



By ICEERS

AYAHUASCA DEFENSE FUND

ANNUAL REPORT 2016-2017



A program by ICEERS

ADF

The Ayahuasca Defense Fund (ADF) is a program of ICEERS initiated in response to the growing criminalization of ayahuasca practices worldwide.

Mission

The ADF is dedicated to shaping a world in which ayahuasca and other traditional psychoactive plants can be used legally and safely.

Our approach

The ADF unites state-of-the-art legal, scientific, community, and public policy expertise.

Through the ADF we serve the community by working with defendants worldwide, providing reliable expert information and promoting sensible public policy.



A message from the ADF team

The idea for the Ayahuasca Defense Fund was planted at the first World Ayahuasca Conference in Ibiza in 2014 and the program became fully operational a year and a half later. The formalization of the ADF as a distinct ICEERS program created a defined space for the work we'd been doing since 2010 to assist defendants involved in legal cases around the world.

The ADF Steering Committee and three expert committees (drug policy, legal, and scientific) provide high-level international expertise and strategic advice. Much of our success can be credited to our dedicated staff and our collaborations with experienced attorneys, legal strategists and academics.

After building the program's infrastructure, which included developing a brand and comprehensive website and initial fundraising activities, we launched a crowdfunding campaign. For the first time, we called on the global ayahuasca and teacher plant communities to demonstrate their support for the Ayahuasca Defense Fund. And the community answered – over 500 supporters donated more than \$90,000!

With this foundation in place, we can offer a suite of critical services to the community – supporting defendants in criminal cases, providing strategic advice, background research, expert testimonies, reports, and public edu-

cation. Over the past year, we've built important relationships with key lawyers in the field and expanded our expert committees. As we gain more experience working with legal teams in more jurisdictions, we will add to this network so that the ADF continues to be a trusted and informed source of legal information and support.

The ADF's "home" within ICEERS has brought many benefits and opportunities for collaboration. For example, at the second World Ayahuasca Conference, held in October 2016 in Rio Branco, Brazil, we built awareness about the ADF and shared information learned from cases. In 2016, ICEERS obtained United Nations consultative (ECOSOC) status, an important achievement for the ADF's policy work and reputation.

Because of the global ayahuasca community's trust in us we are supporting people as they navigate a complex legal landscape and having a positive impact.

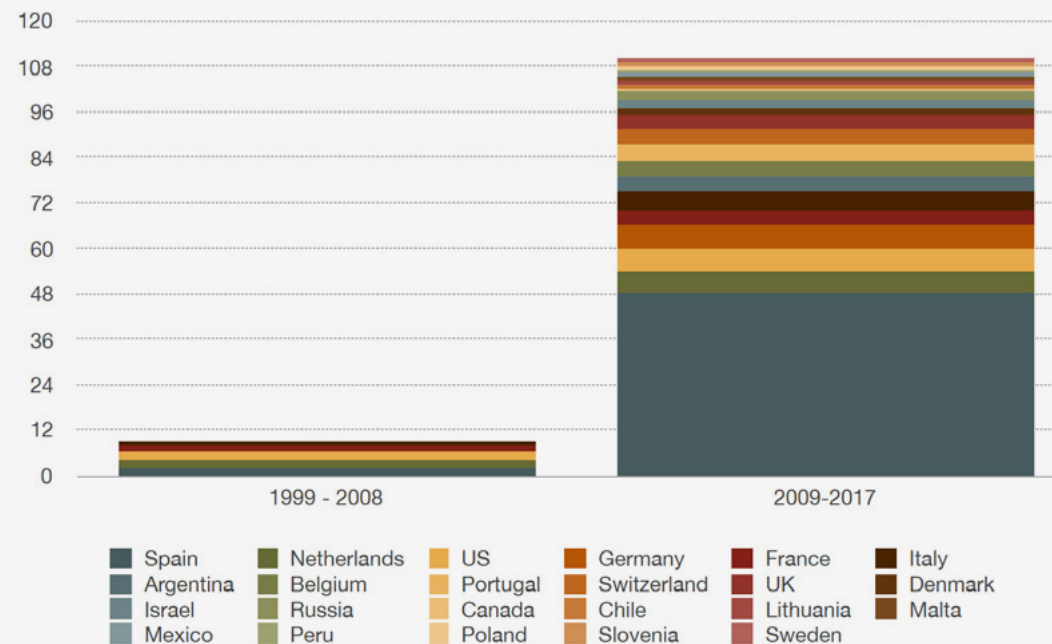
A time of increased
legal vulnerability



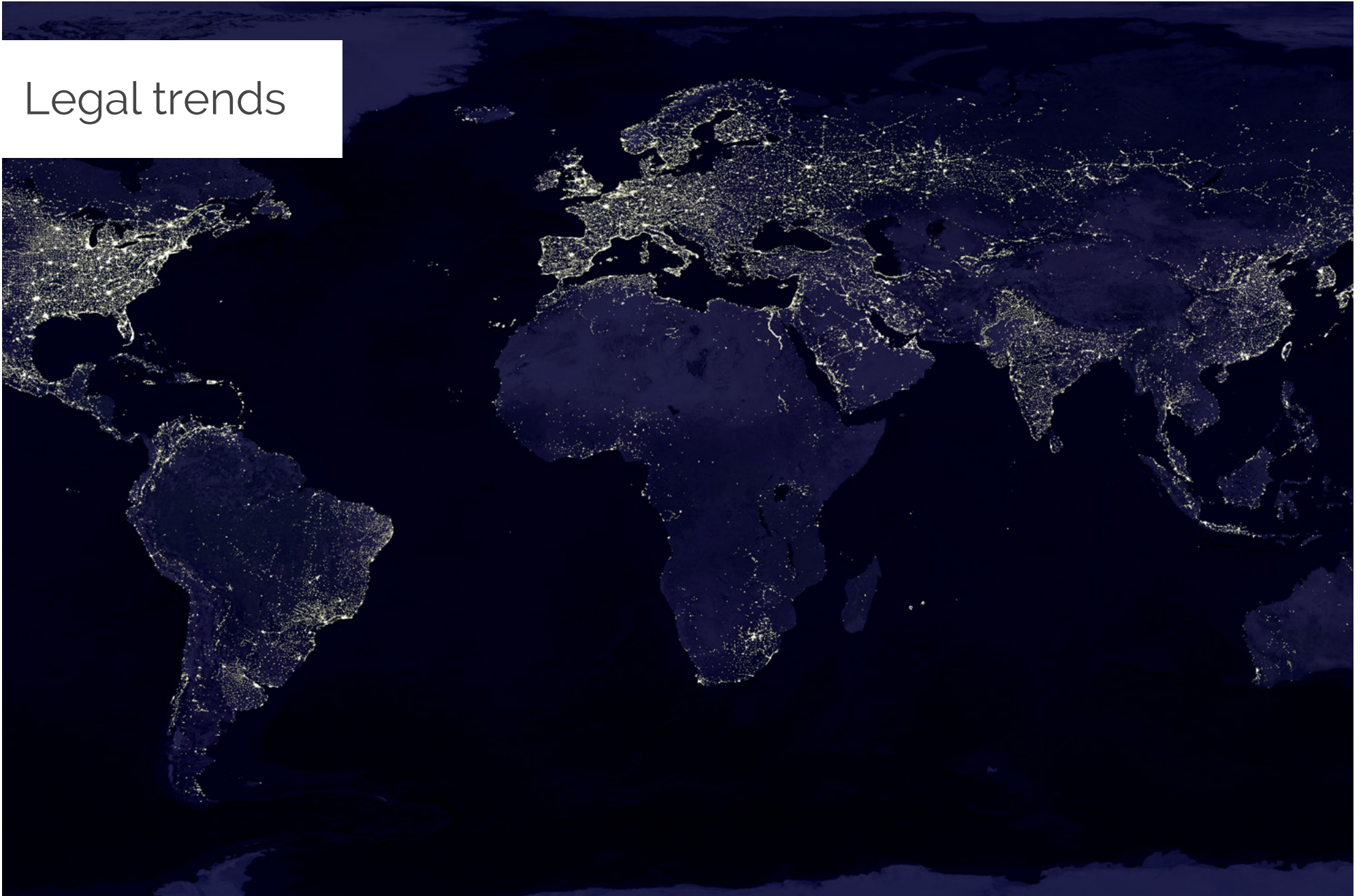
A time of increased legal vulnerability

As ayahuasca-drinking practices have become more globalized, we have seen a parallel increase in the number of legal cases. Between 1999 and 2008, there were only 10 cases that we're aware of in the US, the Netherlands, Italy, Spain and France. Incidents have increased by 1100% and spread out over 23 countries. Now, more than ever, efforts are needed to stem the tide of legal incidents through legal harm reduction and advocacy to ensure that positive legal precedents are set as cases are resolved.

Number of Cases 1999-2017



Legal trends



Legal trends

▶ **Geographic diversification and new legal incident epicentres**

▶ **Coordination between jurisdictions in intercepting ayahuasca shipments**

▶ **International and national drug control bodies are increasingly classifying ayahuasca as a “novel psychoactive substance” or treating it as DMT**

▶ **Countries are interpreting laws, or passing new ones, to more strictly govern ayahuasca and other traditionally used plants**

▶ **Increasing numbers of ayahuasca churches seeking legal recognition**

▶ **Networks of solidarity and crowdfunding campaigns are being launched**



Geographic diversification and new legal incident epicentres

As demonstrated above, we're aware of legal incidents in an increasing number of countries. Last year Israel and Russia had their first legal incidents (two in each country), and the previous year we saw arrests taking place for the first time in Poland and Malta.

We've also observed that a swift change in how the laws are interpreted or in legal status in a particular country can result in a series of arrests and the subsequent prosecution of ayahuasca practitioners. For example, in Spain, between 2010 and 2013 there were nearly forty incidents, more than any other country in the world. Only one person, who pleaded guilty in exchange for no prison time, was convicted.

For the next few years there were virtually no incidents in Spain, until recently, where in the first few months of 2017 there were already several new arrests. So far, all cases in Spain have resulted in acquittals. Similarly, in other countries such as the Netherlands and Germany, we have recently observed several consecutive incidents.

Coordination between jurisdictions in intercepting ayahuasca shipments

Shipping ayahuasca across international borders presents a risk of arrest when shipments pass through countries where ayahuasca is explicitly illegal. For example, two arrests in Israel were the result of shipments being identified as they transited through other countries en route to their final destination (the USA in one case, and France in the other). Customs in these countries informed the Israeli police that illegal shipments were on their way. We have seen similar incidents when ayahuasca shipments were identified as they transited through Germany on the way to Spain or Portugal, and through the USA en route to Canada.





LEGAL TRENDS

Drug control bodies are increasingly classifying ayahuasca as a “novel psychoactive substance” or treating it as DMT

Despite ayahuasca's long history of use in the Amazon, awareness of the brew did not exist widely in the 1960s when many other psychedelics rose to popularity. It is only in the last 10-20 years that the brew has begun to literally travel the globe, as ayahuasca-drinking practices of diverse types have become more common in many countries. As ayahuasca and other traditional plants come onto the radar of various international and national drug control bodies and monitoring agencies, an increasingly common approach has been to treat them as a “novel psychoactive substance” – a category typically used to describe research chemicals, legal highs or spice (synthetic cannabinoids) designed to mimic existing established recreational drugs with no history of human use or scientific data about their effects and health risks.

This approach means that in the legal interpretation of traditional plants they are often reduced solely to their active components (specifically DMT, mescaline, etc.). This approach by the authorities neglects the substantial scientific evidence available about their safety, and divorces the plants from their cultural, historical, religious, and social history.

Countries are interpreting laws, or passing new ones, to more strictly govern ayahuasca and other traditionally used plants

In 2010 and 2012, the International Narcotics Control Board (INCB) of the United Nations addressed the increasing popularity of traditionally used psychoactive plants. While they mention that these plants are not under international control (even though the chemical equivalents of alkaloids they may be found to contain are controlled under the 1971 Convention on Psychotropic Substances) they warn governments about their alleged health risks, without any supporting evidence, and invite member States to control them at the national level.

Several years later we are seeing this happen. For example, Italy banned iboga last year following a legal case involving a contaminated sample. The UK implemented a controversial and problematic "blanket ban" in 2016 (the Psychoactive Substances Act) aimed to make "any substance that stimulates or suppresses the central nervous system," and is not regulated, illegal by default. Similarly, Hungary passed new regulation of new psychoactive substances in 2012 that may end up affecting traditional plants. To date, France is the only country in Europe to have scheduled *Banisteriopsis caapi* and *Psychotria viridis* and other DMT containing plants.



Increasing numbers of ayahuasca churches seeking legal recognition

The historic case of the União do Vegetal (UDV) in the USA and the recognition of ayahuasca churches in Brazil are an inspiration for many who are seeking legal recognition for their spiritual practices. Over the past year we have seen an increase in ayahuasca, Santo Daime, and UDV churches that are seeking that are seeking exemptions or other forms of legal recognition from the state, particularly in Canada, the USA, and Denmark.

Networks of solidarity and crowdfunding campaigns are being launched

As the global ayahuasca community becomes more networked, particularly through social media and other virtual communications, news about legal incidents travels more quickly. This is particularly important for legal harm reduction where sharing news about increases in legal incidents in specific jurisdictions can happen quickly and for rallying support when arrests do occur. Crowdfunding campaigns are becoming increasingly common, with the friends and families of people who've been arrested launching efforts to raise funds to support defendants with legal costs, and in some cases to make donations to the ADFs work. The ADF continues to build our presence in these areas, with social media channels and our newsletter.

Our accomplishments



Preventing arrests, raising awareness, and promoting best practices

The ADF's education work aims at preventing legal incidents before they occur. Because the legal landscape for ayahuasca and other traditional plants is highly complex and confusing and there is substantial misinformation online, efforts to educate and inform are priorities.

Education and information

Accessible and reliable information

The ADF engages in educational initiatives that include information sharing through various channels. Our website serves as a central hub for information about the legal status of ayahuasca in different states, including an extensive "myths and realities" resource, and a blog with up-to-date information on legal incidents and ADF events.

Country-by-country legal map

Many queries that we receive via our email consultation service is for information on the legal status of ayahuasca in various countries. In response to this need, we have created a resource on the ADF website where we provide information on the national legal status of ayahuasca in different countries. The information we share is based on extensive research, for which we engage regional experts for information and review. Over the course of 2017-2018, our goal is to add one country to the map each month and to spread the word about this important resource through our social networks.

Countering legal prosecution

The ADF offers legal advice and works with defendants and their legal counsel worldwide on cases related to ayahuasca and other traditional psychoactive plants.

Countering legal prosecution

Legal support work

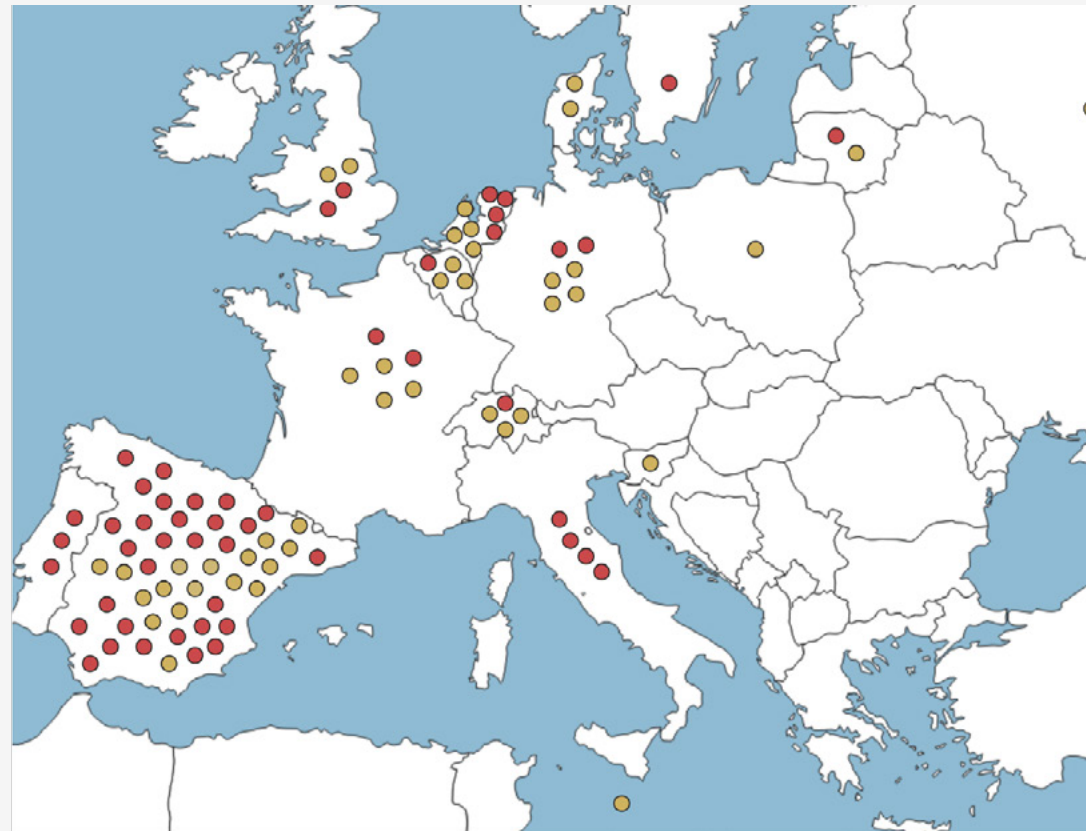
In 2016 we engaged with over 40 in-depth legal queries. Our team also worked with 20 criminal cases in 11 countries. For these cases we offered moral and strategic support to the defendants or their family, and their legal representation. We provided scientific evidence, technical reports and expert witness testimonies to several of these cases. The outcomes depended on the legislation in the country of each case, the cooperativeness of the legal representation with our team and the judges handling the case. In this sense different levels of success were achieved, with several very favorable outcomes. In cases where the ADF was allowed to play a leading advisory role in assisting the defense, and where our Technical Report and best practice advice were drawn on, there have not been any criminal convictions. In the following pages we outline some examples of key cases that we've been involved in.

Expanding our network

The strength of the ADF increases as we establish a solid network of lawyers who are sensible to this cause. This year we increased our network with 15 new attorneys internationally and we aim to expand this further over the coming years.

Ayahuasca legal cases worldwide

This map shows the ayahuasca legal incidents brought to our attention since 1999. The yellow dots show the cases we have supported. The map does not include cases with other plants like mambe, peyote, san pedro or iboga, which are more rare.



Cases



Ayahuasca case France

In early October 2016, Don José Campos, a Peruvian curandero was arrested in France along with Cyrille Mauvais, a French national.

The ADF team worked closely with their representatives to find a high-level lawyer with prior successful experience in defending ayahuasca cases. After extensive negotiations with the authorities, Don José was released from prison and was permitted to go back to Peru to await trial. Cyrille Mauvais was also released pending the outcome of the trial.

Since Ayahuasca is illegal in France, the authorities could have decided to keep them in prison until the court hearing, which is expected to take place in 2018. This successful outcome was the result of an impressive collaboration – the global ayahuasca community generously offered donations to help with legal bills, experts wrote testimonials, and the experienced legal team worked to ensure the best representation for both defendants.

We will continue working with the legal team in the lead up to the trial with the goal of achieving the best possible outcome for the defendants, one that also sets a positive legal precedent and contributes to shaping favourable public opinion about ayahuasca in France.

Ayahuasca case Israel

In 2015, Israeli police arrested a psychologist after bottles of ayahuasca shipped from Peru were confiscated by customs when they transited through France.

The psychologist, who received her training at the California Institute of Integral Studies, had also completed an extensive apprenticeship in Peruvian vegetalismo. The ceremony organizer and a third person were also arrested, computers were confiscated, and more than 25 people were interrogated. The defendants faced several charges and long prison sentences.

The ADF team worked closely with the main defendant and her attorney, offering scientific and strategic expertise, and working to build local support from respected health professionals and politicians. What could have resulted in very long prison sentences ended with a plea bargain, suggested by the judge, of six months of community service for the two primary defendants. The psychologist carried out her community service in a home for elders working as a therapist. With this criminal case now closed, we are preparing strategies to continue the efforts to move towards legal protection in Israel, building on the foundation developed during the defense.

Ayahuasca case Spain

In 2016, an important ayahuasca case in Spain concluded, utilizing a novel defense approach. The case began in 2011 when an individual was arrested for importing 11 liters of ayahuasca and faced three and a half years in prison.

We worked with the Association 'La Maloka', a self-organizing group focused on the shared use of ayahuasca and other Amazonian ethnobotanicals, and the attorney Pedro Caldentey, member of the ADF Expert Committee. José Carlos Bouso, ICEERS's Scientific Director, provided expert reports and testified in court. The judge's ruling was very important for advancing legal efforts around ayahuasca. First, the judge recognised that ayahuasca is not illegal according to international conventions, that extracted or synthetic DMT (which is scheduled) and ayahuasca are not the same thing, and that ayahuasca is therefore not controlled in Spain.

The judge stated that policies of increased tolerance, accompanied by strict controls and regulations, would provide more benefits than harms. She also concluded that ayahuasca is not harmful and holds potential benefits for the participants. A crucial element of the case was the defendant's membership in La Maloka defending that the imported ayahuasca was destined to be shared by its members and the sentence recognised the concept of "shared consumption". This is the most significant outcome of an ayahuasca legal case that we have seen in Spain thus far.

Coca leaf case Spain

In 2016, the ADF team played a key role in achieving an important legal victory the court in Girona, Spain. The case involved the importation of a traditional coca leaf preparation (also known as mambe).

The defendant, a Colombian citizen who has been living in Spain for 10 years, was charged with attempted drug trafficking after he was arrested in 2014 for mailing two kilograms of mambe to himself.

The legal approach to coca has been one of the most challenging topics in the current international drug control system, due to the plant's connection to commercial cocaine despite its ancient Andean traditions. Nevertheless, it's rare for a case related to coca leaf to come before a European court, in a region where these traditions are rarely discussed.

The ADF, with the participation of ADF expert committee member Pien Metaal from the Transnational Institute, provided support to the defense team, led by the attorney Roberto Castro, who is also an expert committee member. The defense relied heavily on our testimonies, which outlined ancestral cultural practices involving coca and on the problematic nature of the inclusion of coca in the United Nations 1961 Convention on Narcotic Drugs.

The prosecutor was seeking a punishment of four years in prison and as the lengthy process unfolded, it became clear that the facts were on the defense's side. The trial concluded in March 2017 with the prosecutor dropping all charges and a full acquittal.

Ayahuasca case Russia

In August 2016, Eduardo Chianca, a Brazilian professor, was arrested in Russia with four bottles of ayahuasca in his luggage. He was detained in prison for nine months before his case was heard in May 2017.

This case brought to our attention Article 229.1 of the Criminal Code of Russia, which states that activities related to "plants containing narcotic agents, psychotropic substances or their precursors, or parts thereof" are punishable by law. The ADF has been working closely with Chianca's defense team, compiling scientific opinions about the average amount of DMT usually found in ayahuasca samples, and providing information about international legal status, strategies and documents from other cases.

The trial concluded in May 2017 when Chianca was condemned to six and a half years in prison. While this is a substantial amount of time to be imprisoned, it's significantly less than the seventeen-year sentence requested by the prosecutor. This court decision is currently under appeal and the ADF will continue to support the defense team during the appeal process.

Testimonials

“

*I felt that
we were not alone
in the wilderness.*

”

“

*I have no words —
so professional,
humane
and personal.*

”

“

*There is no
question in
my mind that
without their
invaluable help
and support,
X would still be
in prison.*

”

Looking
ahead



Looking ahead

2016-2017 was a pivotal year for the Ayahuasca Defense Fund, during which we built a strong foundation and formalized our work. We acknowledge the scale and complexity of the challenges faced by communities, practitioners and all stakeholders involved in appropriately integrating these plants into modern society.

Becoming the hub for legal information and a defense resource for all traditionally used traditional plants.

Providing reliable and expert information on issues affecting the global ayahuasca and teacher plant community in real time.

Building on our educational efforts, engaging with media and policy spheres to shift perception about teacher plants, paving the way to more sound and just policies.

Provide workshops with the goal of sharing information about legal harm reduction and best practices.

Convening forums for discussions within the community about pathways towards self-regulation.

Acknowledgements



Acknowledgements

Our first program year – from April 2016 to March 2017 – was a great success due to the efforts and support of many individuals. Thank you to all those who made contributions!

ADF Team

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Constanza Sanchez, Ph.D.
Ben Christie
Bia Labate, Ph.D.
Andrea Langlois
Jose Carlos Bouso, Ph.D.

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Financial Report



Financial report

“
Giving funds to the ADF, more than a gift of money, is an act of solidarity and presupposes an intention to vindicate the appropriate use of sacred medicine plants.
”

From the beginning of the ADF program in 2015 until it was officially launched on April 1, 2016, we raised a total of €32,730,62 and had expenditures of a total of €21,103.74.

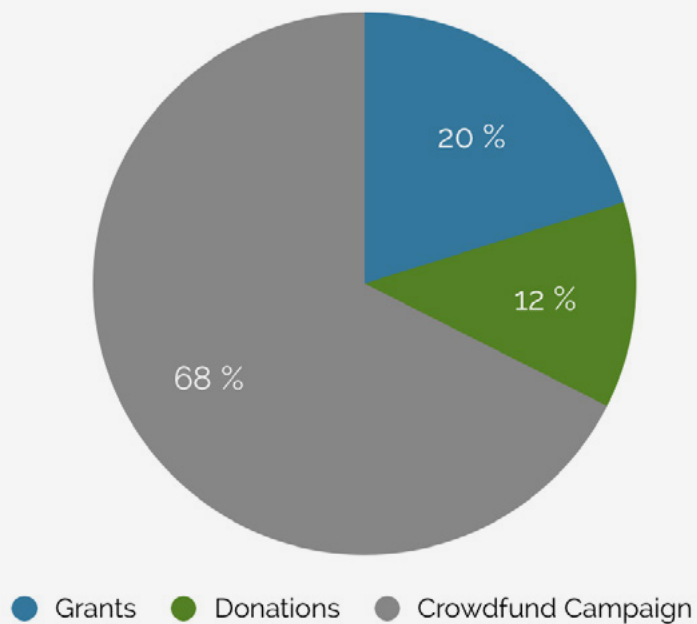
Between April 1, 2016 to March 31, 2017 (the timeframe of this annual report), we raised €124,048.77 through our crowdfunding campaign, individual donations, and grants. Our total expenditures 2016-2017 were €87,370.91, which leaves us with €48,305.00 to fund activities in 2017-2018.

Fundraising efforts are on-going. ICEERS has charitable status and can provide tax receipts for donations from the Netherlands, Spain and several other EU countries that allow the deduction of tax on donations to other EU member states. Donations from the US or the UK can be deductible if they are made through our fiscal sponsors in those countries (MAPS US and Beckley Foundation UK).

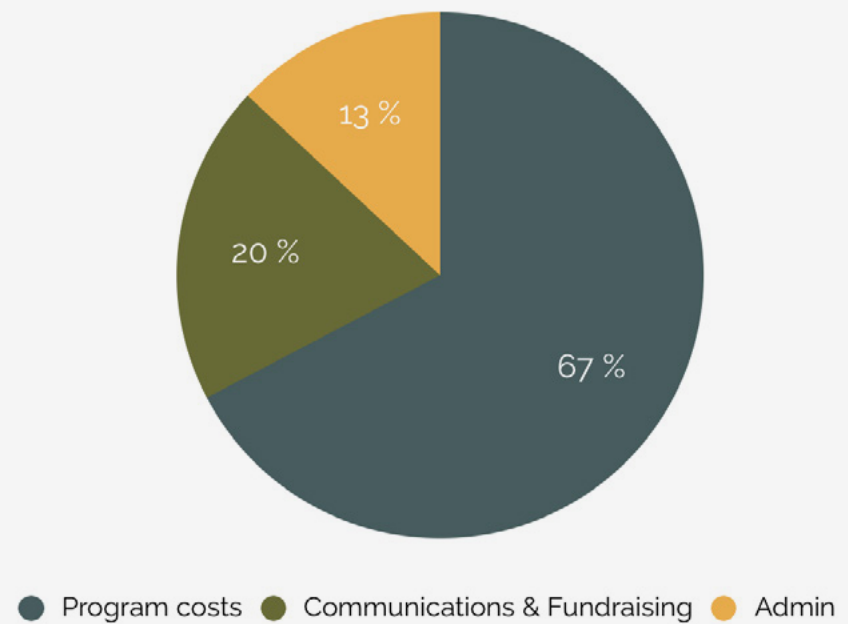
Thank you to all the generous donors who support our work!

Financial report

Total Raised: €124,049



Total Expenditures: €87,371





ICEERS

INTERNATIONAL CENTER FOR
ETHNOBOTANICAL EDUCATION
RESEARCH & SERVICE

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