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INTER-AMERICAN DRUG ABUSE  
CONTROL COMMISSION

**CICAD**

Secretariat for Multidimensional Security

## LEGAL OPERATIONAL CRITERIA FOR JUSTICE SYSTEM AGENCIES INVOLVED IN THE PROSECUTION OF CASES OF MARITIME DRUG TRAFFICKING

### WORKING GROUP:

“Operational Law at the Service of Operations against Maritime Drug Trafficking”

### PREAMBLE

The group was composed of nine countries that decided:

- To provide tools to judicial system agencies to ensure the success of prosecution of cases against maritime drug trafficking.
- To underscore the importance of having justice officials know and understand the maritime operational environment when pursuing cases against drug trafficking.
- To apply operational law understood as domestic and international law, including human rights law and international humanitarian law as applicable to each state, in operations against maritime drug trafficking.
- This guide was prepared taking into account the international agreements that form the basis for international cooperation to fight maritime drug trafficking. Member states are invited to apply it, respecting their domestic legislation and regulations. This document is not a legal instrument, and therefore does not establish any obligations for the member states; it does not abolish, limit, or suspend existing maritime control systems.

### BASIC DOCUMENTS

- Guide for Law Enforcement Officials to Help Ensure Successful Prosecutions of Maritime Law Enforcement Cases.
- Guide to Best Practices for the Formation and Composition of Analysis Groups for risk management (GAR) and evaluation of cargos in the ports.
- Operational/procedural lessons from the participating states.

### PROPOSED TABLE OF CONTENTS

#### PART 1

1. Operational institutions responsible for carrying out maritime interdiction.

#### Outline

Mission  
Vision

- Legal basis
- Functions
- Other aspects

## 2. Operational aspects

### Maritime Culture

- Nautical Terminology
- Types of vessels
- Parts of a vessel
- Characteristics of a vessel
- Navigation concepts (position, bearing, speed)
- Marine weather aspects (wave conditions, wind)

### Law of the sea

- Origin
- Sources
- National and international framework
- Maritime jurisdiction spaces (state governing the port, river state, internal waters, territorial sea, contiguous zone, exclusive economic zone, etc.)
- Regulations for foreign vessels
- Conduct that states are required to suppress (trafficking in illicit substances or slaves, piracy, unauthorized transmissions, etc.)
- Description of modalities for drug trafficking
- Treaties, conventions, and agreements among states.

### The right of search

- Concept
- Legal basis
- Types of search
- Operational procedure regulations
- Requirements for crew members to conduct searches
- Seizure, preservation and delivery of the scene.

### Rules of engagement

- Concept
- Legal basis
- General rules on the use of force

## 3. Submersible and semi-submersible vessels

- Concept
- Legal basis

## 4. Administrative institutions supporting the fight against drug trafficking (maritime authority, port authority, environmental authority)

### Outline

- Mission
- Vision
- Legal basis

Functions  
Other aspects

5. Domestic maritime enforcement procedure

Legal basis  
Procedure  
Documentary evidence  
Penalties

6. Documents and information showing the operation actions [evidence package]

7. ISPS code

Definition  
Regulations for implementation

**PART 2**

1. Case Law
2. Doctrine
3. Opinions of different control agencies, etc.

**RECOMMENDATIONS**

- Development of general criteria for personnel of law enforcement agencies