

THE CONTROL OF IMPORTS AND SUPPLY OF ILLICIT DRUGS AND POTENTIAL CHALLENGES FACING CONCERNING JUDICIAL SYSTEM OF IRAN

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ABSTRACT

Reviewing plans, objectives, strategies and policies that have been developed over the last two decades, implies that promoting theorems as well as theoretical literature improvements in order to control drug abuse along with developing a support for academic, practical and research support, practical measures have been improved in terms of drug imports and distribution, and different approaches to combat it. There are many problems related to hardware such as not having satellite control system and border control problems and lack of cooperation with international institutions all have significantly caused the entry of drugs into the country and this may be a threat to the country. However, the illicit drugs all over the world as an international crisis with serious traumatic injuries have attracted the attention of leader's criminal policy, so that a large sector of the mission of the criminal policy of the country is involved with dealing with this problem.

Keywords: *Policy, Control, Border, Drug*

INTRODUCTION

Narcotic means stupefying and any compound that results in an abnormal change in the function of central neural system, and particularly narcotic is referred to a compound that causes impairment of voluntary movement as well as behavior disturbances and physical changes (Mortazavi, 2003).

In the past, opium and cannabis were mainly produced in different regions of the country, and they were consumed inside the country, but gradually along with increase in drug abuse and the emergence of the term "addiction phenomenon" cultivation of such compounds was prohibited and illegal, because this led to youth addiction.

Profitability of the business and the ability of drug smugglers as well as increasing number of addicted individuals, were factors along with prohibition of its production, which led to a phenomenon, called widespread distribution of illicit drugs throughout the country, therefore the only way to deal with this problem was to enforce the ban of importation and distribution of illicit drugs across the country (Hagh, 1998).

Although a new law to control drug abuse was adopted, legal solutions were developed to deal with this problem, besides integration of the three initiatives, Council of the Islamic Revolution, police and national gendarmerie in a group named police force as well as establishment of Drug Control Headquarters to centralize and coordinate the functions and protocols of related organizations, and partial recruitment of Revolutionary Guards Police And capital investments contributed to control East Central strip despite the negative practices and successful control, issues concerning drug abuse were not solved, but due to some factors it extended which is considered as the main focus of this study, and we discuss what measures should be taken into account to overcome these challenges.

In addition to the mentioned issues, the hardware measures including lack of satellite control system and the difficulty of controlling borders and lack of cooperation with international institutions all have led to entry of drugs into the country in vast dimensions, and this is a threat to the country.

However, substance abuse which is known as an international crisis all over the world, causes serious harms among nations, as such it has attracted the attention the leader's criminal policy, so that it includes a large sector of the country's criminal policy to fight against this problem (Kamiani, 2001). Moreover,

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prevention is a useful policy to control importation and distribution of drugs; which could be a major focus of this study.

Statement of the Problem

Since Islamic Republic of Iran is in the vicinity of the greatest illicit opium producer (Afghanistan), it is located among the path of transit to Europe and the Persian Gulf countries and has always focused on contribution of other countries in the and international communities to prevent the importation of illicit drugs from Afghanistan. Results from different studies showed that 2% of 70 million people living in Iran are drug addicts and 60% of people living with AIDS, are drug addicts (Ardebili, 1998).

Steps should be taken behind for a product to be provided by the producer and delivered to the consumer. In the process of production and consumption of a product, the transportation, storage and sales should be considered. Drugs also need to go through these stages as an illicit and profitable commodity. However, the prohibition on the purchase, sale, storage and transportation of drugs along with the need for transportation, storage and selling the products to dealers, have made the drug embedding and transport very important for the merchants of death (or traffickers) (Ardebili, 1998).

Inhibition of Requests

The first step towards controlling drug trafficking is to fight smoking and drug consumption, in other words, we should increase the individuals including the youth, men and women's awareness and educate them.

The best way of warning people about the harmful effects of drugs is through schools where there is no particular attention toward this issue, so it is suggested teaching a course titled "Harms of Drugs" in guiding schools in order to inform the future generation about the harmful effects of drugs.

Most people of a society have little knowledge about the harmful effects of drug consumption and many susceptible individuals are drug addicts. An unaware person is like a child who touches flames of fire having no fear of flame burning; but the time when he or she understands or gets informed that fire can burn, since then he or she always protects himself or herself against fire. From the beginning, adolescent and children should be acquainted with the harmful effects of drugs, do not trade (exchange), or become friends, even if an addict asks for a direction, they should not help him or her and consider him or her as a parasite, a criminal or an outcast in the society and not a sick person. Look at the addicts with contempt and those addicts have no place in the society, they have no value and affinity and this kind of contemptuous behavior toward the addicted person in the society would be a lesson for the people, especially young adults and other segments of the society not be inclined toward addiction. From the point of view of the police, the addicted and illicit drugs are both prohibited and considered a crime and against the law; but some institutions and organizations look upon drug addiction as an ill person and an ill person in our society has its own definition which this attitude is totally wrong and incorrect and validates the addicted person and he or she is regarded as someone who is unwillingly infected, an addicted person became addicted unwantedly and without his or her intention; but this is not true. More than 90% of addicts are over 25 years of age or older, and they willingly chose the path to become an addict (Andelib, 2001).

Inhibition of Supply, Means Control of Production, Distribution, Transportation and Sale of Drugs

We have approximately 1000 kilometers border connected with Afghanistan, the greatest producer of opium that if we have a checkpoint every 200 meters and by creating physical barriers, such as digging canals, barbed wire, mining, controlling through electrical appliances and surveillance machines, the border would be monitored and under control. Besides by studying and analyzing the role of physical factors in each border region and understanding the threats and challenges facing the border, take practical measures to the problems and obstacles and bringing that area under control and by making it impermeable, to completely prevent the entrance of drug convoys to our country, as such drug abuse rate will be zero or the most possible minimal rate.

Government policy on desirable border control is greatly important, as if we have a garden or villa, the walls surrounding are wrecked and does not have a relatively good security and thieves can easily enter the garden. Then in this big jungle of the garden, we are suffering more and more money and multiple

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expenses and more force, we have to run after the thieves who have many ways out. But we can reduce the costs by making a strong, impenetrable wall for our garden and live more safely and comfortably and have no concerns about unauthorized intrusion of thieves.

The entrance of drugs into our borders is exactly the same as the example mentioned above. If we block and get the drug entrance under control, we will not experience losses of manpower and excessive costs and challenges related to tracking smugglers. And about 85 to 90% of the problem concerning drug distribution will be solved. As domestic products, the people and places are limited; they are easily identifiable by the people's cooperation and can be treated.

The Main Issue Is Traffickers and Drug Dealers Punishments

Capital Punishment

In brief, we can say that it has been proven that certain penalties but light ones are always better than heavy penalties but uncertain ones. For instance if you are told that in case you travel to Mashhad by train you will certainly break your foot, but if you travel by plane your plane might crash, which way would you choose? Certainly you will choose travelling by plane, because you are sure that in case you travel by train, you will break your foot. But plane's crash is probable and in case of a probable and heavy punishment, trafficker will take the risk and practicing heavy punishment is not effective.

International Approaches to Control Drug Trafficking

Police Inspection Procedures or Overt Operation

This method is the most extensive, common and most sophisticated approach of discovering drugs by the police all over the world. Inspection in disciplinary terms means: looking for and searching to obtain any drugs or any illegal objects. Contraband could be found inside a vehicle, an individual, cargo or a place that inspection of each of which is done by authorization of law or according to the protocols of police mission in each country and based on the adopted guidelines and circulars (Qanji, 2006).

Information or Hidden Operation Method

In contrast to police inspection or the overt method, another method of discovering drug is called information or hidden method. In this method, executive officers in compliance with all rules and instructions and with the authorization of the court, usually dressed in civilian clothes, help to detect and identify the active contributors in the drug trade unions. Methods used in this approach are:

1. Fake dealing: This trade is done in order to trap elements and groups of drug traffickers with the judicial authorization (Mahboobimanesh, 2004).
2. Information method: The most important principle in this method is collecting information and identifying the location of the heads of the elements, commuting routes, loading drivers, meetings and communications, networks and drug gangs.

This is achieved by using specific information and covering methods, such as prosecution, hearing, eavesdropping, and electronics applications equipment and recruitment of resources. Technical investigations and discharging the accused drug traffickers' information are also other aspects of this approach.

3. Diffusion method: In this method one or several agents gradually penetrate to the drug bands or networks and seemingly become one of the members of the group so that they become close members, building trust and confidence among them. And intangibly transmit the gathered information to the contacts outside the band (Ghonchi, 2004).

Military-tactical Method

This method is not commonly used in all countries. Drug trafficking groups and convoys which teleport to Iran from Afghanistan and Pakistan are equipped with all types of small arms and heavy updated arms, communication equipment, and quick vehicles enter into our lands with full preparedness to achieve their goals and even commit crimes such as road blocking, hostage taking, locking, kidnapping, extortion and harassment of rural people and the ones who reside on frontiers.

Different methods to fight this way, combat petrol, ambush taking, tracing or tracking, setting explosive traps on the route of drug trafficking convoys, involvement and conducting combat military-tactical operations, clearance of contaminated areas in terms of traffickers fluency and etc.

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Shipping and Delivery, Supervised or Controlled Delivery Method Percolate on Drug Transportation Network

This method according to Article 11 of the UN Convention on the 1998 International Narcotics has taken international form. In this method, especially narcotics officers are stationed at certain points of entrance and after being informed of the existence of shipments of narcotics, psychotropic or precursors with the knowledge and under the supervision of the competent judicial authority, while they have the permission of detecting, interdicting and seizing the drug carriers, they let shipments in or outside the country. Since this time on, officers transmit their information to the other police officers in other countries, and destination countries to attract their attention for further cooperation, and track and deliver the drugs to the area in order to identify all those involved in drug trafficking networks within and outside of the border, and discover hidden points of loading, and discover various techniques for drug trafficking in the provision of transport.

Tools for Drug Discovery

1. Humans: Despite scientific advances and technological developments toward developing different devices for drug discovery, until now no one has been able to replace with human to carry out that purpose.
2. Using X-ray machine.
3. The analysis of thermal neutrons with gamma irradiation on the object and analyzing the emitted light reflections, they may be able to track the drug that has been placed in a suitcase.
4. Using drug detector dogs.
5. Electromagnetic devices for those who had swallowed drugs.
6. Drug vapor and particles discovery systems (Ardebili, 1998).

The Examination of Comprehensive Scheme in Regards to Preventing the Importation and Supply of Drugs (2009)

The most recent project that has focused on strategies and programs concerning drug addiction and drug abuse is the comprehensive plan to prevent addiction. In October 2009, Drug Control Headquarters obliged the secretariat to use scientific and administrative experts to make a comprehensive prevention project by determining the contribution of each of the fifth development plan. In this project, after assessing the strengths and weaknesses of the project, threats and opportunities, and introducing constructs, the approaches and the applications included in each component, announced that the objective of this project is to reduce the number of drug addicts in Iran, and the goal is to support 40% of the state's population under standard prevention insurance schemes:

- Managing drug prevention should be obsessed with all the events and decisions beyond their authority and actively deal with them in order to reduce the risk of addiction among them.
- Managing drug prevention should support actively every outlines and actions that help to enhance the quality of life associated with social justice.
- Managing drug control must prioritize drug prevention methods among other drug control methods.
- All three types of prevention plans including general, optional and obligatory must be equally implemented.
- Preventive measures and strategies must be relied on the most valuable (reliable) evidence.
- All preventive measures and strategies must project and involve continuous monitoring and assessing.
- All non-governmental organizations and especially community-based organizations must cooperate during the policy procedure in order to help all preventive measures and strategies to be planned, evaluated and implemented, developed and established besides the influence of private sector must be considered and used establish and implement measures and strategies.
- All preventive measures and strategies must cooperate with the states through the policymaking process to be properly planned, implemented and evaluated.
- When designing and establishing Preventive measures and strategies, cultural, ethical and religious, social, economic and gender differences must be taken into account.

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- Selected and compulsory programs and plans should be designed based on the most important risk factors and process of resilience in that group.
- International cooperation and relations and experience of other countries must be particularly considered.

Conclusion

Enforcing methods focused on preventing different segments of the society from getting addicted, fostering and enforcing soft approaches and attitudes in terms of developing planned programs and qualitative improvement of hard measures not only have flourished dramatically, but also all these measures are only a part of the whole new achievements of the drug control headquarters during the last few years.

In this regard, we should note that the 1400 Iran program codification and statement of general policies related to control importation and distribution of illicit drugs are small contributors to Iran's achievements and developments. Adaptation of strategies such as establishment of drug rehabilitation centers and preservative treatment with methadone, involving and establishing non-governmental organizations and associations, modifying the structure of active devices used in illicit drug and drug abuse practices and qualitative and quantitative improvement of health care services and treatments as well as diagnostic methods in order for reducing illicit drug imports and demands. Furthermore strategies such as implementation of health promoting schools, drug abuse awareness through increasing awareness in terms of prevalence, and the severity of the problems caused by addiction, importance of developing preventive programs and involve cooperation of others and public involvement and other helpful groups as well as using modern technology to monitor vulnerable entrances, sanitation and establishment of physical barriers throughout the border, cooperation with other influencing countries to fight against drug cultivation and production in Afghanistan, providing education requirements, identifying and introducing different types of illicit drugs and promoting operational respective to reduce distribution and supply of drugs are all new achievements during the last two decades in Iran which show that drug-related approaches and strategies of policy makers and planners of Islamic republic of Iran have changed. It is necessary to understand the progress of other countries in an extent to which the whole country and the whole world is involved during the last two decades and use their experiences. Moreover, reviewing strategies and policies developed and adopted during the last two decades which was the main focus of this paper, suggests that the major part of these strategies are planned for the years after the third economic planning in Iran which is why some results were not executable.

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