

# THE ROLE OF INTERNATIONAL JUDICIAL COOPERATION IN THE EGYPTIAN AUTHORITIES' INVESTIGATIONS OF ILLICIT DRUG TRAFFICKING

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## I. INTRODUCTION

Drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws. The national authorities are continuously monitoring and researching global illicit drug markets in order to gain a more comprehensive understanding of their dynamics, but practice shows that combating such phenomena requires cooperation and coordination between the various authorities at different levels. The investigation of illicit drug trafficking is a key part of this research, as it seeks the importance of cooperation between the domestic authorities combating the illicit drug trafficking on the one hand and the cooperation on the international level between the law enforcement agencies on the other. This paper will give an overview on the drug situation in Egypt, the legal framework of combating the illicit drug trafficking and the national anti-drug institutions. Then the paper will discuss the importance of cooperation in general and judicial cooperation in particular on both the national and international levels.

## II. GENERAL DRUG SITUATION IN EGYPT

Egypt is not a significant producer or consumer of narcotics or precursor chemicals, despite the fact that opium poppy and cannabis plants are grown in Egypt. The substances that are most commonly abused are cannabis, which is known in Egypt as *bango* (cannabis herb), hashish (cannabis) and legitimate pharmaceuticals<sup>1</sup>. Egypt's long and mostly uninhabited borders, combined with the high level of shipping passing through the Suez Canal Zone, have made Egypt prone to the transshipment of Asian heroin. Egypt is considered a transit point for Southwest Asian and Southeast Asian heroin and opium moving to Europe, Africa, and the US. It is also considered as a transit stop for Nigerian couriers<sup>2</sup>. Other types of narcotics periodically pass through Cairo International Airport. Transshipment has diminished considerably in recent years due to the elevation of security in Egypt and the region as a whole.

A 2003 study conducted by the Government of Egypt showed that the narcotics problem costs the Egyptian economy approximately \$800 million annually, including the amount spent on illegal drugs and what the government spends to combat the problem. The most commonly seized drug in the country is cannabis, in a variety of forms. In the first three quarters of 2011, more than 52,000 kg of cannabis was seized by anti-drug authorities in Egypt. In addition to this, close to 70 acres of illicit cannabis plantations were destroyed<sup>3</sup>.

Synthetic designer drugs are also rife in Egypt, and during the first three quarters of 2011 more than 45 million psychotropic pills were seized. As a large-scale producer of cold medicines, Egypt is a major importer of ephedrine and pseudoephedrine, important precursor chemicals for the production of the drug methamphetamine. It is feared that these chemicals may be being diverted to illicit drug laboratories. Research by the United Nations Office of Drugs and Crime suggests that approximately 0.44% of 15-64 year olds in the country use opiate drugs, while 0.5% take amphetamines. 6.2% of 15-64-year-old Egyptians are estimated to use cannabis. 50.1% of those seeking treatment for drug abuse are estimated to do so for cannabis use. 42.7% do so for opiate/opioid drug addiction<sup>4</sup>.

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<sup>1</sup> [https://www.unodc.org/pdf/egypt/egypt\\_country\\_profile.pdf](https://www.unodc.org/pdf/egypt/egypt_country_profile.pdf), accessed on March 21<sup>st</sup>, 2018.

<sup>2</sup> United States Department of State, *Bureau for International Narcotics and Law Enforcement Affairs*, International Narcotics Control Strategy Report, Volume I, Drug and Chemical Control, March 2010, Egypt Profile, p. 262.

<sup>3</sup> Dr. Dalal ABD EL WAHAB, General Secretary of Mental Health, DRUG SITUATION AND POLICY, 2014, <https://rm.coe.int/drug-situation-and-policy-by-dr-dalal-abd-el-wahab-general-secretary-o/168075f0e5>.

### III. THE LEGAL FRAMWORK OF ILLICIT DRUG TRAFFICKING IN EGYPT

#### A. On the International Level

Egypt is party to the three major international drug control treaties: the Single Convention on Narcotic Drugs of 1961 (as amended in 1972), the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.<sup>5</sup>

Also, it ratified the crime-related treaties, such as the United Nations Convention against Corruption (UNCAC, Feb. 2005) and the United Nations Convention against Trans-National Organized Crime (UNTOC) and two of its protocols: A- Protocol to Prevent, Suppress and Punish Trafficking in Persons, B- Protocol against Smuggling of Migrants. (March 2004).

The abovementioned treaties are considered to be legal instruments for the Egyptian authorities as they are legally binding documents according to the Egyptian constitution<sup>6</sup>. In addition, the Egyptian authorities use those treaties as legal bases for international judicial cooperation between the Egyptian judicial authorities and the foreign judicial authorities.

#### B. On the National Level

##### 1. Law No. 182 / 1960 for Combating Narcotic Substances, Organizing its Usage and Selling Them

The law was issued on June 6, 1960 and published in the Egyptian Official Gazette on June 13, 1960. It consists of 56 articles divided into 9 chapters, and 6 tables are attached thereto. Chapter One is named narcotic substances and contains the general rule which prohibits anyone from importing, exporting, producing, owning, possessing, or buying or selling narcotic substances or exchanging them or distributing them without a license. Chapter Two provides regulations for the import, export and transport of narcotic substances. Chapter Three deals with drug trafficking and the necessary regulations and permissions needed to legitimate trafficking. Chapter Four deals with the trade of narcotic substances through pharmacies and regulates the work of the pharmacists. Chapter Five prohibits the production, extraction, separation or manufacture of any substance of the narcotic substances. Chapter Six deals with the materials that are subject to certain restrictions as narcotic substances. Chapter Seven deals with the plants that are prohibited to be cultivated. Chapter Eight and Chapter Nine deal with the general rules and penalties of the crimes stipulated in the law.

##### 2. Rules Stipulated in the Law

(i) The law adopted sanctions depending on the seriousness of the offender and the gravity of the crime to the society, Article 33 stipulates the penalty of capital punishment for those who export or import without a license the narcotic substances provided for in Article 3, as well as those who produced, mined, separated or manufactured drug substances for the purpose of trafficking.

Article 34 adopted the penalty of capital punishment or life imprisonment for the category of less serious offenders than those referred to in the preceding article, a group of drug traffickers and plant cultivators which are mentioned in the table (No. 5) and traffickers, as well as persons who had licenses for the possession of drugs to use for certain purposes where certain acted in any way other than those purposes, and offenders who conducted or prepared a place for drug abuse. Finally, Article 35 deals with the case of providing narcotic substances for abuse without charge or facilitating drug abuse, which is punished with a sentence of life imprisonment.

(ii) Article 37 stipulates slightly less harsh penalties in order to deal with criminals for the possession of narcotic substances for personal use and made the penalty of imprisonment and a fine of ten thousand EGP to Fifty thousand EGP. However, the second paragraph of Article 37 allowed the courts in the case of a

<sup>4</sup> <http://www.ginad.org/en/world/countries/65/egypt>, accessed March 21, 2018.

<sup>5</sup> Egypt ratified Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs on Jan 14<sup>th</sup>, 1974. Also, ratified the Convention on Psychotropic Substances of 1971 on June 14<sup>th</sup>, 1972. Finally ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs on March 15<sup>th</sup>, 1991. Check <http://www.unodc.org/unodc/en/treaties/index.html> accessed march 21, 2018

<sup>6</sup> Article 151 of the Egyptian Constitution ([www.constituteproject.org/constitution/Egypt\\_2014.pdf?lang=ar](http://www.constituteproject.org/constitution/Egypt_2014.pdf?lang=ar)) accessed March 21, 2018.

convicted addict to refer him or her to a specialized facility for treatment rather than imprisonment. This compulsory admission starts from 6 months and does not exceed 3 years, during which monitoring and evaluation of treatment is to be performed by a multidisciplinary committee. However, such article is inactive for unknown reasons.<sup>7</sup>

(iii) The law stipulated in Article 38 the punishment of the person who has been in the status of possession of narcotic substances with no intention of trafficking or the handling for personal use so the law covers all the practical cases as no holder of narcotic substances will go unpunished.

(iv) The law criminalizes, in article 33(d), criminal organized groups. The law reads as follows:

Anyone even if he/she is abroad, who forms a gang or manages it or interferes in its management or its organization or joins it or participates in it and its purpose was trafficking in narcotic substances or submitting it for abuse or committing any of the crimes set forth in this article inside the country.

The abovementioned crime considers an application to the criminal organized group within the prospective of the Egyptian legislation for combating narcotic substances. However, this crime has some difficulty in practice as the definition of gang is not clarified in the article or the number of persons that is needed to label them as a gang. In addition, the law does not mention any conditions related to the hierarchy of the persons who participated in the gang.

Those gaps in the article gave judicial precedents wide authority to characterize the merits of the cases and develop the legal principles that govern such criminalization of gangs. It is worth mentioning, the criminal organized group has been defined in the Egyptian legal system, but not in the context of the Law on Combating Human Trafficking and the Law on Combating Smuggling of Migrants<sup>8</sup>.

### 3. Pharmacy Law No. 127/1955

The law was issued on March 10, 1955. It consists of 96 articles divided into 8 chapters. The law mainly deals with the regulations and conditions needed to work as a pharmacist or open a pharmacy. However, the law stipulated detailed rules regarding the importing and manufacturing of drugs and other substances that may be used for medical purposes, but it lays within the category of narcotic substances.

### 4. The Anti-Money Laundering Law Issued by Law No. (80) for 2002 as Amended.

The Anti-Money laundering law was promulgated by law No. 80 for 2002; the Law was amended three times; by virtue of Law No. 78 for the year 2003, then by virtue of Law No. 181 for the year 2008 and by virtue of Law No. 36 for the year 2014.

It is worth mentioning that the old approach of the Egyptian legislator in that law was to determine and list the predicate offences which may generate proceeds used in money laundering activities. The modern approach of the Egyptian legislator did not adopt the old trend and specifies the predicate offences but contains a provision that defines the predicate offences generally as follows<sup>9</sup>: "Every act that constitutes a felony or misdemeanor under Egyptian law, whether the crimes are committed within the Egyptian territories or abroad, provided that such crimes are penalized by both Egyptian and foreign laws".

To sum up, the Anti-Money Laundering Law allows the initiation of money laundering investigations in cases where the illicit drug trafficking crime generated proceeds to be laundered.

## IV. NATIONAL ANTI-DRUG INSTITUTIONS

There are many institutions that deal with illicit drug trafficking domestically. Some of the institutions provide medical care to others for the prevention and raising the awareness, in addition to the law

<sup>7</sup> Ibid, 3; Usually the courts are reluctant to apply such article due to security issues and less trust in the abilities of the specialized facilities to monitor the convicted person.

<sup>8</sup> Article 1 of The Law No. 82 of 2016 on Combating Illegal Migration & Smuggling of Migrants, article 1 of The Law No. 64 of 2010 on combating Human Trafficking.

<sup>9</sup> Article 1(c) of law no 80/ 2002, <http://www.mlcu.org.eg/AML%20law%20En.pdf>, accessed march 21, 2018.

enforcement agencies (police, prosecution, customs, border control and immigration authorities), which play an important role in tracing the crime and the perpetrators to bring them to justice for deterrence. This paper will shed light upon three main national institutions that play an essential role in combating the crime from two different perspectives.

### **A. Anti-Narcotics General Administration (ANGA)**

The Anti-Narcotics General Administration (ANGA) is Egypt's main agency responsible for overseeing anti-drug operations in the country. It is a specialized department in the Ministry of Interior (Police). To this end it undertakes a range of activities, including intercepting drug smuggling operations, seizing illicit drug manufacturing facilities and equipment, and confiscating drug proceeds. ANGA was first established in 1929, making it one of the oldest anti-drug organizations in the Arab world. It works with national law enforcement agencies and with foreign anti-narcotics agencies to achieve the aims of preventing the supply of illicit substances. In the past it has cooperated successfully on numerous occasions with the Drug Enforcement Administration (DEA) of the US, resulting in the seizure of large amounts of narcotics and drug-related proceeds. Though Egypt is not a major producing country, limited growth of cannabis and opium takes place in the Sinai region, and ANGA carries out regular crop eradication activities. The agency also carries out drug awareness activities and is involved in a number of programmes to reduce the amount of drug abuse that takes place<sup>10</sup>.

Based on the ANGA report for the year 2004, in the general framework of the Ministry of Interior's tackling of the narcotic drug cultivations in the Sinai Peninsula, ANGA prepared a comprehensive plan in cooperation with the Central Security Forces and the Armed Forces, to fulfil the following objectives: (i) destroying illicit cultivations in rigid and remote areas; (ii) arresting cultivators and tools used for cultivation; (iii) attacking storage places of *bango* (cannabis herb) after collecting it; (iv) imposing tight control on all outlets, and smuggling areas from the Sinai to other governorates<sup>11</sup>.

According to the US State Department 2005 report, late in 2004, a joint DEA-ANGA investigation uncovered an MDMA laboratory located in a small apartment building in Alexandria, Egypt. ANGA raided the laboratory, arresting four individuals and seizing chemicals, paste, and equipment. This was the first known discovery of an MDMA laboratory in Egypt, and according to the DEA, the first in the Middle East, and may represent a new trend toward shifting artificial drug labs to the region due to the region's relatively lax regulation of commercial chemical products. With the passage of the first anti-money-laundering law in 2002, which criminalized the laundering of proceeds derived from trafficking in narcotics and numerous other crimes, seizures of currency in drug related cases has amounted to over 3,000,000 Egyptian Pounds (\$485,000)<sup>12</sup>.

### **B. The Public Prosecution**

In Egypt, the Public Prosecution is considered one of the most important authorities based on its role in the effective enforcement of the rule of law and its concern with the protection of human rights. This is reflected in the review of its functions, characteristics and independence.

The Judicial Authority Law (JAL)<sup>13</sup> defines the Public Prosecution as the legal representative of the community in initiating criminal proceedings and is presided over by the Prosecutor General followed by the Assistant Prosecutor General, Senior Attorney General, Attorney General, Chief Prosecutors, Public Prosecutor, and assistants.

The Constitution of the Arab Republic of Egypt affirms the independence of the Public Prosecution and is an integral part of the judiciary. Article 189 of the Constitution states that:

“The Public Prosecution is an integral part of the judiciary, which undertakes investigation and the initiation and prosecution of criminal proceedings except for what is excluded by law.”

<sup>10</sup> <https://www.state.gov/j/inl/rls/nrcrpt/2015/vol1/238967.htm>, accessed on March 21, 2018.

<sup>11</sup> Ibid 3.

<sup>12</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, Volume I, Drug and Chemical Control, March 2007, Egypt report, p. 529.

<sup>13</sup> The Judicial Authority Law no. 46 for the year 1972, issued and published on 5 October 1972.

Article 67 of the JAL states that the members of the Public Prosecution cannot be dismissed like other judges. Article 26 of the same law states that prosecutors are subordinate to their superiors in order of rank and then to the Attorney General.

The Public Prosecution is responsible for investigating crimes as part of the judicial authority in Egypt, as it enjoys impartiality and independence. It also combines the powers of investigation and indictment. Under the investigation authority, it controls all interrogation procedures from questioning the accused, cross examining witnesses and collecting evidence that enables it to show the truth in the case, either to acquit the defendant or to convict him.

The Public Prosecution shall prepare the decision of referral and bring the criminal case before the competent criminal court as a party representing the society *vis-à-vis* the accused. The role of the Public Prosecution shall be governed at the trial stage by the principle of confrontation between the litigants. The jurisdiction of the Public Prosecution extends to all parts of the Egyptian territory, including all crimes committed therein, as well as crimes committed by Egyptians outside the Egyptian territory in accordance with article 3 of the Egyptian Penal Code.

1. The Public Prosecution's role in International Judicial Cooperation

- Egypt has concluded several treaties on the exchange of legal assistance and extradition with many countries all over the world. These treaties are all aimed at achieving justice, arresting the perpetrators and preventing them from escaping justice.
- The Public Prosecution benefits from those mutual legal assistance and extradition treaties as it performs the duties and responsibilities entrusted to it by virtue of those treaties.
- It submits requests to extradite fugitives to other countries for prosecution for crimes committed in Egypt, and in turn it responds to requests for extradition submitted to them by other countries.
- In the absence of bilateral or multilateral treaties, the Public Prosecution responds to requests for judicial and legal assistance and extradition on the basis of the principle of reciprocity, as long as they do not conflict with Egypt's sovereignty, national security, public order or legal system.

2. The International Cooperation Office of the Prosecutor General Office

On 19 October 1999, the Prosecutor General issued Decree No. 1884 of 1999 on the establishment of the Office of International Cooperation, the enforcement of judicial sentences and the welfare of prisoners. It is mandated to examine and execute all requests of international judicial cooperation referred by the Central Authority and to review the papers of the requests then to be reported to the Prosecutor General who has the authority to give the final decision either to accept or refuse the assistance in light of the information attached to the request. The requesting State may be asked to provide any additional information or documents if it seems that the information and documents submitted are insufficient.

**C. National Council for Combating and Treating Addiction (NCCTA)**

The National Council for Combating and Treating Addiction (NCCTA) is a governmental body responsible for the programme to reduce demand for illicit drugs in Egypt. It was first established in 1986, and today its primary activities are training drug treatment and rehabilitation workers and mounting drug awareness campaigns.

## V. DOMESTIC AND INTERNATIONAL COOPERATION

The need for cooperation is essential to combat illicit drug trafficking. Cooperation between the relevant institutions takes place domestically and on the international level.

### A. Cooperation on the National Level

Practice has shown the crime of illicit drug trafficking has completely changed, in terms of the perpetrators of the crime and the means used to commit it. The recent cases show that the criminal acts done by criminal organizations follow a regime and plan to conceal their activities and protect their business. Further, to disrupt and dismantle criminal organizations, it is essential to identify, investigate, prosecute and

punish high value targets, *i.e.* leaders of the organizations, and there is a need of multi-agency cooperation and coordination on the domestic level to combat the illicit drug trafficking. The information and evidence obtained are very important for investigation and prosecution because they show how illicit drugs were found and how the criminal behaved at that time, thus clarifying the situation of the possession and demonstrating the illicit intention of the criminals.

Thus, clear strategy and MOUs between the authorities working in the field is essential and may improve the quality of evidence in illicit drug trafficking cases. It is important that the relevant authorities exchange views and share the barriers and good practices among them. This will lead to strong cases and everyone will be updated on the new forms and techniques of the criminals and their plans of how they commit crimes.

## **B. Cooperation on the International Level**

Cooperation on the international level can be between different institutions, either between Law Enforcement Agencies (police to police), Judicial Authorities, and treatment or policy institutions.

This part of the paper will focus on international cooperation between the law enforcement agencies and the judicial authorities. International judicial cooperation which happens between the national and foreign authorities has played an essential role in the recent cases of illicit drug trafficking that involve criminal organized groups where their criminal acts are committed in different territories. The role played by international judicial cooperation assists in solving the dilemma of the cases by gathering the evidence, attaching testimony needed, capturing the illegal narcotic substances, tracing the proceeds of the crime and extraditing the fugitive criminal.

The means of international cooperation varies from one institution to another, as for the Egyptian authorities ANGA and the Public Prosecution benefit to the maximum from the means of the international cooperation available.

For the police-to-police cooperation, the means of cooperation vary in terms of sharing of intelligence information, the criminal records of suspects, the new types of narcotic substances appearing in the society, and the flow of the illicit drug trafficking.

On the other hand, the most well-known means of international judicial cooperation are as follows: mutual legal assistance requests, extradition requests, transfer of convicted persons, asset recovery requests and serving of judicial papers.

Below are some of the good practices of the national anti-drug authorities in the area of international cooperation.

## **C. ANGA's Experiences in International Cooperation**

ANGA has been both a regular and an active participant in the Arab Office for Narcotic Affairs which is part of the Arab Interior Ministers Council (AMIC) of the League of Arab States. ANGA also regularly attends Commission on Narcotic Drugs (CND) meetings.

On June 30, 2003, in cooperation between ANGA in Egypt and Libya, a seizure of cannabis weighing 1150 kg in the port of Masrata in Libya was seized before it was smuggled to Egypt. Also late in 2004, a joint (US Drug Enforcement Administration) DEA-ANGA investigation uncovered an MDMA laboratory located in a small apartment building in Alexandria, Egypt. ANGA raided the laboratory, arresting four individuals and seizing chemicals, paste, and equipment. This was the first known discovery of an MDMA laboratory in Egypt, and according to the DEA, the first in the Middle East<sup>14</sup>.

The activities of ANGA in cooperation with its international partners achieved success in combating illicit drug trafficking. The practice shows the need for cooperation and coordination in the cases that involve multi-lateral parties such as criminal organized groups or the crime took place in different territories as the individual work will not result in successful cases.

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<sup>14</sup> Ibid 3.

#### **D. Public Prosecution's Experiences in International Cooperation**

As it has been mentioned above, the forms and mechanisms of international cooperation can be summed up as follows: extradition, mutual legal assistance in criminal matters (MLA), transfer of prisoners, seizure and forfeiture of illicit proceeds of crimes, the recognition of foreign criminal judgements, the transfer of criminal proceedings, service of the judicial papers, and joint investigation teams.

Although Egypt does not have domestic law for international judicial cooperation, it is party to various multilateral and bilateral conventions and treaties<sup>15</sup> dealing with international judicial cooperation. The prosecution office uses those treaties as legal basis for such cooperation. In many cases the prosecution office use the tools of international cooperation to fulfill the ongoing investigation that taking place in Egypt, specifically the MLA requests to collect evidence as testimony or documents for ships and cargos captured abroad and linked to the investigation in Egypt.

The following case study will demonstrate how the prosecution office can by the means of international judicial cooperation build a strong case of Illicit drug trafficking.

##### 1. Case Study

The Prosecution Office opened an investigation concerning Narcotic Material (Cannabis) brought into Egypt by sea.

According to the police investigations conducted jointly by the police officers of the Anti-Narcotics General Administration (ANGA), three persons (A), (B), (C) were involved. (A) and (B) constituted a criminal gang for bringing cannabis into Egypt from Morocco by sea on board a vessel owned by the accused / (C).

The vessel is known as "Adam" holding the number I.O.M. 08804775 and flying the flag of Comoros. The defendants aimed to bring such shipment into Egypt with the help of the ship crew, who are of Syrian nationality, to be unloaded in international waters in the Mediterranean Sea and delivered to several small boats that would enter into Egypt at different times. The investigation showed that the "Adam" vessel was shipped before the Moroccan coast having on board a shipment of cannabis, that exceed fifteen tons and approximately weighted twenty tons, though the international waters of the Mediterranean Sea.

Therefore, the ANGA's officers communicated with the American anti-narcotic department in Cairo to notify the findings of the investigation; accordingly, the vessel was seized on 17 April 2013 by the Italian authorities and taken to one of the Italian ports on the island of Sicily. On 20 April 2013 the Egyptian Pubic Prosecution issued a search warrants against the accused (A), accused (B) (son of the first), and accused (C). The defendant (B) (son of the first accused), and defendant (C) were arrested on 20 April 2013; they were caught while the first was handing the latter, an amount of money of one hundred thousand US dollars that believed to be the expenses of the Syrian crew.

Questioning accused (B) (son of the first accused), he denied all charges brought against him stating that he met A. B. under a request by his father A.S. and the seized amount of money was a down payment for the purchase of a boat owned to A. B. known as "Noah". Added that his father is out of the country in the current period; Questioning A. B. he denied all charges brought against him stating that the seized amount of money was the deposit for the purchase of the "Adam" vessel not "Noah", arguing that Omar Ahmed ignored the deal since it is with his father not him; he added that he knew about the seizure of Adam on 17 April, 2013 because of having narcotic material on board and it was taken to Marsala, Province of Trapani; where he denied any relation to the seized narcotic saying that it's the responsibility of the vessel's Captain and its crew.

Questioning officers of the ANGA, they gave statements in a manner similar to the finding of the report mentioned above; and listing the names of the Syrian crew. Witnesses added that the crew members are part of the criminal gang that is constituted by the Egyptian defendants with a view to bring cannabis from Morocco to Egypt; and its role was to bring the illegal narcotic material into Egypt while being fully aware of

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<sup>15</sup> On the bilateral level Egypt concluded many judicial cooperation treaties; Arab Countries such as: Algeria, Tunisia, Morocco, Libya, Jordan, Lebanon, UAE and European countries: France, Greece, Malta, Cyprus, Turkey, Russia, Ukraine, Albania, Romania, (Italy), Switzerland; and the USA.

the nature of the shipment.

The international cooperation office of the Prosecutor General sent a mutual legal assistance request to the Italian authorities to give its consent to take the necessary actions to furnish the findings of the ongoing investigations conducted by the Italian authorities concerning the seizure of “Adam” that was flying the Comoros flag on 17 April 2013, which is kept in Marsala, Province of Trapani, Italy<sup>16</sup>:

- Furnish us the testimonies of the Syrians crew members and matching their data with those set out at the judicial request. Also to provide us with the nature of the accusations that have been filed against them in addition to all the data concerning the ongoing investigations carried out by the Italian authorities in this regard and copies of their passports;
- Take the Syrian crew’s testimonies, if not, concerning their relation with the Egyptian defendants, and how they received the instructions from the boat’s owner and to identify him. Also to confront them, with the outcome of the investigations conducted by the Egyptian authorities, and to be questioned about the capture incident, the navigation route and the port of destination as well as the reason of their presence in front of the Moroccan coast in case of denying, and how they obtained the narcotic shipment;
- Furnish the technical reports regarding the examination of the seized narcotic drugs; while identifying its precise volume, nature and weight;
- Examine the “Adam” and provide us with its data, indicating the whereabouts of the narcotics at the time of the seizure and how it looked then.

The request was implemented and documents returned from the Italian authorities and the case was referred to the court. The competent court rendered its judgement in absentia against the defendants on May 14<sup>th</sup>, 2017 sentencing them for 10 years in addition to fine and confiscation penalties.

## VI. CONCLUSION AND RECOMMENDATIONS

This paper tried to demonstrate the legal framework of the illicit drug trafficking and general drug situation in Egypt. Although, the laws and institutions in Egypt are playing an important role in combating the crimes of illicit drug trafficking, the development of the criminal conduct of the criminals requires more cooperation between the relevant authorities on the national and international level.

It is highly advisable that the legislation on combating narcotic substances needs to be amended in the area of the criminal organized groups, and procedural rules regarding the international judicial cooperation in cases of transnational crimes of illicit drug trafficking need to be added.

As for international judicial cooperation, it is important to overcome some procedural challenges. The long process of diplomatic channels that the requests shall follow affect the speed of the criminal investigations. It is important to establish direct contacts between the relevant authorities in the region through regional networks and platforms and to designate focal points to assist the criminal investigation and allow the flow of the information and intelligences between the competent authorities.

Finally, there should be an increase in the awareness of the importance of tracing the proceeds of illicit drug trafficking through initiating money laundering investigation or implementing confiscation sanctions on the assets located abroad and attributed to the convicted persons by the means of international judicial cooperation.

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<sup>16</sup> This Request is made on the bases of *Principle of Reciprocity*, the United Nation Convention Against Transnational Organized Crime (UNTOC) (adopted by General Assembly resolution 55/25 of 15 November 2000) to which both Egypt and Italy are members states; the Arab Republic of Egypt signed it on 13 December 2000 and ratified it on 5 March 2004, while Italy and signed it on 12 December 2000 and ratified it on August 2, 2006; and the Single Convention on Narcotic Drugs to which Egypt ratified on 20 Feb. 1967.