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(PRIME MINISTER)

EVENT: THE OPENING OF THE UNITED NATIONS EXPERT GROUP MEETING
ON RECOMMENDED METHODS OF TESTING CANNABIS AND AMPHETAMINE --
METHAMPHETAMINE ANALYSIS

VENUE: THE MERLIN HOTEL, KUALA LUMPUR

DATE: 22 SEP 1986

TIME:

Mr Chairman;
Your Excellencies;
Distinguished Participants;
Ladies and Gentlemen.

I am very happy to be here this morning to address you at this meeting of the United Nations Expert Group on Recommended Methods of Testing Cannabis and Amphetamine-Methamphetamine Analysis. May I congratulate the United Nations Division on Narcotic Drugs for its initiative and effort in organising this meeting, in collaboration with the Malaysian Government. Before I proceed further, I would like to extend a warm welcome to all participants of this meeting to Malaysia and wish them every success in their deliberations during the next five days.

2. Malaysia deems it an honour as well as a responsibility to host this meeting. We attach the utmost importance and priority to combatting all aspects of illicit drug problem. The drug menace in many countries has reached alarming proportions. In Malaysia, the Government regards it as a threat to our security. The Malaysian Government has vowed to combat it with all its available resources. We believe that if drug abuse is left unchecked the whole fabric of society will eventually collapse. Certainly it will stunt the growth and well-being of this country.

3. There must be greater efforts too by other member countries of the United Nations to wage this war against drug abuse at all stages from the production stage to the cure and rehabilitation of addicts. No one country can mount an effective fight against drug on its own. This problem transcends all national boundaries, and every country and every agency must therefore cooperate and coordinate their fight.

4. At this meeting I note that you have experts from many countries and your presence here is proof of the support of the international community in solving our common problem. I look forward to more global efforts and our country will, of course, continue to be actively involved. There must be total commitment by world leaders to combat this menace. This commitment must come from the highest political level.

I need not reiterate our commitment to this fight in Malaysia.

Ladies and gentlemen;

5. Malaysia acknowledges that it faces a serious drug problem and to overcome it the Government has adopted various strategies and programmes. In this context, a National Narcotics Action Plan outlining the objectives, strategies, programmes, implementation and evaluation procedures have been formulated. Our strategy now is to place greater emphasis on primary prevention while maintaining our aggressive law enforcement posture. The aim is to inculcate in our youth a total rejection of drugs because it is the most evil of human vices.

6. Even though prevention efforts may not bring immediate results, it would be more effective in the long run. This would require the support and involvement of all sectors in the community. As the drug problem is a problem of the society, Government efforts alone will not be sufficient to contain the threat. The community must play a major role in the war against drugs. It requires every sector, every group in society to play their appropriate role, commensurate with their knowledge and position in society.

7. To support the enforcement and preventive measures, the Malaysian Government has promulgated tough drug laws to deter these merchants of misery and death from carrying out their activities in Malaysia and if they run foul of the law they will face the consequences of their unscrupulous actions. These laws have undergone various amendments in the last decade to make them more effective for their intended purposes. One of the most significant of these is the provision for mandatory death sentence for convicted drug traffickers, which came into force in April 1983. We make no apology for our tough drug laws. We regard the death penalty not just as a deterrent but an appropriate punishment for these criminals for they are worse than murderers. They deliberately spread misery and death in their quest for easy wealth. We will continue to hang them until none is left who wish to profit from this vicious crime.

8. Another recent legislation to give more clout to our authorities is the power to detain without trial, on cogent evidence, suspected masterminds and kingpins of drug syndicates. A draft legislation on confiscation of suspected profits and proceeds derived from illicit drug trafficking is now under active consideration by the Malaysian Government. The proposed legislation, when passed by Parliament, will leave the traffickers with nothing even for those who survive them.

Ladies and Gentlemen,

9. The successful application of any law depends on the

implementation of a chain of activities: from the preliminary information gathering, investigation, arrest of suspects and seizure of the drugs, laboratory analysis of the drug exhibits, on to the court trial and finally conviction and sentencing of the guilty person. However, to ensure that there is no miscarriage of justice, this 'chain' must, before the eyes of the law, be kept unbroken. As the strength of the chain rests on its weakest 'link', each of these activities must be performed with the highest level of competency and proficiency to ensure that they are able to withstand the rigorous requirements of the court.

10. In this connection, the examination of the drug exhibits is a very important 'link' in this chain of evidence and the scientific experts have a very crucial role to play in the overall efforts of the government to stamp out the drug menace; otherwise all our efforts will be futile. I am sure it is very satisfying to know that you are making a vital contribution towards eradicating the drug menace.

Ladies and Gentlemen,

11. Forensic chemists who are responsible for analysis and providing a certificate for prosecution purposes have and will continue to have a very heavy moral and legal responsibility in that in all cases their analytical results will be pivotal in determining the charge and penalty for the accused. This is more so in Malaysia and some other countries where very stiff penalties have been provided. For example, possession of heroin, morphine or monoacetyl-morphine in excess of five grams but less than fifteen grams or possession of 250 grams of raw or prepared opium attracts the life sentence. In case of possession of more than 200 grams of cannabis or cannabis resin or 1,000 grams of raw prepared opium or fifteen grams of heroin, morphine or monoacetyl-morphine - the mandatory death sentence is imposed. This is to ensure that these scums of society do not get a chance to ruin countless innocent lives and young minds by their abhorrent and despicable activities.

12. The responsibility of the forensic chemist is further enhanced and the task before him magnified by the increasing trend to apply threshold measurements or values to determine the severity of the penalty. As far as you as experts are concerned, appropriate and accurate methodology is therefore of paramount importance and uniformity or harmonisation in this field will go a long way to alleviate this heavy moral and legal burden of the forensic chemists.

13. I am also aware that your duty as forensic chemists extends from beyond the laboratory into the court as analysing a drug exhibit and issuing a report is only half the story. It is the privilege of the accused through his counsel to cross-examine you on your evidence. The ultimate acceptability of your evidence will depend a lot not only on how accurately the forensic chemist performs the

analysis, but also on how he is able to convince the court on the accuracy and validity of the scientific evidence in simple terms without invoking too much scientific jargon. Let me therefore suggest that your recommendations should also be extended to this very important area.

Ladies and Gentlemen,

14. In the application of the drug laws, unintended legal constraints must be removed. Outdated laws and definitions must be amended. Drug laws should be designed to facilitate the effective enforcement of anti drug policies and should not hinder the work of the enforcement agencies in the form of loopholes and technicalities. Public policy would demand not only due regard be given to the formal technicalities required of the case, but also to take cognizance of other prevailing facts and circumstances relating to the case in exercising discretionary powers and judicial notice. There should be no refuge in the laws for these peddlers of death.

15. To this end, I am happy to note that our forensic chemists have provided the authorities with invaluable feedback and advice on scientific definitions of drugs. Our definitions for 'cannabis', 'opium poppy' and 'raw opium' are now based on chemical contents rather than botanical taxonomy. It is the drug present in the plant that matters and not the botanical identity of the plant. For example, we have outlawed all species of cannabis capable of producing cannabinoids and all plants that can produce morphine. We do not restrict it to certain species like *Cannabis Sativa* L and *Papaver Somniferum* L as is still done in most countries today.

16. It is manifestly unreasonable to outlaw the euphoric effects of one cannabis species only but not the euphoric effects of other species. Can you imagine a scenario where a person is convicted for obtaining a 'high' from, or for the possession of one cannabis sample whereas another person who obtained exactly the same 'high' from, or possessed of, another species, is not liable to prosecution? On the same principle, we have placed monoacetyl-morphine at par with heroin and morphine in terms of severity of punishment. Monoacetyl-morphine is twice as potent as morphine, and we had come across cases where large quantities of this intermediate product was found in the possession of some traffickers.

Ladies and Gentlemen,

17. It is my hope that the international community in the near future will be able to arrive at a scheme of harmonised definitions to cover all drugs of abuse, including the so-called 'designer drugs' which are posing a very major threat. Limitations in the definitions have allowed abuse of such derivative drugs to be outside the ambit of the law.

18. Presently, we in Malaysia face an increasing problem in

the use of cannabis by addicts, and the abuse of amphetamines may pose a future threat as heroin supplies decrease due to tough enforcement measures. While the same basic principle may lie under the methodology used in the analysis of street drug samples and the analysis of drugs in biological fluids, the latter pose a more challenging and difficult problem.

Ladies and Gentlemen,

19. At the 9th. ASEAN Senior Officials Meeting on Drug Matters held in Kuala Lumpur in September 1985, various experts from the ASEAN member countries have identified some problems in the detection of drugs, principally cannabinoids, in biological fluids. Among these problems are the deterioration of cannabinoids in urine samples with time, during storage, and the high cost of testing and provision of skilled personnel to carry out such tests. With the view that mass screening of drug addicts for cannabis use may be essential as the problem of drug abuse escalates and considering financial and manpower constraints that exist, the ASEAN experts have agreed to the recommendation that the technique of thin-layer chromatography (TLC) and immunoassays be utilized for small and large samples respectively and the gas chromatography/mass spectrometry technique be used for confirmation purposes.

20. Alternatives for confirming the presence of cannabinoids in biological fluids using other chromatographic techniques are currently being developed. It is hoped that this meeting would also provide the forum for the useful exchange of experiences and knowledge in this particular field and thus assist forensic laboratories in member countries in developing more efficient and cost-effective techniques in the detection of drugs in biological fluids.

Ladies and Gentlemen,

21. I understand that you had a similar meeting in Wiesbaden, Federal Republic of Germany, last year where heroin and cocaine were discussed and that this group had fruitful and useful deliberations resulting in some very constructive recommendations. Our Government forensic laboratories which already have sophisticated instruments like Fourier Transform Infra-Red Spectrometer, Gas Liquid Chromatograph, High Performance Liquid Chromatograph and Gas Chromatograph/Mass Spectrometer are being further upgraded with the acquisition of various other instrumentations such as the Scanning Electron Microscope, the Mass Selective Detector and several of the latest generation of Gas Chromatographs.

22. I am convinced that meetings of this nature are very essential for the free flow of information and exchange of ideas and for you to come to some common understanding,

especially on harmonisation of analytical methodologies and definitions. You will also be able to keep abreast with the latest development to enable you to carry out your function effectively and to be at least one step ahead of the masterminds and kingpins of the illicit drug trade, who are also using science and technology to circumvent the law - as exemplified by the emergence of the so-called 'designer drugs'.

Ladies and Gentlemen,

23. Besides playing host to this meeting, I would also like to offer to share the experiences and expertise gained by our forensic chemists with other member states of the United Nations and neighbouring countries by holding regional courses or workshops in collaboration with the relevant United Nations organisation. In this way we can all work together to fight the drug menace that has affected the young of our society.

24. In any endeavour, one has to be innovative and adopt or adapt new methodologies to suit one's own environment or needs. In recommending new or standardised methodologies it would be advisable to capitalise on the research and findings in other fields too so that valuable time and money can be saved. This may not be achieved overnight but extrapolation to your needs as forensic chemists is always possible. I would like to mention two areas: firstly, advances in electronics leading to miniaturization of instruments for on site examinations; and secondly, wider use of computers in analytical operations - leading to improvement in efficiency of operations and access to a wider database for background information.

Ladies and Gentlemen,

25. All that I have mentioned today will serve to illustrate very vividly the Malaysian Government's desire and commitment to eradicate the drug problem in our country. It is an onerous task but I hope that with the support of the international community our efforts will bear fruit for the sake of the future generation of our country and of the world.

26. With these words, I wish once again to thank the United Nations Division on Narcotic Drugs for organising and bestowing on us the honour to host this meeting in Kuala Lumpur. I now have great pleasure in declaring this meeting open.