

LEGAL FRAMEWORK FOR DRUG CONTROL IN GRENADA

Grenada is a unitary State that applies a common law legal system. The country's drug and drug-related legislation comes from several pieces of legislation. One of the most significant pieces of legislation in this regard is the 1992 Drug Abuse (Prevention and Control) Act and its subsequent amendments. The Act establishes control and regulatory mechanisms. Other important pieces of legislation in Grenada include the Proceeds of a Crime Act of 2003 and the 1999 Money Laundering Act as well as other norms on international cooperation.

Supply reduction

The Drug Abuse (Prevention and Control) Act, in Part I defines drugs and drug-related acts. Part II establishes the regulations and restrictions on the import, export, production and supply, possession, and cultivation of controlled substances. Part III deals with the transit and shipment of controlled substances as to prevent and prohibit their diversion. Part VIII establishes the State's powers in enforcing and punishing violations of the law; such powers include, searches and seizures, arrest, and prosecution.

The 2002 Amendment to the Drug Abuse (Prevention and Control) Act created, organized and elaborated the National Council On Drug Control (NCODC). The NCODC is Grenada's central government institution charged with assessing, monitoring, and implement and evaluating national drug control programs.

Demand reduction

Provisions on demand reduction are not enshrined in national law. Part VI of the Drug Abuse (Prevention and Control) Act establishes preventative regulations against the prescribing of certain substances, as well as their proper storage and transport in order to prevent deviation. Aspects on treatment and drug education are not detailed.

Drug-related criminality

Part IV of the Drug Abuse (Prevention and Control) Act details drug trafficking and related offenses. Article 19 establishes the prohibitions and criminality for assisting in retaining the benefits of drug trafficking activity. Article 35 (4b) and (6) and Article 47 establish and regulate how the State can seize assets and property that are forfeited in contravention of the law. Grenada's other main legal tools used to prevent and combat drug-related criminality include the Money Laundering (Prevention) Act of 1999 and the Proceeds of a Crime Act of 2003, along with their respective amendments. The Act on money laundering was passed to strengthen Grenada's anti-laundering mechanisms. This includes Part II, which further elaborates on the offenses related to laundering, Part III, which establishes the State's powers of investigation, and other mechanisms.

Part IV details Grenada's Anti-Money Laundering Supervisory Authority, the forerunner to the country's Financial Intelligence Unit (FIU), which was tasked with gathering information and coordinating with financial institutions as to monitor laundering activities. Other parts of Part IV include obligations of financial institutions, reporting requirements of suspicious transactions, mandatory injunctions and revocation of business licenses for non-compliance and search and

tracking warrants. Article 24 makes laundering an extraditable offense and bank secrecy obligations may be overridden as stated by Article 25. The Proceeds of a Crime Act, which is also regulated by a statutory rules order from the Ministry of Finance, defines, in detail, acts and activities related to benefiting from a crime. Part I defines activities such as drug trafficking and criminal conduct, among other things. Part II details the practice and regulations regarding confiscating and asset forfeiture. Specifically Article 9 details confiscation orders for the offense of drug trafficking. Part III elaborates on the State's powers in enforcing confiscation orders. Part IV discuss the State's information gathering powers, including search warrants, disclosure of information, and sanctions for non-compliance or prejudicing matters of investigation. Part V detail offenses relating to money laundering or aiding in the concealment or transfer of illicitly obtained proceeds. Article 48 obliges financial institutions to maintain records of suspicious activity and Article 49 discusses the penalties for offenses of laundering. Article 50 details the State's prevention mechanism through the supervisory authority, which monitors laundering activity. Part VI details seizures of cash. The Financial Intelligence Unit Act of 2003 establishes Grenada's FIU as well as its organization, roles, and functions.

International obligations

Articles 54 to 56 of the Proceeds of a Crime Act detail elements of international cooperation in the form of foreign orders when other States request information, evidence, or seizure of suspected proceeds. In other regards of international obligations and cooperation, Grenada maintains the Mutual Assistance in Criminal Matters Act of 2003. The Act details Grenada's role in requesting and offering legal assistance to designated countries, which include all Commonwealth and other States as decided by the government. In addition, Grenada maintains an Extradition Act of 1998, which details extraditable offenses, extradition arrangements and procedures, as well as regulations and denial. The Exchange of Information Act of 2003 is used to help foreign regulatory authorities obtain information from Grenada. Under the Act the Finance Minister may provide information to foreign authorities if requested.

- Drug Abuse (Prevention and Control) Act (1992), amended in 2002
- Proceeds of a Crime Act (2003)
 - Proceeds of a Crime Act Regulations
- Money Laundering Act (1999), amended in 2001 and 2002
- Financial Intelligence Unit Act (2003)
- Mutual Assistance in Criminal Matters Act (2001)
- Extradition Act (1998)
- Exchange of Information Act (2003)