

CCPCJ

Commission on Crime Prevention and Criminal Justice

Michael Drash and Sameer Sarkar
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Gray Whisnant
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GSMUN 2011



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Welcome delegates!

It is our honor to welcome you to the Commission on Crime Prevention and Criminal Justice (CCPCJ). Global criminal activity is increasing, and it is your job to find a solution! During committee session, you will have the opportunity to stop the mob, fight cartels, and/or decide what to do with terrorists. These issues truly impact the lives of millions of people, and both the drug trade and terrorism are ever-present problems despite the constant efforts of both international and domestic bodies. We look forward to hearing your innovative solutions to our committee's topics! However, before we start committee session, we'd like to introduce ourselves:

Sameer is a junior who has been involved in Model UN since his freshman year. Last year, he was a part of the crisis staff for GSMUN and was responsible for the crises of the Joint Cabinet: India and Pakistan. He has participated in conferences at the University of Virginia, William & Mary, and in Washington D.C. When not participating in Model UN-related activities, Sameer plays tennis for the Maggie Walker school team and enjoys being a part of a variety of clubs. In his spare time, Sameer enjoys watching TV shows (such as "Psych," "Parks and Recreation," and "How I Met Your Mother"), playing videogames on Xbox Live, hanging out with friends, and listening to good music.

Michael is a junior at Maggie Walker who has been working diligently to make the CCPCJ the best committee ever. He has been in Model UN since he was a freshman and has gone to conferences at William & Mary, UVA, and Georgetown. Michael also runs on the Cross Country and Track teams and swims for the MLWGS Swim Team. When not polishing background guides and meeting with Crisis Staff, he likes to spend his time reading and avoiding doing homework.

Gray is a sophomore who has participated in Model U.N. since 8th Grade. In 2008, he won a Best Delegate award at GSMUN only to serve as a Freshman drone at the following GSMUN. He has been to several conferences at William & Mary and Georgetown since joining Model UN at Maggie Walker. When he is not involved in Model UN (or cramming for a test), Gray enjoys running track/cross-country year round, writing music for the guitar, and watching Daily Show repeats.

Please feel free to contact either of us with any questions and/or concerns about this committee or conference in general. Rest assured, GSMUN will be a blast! Have fun researching and preparing for our upcoming meeting.

Sincerely,

Sameer Sarkar
lifesaver578@gmail.com

Michael Drash
mtd898@gmail.com

Committee Information

Committee Background

The Commission on Crime Prevention and Criminal Justice (CCPCJ) is a subsidiary committee of the Economic and Social Council (ECOSOC), which is a branch of the UN General Assembly. One of the central tenets of ECOSOC is “encouraging universal respect for human rights and fundamental freedoms.” It is under that responsibility to the world that the CCPCJ was founded.

The CCPCJ was created at a 1991 ministerial meeting at Versailles by Resolution 1992-1. The committee is the direct successor to the Committee on Crime Prevention and Control (CCPC), which was founded in 1971. The CCPC was technically focused and did not address the broader issues of criminality; on the other hand, the CCPCJ functions with a larger scope.

The main role of the CCPCJ is to create human rights standards in the field of criminal justice. In addition to this general goal, the CCPCJ has four other priorities:

combating national and international crime; protecting the environment through criminal law; preventing crime in urban areas, including juvenile crimes and violence; and improving the efficiency and fairness of justice administration systems. The CCPCJ is the head UN agency dealing with crime, coordinating and facilitating the activities of other, similar bodies in the UN. The CCPCJ also directs the UN Congress on Crime Prevention and Criminal Justice, which meets every five years. The committee seeks to generate support for its efforts from the member delegations.

Member states of the committee are elected by ECOSOC. Membership to the CCPCJ is restricted to 40 representatives from the various UN member states, and elected members serve in the CCPCJ for three-year terms. While there are technically no permanent members of the CCPCJ, certain countries, such as the United States, China, and Russia, are consistently reelected.

Legal Rights of Terrorists

Introduction

Following the terrorist attacks on the World Trade Center in the US on September 11, 2001, the world became acutely aware of the threat of terrorism. However, there have been terrorist organizations, often fringe groups with no distinct goal, for centuries. Their causes have promoted ideas ranging from Marxism to nihilism to anarchism. Earlier forms of terrorism, however, often stemmed from religious fanaticism. The Sicari and the Zealots, Jewish groups from the first century CE, conducted attacks in the light of day and in front of witnesses to express their opposition to the Roman authorities who ruled the Middle East. In the years since, there have been many other religious groups

that have used tactics of terror to counter their enemies or convey a message. These include the Assassins, who targeted those who did not adopt their form of Shia Islam, and the Thugees, who strangled their terrified victims as an offering to the Hindu goddess Kali.

A large shift in the characteristics of terrorism occurred in the mid-18th century, during and after the French Revolution. France's state-sponsored terrorism, known as the Reign of Terror, was the first of its kind, and it was fueled by Maximilien Robespierre's belief that it preserved the safety of the state. Following the Reign of Terror, a hiatus from any significant terrorism occurred. When it reemerged in the 20th century, terrorism was

based in geopolitics. Nationalist groups and states reacted to and caused World Wars I and II. Between the two wars, several European states began using state-sponsored terrorism, and modern military dictatorships in South America have done the same. These states utilized the media to spread their message to audiences far beyond their region. Carlo Pisacane, an Italian revolutionary, developed another theory describing the usefulness of terrorism as a tool to deliver a message and draw attention to a cause.

This new, nationalistic terrorism was used by the Euskadi Ta Askatasuna (ETA) in the Basque region of northern Spain, the Kurdistan Workers' Party in Turkey and Iraq, and the Liberation Tigers of Tamil Eelam in Sri Lanka. It was also increasingly ideological, exemplified by the actions of the Palestinian Liberation Organization, the Italian Red Brigades, and the Red Army Faction in West Germany. Many terrorist groups, such as the Real Irish Republic Army (IRA), the FARC in Colombia, and the ETA in Spain, are still active. The most notorious, due to the September 11 attacks, is al Qaeda. Many governments fear that al Qaeda will exhibit further aggression and use deadly tactics.

In an effort to arrest and prosecute terrorists, governments use methods such as secret detention and extraordinary rendition. Secret detention is the arrest and imprisonment of a detainee, without notification of the family or native country. Extraordinary rendition occurs when detainees are transferred outside of international law. There have also been many concerns raised over the use of harsh interrogation tactics and torture to elicit information from detainees. Further complicating the issue is the lack of an international definition of a terrorist.

Legal Rights of Terrorists

In the US, the infamous Guantánamo Bay detention center has faced opposition from foreign nations and human rights activists for its inhumane practices, including

harsh interrogation tactics, such as water boarding. The US has maintained that it acted within its rights because the detainees at Guantánamo Bay were not prisoners of war (POWs) but rather unlawful enemy combatants. Nevertheless, the prison has become a widely-recognized symbol of the violation of the rights of alleged terrorists. National interrogation techniques vary, and the US is not alone in its use of controversial techniques to combat terrorism.

UN experts presented a report to the Human Rights Council (HRC) in March 2010 describing the use of secret detention by many other nations. This committee will need to consider the use of such methods in the context of contemporary global threats and existing legislation, and how they may or may not be applied to suspected and convicted terrorists. The legality of the methods has been challenged, but their necessity has been defended, and a compromise must be reached. Compromise, however, can only be reached once an adequate definition of terrorism has been found, and the UN does not currently have one. A search for the international definition of terrorism began in 2001, when the General Assembly decided that a finite definition was extremely important to global peace, but no such definition has been agreed upon.

A specific definition of terrorism is critical to determining how a terrorist is different from a prisoner of war (POW) or a freedom fighter. The members of the IRA believed that they were fighting for the freedom of their country and their people, while the government of the UK believed that the group was a terrorist organization bent on murdering its officers and civilians. The distinction is important to deciding whether POW protocols are relevant. Terrorists would not be protected by the rights of POWs, while captured freedom fighters would be. Part of the mission of this committee will be to provide the world with a working definition of terrorism and how individuals should be treated under that status.

The Geneva Convention of 1949 and their Additional Protocols were ratified less than five years after the end of World War II. These documents contain many of the rules that limit the barbarity of war. They were intended to protect people who do not participate in fighting, such as civilians, medics, and other aid workers, or soldiers who can no longer fight, including prisoners of war. The Third Geneva Convention primarily addresses POWs. The agreement is binding to all parties in all international armed conflicts, including conflicts where a state of war has not been declared. There are also minimal provisions that must be met for conflicts that are not international in nature, including bans against “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture,” “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court,” and “outrages upon personal dignity, in particular, humiliating and degrading treatment.”

Some analysts and government experts believe that despite the human rights laws, which prohibit secret detention and other forms of cruel treatment, the practices will continue. An article in the *Middle East Quarterly* entitled “Does Human Rights Law Apply to Terrorists?” argues that because of the nature of terrorism, human rights laws should not apply to terrorists. For example, the Third Geneva Convention offers protection for captured legal combatants. The US government has maintained that terrorists do not qualify as “legal combatants.” Terrorist groups are not party to the Geneva Conventions because they did not ratify the Conventions and they disregard treaties that regulate the practices of war. As a result of their violations of international law, terrorist groups should not receive the protection of the Geneva Conventions.

Additionally, not all captives are POWs, a label which was given careful definition in the Third Geneva Convention

and the Hague Regulations. The 1907 Hague Regulations state that to be a POW, a person is required to “be commanded by a person responsible for his subordinates; to have a fixed distinctive emblem recognizable at a distance; to carry arms openly; and to conduct their operations in accordance with the laws and customs of war.” By the nature of their combat tactics, captives from terrorist groups do not meet the definition of a POW provided in the Hague Regulations. Another argument suggests that the US government is making a wise decision that will benefit not only the citizens of the US, but also citizens of other nations that are threatened by terrorism.

Conclusion

As terrorism becomes a more prominent concern, the necessity for more discussion and decision regarding counter-terrorism measures increases. Controversy has ensued as the United States has been found to use practices such as secret detention, extraordinary rendition, and harsh interrogation techniques. Other nations, including Syria, Egypt, and Jordan, are also implicated for their use of torture and illegally capturing and detaining suspected terrorists. Nevertheless, the media, foreign governments, and many non-governmental organizations have placed most of the blame on the US. In an effort to bring al Qaeda and those responsible for the September 11 attacks to justice, more extreme measures have been taken, and the question remains as to whether they are in violation of human rights laws. Finding a specific definition for terrorism and how terrorists may be treated is a critical decision that this committee must make.

To combat the increasing violence of terrorist activities, counter-terrorist activities are becoming more vigorous as well. While countering terrorism is clearly necessary, a decision must be made as to what rules will govern the War on Terror.

Questions to Consider

- How will any agreement be enforced? What sanctions, if any, should be put into place against nations found guilty of illegal counter-terrorism activities?
- Are current legal methods of interrogation adequate? Is flexibility necessary for sufficient crime prevention and criminal justice?
- In the eyes of your country, what constitutes torture and what does not?
- What is the status of suspected terrorists as combatants? Are they protected under the Third Geneva Convention?
- Can terrorism be defined? If so, what would your country's definition of it be?
- Does the cause and intent of the terrorist or terror group matter when determining punishment and suspension of human rights?

Organized Crime and the Drug Trade

Organized Crime

Organized crime has existed since the beginning of civilizations and has evolved over generations. The earliest accounts are found in the Middle East, where religious zealots often terrorized the populace to promote their faith. Modern organized crime focuses on the earning of illegal profit. The most obvious example is the Mafia and its various branches; whether the Cosa Nostra of Sicily or the Yakuza of Japan, all organizations serve to provide illicit monetary gain to their members.

Despite the longstanding nature of organized crime, the UN has not arrived at a consensual definition of the term because transnational organized crime covers a wide range of activities. Criminal activity constantly adapts to circumstances; what may serve as the definition in one decade may change in the next. However, these groups do share some similar characteristics. Common goals of criminal organizations tend to include generating large profits illegally and acquiring territory. In so doing, they not only attain their immediate monetary goals, but also secure control and power over a region. Gradually, they become so integrated into the community that it becomes difficult for police forces to take action against them, simply because the community has come to accept organized crime as a way of life. More often

than not, organized crime groups actually bring a sense of order to communities in need of strong leadership: slums, impoverished ethnic neighborhoods, and disheveled, ignored communities tend to provide the perfect breeding grounds. For example, because the Cosa Nostra is entrenched within Sicilian society, its removal could result in the collapse of the Sicilian economy. The presence of the Mafia provides a means of living for many islanders. In addition, the official leadership of the region performs so inefficiently that residents would rather follow the guidelines of the Mafia because those are concrete. In order for police to crack down on these types of organizations, active investigation is necessary, rather than waiting for local crime reports.

Organized crime has grown as civilization advances. The end of the Cold War not only indicated a new era of international commerce and cooperation efforts, but also the growth of international criminal activity. Looser trade regulations not only allowed businesses to flourish, but also provided loopholes for illicit substances to slip across international borders. Improvements in communication and transportation further increased the efficiency of criminal activity. As the power of groups increases, so does their hold on society. Criminal organizations may eventually

infiltrate the government, corrupting the system while preserving their own security.

These organizations are continually evolving and adapting. Prior to the 1990s, groups tended to organize within a hierarchical structure, but then they broke up and formed smaller factions that pursue the same goals. This new generation of crime groups, although smaller in size than their predecessors, is equally dangerous. In fact, their size gives them an advantage. Looser networking between members allows the versatile groups to pervade society. By creating alliances with local lawyers and politicians, criminals evade punishment because they have a foothold in the judicial process. Thus, when designing strategies to combat crime, it is important to consider methods that target the group, rather than a specific individual.

However, this proves difficult, as transnational crime has manifested in activities such as drug, human, and firearm trafficking; immigrant smuggling; money laundering; and terrorism, with drug trafficking as one of the most profitable activities. Understandably, the UN High Level Threat Panel cites transnational organized crime and terrorism as two of the top threats to humanity. Not only do these activities violate security, but they also stunt the growth of nations politically, economically, and socially. However, while many nations express a desire to solve the issue of transnational crime, many still refuse to cooperate. In addition to devising solutions for the prevention of organized crime, the committee will also need to encourage cooperation between countries.

The Drug Trade

The international community is currently in the midst of a costly war against the drug trade. Some areas address drug production operations, while others focus on the widespread problem of distribution. The worsening drug problem affects many people all over the world.

Trafficking methods and severity of the drug trade vary, depending on local and federal government actions; despite countless government efforts, drug use increases every year. Thanks to massive drug crackdowns in the US and Latin America, drug traffickers have started looking towards Europe as a viable market because of its higher drug prices. Furthermore, Latin American traders can easily blend in with the Iberian population of Europe. This allows them to traffic drugs to Europe more easily, using Spain as a gateway to the rest of the continent; as a result, Spain is Europe's largest drug market.

Asia, the world's most populous continent, also plays a large role in drug trafficking. The Asian drug trade centers on opium rather than cannabis, especially under the Taliban in Afghanistan. The drug trade in Central Asia has devastated its population both economically and socially. It has increased gaps between rich and poor, increased HIV/AIDS rates, increased corruption of political systems, and more involvement of women in the drug trade, which often leads to the destruction of family life. Opium produced in the Golden Triangle of Myanmar, Laos, and Thailand travels mainly to China and Southeast Asia. The government of Myanmar is slowly regaining control of opium-growing regions from insurgents with the help of the Chinese and Thai government. The sustainability of these anti-drug efforts depends on the ability of the government of Myanmar to develop alternative sources of income for the communities affected.

South America plays a large part in international drug trafficking, and in certain parts of South America, guerilla groups maintain the drug trade. These organizations, like the FARC in Colombia, participate in large-scale narcotics trafficking. Brazil and Colombia are major transit countries for illicit drugs, especially cocaine, on their way to Europe and the US. Cocaine from the Andes region travels to North America through Central America and the Caribbean, while

traveling to Europe across the Atlantic Ocean and West Africa. The Colombian government has been successful in curbing the cultivation of cocaine. In 2006, the Colombian Army Counter Drug Brigade seized over three metric tons of cocaine. In addition, the US has given aid to Colombia in order to help fight the narcotics trafficking of guerilla groups. Brazil has undertaken significant efforts to meet the 1988 UN Drug Convention objectives; the government heavily monitors drug smuggling over border crossings and has established joint intelligence centers with its neighboring countries.

In Mexico, the federal government has teamed up with the US to deal with its own drug problem. The Mexican President, Felipe Calderon, has pledged to decrease the Mexican drug trade and dispatch federal troops to combat drug cartels in northern Mexico. In 2008, the US and Mexico agreed to a three-year joint initiative to address drug trafficking in Mexico and Central America. This agreement allots large sums of money to the Mexican government in order to purchase new equipment, expand Mexico's telecommunications infrastructure, professionalize Mexico's police force, and provide advanced technology to Mexican law enforcement agencies. The bloody war between federal troops and the cartels continues today, with significant civilian casualties and no clear outcome.

The Taliban uses the opium trade in Afghanistan as a significant source of revenue to fund terrorist activities. As a result, the US and Afghan governments have launched an effort to curb the trade by increasing security, governance, and development opportunities in Afghanistan's mountainous northeast, a primary poppy cultivation region. While this effort has decreased the number of impoverished poppy farmers in the region, wealthy landowners in the south remain a problem. There, the wealthy take advantage of corrupt law enforcement to gain high profits. To root out the source of the problem, the US has tried to teach poor

farmers alternatives to poppy farming, train the farmers in modern farming practices, and repair over 1,000 kilometers of rural roads. This has proven effective in containing poppy cultivation to the five contiguous southern provinces, but overall opium yield remains high in Afghanistan.

Recently, drug trafficking has also emerged as a problem in West Africa. Two-thirds of all drugs sold in Europe travel through this region, and many of the area's top politicians are corrupt and involved in the drug trade. This makes trafficking in this region safer and easier for drug traders than in the US and Latin America. Aid efforts are too preoccupied with addressing poverty in the area to take a tough stance against drug dealers.

One of the largest current operations against the drug trade is the US War on Drugs. President Richard Nixon first coined this term in 1971 to refer to the battle that the US had been waging against drugs since 1914. Since then, the federal government has spent billions of dollars to help stop the drug trade, both domestically and abroad. Critics say that the War on Drugs should work to prevent consumption, rather than focusing on law enforcement. Regardless, the War on Drugs is a significant source of aid and resources for many countries that cannot afford to fight national drug problems.

Conclusion

All over the world, transnational organized crime plagues regional governments. This type of crime is usually funded from illicit activities, including drug trafficking. Therefore, by passing resolutions to deal with transnational organized crime, the CCPCJ helps combat the drug trade.

The CCPCJ's most recent resolution to deal specifically with drug trafficking was passed in 2008. In its 18th session, the CCPCJ passed resolution 18/5, which encourages a political declaration against illegal drug trafficking in the Caribbean. It also supports a partnership between the Dominican

Republic and the Caribbean to stem the increasing flow of illicit drugs smuggled through the region. In addition, the resolution addresses drug abuse and requests aid to the Caribbean from the UN Office on Drugs and Crime (UNODC), member states of the UN, and financial institutions. In order to deal specifically with organized crime, the UNODC convenes every year at the UN Convention Against Transnational Organized Crime. It is important to note that many other UN efforts dealing with the drug trade also effectively address organized crime, as they cripple organized crime operations that rely heavily on drug trafficking as a source of income.

The UNODC also launched the World Drug Campaign, an international campaign that aims to raise awareness about the detrimental effects of illicit drugs on society. The campaign appeals to the young in order to help counteract the problem and prevent a new generation of drug users. Countries, such as the US, widely criticize this method for not taking a direct approach to drug trafficking. Experts disagree on whether the US' direct approach to drug trafficking is better than the UNODC's approach or vice versa. However, it is generally agreed that stronger action must be taken by the UN to deal with world drug trends, which are only worsening. While the CCPCJ passes resolutions to help deal with drugs, it only has the authority to recommend them to ECOSOC, and it has no direct power through resolutions. Therefore, the UNODC must assume greater responsibility for the drug trade while also continuing its efforts to raise drug awareness amongst youth.

Questions to Consider

- How can nations cooperate with other countries to control transnational organized crime? How will they enforce this?
- Much of the problem is accused of arising from the ineffective bureaucracy within the UN for handling organized crime. How can this be solved?
- Besides strengthening the police force and gathering information, what other methods can be used to deter transnational crime?
- Are there any UN policies that should be changed in order to more effectively combat this problem? What are some that have succeeded/aided in resolving the problems?
- What should be done to prevent the rise of criminal organizations in other parts of the world?
- What are some methods to suppress both the supply and the demand for drugs?
- What are some patterns seen in past attempts to control drug or terrorist activities?
- How much influence do terrorist groups and drug groups have on each other? Would removing one help in eliminating the other? Which should come as a priority?
- What are some compromises that can be made in order to improve international relationships for the purpose of controlling organized crime?

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