

Topic 1: Pharmaceutical Crime**I. Past and Current International Action**

Pharmaceutical crime is a major threat to public health. It involves creating counterfeit drugs that may have the wrong dose or incorrect ingredients. These counterfeit medications have often been associated with heart attacks, comas, and even death. The accessibility and prevalence of these counterfeit medications has become increasingly common due to the rise in internet trade where it can be easily bought without a prescription. In areas such as Asia, Africa, and Latin America counterfeit medications make up over 30% of the market.

Because of the dangers of counterfeit goods, Interpol has promoted law enforcement procedures with the ultimate goal of protecting the public from these drugs. Interpol operates at the national and regional levels to disrupt criminal networks across the nation. They also have a series of six flagship operations to perform raids on markets to rid them of these illicit medications.

The first of these operations was the Pangea Operation. This effort specifically combated the sale of illegal medicines online. With increased access to internet trade, the selling of counterfeit medications has skyrocketed. Normally, while accessing the internet, the user's computer makes a request with a remote server to connect and the website receives a unique Internet Protocol or IP address. This IP address allows law enforcement to track down websites and people who access them. However, on the dark web, the request for an IP address is bounced around dozens of computers around the world. This hides the IP address and allows for total anonymity. This dark web is the key to selling counterfeit medicine. About 50% of all medicine sold online is counterfeited in some way. The Pangea operation began in 2008 with ten countries involved. Now it includes more than 100 different countries. In June of 2015, Pangea VIII was launched with 115 countries and 236 different agencies conglomerating to tackle the counterfeit medicine. During this operation, 20.7 million fake and illicit medications were seized, 156 people were arrested, 429 investigations were launched, 550 adverts for illicit pharmaceuticals were removed, and more than 2,410 websites were taken offline.

The second operation was the Mamba operation. The goal of this operation was to disrupt the activities of transnational organizations involved in pharmaceutical crime in Eastern Africa. It also aimed to raise awareness, resources, and educational efforts about this issue. In July of 2010, Mamba II was launched with the countries Burundi, Kenya, Rwanda, Tanzania, and Uganda. During this raid, 375 premises were targeted, 200,000 pills were seized, and 120 police cases were opened.

The third operation called operation Storm targeted counterfeit medicines in Southeast Asia. In September of 2015, Afghanistan, Cambodia, China, India, Indonesia, Laos, Malaysia, Myanmar, Pakistan, Philippines, Singapore, Thailand, and Vietnam participated in the Storm VI operation. During this operation more than two tons of falsified medicines were seized, 87 individuals were arrested, and 500 pharmacies were investigated.

The fourth operation called operation Cobra focused on eliminating pharmaceutical crime in western Africa. In 2011, Burkina Faso, Cameroon, Ghana, Guinea, Nigeria, Senegal, and Togo worked together, and they seized over 170 tons of medications, 300 medical products, and arrested more than 100 individuals.

The fifth operation, Operation Giboia, was centered around pharmaceutical crime in Southern Africa. Over 2,100 police, customs, and health regulatory officers took part in raids on markets, shops, warehouses, pharmacies, and clinics in more than 50 cities.

The sixth, and final operation, called Operation Porcupine, worked to disrupt networks of pharmaceutical crime in Western Africa. In 2014, seven countries plus Interpol Regional Bureaus in Abidjan and Harare employed 2,200 officers to work together to seize 196 tons of illegal medicines, capture 102 suspects, and close down 738 illegal outlets.

The United Nations is also working to end pharmaceutical crime. The world health organization intends to create a global task force that will focus on legislation, law enforcement, risk communications, and innovative technology solutions that can end the sales of these drugs. This includes public-private initiatives that tap new technologies to detect counterfeit drugs. Plus, the WHO set up the world's first web-based system for tracking drug trade in the western pacific region. This rapid alert system identifies the trade of illicit drugs and notifies the appropriate authorities who can respond immediately.

II. Country Policy

The issue of pharmaceutical crime is especially prevalent in Peru where it is estimated that 66 million dollars of counterfeit pharmaceuticals are sold each year. In downtown Lima alone, an estimated 200 pharmacies are not registered or authorized by the Ministry of Health. Even after being put on the pharmaceutical-crime Watch List multiple times, Peru's pharmaceutical crime has increased 45 percent since 2005. The Peru National Quality Control concludes that 25% of counterfeit medicines in fact have no active ingredient. This indicates the effect pharmaceutical crime in Peru has on the health of the public. The most commonly counterfeited medicines include analgesics and anti-influenza medications. These medicines make up an estimated 70% of the market, which the remainder market includes anti-diarrhea medicines, antibiotics, and gastrointestinal related drugs.

With such widespread pharmaceutical crime, it is necessary for Peru to take action. In one approach Peru has turned to legislature. According to the Moeller IP, "In 2009, the Law of Pharmaceutical Products, Medical devices and Sanitary products n29459 modified the Chapter III of the General Law of Health n.26842 and established a series of sanitary authorizations for operating pharmaceutical establishments." Under this law, pharmaceutical establishments are required

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have a pre-inspection before they even start producing and manufacturing goods. Along with this, they must have a document that shows that they agree and are willing to follow good manufacturing practices. Five years later, in 2014, the Temporary Supplementary Provisions of the Supreme Decree No. 033-2014-SA revised this law by adding more requirements in order to pharmaceutical establishments to obtain registration. The Dirección General de Medicamentos, Insumos y Drogas, nicknamed DIGEMID will frequently publish the proper regulations for pharmaceuticals through releasing alerts. Lastly, in Peru, the selling of counterfeit medications can be punished by 4 to 15 years in prison.

While legislation is important, it is equally necessary to provide enforcement. Peru has not taken a strong direct approach to enforcement. However, they have gotten involved in Operation Pangea, the INTERPOL operation that targets the internet in order to combat pharmaceutical crime. Peru participated in the third Pangea mission, which took place in October of 2010. As a result of the mission, 87 people were arrested for pharmaceutical crime, over 2 million pills were seized, and 297 illegal websites were stopped.

In November of 2013, the Peru ministry of Health organized a week where a country wide campaign took place to promote good medicine quality. In 2014, a study was done to assess pharmaceutical crime in Peru. The study concluded that pharmaceutical establishments and non-pharmaceutical commercial outlets were used in the counterfeiting of medicine in Peru. This study indicated that pharmaceutical crime remains a large issue in Peru that still needs to be addressed.

Peru also recognizes the issue with international patent laws. On December 6th, 2017 Peru representatives spoke at the Inter American Commission on Human Rights. Their purpose was to denounce the current patent system that prevents people from acquiring low-cost highly-intensive drugs that act against illnesses like HIV/AIDS, cancer, and hepatitis C. The Big Pharma Project writes that the speaker from Peru, along with speakers from other Latin American countries, “exposed before this forum that the rules of intellectual property allow for monopoly conditions for the big clinical laboratories to cause the prices of medications to soar.”

The Pharmaceuticals Export Promotion Council predicts that with the emergence of foreign retail chains in Peru’s market in coming years, the quality of medicines will improve, and the amount of counterfeit medications will decrease.

Peru has taken action against pharmaceutical crime, having created legislature, studies, and campaigns against it. However, the level of the crime is still increasing they need to take additional and more forceful steps to combat it. Peru must create more ways to attack the problem as it takes a serious toll on public health, and in order to do this, it must install more law enforcement.

III. Proposed Solutions

The first solution that Peru would like to implement is to increase policing throughout the dark web. There is not much that can be done technologically-wise toward policing the dark web because connections to such networks are basically impossible for governments to prevent. Firewalls and other technological systems that prevent unauthorized access to the internet are all useless on the dark web. Peru, therefore, believes that it is essential to focus on controlling the dark web rather than uselessly trying to prevent people from using it all together. To do this Peru suggests designating a section of the police force to specifically handle cyber security. Because cyber security is such a new and modern issue, most police forces lack technological training and resources needed to pursue these criminals. Therefore, this branch of the police force would be specifically trained and consequently more capable of tracking down criminals. Another issue that the internet has created is that they have opened drug sales from a centralized location to the whole world. Counterfeit medications can be manufactured in one place and sent halfway across the world. This creates an issue of overwhelming jurisdictions for law enforcement when they are investigating a source of counterfeit medications. To solve this issue, Peru suggests creating a branch of the police force in every country that is designated toward cyber security with the same training. This way they can all collaborate to decrease the time wasted in finding jurisdiction and clearances.

Peru’s second solution regards countries, such as Peru, whose pharmaceutical markets are mainly comprised of the selling of counterfeit medications. In Peru the selling of counterfeit medications accounts for 70% of the market.

Immediately eliminating counterfeit companies would cause Peru’s economy to crash, as many people would lose their source of income. So rather than eliminating counterfeit companies all together, Peru suggests slowly transitioning these workers into the formal economy in legal jobs. To do this Peru suggests the creation of distribution centers. These centers would take all of the drugs imported from other countries where they would be checked for origin and quality to ensure that they are legitimate. These centers would replace some of the informal economy in illicit drugs with the formal economy.

Lastly, Peru seeks to make the pharmaceutical market an elastic market by reaching a compromise between generics companies and pharmaceutical companies. The main reason why pharmaceutical companies are against generics companies is because of the amount of time and energy it takes to create a medication. Creating a medicine is very expensive, and time consuming. First a company must research and discover a new medication that is not currently used in the market. Then the company must get the medication approved and ensure that there are no dangerous or devastating side effects. Then the company has to make sure that there are no other medicines that are better than their new medication that has been placed in the market. This process can take between seven to fifteen years. Even after all of these endeavors, only about 1 in 5,000 potential drugs ever surface to the market. Therefore, when companies finally create a medication that makes it to the market, they want significant financial rewards for their research and efforts. This leads to the necessity of Intellectual Property or a patent over the medication. Therefore when generics are made, they sell the same product at a cheaper price, so people buy their medications over the company that created the medication. This does not allow companies to get the profit that they feel they deserve from their product. Without generics, however, the pharmaceutical companies can

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raise their prices to astronomical amounts without any significant repercussions. This causes people who need the medication but cannot afford it to turn to the black market where they are put in danger. Peru, therefore, believes that it is essential to create a proper balance between allowing companies to raise their prices to ensure the continuation of medical research versus raising the prices which force people to turn to counterfeit medications. This can be accomplished through a conference where representatives of generics and pharmaceuticals will discuss how to increase the amount of generics available. This compromise will discuss the use of compulsory licenses to allow generics to be produced when there is still a patent on the medicine. A compulsory license is used when a government allows someone to create an item that has been patented. This is done without the company owning the patent's permission.

IV. Questions

- A. Question 1: How can this forum, as leaders of police forces, counteract the forces of organized crime with regards to falsified or counterfeit medicines?

In order to counteract forces of organized crime with regards to falsified or counterfeit medicines, Peru believes it is necessary to address the inner-workings of the dark web with cybersecurity. Although it is imperative to stop the outlets through which counterfeit medicines are sold, it is just as important to redirect the customers buying these medicines to a legal source. This can be done by identifying ways to provide more affordable legal medications and suggesting improved generic medications. By increasing accessibility and affordability, the need to buy counterfeit medications will decrease, thereby leaving the counterfeiters with declining markets. This forum should discuss ways of infiltrating the market but should also stress the importance of coming up with a solution to provide more accessible medicines that are both legal and affordable to those that require them.

- B. Question 2: What are the implications of the use of the internet in global pharmaceutical crime? What role can your nation play in addressing such activity over the internet?

The internet allows for a very easy way to sell counterfeit medications. Online pharmacies such as Rx promotion and GlavMed often operate through the dark web. The Dark Web does not include an IP address which allows for total anonymity which makes it difficult for law enforcement to track the selling points of these medications. The internet also greatly affects the means of distributing the product. Without the internet, distribution was limited to a small network of people who lived close to an international border with favorable drug pricing or who has the time and motivation to reach out to questionable, or unknown, source of drugs. Some people, in a combination of unfortunate factors, had limited resources and were desperate enough to try these unsafe sources of drugs. These factors limited most of the crime to a small and central network of people. With the internet, however, pharmacies on the Dark Web are able to use third-party advertisers which exist on the legal portion of the internet. These advertisers use abusive methods to get their victims to rely on their low prices of counterfeit medicine. With the ability to reach widely into markets, illegal drug distributors have greatly enlarged markets.

To address this activity, Peru first would like to create a specially trained branch of the police force that are specifically adapted toward pharmaceutical crime on the internet. This special force will also be encouraged to be created in other countries that will have the same training. Because of the internet, pharmaceutical crime is no longer limited to country borders and the medications can be sold and distributed globally. This creates problems with jurisdiction when police enforcements are trying to track a company down. Thus, if other countries develop this branch of the police force with the same guidelines, they will be able to collaborate in order to track down the sources of the counterfeit medications.

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Topic 2: Red Notice Abuse

I. Past and Current International Action

With the recent increase in the amount of INTERPOL Red Notices, abuse has become easier and more frequent. With the enormous amount of notices, the review process has become more lenient, allowing innocent people on INTERPOL's list of Red Notices. In addition, once on a red notice, it is incredibly difficult to get off even if the individual is innocent, as the procedure to do so has not been publicized in an accessible way. According to its constitution as stated in the Universal Declaration of Human Rights, INTERPOL is not allowed to have political bias. However, member countries can easily bypass this safety measure and use Red Notices to gain political advantage and issue the notice against journalists or refugees.

The Red Notice's origins go back to 2005, when the United Nations worked with Interpol to create this notice system. They combined the usage of sanctions with the notice system, thus producing INTERPOL-UNSC Special Notices. Along with this, the INTERPOL Maritime Police Task Force cooperates with the UN in revamping evidence collection, which highlights the importance of collecting evidence before requesting a red notice.

INTERPOL has recently acknowledged the enormity of the Red Notice abuse problem and has taken action within its organization to address it. For example, they created a policy in 2014 to improve protection for refugees. This policy's goal is to not only supply protection for the rights of refugees, but also to prevent criminals from pretending to have a refugee status in order to receive special treatment. The policy also created a new set of guidelines for the General Secretariat to use when reviewing Red Notice requests. These guidelines include things like confirming the status of a refugee or asylum-seeker and confirming that the granting of a refugee status is not because of political bias. These new guidelines have proven effective. The policy also allows people who have refugee status to be removed from the wanted list. However, this has been applied inconsistently, so it is not as beneficial as intended. If asylum is denied by a refugee's new country and the refugee is still on the wanted list, it is difficult for he or she to attain employment as he or she is forced into a long detention procedure. Today, to officially be removed from a wanted list, everyone--including refugees--must petition to Interpol's Commission for the Control of Interpol Files, which therefore proves that the initial reform to allow refugees to be removed is ineffective.

On November 9th, 2016, Interpol's General Assembly met in Bali, Indonesia where they discussed the need for reform in Interpol's system, especially highlighting the Red Notice system. Specifically, they addressed the need for confirmation that Red Notices are passed in accordance with Interpol's rules and the need for an accessible way for people to appeal a particular Red Notice. However, after the policy and 2014 and the meeting in 2016, INTERPOL's flaws were still not solved.

So, in 2017, the Open Dialog Foundation created a document that outlines the reforms created by INTERPOL in 2016. The most important of these reforms was publishing Red Notices on the Interpol website, for all people with a computer to access. However, not all Red Notices are published online because most countries wish for Red Notices to be secret. Interpol's reason for publishing some Red Notices online was to allow refugee status individuals to evade prosecution if the request was purely political and to allow people to easily review their own data. This overall provided Interpol with an easy way to monitor Red Notice misuse. Also, in 2017, Interpol took positive steps in reforming the Commission for the Control of Interpol's Files, creating a time limit for the Commission to respond to red notice appeals. They also outlined the process for submitting appeals on the Interpol website, even issuing excerpts from the Commission's conclusions, which assists lawyers in understanding the Commission's way of reviewing. In April of 2017, the PACE Committee on legal Affairs and Human Rights issued a report and resolution on Interpol reform, and this has been a imperative asset that can promote change in Interpol.

Overall, Red Notice Abuse is an issue that prevails despite efforts made against it by INTERPOL, the UN, and specialized organizations.

II. Country Position

The National Police of Peru's, the organization that the National Central Office of INTERPOL deeply depends on, General Director is the Head of INTERPOL Lima. The General Director assumes the responsibility of organizing and regulating its operation. INTERPOL Lima aims to coordinate, promote, and carry out reciprocal police cooperation at the international level with a view of combating common and organized crime, with due regard for treatise and agreements assigned by the country, INTERPOL regulations, the Political Constitution of Peru and its laws, plus the Directives and Provisions of the PNP Command.

Peru has also played an active participation in acting upon Red Notices. For example, in 2010 Chile and Peru worked together to arrest a Dutch murder suspect. As the INTERPOL Secretary General, Ronald K. Noble said, "Van der Sloot's arrest is a credit to law enforcement authorities in Chile and Peru and one again demonstrates the power and effectiveness of international co-operation between police in obtaining information to identify, locate and apprehend fugitives around the world."

Peru also understands the importance of using Red notices. In 1990, Fujimori took office as the president of Japan. He then launched a harsh but victorious military crackdown against the leftist Shining Path guerrilla group. But he was

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criticized for anti-democratic moves, alleged human rights abuses and rampant corruption. Being born to Japanese immigrants, Fujimori then fled to Japan in 2000 as a scandal put an end to his decade long regime. Peru quickly sent a request for a red notice which was quickly approved by INTERPOL. This essentially placed Fujimori on INTERPOL's most wanted list. Although Japan refused to return Fujimori because he was technically a citizen of Japan, Fujimori eventually traveled to Chile in hopes of contesting in the presidential election where he was arrested as Peru's request. Eventually he was returned to Peru where he faced charges of corruption, kidnapping, and murder.

Peru has recognized Red Notice abuse but has not taken steps to address it. For example, the Venezuelan journalist Patricia Poleo, was detained in Peru in 2010 as a result of a Red Notice even though she had been granted political asylum in the United States.

III. Proposed Solutions

Peru believes that in order to tackle the Red Notice Abuse problem, one must address reforming INTERPOL. The first aspect that must be reformed is the review process for approving a request to put an individual on the Red Notice list. In order to do this, Peru believes that the creation of new guidelines is imperative. As of right now, there is a very minimal review process for deciding if someone should be placed on the Red Notice list, so they can easily be placed on it for politically motivated or unjust reasons. The current process includes the requesting of a red notice by a police force in a member country via their National Central Bureau. Then, the request goes to the General Secretariat for a review before it is published. Additionally, the increased amount of Red Notice requests has made this review process increasingly cursory. The new guidelines that Peru suggests implementing starts with making sure that sufficient evidence is garnered against the individual. Secondly, the crime an individual is accused of must be of a certain level of danger to the government or the general public. In other words, people can be issued a Red Notice if and only if their alleged crime is especially dangerous. Third, if a person has been applying for refugee status in a country, they cannot be put in the wanted list. In order for this to be applicable, the individual must have applied for refugee status within five years. Lastly, the review must assess all possible politically motivated reasons behind the request. If they find one, the request will be sent back to the country and the country must process this was not the reason behind the request in order to the red notice so be issued. However, these new guidelines must be paired with an organization that will help enforce these guidelines. Peru suggests using the Law Enforcement Actions Partnership, an NGO specializing in creating law enforcement, to ensure that this review process is upheld.

However, because the creation of new guidelines is a time-consuming process, there must be a way for those on the Red Notice who are innocent to appeal. This can be done through the formation of a new branch of the CCF, Commission for the Control of Interpol's Files, that specifically focuses on appealing and removing Red Notices. This branch will review petitions submitted by people who request the revocation of a Red Notice. The workers within this branch will be specialized so that they can overview these petitions without the use of a lawyer. They will look for whether the petitioned notice offends the laws for human life and if it was declared for political reasons.

Third, Peru believes in the importance of addressing the rapid increase in the amount of Red Notices. Peru suggests doing this through the allocation of financial resources. If a country's request for a Red Notice through its National Central Bureau is deemed politically motivated, the country must pay a direct fine to INTERPOL. This will not only produce a decrease in the amount of politically motivated red notices as countries will be more hesitant to request them, but it will also allow INTERPOL's budget to increase while the issue of political Red Notices is prevalent.

Lastly, Peru wishes to address the presence of transparency in the Red Notice system. Transparency is a controversial topic as too much transparency can hinder INTERPOL, but too little hurts those who are put on the Red Notice list. Therefore, Peru would like to offer a short-term solution in order to create more transparency than there currently is. Peru suggests alerting individuals if they have been placed on the Red Notice list. Once alerted, individuals should be given the process for how to petition using the new branch of the CCF. There are numerous cases of innocent people receiving a Red Notice, so by doing this, it would allow those red notices to be removed. However, this is purely a short-term solution because once this is paired with Peru's other solutions, there will eventually not be as large of a need for people to appeal notices. This is because once the guidelines for being issued a Red Notice are stricter, less politically motivated and innocent people cases will occur. Furthermore, the short-term aspect of this solution is imperative in order to not increase transparency to such an astronomical amount.

Peru strongly believes that with the implementation of these solutions, the United Nations can take the needed steps to reforming the Red Notice system and stopping Red Notice abuse.

IV. Questions to Consider

A. Question 3: What level of transparency should Interpol's system have? How does transparency both help and hinder the law enforcement process?

Interpol should exhibit transparency in some aspects of its organization, but not in every aspect. Peru believes that the Red Notice system needs to be more transparent than it currently is. The process of how to contest a Red Notice should be made public and easily accessible so that individuals who are innocent can go through the process to be taken off of the wanted list, thus limiting the amount of red notices of innocent people. However, while

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transparency can help those wrongly accused of a crime, it can also help those rightly accused of a crime and hinder police forces in apprehending those people. Part of tracking criminals and apprehending them involves a level of secrecy so the individual cannot easily escape detention. This is why Peru believes that the red notice system is one of the only parts of Interpol that should be transparent and that the system should not be completely transparent. Because making red notices too easily accessible will allow criminals to know they are being watched and then adjust their methods of escaping detection, Peru believes that transparency is only necessary in how to appeal a red notice.

B. Question 2: What should Interpol do to enable innocent people to remove themselves from a red notice? Does a solution already exist? If so, what are the issues with it?

Although Interpol has existing procedures to allow for an innocent person to remove themselves from a red notice, these procedures are often difficult and ineffective. First of all, it is not always easy to find out whether you are the subject of a red notice. To find out, you must check the wanted persons list on the website of Interpol. However, even if one is not listed on this page, a red notice may still be issued. Some of the alerts are only available on Interpol's restricted networks which are only visible to national law enforcement authorities. Next, you have to ask the police or local judicial authorities. Although they may be able to provide the information that you need, sometimes the police are not allowed to consult INTERPOL's records and disclose information to you. Lastly, you can send a request to the Commission of Control of Interpol's Files or the CCF asking to access your file. The CCF handles requests from individuals in order to gain access to Interpol-information about them, or to challenge such information. In order to answer a request, they must consult with the NCB in the relevant country. This may take a very long time. Once you find out that here is an unjust red notice on you, it is very difficult to remove yourself from it. First, you have to contact the judicial authorities in the country which issued the red notice with the request to remove the information. Then you can convince the authorities in the country where you live and ask Interpol to remove your name from the databases, but this is not done very often and often requires the help of a lawyer. Lastly, one can contact the CSF and request to recommend the deletion of your information. Although, these three things can take a very long time and because each country has their own laws and procedures it becomes very difficult and often requires the use of multiple lawyers.

To solve this issue, Interpol should create a universal and consistent way of both checking to see if you are on the red notice list as well as requesting to be taken off in a timely manner. This method would be to build off the existing CSF platform. People can submit petitions and request the revocation of their notice. Then there would be a specific branch of the CSF designated to checking these petitions and checking them with the country who called for the red notice. Because the CSF is a private business, it is neither biased toward Interpol nor the people requesting their removal. This branch would be specially trained to check for fraud and corruption within the notice to see if it was either against the universal laws of human life or if it was declared for political reasons. Then when their review is complete, they must send it back to the individual with the request with a full report on why they chose to overturn it or not. These would also be allowed to be appealed so that they can try to get it repealed in a different court if necessary. Along with having this checking system, this branch would have access to all Interpol red notice reports. One can then search on this website and see if their names are placed anywhere on any wanted list.

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