

**Intervention  
by  
Representative of Thai Delegates  
The Sixth Meeting of the ASEAN Inter-Parliamentary  
Assembly(AIPA) Fact Finding Committee(AIFOCOM) to  
Combat the Drug Menace  
Le Meridien Chiang Rai Resort, Chiang Rai, Thailand  
12 May 2009**

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**Agenda 6 : Discussion on Harmonization of Laws on Drug Trafficking:**

**A. The Seizure and Forfeiture of Assets in Drug Criminal Case**

Madame Chairperson,  
Distinguished Delegates  
Ladies and Gentlemen,

It is obvious that each of our countries has confronted with different pattern of illegitimate practice of drug production, smuggling, trafficking and consumption. Such drug situation requires the revision, immediate mutual attention and a need for exploring new "organized and collaborative" potentials from every participating country as we are in the same region. Apart from mutually cooperation on severe law enforcement suppression, other measures such as the control of drug producing instruments and chemical precursors should also be focused. The effective weapons to curb the drug problem must cover the introduction of new laws or even harmonization of existing law domestically and internationally. The improvement of law and regulations help get rid of the existing loopholes and close the business entities, which are involved in illegal drug trades. The asset forfeiture and anti-money laundering laws are effective tools to cut down the wealth of illicit traffickers. They are proven to be effective instrument in Thailand.

In order to enhance the asset forfeiture, the Royal Thai Government has adopted integrated measures namely legal measure and taxation measure. Legal measure was implemented to examine and attach the properties of drug-related offenders according to the Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics, 1991.

Besides, concerned agencies have liaised with the Anti-Money Laundering Office in enforcing asset forfeiture measures under the Anti-Money Laundering Act, 1999. Moreover, the taxation measure was imposed on offenders and major drug dealers. A Subcommittee was established to monitor and accelerate the implementation of the measure. In 2008, 1,399 cases were allegedly filed for asset seizures with total asset value of 129 million Baht. The value of asset ordered by the court will finally devolved to the Narcotics Control Fund in which it will be used to support drug control work at national level. Recently, Thailand used money from Narcotics Control Fund to contribute the work of United Nations Office on Drugs and Crimes or UNODC regional projects for the amount of 60,000 U.S. Dollars.

Regarding types of assets devolving on the Narcotics Control Fund, this refers to proceeds of drug offences that are money or assets derived from the commission of drug offences including the ones obtained by using such money or assets to purchase or transform. It also covers assets that were used or intended to use or facilitate the offences.

With regard to the Anti-Money Laundering Act, it refers to the transferring, accepting a transfer or converting of the property connected with the an offence for the purpose of covering or concealing the origin of that property whether before or after the commission for the purpose of assisting other persons to evade criminal liability or to be liable to lesser penalty in respect of predicate offence. It was enacted as a key legal instrument to present laundering of assets acquired through illegal means by transnational organized crime. While, taxation measure enforces drug traffickers who have been proved of having income from illicit drug trade and traffic including psychotropic substances to pay tax to the competence authority.

Ladies and Gentlemen,

As it is stipulated by the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, there was an urgent need to enhance cooperation among our ASEAN countries in this area, taking into account the different level of legislations applied for asset forfeiture as well as a charge concerning confiscation of drug criminals of each ASEAN country

in order to manage the rising trend of transnational drug crimes in this region.

Thailand would like to emphasize the importance of closer coordination among law enforcement agencies and legal affairs agencies concerned in order to demolish drug network and syndicate effectively. We would therefore suggest the meeting to consider strengthening international cooperation through an existing Mutual Legal Assistant Treaty(MLAT). This may guide law enforcement agencies, in line with an MLAT, to consider having Memorandum of Understanding(MOU) or Standard Operating Procedure(SOP) on assets forfeiture in relation to transnational drug crimes which take place in many countries. It was often found that we seized offenders in one country and their laundry assets appear in other countries. Moreover, their network still functions in another country. I, therefore, would like to recommend the Harmonization of laws or regulations concerned be raised for discussion in this meeting.

Thank you.