criminal groups from Pakistan through Middle Eastern countries and East Africa to West Africa. Kenya, Tanzania, South Africa, Nigeria and Ghana are the principal transit zones in East and West Africa. The heroin is concealed in air cargo, luggage and body-carried by couriers for eventual transshipment to the U.S. and Europe.

#### *Methamphetamine Precursor Chemicals*

Current drug and laboratory seizure statistics suggest that the vast majority of the methamphetamine consumed in the U.S. is produced by Mexico-based DTOs. Since methamphetamine is a synthetic, clandestinely produced drug, its production and distribution relies exclusively on the ability of Mexican organizations to obtain key precursor chemicals, particularly pseudoephedrine and ephedrine. Since 2006, DEA investigations and intelligence collection initiatives indicate sub-Saharan Africa has

become a major transshipment location for precursor chemicals destined for the Americas.

### *Drug Money Laundering*

The laundering of drug proceeds in Africa is a major concern. DEA investigations and intelligence collection initiatives have revealed evidence of money laundering on the continent is rapidly expanding. Africa does not constitute a global money laundering hub, but its permissive and corrupt environments offer opportunities for traffickers and their money brokers to operate with relative impunity. DEA has observed the following money laundering methods in Africa: bulk currency smuggling and storage, illicit wire transfers, Informal Value Transfer Systems (IVTS) or “hawalas”, corrupt foreign exchange houses, casinos, laundering through precious gems (particularly diamonds), real estate investment and trade-based money laundering (including the used car market). Often several laundering methods are used in the same operation to repatriate proceeds to the criminal beneficiaries. As evident from the scope of methods available to traffickers, deficiencies in some African economies (such as sparse banking outlets, cash-dependent markets and inadequate regulation) do not discourage money laundering.

### *Narco-terrorism Activity*

The threat of narco-terrorism in Africa is a real concern, including the presence of international terrorist organizations operating or based in Africa, such as the regional threat presented by Al-Qaeda in the Lands of the Maghreb (AQIM). In addition, DEA investigations have identified elements of Colombia’s *Fuerzas Armadas Revolucionarias de Colombia* (FARC) as being involved in cocaine trafficking in West Africa. In a large number of African states, there are also insurgent/anti-government groups undermining stability, the rule of law, and the weak central governments, all of which are conditions exploited by international drug and precursor chemical organizations. The weak economies throughout Africa make drug trafficking one of the more profitable ways for criminal organizations to generate money, certainly a point not overlooked by terrorist and insurgent organizations. The transportation, money laundering and logistical infrastructures utilized by DTOs in Africa are vulnerable, wittingly or unwittingly, for use by terrorist organizations.

### *Marijuana, Hashish, and Khat*

Marijuana, hashish, and khat are additional drug threats currently posed by DTOs operating in Africa and are serious issues of concern to our African counterparts due to their growing rates of abuse on the African continent. Marijuana is the primary drug of abuse in Africa. Marijuana production takes place in almost every African country for internal sale, and also is smuggled to Europe. The primary drug trafficked in northern Africa is hashish. Each year Spanish drug law enforcement authorities seize massive amounts of hashish, smuggled into the Iberian Peninsula from Morocco. Hashish traffickers and cocaine traffickers now utilize the same routes to transport those drugs into Spain. Finally, khat is smuggled into the United States from East Africa via

European countries, where the plant is legal. As a result, millions of dollars a year are being sent to Somalia and other countries in the Horn of Africa that may end up in the coffers of terrorist networks.

### **DEA's STRATEGIC CONCEPT FOR AFRICA**

DEA's principal mission in Africa is to identify, target, and dismantle significant international DTOs. In the last 24 months, DEA's near term strategy for Africa has focused investigative efforts to uncover those DTOs which represent a threat to the U.S. or our law enforcement counterparts in Africa, Europe, and Asia. Once identified, DEA has initiated bilateral and multi-lateral criminal investigations into these groups to great effect. DEA has developed a long-term strategic concept for our efforts in Africa. The strategic concept includes a series of programs that will enable DEA and U.S. government partners to address operational and capacity building requirements in Africa.

#### *African Investigative Units*

Enforcement activities in Africa have demonstrated the need for African counterparts to develop specialized investigative teams to conduct investigations into significant local, regional, and international DTOs. DEA is currently working to cooperatively train, equip, and support specialized units within host nation law enforcement authorities. DEA will continue to work with the Department of State (Bureau of International Narcotics & Law Enforcement Affairs - INL) in this effort.

#### *DEA Training in Africa*

The DEA International Training Section (TRI) will dedicate the necessary training and mentoring to Africa's law enforcement community, which is necessary to combat drug trafficking in Africa and support DEA's strategic concept for Africa. TRI will seek to provide the African law enforcement officers with knowledge of investigative and tactical techniques. The goal is to improve the ability of law enforcement agencies in Africa to investigate narcotics related crimes ranging from simple seizure cases to large-scale conspiracy cases.

During 2006 – 2007, DEA conducted 9 training seminars in Africa with students from 26 African nations. The seminars ranged from instruction in Basic Drug Enforcement Operations to the Drug Unit Commanders Course. In Fiscal Year 2009, DEA is participating in 7 training courses for African counterparts in Botswana, South Africa, and Morocco. The courses will include Asset Forfeiture, Drug Unit Commanders, Basic & Advanced Agent Course, Airport Interdiction, and Clandestine Laboratory Operations.

#### *International Law Enforcement Academies/ Training Centers*

DEA will continue to participate in the Department of State's International Law Enforcement Academy (ILEA) in Botswana and continue to sponsor African law

enforcement counterparts to attend its courses. The mission of the ILEA is to support emerging democracies, help protect U.S. interests through international cooperation, and to promote social, political and economic stability by combating crime. The ILEA concept and philosophy creates a united effort by all of the participants to include government agencies and ministries, trainers, managers and students to achieve the common foreign policy goal of international law enforcement.

In July 2000, the governments of the U.S. and Botswana entered into an agreement for establishing an ILEA that would provide training for member countries of the Southern African Development Community (SADC), East Africa and other eligible countries in sub-Saharan Africa.

### **ONGOING DEA EFFORT TO COUNTER THE AFRICAN DRUG THREAT**

DEA recognizes that in order to effectively attack the international drug trade it has to forward deploy its personnel into the foreign arena. DEA has the largest federal law enforcement presence overseas. DEA has 83 offices in 62 countries and works with host governments in assessing drug threats, gathering intelligence, targeting major DTOs, and assisting host governments in developing comprehensive counter narcotics strategies. DEA agents understand the importance of working to establish relationships of trust with host nation governments in order to accomplish DEA's mission.

DEA's global presence has already proved to be essential in assessing the drug threat developing in Africa. Much of the intelligence obtained to date on the activities of DTOs operating in Africa has come from ongoing DEA investigations on the continent and in other DEA domestic and foreign offices. DEA will continue to develop these investigations and enhance our understanding of how DTOs in Africa function, so we are best positioned to attack their command and control.

As noted, DEA currently has four offices established on the continent of Africa (Nigeria, Ghana, Egypt, & South Africa), and plans to open a new office in Kenya. These offices are strategically located across the continent to utilize limited manpower and financial resources. DEA's offices serve as regional hubs in which DEA coordinates investigative activities and implements its regional strategy.

#### *Organizational Attack*

In order to prioritize and maximize the use of DEA's manpower and financial resources, DEA works with DOJ partners to identify those organizations having the most significant impact on international drug availability. The result of this collaboration has been the identification and targeting of the full scope of an organization's criminal activities. Since 2007, DEA has identified at least nine top-tier South American and Mexican DTOs that have established operations in Africa. By attacking these groups in the source and transit zones, as well as their operations in other areas of the world, a unified targeting strategy is being implemented. As the same South American DTOs transporting cocaine into West Africa are also responsible for multi-ton cocaine

shipments into Mexico and the U.S., DEA's organizational attack strategy calls for investigative efforts against these organizations on both sides of the Atlantic Ocean.

#### *International Drug Flow Attack Strategy*

A key element in combating international drug trafficking is the concerted and coordinated efforts of the inter-agency community to jointly identify chokepoints vulnerable to enforcement efforts and simultaneously direct assets to vigorously target the identified chokepoints on a coordinated and sustained basis. To this end, DEA developed an International Drug Flow Attack Strategy, which has the primary objective to cause major disruption to the flow of drugs, money, and chemicals between the source zones and the United States. The strategy includes an integrated intelligence-enforcement process that rests on four pillars: intelligence-driven enforcement, sequential operations, predictive intelligence, and law enforcement deception campaigns. To stem the flow of drugs into the U.S., DEA will continue to implement this successful Drug Flow Attack Strategy by expanding enforcement initiatives with our global law enforcement partners and the military. Where applicable, DEA will begin to engage African counterparts in these initiatives and develop Africa specific enforcement initiatives.

#### *Financial Attack*

The UN World Drug Report 2007 affirms that the global illicit drug trade is as lucrative as it is poisonous. This global illicit drug trade generates an estimated \$322 billion a year in revenue, far more than the estimated profits from international human trafficking, arms trafficking, and diamond smuggling combined. To make a significant impact on the drug trade in the U.S. and internationally, DEA is tracking and targeting illicit drug money back to the sources of supply before it can be used to finance the next production cycle of illegal drugs. DEA's financial investigations are driven by strategies designed to inflict permanent damage against DTOs. By denying DTOs the revenue from the distribution of illegal drugs, the drug traffickers' capability to acquire or produce additional drugs and support their organizations is hampered. DEA's perspective on the money laundering threat is two-fold: first, DEA is focused on proceeds generated by the illegal drug industry; second, DEA is addressing the threat that drug proceeds represent as a means of financing international terrorist organizations.

#### *Extra-territorial Authority*

DEA has the legal authority to investigate and charge drug traffickers with extraterritorial offenses under U.S. Code Title 21 § 959. Section 959 gives DEA extra-territorial jurisdiction to investigate and prosecute drug offenses with a nexus to the U.S. even though the drugs in question have not actually entered the United States. The 959 statute has proven to be an invaluable investigative tool in pursuing drug trafficking organizations overseas where we can satisfy the requirement for a nexus to the U.S.

Additionally, Title 21 U.S.C § 960a gives DEA an enforcement tool for narco-terrorism. Like Section 959, Section 960a gives DEA jurisdiction to investigate and prosecute extra-territorial offenses if a link between the drug offense and a specified act of terrorism or a terrorist organization can be established. Under this statute, the prescribed punishment is twice the punishment provided for the underlying drug offense. Significantly, there is no requirement for a nexus to the U.S. for the underlying drug offense, a concept that is particularly important in cases involving heroin from Afghanistan, and could also be applied to international terrorists involved in the African drug trade.

Sections 959 and 960a and traditional conspiracy charges under 21 U.S.C. §§ 846 and 848, provide the legal authority to prosecute transnational DTOs, and the robust sentencing provisions in these statutes provide incentive for defendants to cooperate with investigators, promoting success in investigations.

### **DEA INVESTIGATIVE SUCCESSES**

A number of recent successes detailed below demonstrate how the cooperative efforts of the U.S. and foreign law enforcement counterparts are addressing the African drug threat.

- In September 2008, a Colombian national was arrested by Togolese officials based on a narcotics investigation targeting a South American DTO operating in West Africa, which resulted in the seizure of approximately 300 kilograms of cocaine. DEA was able to identify the Colombian as the subject of an outstanding arrest warrant issued by the Southern District of Florida (SDFL) pursuant to a 1992 federal investigation in Miami, Florida. The arrest warrant was based on an indictment for cocaine trafficking related to the seizure of 12,500 kilograms of cocaine secreted in cement fence posts – the largest single seizure of cocaine in U.S. history at the time. The Colombian was identified as the head of a cell operating in Miami working directly for former Cali Cartel leader Miguel RODRIGUEZ-Orejuela. In January 2009, DEA coordinated the expulsion of this individual from Togo based on the SDFL arrest warrant, and he is awaiting trial in Miami. This operation demonstrated that South American DTO personnel based in West Africa are in fact, experienced, high-level operatives.
- In July 2008, Sierra Leone authorities seized approximately 600 kilograms of cocaine from a twin-engine airplane that landed at Lungi International Airport in Freetown. The aircraft was marked with a Red Cross emblem and had originated in Venezuela. The flight crew fled the area upon landing; however, Sierra Leone officials quickly apprehended the flight crew and subsequently arrested other South American nationals in Sierra Leone involved in the smuggling operation. The investigation revealed the defendants and cocaine were linked to a major South American DTO. DEA worked with international partners and Sierra Leone officials to develop a criminal prosecution against those involved. In April 2009, 15 individuals involved with this DTO in Sierra Leone were convicted on

narcotics charges, several of which were subsequently expelled to the U.S. to face charges under Title 21, U.S.C. § 846.

- In 2007, DEA, French, and Congolese law enforcement counterparts conducted a successful operation which resulted in the seizure of approximately 9 tons of pseudoephedrine in Kinshasa, Democratic Republic of the Congo (DRC). The investigation revealed a Mexican-based organization was responsible for the pseudoephedrine shipment, as well as several prior precursor chemical shipments that transited the DRC, Kenya, Tanzania, Ethiopia, and South Africa enroute to Mexico. Since the March 2007 operation, DEA has assisted with the seizure of several other multi-ton pseudoephedrine and ephedrine shipments in Africa that have been linked to Mexican DTOs.
- In 2006, DEA initiated an investigation targeting the head of a Kabul-based DTO operating a major heroin processing laboratory in Afghanistan and as the source of supply for heroin groups in West Africa and Europe. During UC operations in Ghana and Afghanistan, DEA agents negotiated a 100 kilogram heroin deal, which was intended for distribution in the U.S. In late 2007, the principal target and an associate were arrested by Ghanaian authorities and an expulsion order (to the U.S.) was issued by the Ghanaian courts. Both individuals were quickly transferred to U.S. custody and transported to Virginia to face charges issued under a Title 21, Section 959 indictment from the Eastern District of Virginia. Based on their conviction, in June 2008, the subjects of the investigation received prison sentences of 24 and 17 years, respectively. This investigation disrupted the West African trafficking operations of a major Afghan heroin DTO, included successful DEA UC operations in Ghana and Afghanistan, and was the first time Title 21 Sub-Section 959 authority was used by DEA in Africa.

DEA is continuing to target the most significant DTOs operating in Africa, and I fully expect continued success. The achievements described also must be attributed to the brave and determined African police counterparts and their willing governments. Without their cooperation, coordination, and support, the successes realized in Africa would not be possible.

#### **CAPACITY OF REGIONAL GOVERNMENTS AND IMPEDIMENTS TO SUCCESSFUL DRUG LAW ENFORCEMENT INITIATIVES**

Africa is experiencing an unprecedented rise in drug trafficking, and the growth of organized crime in Africa is an increasing national security threat, as evidenced by the integration of South American drug trafficking networks with African and European buyers and distributors. Organized criminal groups are exploiting governmental weakness and corruption prevalent in many African nations. There are obvious signs that Africa's vulnerability is being exploited by some of the world's most dangerous drug trafficking organizations. The global expansion of West African drug trafficking syndicates, such as Nigerian DTOs, has been documented from Bangkok to Kabul; from

Nairobi to Cape Town; and from Lima to Detroit. This expansion would not be possible without safe bases of operation on the African continent.

South American cocaine DTOs have impacted much of West Africa due to the rising demand for cocaine and the higher profits that can be made in the European drug market. The wholesale price for a kilogram of cocaine in Europe can exceed the cost of the same kilogram in the U.S. by two or three times. The current political and economic environment in Africa presents an unprecedented opportunity for drug traffickers and terrorists to flourish and expand their operations on the continent. There is a risk that the rule of law in some West African states might collapse under the sustained pressure from foreign and local DTOs. In addition, many African governments do not have the economic capacity or political will to address the drug threat in the face of other issues such as famine, disease and poverty.

### **CONCLUSION**

As the lead U.S. federal drug law enforcement agency, DEA is integral to the realization of a successful counter-narcotics plan in Africa. With decades of overseas experience and an unparalleled global law enforcement presence, DEA is well-positioned to forge the partnerships necessary to achieve lasting success in Africa. Implementing an effective counter-narcotics strategy in Africa represents a significant challenge to DEA and its partners throughout the U.S. government.

DEA is enhancing its bilateral intelligence collection and operational capacity to address the African drug threat. DEA is also working closely with its U.S. government and foreign law enforcement counterparts to counteract the wave of drug-related crime impacting many African nations. With the implementation of the proposed programs – such as increased training opportunities – DEA and its partner agencies can achieve meaningful and sustainable counter-narcotics success in Africa.

Mr. Chairman, the DEA is committed to working both harder and smarter in dealing with the threat of transnational drug trafficking that affects the entire global community. We recognize that interagency and multinational cooperation are essential elements of the President's National Drug Control Strategy, and these cooperative efforts are the best way for us to dismantle and disrupt international DTOs. DEA will continue to work tirelessly to enhance the effectiveness of our enforcement operations in order to curtail the flow of drugs to the United States and around the world. Again, thank you for your recognition of this important issue and the opportunity to testify here today. I will be happy to answer any questions you may have.