

## **Crime and Justice Situation: Laws and Legislations**

### **Main Characteristics**

Although the main characteristics of crime in Iran and the emergence of new criminal trends have been discussed in previous sections, there are a few other issues which are important enough to merit more attention. One, when all the criminal acts, which have been committed for various reasons, are classified, the three main causes are made obvious. These causes are drug abuse, poverty and class polarization, and the growing number of psychological problems and disorder.

It has been noted that around 60% of inmates in prisons around the country are those arrested for drug-related crimes. Likewise, it has been mentioned that an independent estimation of poverty puts the figure between 30 to 35% of the total population and the Gini Coefficient, an indicator of inequality, has remained above 0.4 for many years now. This is an indication of a wide gap between the rich minority and the poor majority.

These causes have strong correlations with rapid urbanization which, by itself, is a by product of Iran's integration into the world capitalist market. In a sense, the "Dialectics of Dislocation and Profit" discussed in the beginning of this report can also be applied to gain understanding of criminal trends and the roots of crime in the country; however, with two considerations in mind. First, the profit discussed in the title of this analytical model directly benefits different levels of the drug gang hierarchy, albeit unevenly. But the profit used in the same model to explain the rapid growth of crime is both a direct and indirect output. In other words, while a hierarchy directly benefits from crimes committed for economic gains, the rate of crime increases at the same time. This is due to the mentality of gaining profit in society at large and which have led to dislocation in certain groups; hence, in turn, increasing the potential for committing other crimes which are not directly related to economic gains but are by products of dislocation itself.

The state of the prisons in Iran is a challenge in itself, though it is linked to some of the problems of the justice system. As have been presented through Table 1, the number of those jailed for drug-related crimes (dealers and addicts) from 1979 to 2003 was 2,556,143 individuals, an average of 106,509 per annum. From 1989 to 2003, an annual average of 130803 drug-related crimes has been committed.

In 2004–05, there were 136,427 prisoners (convicts) under the administration of the prisons authority; an unknown number of detainees under temporary arrest (estimate of 210,000) waiting for their court verdicts as well as unknown numbers of prisoners in the jails of various security organizations not under auspices of the Iran Prison Organizations. The known figure represents 490

prisoners per 100,000 of the population, which places the country among the six countries of the world with the highest incarceration rates. Over 95 percent of prisoners are men, which mean that prisoners compose about 1 percent of the male population. The very large number of accused detained in prison awaiting trials, which creates problems for the rights of the accused, contributes to the overcrowding of the prisons and is costly for the state

One major problem faced by the administration of justice in Iran is the overloading of courts with cases. Figures concerning the disaggregated cases that are annually cleared at the public, criminal and courts of Appeal show the extensive growth of courts' backlogs. From 2000 – 2004, an enormous backlog of 6,000,000 were pending at the courts thus creating a serious bottleneck for the administration of justice in Iran. This in turn caused the procrastination of the proceedings, some of which dragging for months and years, entangling those citizens who referred to the courts.

### **Human trafficking**

Evidence indicates a growing trafficking of human beings, into and from Iran, run by criminal rings. Recent newspaper reports, supported by the declarations of judicial and law enforcement officials, acknowledged the existence of organized criminal networks involved in the trafficking of narcotics, human beings, and small arms. In this context, of particular concern are reports of trafficking of children (Afghans, as well as Iranians) from Iran to the Gulf Region littoral states for both camel riding/racing and sexual exploitation, as well as from Iran to Pakistan and Afghanistan for drug trafficking. Due to its peculiar geographical location as a bridge between Asia, Europe and the Middle East, human beings are both trafficked into Iran from Afghanistan, and trafficked from Iran to the Arabian Peninsula and the southern Mediterranean Region. Further, the lower risk associated with trafficking of human beings compared to smuggling of narcotics represents a very attractive business alternative to drug trafficking bands in control of the southern drug smuggling routes.

### **Trends and Issues of Specific Concern**

#### **Number of Cases Filed by the Police Years 1986, 1991, and Years 1998 - 2003 (Type of Crime, Country as a Whole and Provinces)**

<b>Item</b>	<b>Year</b>	<b>Knife stabbing and hooliganism</b>	<b>Deliberate poisoning</b>	<b>Coercion &amp; duress</b>	<b>Threat &amp; intimidation</b>	<b>Assault &amp; Battery</b>	<b>Accidental deaths</b>	<b>Man-slaughter</b>	<b>Murder</b>
<b>1</b>	<b>1986</b>		443		664	<b>36689</b>	4709	<b>171</b>	298
<b>2</b>	<b>1991</b>		123		791	<b>16574</b>	3129	<b>208</b>	998
<b>3</b>	<b>1998</b>	<b>3013</b>	99	<b>793</b>	656	<b>60524</b>	4328	<b>697</b>	1419

4	1999	3844	231	1509	342	75951	4503	963	1619
5	2000	4115	168	1328	320	76071	4716	1101	1459
6	2001	3845	783	1639	447	80468	6714	1095	1577
7	2002	3823	272	1686	1081	81767	9073	1391	1948
8	2003	3955	207	1504	752	71562	9301	1325	1803

Source: Iran Statistical Yearbooks 1986 - 2003

### Age and Sex Profile of Those Arrested for Various Crimes\*, Years 1998 - 2003

Sex & age group	Year					
	1998	1999	2000	2001	2002	2003
<b>Male</b>						
17 and below	3301	3610	3142	3570	3204	2794
18-24	14650	13995	13964	17140	20434	16566
25-34	21318	22888	23345	25509	28457	26018
35	7606	9621	9017	10875	9318	8730
Sub-Total	46875	50114	49468	57094	61413	54108
<b>Female</b>						
17 and below	793	548	400	349	403	321
18-24	3197	1826	1413	1552	1600	1081
25-34	3278	2465	1915	2163	2035	1667
35	1176	1402	711	890	641	611
Sub-Total	8444	6241	4439	4954	4679	3680
<b>Total male and female</b>	55319	56355	53907	62048	66092	57788

\* Includes murder, manslaughter, accidental deaths, assault, threatening, coercion, pretending to stab with a knife, and poisoning.

Statistical Center of Iran yearbooks, 1998-2003

### Number of Criminal Cases Concluded in Public Courts (Year and Type of Crime) Years 1998 - 2003

Crime	Year					
	1998	1999	2000	2001	2002	2003

<b>Murder</b>	3431	3670	3916	4956	4636	5909
<b>Manslaughter</b>	15421	16820	17824	19268	21665	24238
<b>Assault</b>	236845	292155	310587	351615	404937	442687
<b>Vandalism</b>	45952	55549	58280	68578	78207	86873
<b>Improper Sexual Conduct</b>	58231	64532	66667	66892	79610	86129
<b>Bribery, Embezzlement and forgery</b>	102641	141344	163667	189070	223487	274223
<b>Theft and Robbery</b>	138543	177739	207828	241469	282430	308361
<b>Forceful possession of property</b>	102260	125415	131764	147509	176135	202208
<b>Bounced Checks</b>	339207	425030	481677	546368	603623	572157
<b>Drinking Alcoholic liquors</b>	18240	17599	21384	31146	44654	45732
<b>Driving without license</b>	90886	137353	154714	165354	217440	298441
<b>Violation of Traffic Rules</b>	102513	113674	139632	165217	178944	205780
<b>Minor offences</b>	97430	156559	106785	95519	104953	97031
<b>Juvenile Delinquency</b>	6924	8320	8469	11609	14518	18084
<b>Total</b>	1358524	1510637	1873194	2104570	2435239	2667853

Source: Statistical Center of Iran yearbooks, 1996-2003

**Number of Public Courts, Courts of Appeal and Revolutionary Courts Active in the Country  
Years 1998 - 2003**

<b>Year</b>	<b>Public Courts</b>	<b>Courts of</b>	<b>Revolutionary</b>
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		<b>Appeal</b>	<b>Courts</b>
1998	<b>1960</b>	191	<b>81</b>
1999	<b>2134</b>	213	<b>211</b>
2000	<b>2260</b>	226	<b>226</b>
2001	<b>2403</b>	240	<b>223</b>
2002	<b>2582</b>	252	<b>245</b>
2003	<b>2340</b>	252	<b>245</b>

Source: Statistical Center of Iran yearbooks, 1998-2003

### Number of Files Concluded Years 1998 - 2003

<b>Year and Provinces</b>	<b>Public Courts</b>	<b>Courts of Appeal</b>
1998	3120589	178219
1999	3557200	261359
2000	3927798	295030
2001	4377160	345746
2002	5041712	421898
2003	5587755	449820

Source: Statistical Center of Iran yearbooks, 1998-2003

### Number of Cases of Suicide Attempts Year 1998 - 2003

<b>Year and Province</b>	<b>Suicide Attempts</b>			<b>Deaths</b>		
	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>
<b>1998</b>	2818	1539	1279	1705	1085	620
<b>1999</b>	2708	1541	1167	1792	1163	629
<b>2000</b>	2749	1597	1152	1771	1203	568
<b>2001</b>	3275	2045	1230	1985	1421	564
<b>2002</b>	3436	2244	1192	2352	1820	532
<b>2003</b>	3745	2471	1274	2668	2005	663

Source: Statistical Center of Iran yearbooks, 1998-2003

### Number of Filed Suicide Attempt Cases (Year and Age Groups) Year 1998 - 2003

<b>Gender</b>	<b>Year</b>	<b>Total</b>	<b>17 years old and below</b>	<b>18 years old to 24</b>	<b>25 years old to 34</b>	<b>35 years old and above</b>
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<b>Male and Female</b>	<b>1998</b>	2818	373	1048	710	687
	<b>1999</b>	2708	322	1062	692	632
	<b>2000</b>	2749	371	1049	782	547
	<b>2001</b>	3275	339	1248	895	793
	<b>2002</b>	3436	318	1398	1024	696
	<b>2003</b>	3745	329	1563	1130	723
<b>Male</b>	<b>1998</b>	1539	157	513	403	466
	<b>1999</b>	1541	179	562	399	401
	<b>2000</b>	1597	189	557	477	374
	<b>2001</b>	2045	188	746	607	504
	<b>2002</b>	2244	185	897	670	492
	<b>2003</b>	2471	187	947	836	501
<b>Female</b>	<b>1998</b>	1279	216	535	307	221
	<b>1999</b>	1167	143	500	293	231
	<b>2000</b>	1152	182	492	305	173
	<b>2001</b>	1220	151	502	288	289
	<b>2002</b>	1192	133	501	354	204
	<b>2003</b>	1274	142	616	294	222

Source: Statistical Center of Iran yearbooks, 1998-2003

## **Drug and Crime Policies**

### **DRUGS**

#### **The National Drug Control Framework**

##### **Conventions adherence**

Iran is a party to the Single Convention on Narcotic Drugs, 1961, the Convention on Psychotropic Substances, 1971, and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. In 2001, the government ratified the 1972 Protocol amending the 1961 Single Convention.

##### **Legislation**

The Iranian Anti-narcotic Law of 1988 amended on 8 November 1997 (annex 1 and 2), cover all aspects of drug control and persecution on drug related offences including inter alia cultivation, production, import, export, possession, consumption, distribution, sale, and maintenance of premises for the use of drugs, assisting the escape of, or giving protection to, drug offenders already subject to prosecution, and destroying or concealing evidence.

The Anti-narcotic Law amendment of November 1997 amended the 1988 legislation with a view to making it more responsive to new aspects of the internal drug problem. Penalties range from fines and lashes on personal

consumption, to death sentences for trafficking. The enforcement of capital punishment is, however, subject to a number of judicial requirements aimed at ensuring the *de jure* and *de facto* correctness.

A new narcotic control law was drafted in 2001 and revised in September 2004, which is not yet finalized for submission to the Parliament. In the meantime, in August 2005, a draft law on “Decriminalization of Drug Abuse” was submitted to the Parliament for its ratification.

## **CRIME**

### **Organized Crime Convention Adherence**

Iran is a signatory to the 2000 United Nations Convention against Transnational Organized Crime. The Government is now considering the ratification of this Convention.

The country has endorsed the resolution adopted by the UN Commission on Crime Prevention and Criminal Justice in 1995: “Action against Corruption”. Anti-corruption strategies focus on prevention through community mobilization and the formulation for and implementation of codes of conduct for public officials. Iran actively participated in the negotiations leading to the United Nations Convention against Corruption (2003). In August 2005, the Government submitted the draft bill on ratification of the said Convention to the Parliament.

Iran has several times reaffirmed its support for two important anti-terrorism multilateral documents issued so far, namely the GA resolutions 46/5 of December 1991 and 49/60 of December 1994, as well as to the declaration annexed to the latter resolution on measures to eliminate international terrorism. In this context, it is worth noting the emphasis placed by the Iranian government on the links between international terrorism, drug trafficking, illegal arms trade, and money laundering.

Within the frame work of new UNODC Iran Programme, the Office will launch a project titled “Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance”. The immediate objective of this project is to improve Iranian judicial and legislative capacities related to organized crime and money laundering and to promote and strengthen international mutual legal assistance.

### **Legislation**

The crime control legislation of Iran has so far been through two main phases. The first period, was the time when the Penal Code of 1925, amended in 1973, was applied. Mostly based on the French Criminal Code of 1810, the Iranian Penal Code continued to be applied until 1982.

The second phase began after the Islamic Revolution (1979), when according to the new Constitution, Islamic "*Shiite Shariiat*" became the main source of legislation in Iran. Accordingly, in 1982 and 1983 the previous Criminal Code was replaced by a new law introducing the Islamic punishments into the judicial system. This law was drafted in separate parts covering the following topics:

- Punishments Ordained by Islam ("*Hodoud*")
- Blood Moneys ("*Diat*")
- Retaliation ("*Qesas*")
- Discretionary Punishments ("*Ta'azirat*")

In 1996, the Islamic Penal Law was revised and modified into a single set of provisions comprising 729 articles in five chapters, including a new chapter on "Deterrent and Security Measures". Moreover, many of the articles and procedures of the 1925/1973 Penal Codes were reintroduced into the new law.

It is worth mentioning that, in this new Law certain conditions of a crime have been considered as aggravating circumstances. Therefore, although there is no specific law on "organized crime", depending to the case, the scale of penalties depend on the number of the perpetrators (two or more people) and commission of crimes in an organized manner. The so called aggravating circumstance includes:

- Crimes against Security of the State; article 610;
- Crimes against persons and children; articles 611 and 620;
- Robbery and Theft; 651, 654, 655 and 656;
- Arson, Damaging and destruction of Property and Animals; article 683;
- Defamation of people (always adapted when detainees raised defamatory act against top officials of state); Articles 690, 691 and 694.

### **Crime Control Institutions**

Crime control is a prerogative of the judicial system. In discharging its function, the judicial system makes use of several law enforcement agencies including the Iranian Police, the Revolutionary Guards Corps, the Basij (Voluntary People Force), and when required Ministry of Intelligence.

### **The Judiciary and the Court System**

The structure of the court system has gone through drastic organizational revisions since 1979 revolution. The current structure of the Judiciary is as follows:

- i.) **Supreme Court:** the highest court in Iran with the task of supervising the proper application of laws by the lower courts, as well as ensuring uniformity in judicial procedures (Article 161 of the Constitution). The head of the Judiciary, in consultation with the judges of the Supreme Court, nominates the Chief of the Supreme Court who, among other qualifications, must be a specialist in Islamic Law.
- ii.) **Court of Administrative Justice:** under the supervision of the Head of the Judiciary this court has a mandate to investigate complaints of private citizens against actions by public institutions and organs (Article 173 of the Constitution).
- iii.) **Court of Appeal:** it is the second instance court competent on reviewing cases decided by public and revolutionary courts. A three-member panel exercises the judicial power of the Court of Appeal.
- iv.) **Public Courts:** divided into two categories of criminal and civil courts, these courts are mandated to deal as first instance tribunals with civil and criminal cases. In the year 2003- 2004, 2340 public courts settled more than 5.6 million cases.
- v.) **Revolutionary Courts:** since 1995, the mandate of the Revolutionary Courts has been vastly expanded and now includes jurisdiction over various offences including: crimes against national security, narcotic drugs, waging “war on God and corruption on earth”, terrorism, state-related embezzlement, bribery and profiteering, and all other acts that undermine the system of the Islamic Republic of Iran.
- vi.) **Clerical Courts:** these courts are entrusted with the task of dealing with the clergies’ misdeeds. Clergy court cases are heard on the basis of religious laws, as well as the ordinary laws of the country. A special chamber of the Clerics hears appeals and the Supreme Court has no jurisdiction over the clerical courts’ verdicts. Defense lawyers have to be chosen from among designated clergy and hearings are not public.
- vii.) **Military Courts:** are mandated to investigate crimes committed in connection with military or security duties by members of the Armed Forces, the Police, and the Islamic Revolution Guards Corps. The office of the military prosecutor and the military courts form part of the judiciary and are subject to the same principles that regulate the judiciary (Article 172 of the Constitution)
- viii.) **Dispute Resolution Councils:** are new bodies established in accordance with the latest revisions in the judicial system in Iran. These councils are responsible for settlement of minor civil and petty criminal cases through mediation before their referral to the courts.
- ix.) **Number of Judges:** Latest available figures on the number of judges indicate that in the year 2003-2004, 5128 Judges were working in

Iranian courts. Judges are generally drawn from the legal profession, law enforcement personnel, and religious schools. The number of judicial support personnel is not available.

- x.) **Judiciary personnel Training:** Judges receive on the job training that includes various elements of public and criminal code laws at the Research and Training Center of the Judiciary. In addition, the Judiciary runs a specialized school, the Faculty of Judicial Sciences and Administrative Services, the objective of which is to prepare young jurists for judicial careers. In 2004, UNODC Iran and Iranian Judiciary launched a successful training programme for the Iranian judges in all provinces of Iran. The workshops also included parallel classes for the law enforcement and prison personnel. The curriculum of workshops included such topics as 1988 Convention and other related instruments, familiarity with other legal systems and proceedings, money laundering, controlled delivery, corruption, etc.

### **The Office of the General Prosecutor**

After the ratification of the law establishing public and revolutionary courts in 1994, the prosecutors' offices at the courts were disbanded and their functions and powers entrusted to judges of courts. Under such a system, judges acted as prosecutor, magistrate, and also the authority that issue the final verdicts.

Nevertheless, the figure of the Prosecutor General was retained although its functions limited to reviewing verdicts of courts when cases were referred to the Supreme Court. In 2003, the Law Establishing Public and Revolutionary Courts were amended to reintroduce the "Prosecutor General" position and "Prosecutor General Offices" within the Judiciary. These offices are now responsible for all pretrial investigations and referrals of those cases where there is strong evidence of a crime to the courts.

### **Effectiveness, Efficiency, and Integrity of the Judicial System**

With regards to effectiveness, efficiency, and integrity of the judicial system, the core problem seems to lay in the unbalance between pending and settled cases that result in the overburdening of courts. However, since 2003 when the Prosecutors' offices and Dispute Resolution Councils were reestablished, the number of pending cases reduced considerably.

### **Law Enforcement Agencies responsible for Crime Control**

#### **The Iranian Police Force: Modern time establishment**

After WWII, the United States provided substantial assistance to Iran for strengthening its law enforcement and military forces. In the late 1940s, Col. H.

Norman Schwarzkopf\*, a West Point graduate and the New Jersey First Superintendent of the state police, helped to organize and train the National Iranian Police. This technical cooperation continued also after the 1953 coup, and expanded to include as well the area of national security secret services and training of SAVAK-National Security and Intelligence Organization officers. In the twelve years following the 1953 coup, Iran received US\$ 767 million in direct grants, US\$ 496 million in credits, and US\$ 1.7 million under the Agency for International Development's Public Safety programme for the training of the Iranian police. Throughout the 1960s and early 1970s, the United States trained 179 Iranian police officers at the International Police Academy in Washington, DC, under the auspices of the AIDS Public Safety Programme. In 1978, the National Police operated with approximately 200,000 men; a figure that has not fluctuated much since then. The number of operatives from the Gendarmerie was nearly 74,000 in 1978.

By the time of the Islamic Revolution, a new police agency revolutionary unit called the "Islamic Revolutionary Committees" was established and entrusted with the responsibility of maintaining domestic security and defending the "values of the Islamic revolution". The overlapping of operational mandates of this new agency with those of the City police and the Gendarmerie was resolved through a national law in 1991 wherein three police agencies were merged into the Disciplinary (or Law Enforcement) Forces. In 2002, the Disciplinary Forces were renamed as the I.R. of Iran Police. In this context, almost all the members of Shah police force at higher positions were replaced with new brass and many more were retired.

According to the 1991 law, the police force is part of the armed forces under the command of the Supreme Leader who directly appoints the Commander of the Police.

The Iranian Police Force consists of three separate and almost independent units, namely:

- Command (or operational) Units
- Security and Intelligence Unit
- Ideological and Political Unit.

It is further divided into 19 operational departments:

- Enforcement (including the Office of Diplomatic Police)
- Anti Narcotics
- Border control
- Special operations

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\* Col. H. Norman Schwarzkopf is the father of General H. Norman Schwarzkopf Jr. who lead the American armies in the 1991 Persian Gulf war against Iraq.

- Intelligence and Detection
- Traffic Police
- Sea Police
- Air Police
- Electronics and Communication
- Engineering
- Computers
- Health and Therapeutics Department
- Logistics and Maintenance
- Administration
- Legal Unit
- Finance Unit
- Islamic Guidance and Culture Unit
- Security and counter-intelligence

The operational mission of the police force includes the following:

- Restoring and maintaining public order and the personal security and welfare of the citizens;
- Fighting against insurrection, terrorism and other acts detrimental to the state security (in cooperation with the Ministry of Intelligence);
- Maintaining security during legal gatherings and acting against illegal gatherings;
- Collecting intelligence and information related to the national security (in cooperation with other national intelligence agencies);
- Providing protection and security services to sensitive and important civil premises and facilities\*;
- Providing security protection to high-ranking Iranian or foreign officials;
- Collecting illegal and unauthorized firearms; and
- Acting as the enforcing agency of the Judiciary in the following areas:
  - illicit drugs
  - smuggling
  - indecent acts
  - prevention of crime
  - exposure of crimes
  - investigation and inspection
  - keeping the crime evidence
  - arresting suspects and criminals
  - enforcing and servicing judicial awards

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\* This mandate is shared with the Islamic Revolutionary Guards Corps which is entrusted with the security of the sensitive and VIP government premises.

- identifying individuals and scientifically investigating evidences
- inspecting and controlling borders
- matters related to passports, entry and establishment of foreign nationals
- matters related to traffic control
- matters related to public military service
- cooperating with Interpol, and
- cooperating with other military and civil entities and bodies of the country.

In 1968, the first group of 50 women interested in choosing a military career was admitted to the police Faculty. The first group graduated in three years as 2<sup>nd</sup> Lieutenants. The first women police were employed at various positions including the Secret Police and the Traffic Control department. Women were not admitted to military careers after 1981. It is only recently that women have been readmitted to police careers. In 2003, there were 400 women trainees at “*Kowthar*” Police Complex.”. At present, women police officers (number of which is unknown to UNODC Iran) are active in various sections of Iranian Police Force.

### **Main Characteristics of the National Crime Prevention Strategy**

The current crime prevention strategy of Iran was influenced by the ongoing reform affecting the Iranian society as a whole during President Khatami reform era. The shifts from so called political reform to conservative approach and vice-e-versa, has never penetrated the basin of conservative ruled Judiciary in Iran. However, the establishment of Judiciary Reform Bureau in 2003 was to ever increasing challenges faced by the conservative Judiciary system.

The strict application of traditional penal laws and mechanisms designed for the resolution of conflicts resulted in opening a window for “rethinking” and “amending” the cumbersome system of penalties, as well as to a redefinition of the balance between individual and state interests and moral values. In this context, individual behaviors traditionally sanctioned by stiff penal provisions are progressively dealt as minor offences by courts and sentenced through administrative penalties. In the same vein, many courts refrain (in principle) from implementing cruel punishments as prescribed in the Islamic “*Shariiat*”.

### **Extradition Agreements**

Iran has concluded extradition agreements with a number of countries before the Islamic revolution of 1979. Of these, agreements with Pakistan, Turkey, and France are still legally in force but apparently not practiced. According to Islamic principles, Muslims can not be judged under non-Islamic laws and by non-Muslim judges.

From 1997 to 2002 Iran signed and ratified extradition agreements with Azerbaijan, Syria, and Uzbekistan. The agreement with Syria also includes provisions on mutual legal assistance between the two countries. Until 2004 separate agreements on mutual legal assistance with Algeria, Azerbaijan, and Russian Federation were also signed and ratified.

### **Money Laundering**

The Government of Iran joined 1988 convention against illicit traffic in narcotic drugs and psychotropic substances in 1991. The 1988 Convention requires Member States to make money-laundering illegal, to adopt measures to enable the tracing, freezing, seizing and confiscation of the proceeds, to cooperate with other countries in identifying, tracing, freezing and seizing those assets, and to provide for bank, financial or commercial records to be available to investigators, notwithstanding bank secrecy.

In 2001, and in order to step toward full compliance with 1988 Convention, the Iranian Judiciary, Drug Control Headquarters and UNODC Iran launched the research study on Money laundering in Iran. The research study concluded a number of findings and recommendations as well as a preliminary draft proposal of anti-money laundering legislations, a part of which was integrated into the draft of the Anti-money Laundering law and submitted to the Iranian Parliament in 2002. The Iranian parliament has already approved the said draft twice in 2004 and 2005. However, in both instances the Guardian Council has rejected the parliament's approval and regarded certain articles of the draft against the law of "*Shariiat*" and the Constitution. The dispute will therefore be forwarded to the Expediency Council for final settlement.

The research findings directly referred to an "Elite Class" and "Para-State" organized groups that control a lion share of the country's economy and enjoy support of certain state run organizations. The research also estimated that the Iran's underground or "shadow" economy "controls" an amount equal to 50% of the country's GDP. Earlier university and Ministry of Economics reports (not published) had referred to the same phenomenon in the Iranian underground economy.

Iran's economy reveals contradictory patterns as far as money laundering is concerned. On the surface, it seems that Iran does not offer a suitable environment for money laundering. This is due to a number of factors:

- General feelings of insecurity about investing in Iran's economy;
- Lack of a clear policy and the existence of various organizations and groups with decision-making power over economic policies that compete with each other at times (about 32 councils and organizations);

- Existence of a number of organs deciding on policies regarding export, import, and trade in general (about 22 councils and organizations); and
- Intervention by informal groups on decision making through various social and political agendas.

These factors have created obvious confusion and disorder which conflicts with principles of investment and the nature of capital flow. In parallel, there are other factors not very obvious but which create ripe conditions for illegal activities, money laundering included. Some of these factors are as follows:

- The existence of a network of “Private Funds” not registered according to the Central Bank of Iran rules and regulations. These “Private Funds” have huge annual turnovers and are used to fund various economic and investment activities inside and outside Iran;
- The existence of unregistered “Credit Institutions”. Since these institutions are not registered they are not subject to any control nor monitoring by any state run agency and or Central Bank of Iran, and yet are active in financial markets all over Iran;
- The lack of necessary rules and regulations. At present, there are no particular rules, regulations, or ratified laws pertaining to money laundering;
- Widespread cash transactions; and
- The existence of an underground or “shadow” economy.

## The Iranian Anti-Narcotic Law of 1988

*This summary below has been prepared by the UNODC Office in Iran and does not entail any responsibility from the Government of the I.R. of Iran*

Case	Article #	Provisions				Special Remarks
		Financial	Penal			
			Lashes	Prison Term in years	Death	
Cultivation	<b>2</b>	1 <sup>st</sup> : 10-100 m rials 2 <sup>nd</sup> : 50-500 m rials 3 <sup>rd</sup> : 100-1000 m rials 4 <sup>th</sup> : -ne	1 <sup>st</sup> : - 2 <sup>nd</sup> : 30-70 3 <sup>rd</sup> : 1-70 4 <sup>th</sup> : -	- - 2-5 -	- - - yes	Provisions will apply to the landlord/his direct employees if he/they ordered the cultivation. In this case the farmer is sanctioned with fine (10 to 30m rials) and lashes (15 to 40)
Possession of seeds	<b>3</b>	1-30m rials	1-70	-	-	Only in case of cannabis.
Possession, smuggling of opium, cannabis	<b>4</b>	Up 50 gr: up to 4m rials 50 to 500gr: 4-50m rials 500gr-5kg: 50-200m rials Over 5kg: confiscation all assets	Up 50 gr: up to 50 50 to 500 gr: 20-74 500gr-5 kg: 50-74 Over 5kg: -	- Up 3 times 3-15 -	- - yes -	Death penalty may be commuted to life imprisonment and 74 lashes if the quantity does not exceed 20kg and the perpetrator did not succeed in smuggling, distributing and/or selling.
Transport, concealment, storage of cannabis, opium	<b>5</b>	Up 50 gr: up to 3m rials 50 to 500gr: 5-15 m rials 500gr-5kg: 15-60m rials 5-20kg: 60-200m rials 20-100kg: 2m per kg Over 100kg: 2m	Up 50 gr: 50 50 to 500gr: 10-74 500gr-5kg: 40-74 5-20kg: 50-74 20-100kg: 50-74 Over 100kg: 74	- - 2-5 5-10 5-10 life	- - - - - yes	If the culprit is a member of a trafficking organization he will be sentenced according to article 4.

		per kg Recidivism: confiscation all	-			
Recidivism art.s 4 and 5 (more than 5 kg)	<b>6</b>	2 <sup>nd</sup> time: incr. 1 and a half 3 <sup>rd</sup> time: incr. twice 4 <sup>th</sup> time: incr. 2 and a half Etc.	From 2 <sup>nd</sup> time 74			If the total amount of drugs seized in the different cases under paras 1,2, and 3, of art.4 and 5 amounts to 5 kg or more, the culprit will be sentenced to death and confiscation of assets.
Violation of art.s 4 and 5 by government officers	<b>7</b>					In addition to the prescribed punishments the culprit will be temporary (first time 6 months, second 1 year) or permanently dismissed (third time).
* upon discretion of the Court: possession, Smuggling, sale, transport, distribution of heroin, morphine cocaine	<b>8</b>	Up to 0.05 gr: 500,000-1m rials 0.05-1gr: 2-6m rials 1-4gr: 8-20m rials 4-15 gr: 20-40m rials 15-30gr: 40-60m rials Over 30gr: confiscation all	Up 0.05gr: 20-50 0.05-1gr: 30- 70 1-4gr: 30-70 4-15gr: 30- 74 15-30gr: 30- 74 Over 30gr: -	- - 2-5 5-8 10-15 -	- - - - - yes	Death penalty may be commuted to life imprisonment if the quantity does not exceed 100g and the culprit did not succeed in smuggling, distributing, selling. Government officials are sentenced to immediate dismissal from service.
Armed smuggling	<b>11</b>	-	-	-	yes	
Smuggling in prison barracks or T&R centers	<b>12</b>					Maximum terms as provided in articles 4 to 9. Government officials: permanent dismissal.
Association by commercial companies in drug smuggling	<b>13</b>	Revoking license and confiscation of company assets				
Establishment of and permission to use narcotics in public places	<b>14</b>	5-10 m rilas Suspension of license for 1 year Recidivism:	20 to 74	1-2		Recidivism: 2 to 4 times as first sentence. -government

		confiscation				officials: permanent dismissal
Addiction	<b>15</b>		-	-	-	Addicts are "permitted to go to legal centers of MoH for T&R" Addicts in T&R centers are protected from prosecution during the T&R period.
Addicts under art.s 4 and 8	<b>16</b>	1-5 m rials	Up to 30 Recidivism: 74	-	-	Government officials: Permanent dismissal. However, the sentence can be revoked upon successful T&R.
Consumption by non-addicts	<b>19</b>	Art.4: 1-5m rials Art.8: 2-10m rials	Art.4: 20-75 Art.8: 50-74	-	-	
Paraphernalia for drug production or consumption	<b>20</b>	Production: Confiscation of tools 1-5m rials Concealing: Confiscation of tools 100-500 thou. Rials for each tool	Prod.: 10-50 Cons.: 5-20	- -	- -	Antiquities are excluded.
Association with drug offenders (protection, facilitation of escape, etc.)	<b>21</b>	1/5 to 1/2 of the punishment provided for the offender.				If life, 4-10 year prison and 30 to 74 lashes. If death, 10-15 year prison, and 30 to 74 lashes. If family relative, punishment will not exceed 1/10. Law enforcement personnel: permanent dismissal.
Voluntary destruction or concealing of evidences	<b>23</b>	1/5 to 1/2 of the punishment provided for the offender				If life, 4-10 year prison. If death, 8-20 year prison.
Planting of fake evidences	<b>26</b>					Maximum punishment provided for the same offence.
False accusations	<b>27</b>		20 to 74			
Assets and prop.s of escaped convict	<b>28</b>	Confiscation (vehicles to the law enforcement agency which carried out the specific operation)				Subject to the existence of "enough evidences" of their illicit source.

Fines and funds collected	<b>29</b>	All fines and funds collected under this act are deposited in an account opened by the Ministry of Economic Affairs and Finance. Disbursements must be approved by the Drug Control Headquarters
Fines	<b>31</b>	Fines not paid are transformed into jail sentences. However, jail terms cannot exceed 10 years.
Death sentences	<b>32</b>	Death sentences issued according to this act must be confirmed by the Chairman of the Supreme Court or the prosecutor general.
Drug Control HQ	<b>33</b>	The DCH is presided by the President and is in charge of: executive and judicial operations; prevention and enlightenment. Its membership includes: the president: the Prosecutor General; the Ministers of Interior, Information, Health Education, Culture and Islamic Guidance; the Manager of the I.R. of Iran Broadcasting; the Commander-in-Chief of the Law Enforcement Forces; the Head of Tehran's Islamic Rev.Court; the Head of the Org. of Prisons and Penitentiaries; the Commander of the Basij. The President can assign a representative to the DCHQ meetings. The government shall allocate annually a budget to DCHQ.
Confiscation	<b>36</b>	In the cases of confiscation, characteristics of all assets and the excluded ones for the use of family must be included in the order.
Temporary detention	<b>37</b>	It cannot exceed four months.
Mitigation and collaboration	<b>38</b>	Sentences can be mitigated to half of their minimum, life to 15 years Death sentence can be subject to amnesty. Collaboration with law enforcement agencies is considered for mitigation of sentences.
Precursor control	<b>40</b>	The article applies to anybody who voluntary manufactures, purchases, sells, maintains, carries, imports, exports, precursors intended for illicit manufacturing of narcotic drugs, codeine and methadone. Punishments are the same specified in Article 5.

**Iranian Anti Narcotics Law of 1997  
(as Amended on 8 November 1997 by the Expediency Council)**

**Article 1:** The following acts are considered as crimes and the perpetrator shall be sentenced to the punishments prescribed in this law.

- 1- Cultivating poppies are absolutely banned and cannabis cannot be cultivated for the purpose of production of narcotics.
- 2- Importing, exporting and producing of any kind of narcotics.
- 3- Keeping, carrying, purchasing, distributing, hiding, transiting and selling narcotic drugs.
- 4- Setting up or running places for the use of drugs.
- 5- Using drugs in any form or manner except for cases provided by law.
- 6- Production, manufacturing, purchasing, selling, preserving equipments and facilities related to the production and use of Narcotics.
- 7- Causing to escape or giving protection to drug offenders and perpetrators who are under prosecution or have been arrested.
- 8- Destroying or concealing evidence of offender's crimes.
- 9- Placing Narcotics or the equipments and tools of using Narcotics in a place to condemn some body else.

Note: Narcotics in this law refers to all substances which have been identified in the Executive By-law on the list of Narcotics approved in 1338 (1959) and its amendments or have been identified and announced by the Ministry of Health, Treatment and Medical Education.

**Article 2:** Anybody who cultivates poppies or cannabis for the purpose of producing narcotic drugs shall be sentenced, in addition to his crop being destroyed, to the following punishments for each time according to the amount of his cultivation:

- 1- The first time, a fine from ten to hundred million Rials in cash.
- 2- Second time, a fine from fifty to five hundred million Rials in cash, plus 30 to 70 lashes.
- 3- Third time, a fine from hundred million to one billion Rials in cash, plus 1 to 70 lashes together with two to five years of imprisonment.
- 4- Fourth time, death penalty.

Note: In case it is proved that the cultivation of poppy or cannabis has taken place under the instruction of the landlord(s) or the tenant or their legal deputies, the instructor who was the cause (of the crime), if he is in a higher position than the agent, shall be sentenced to the punishments prescribed in this article, and the agent who took the charge of cultivation shall be condemned to a fine in the amount of ten to thirty million Rials in cash and fifteen to forty lashes.

**Article 3:** Anybody who stores, conceals, carries the seeds or capsules of poppy or flowering or fruiting top of cannabis shall be sentenced to a fine in the amount of one million to thirty million Rials cash as well as to one to seventy lashes. In the case of flowering or fruiting top of cannabis, the intention of producing narcotics from them must be established.

**Article 4:** Anybody who smuggles in or out, produces, distributes, deals in or puts on sale bhang, Indian hemp juice, opium and opium juice or opium residue (shireh) shall be sentenced to the following punishments, taking into account the quantity of said materials:

- 1- Up to 50 grams, a fine up to four million Rials in cash, plus up to fifty lashes.
- 2- More than fifty grams up to five hundred grams, a fine from four million to fifty million Rials in cash, plus twenty to seventy four lashes and three years of imprisonment if the court considers appropriate.
- 3- More than five hundred grams to five kilograms, a fine from fifty million to two hundred million Rials in cash, plus fifty to seventy four lashes and three to fifteen years of imprisonment.
- 4- More than five kilograms, death penalty and confiscation of property, excepting the provision of the normal living costs for the family of the convicted.

Note: If it is established that the perpetrator of the crime under paragraph 4 of this article has committed the crime for the first time and has not succeeded in distributing or selling narcotic drugs and also the amount is twenty kilos or less than that, the court while compiling the related conditions, will sentence him to life imprisonment plus seventy four lashes and confiscation of property, excepting the provision of the normal living cost for his family.

**Article 5:** Anyone who keeps, conceals, carries opium and other drugs mentioned in article 4 shall be sentenced to the following punishments, taking into consideration the quantity of the drugs.

- 1- Up to fifty grams, a fine up to three million Rials in cash, plus up to fifty lashes.
- 2- More than fifty grams up to five hundred grams, a fine up to five to fifteen million Rials in cash, plus ten to seventy four lashes.
- 3- More than five hundred grams up to five kilograms, a fine from fifteen million to sixty million Rials in cash plus forty to seventy four lashes and two to five years of imprisonment.

- 4- More than five kilograms up to twenty kilograms, a fine from sixty million to two hundred million Rials in cash, plus fifty to seventy four lashes and five to ten years of imprisonment, and in the event of recidivism for the second time, in addition to the above punishments and instead of the fine, the confiscation of property excepting the provision of the normal living cost for his family and for the third time, death sentence and confiscation of property excepting the provision of the normal living cost for his family.
- 5- More than twenty kilograms up to one hundred kilograms, in addition to the punishments mentioned in article 4, instead of each kilogram two million Rials fine in cash will be added and in case of recidivism, death sentence and confiscation of property excepting the provision of the normal living cost for his family.
- 6- More than one hundred kilograms, in addition to the fine payment in cash and lashes mentioned in articles 4 and 5, life imprisonment and in case of recidivism, death sentence with the exception of the provision of the normal living cost for his family.

Note: If the perpetrators of the above crimes have acted in chains and the substances are meant to be used inside the country, then they will be under the punishments mentioned in article 4. and in case that one of the above conditions does not exist, then they will be sentenced to the punishments of this article.

**Article 6:** The punishment of the perpetrator of the crimes mentioned in paragraphs 1,2 and 3 of the articles 4 and 5 shall be increased for the second time to one and a half of the punishments set forth in each paragraph, and for the third time to twice as much as the punishments prescribed in each paragraph and in subsequent instances two and a half, three and a half ... times as much as the punishments provided for in each paragraph.

The punishment of whipping for the second time onwards shall be seventy-four lashes at the maximum.

In the instances mentioned above, if as a consequence of recidivism of the crime the total of the narcotic drugs amounts to more than five kilograms, the perpetrator of the crime will be sentenced to death penalty and confiscation of property and in case of recidivism from the crimes mentioned in articles 4 and 5 or the paragraphs in article 5, the amount exceeds five kilograms, will be sentenced to the punishments of paragraph 4 of article 5.

**Article 7:** In case the perpetrator of the crimes mentioned in article 4 and 5 is an employee of the government, governmental companies, or government affiliated agencies, organizations and companies, and he is not, according to employment laws, subject to dismissal from government services, he shall be sentenced, for the first time to six months, for the second time to one year of dismissal from government services, and for the third time to permanent expulsion.

**Article 8:** Anyone who imports, produces, distributes, exports, deals in, puts on sale, keeps or stores, conceals and carries (or transports) heroin, morphine, codeine, methadone and other chemical derivatives of morphine, cocaine and also chemical extract of hashish or hashish oil, shall be sentenced to the following punishments, taking into account the amount of said drugs:

- 1- Up to five centigrams, a fine from five hundred thousand Rials to one million Rials in cash and twenty to fifty lashes.
- 2- More than five centigrams up to one gram, a fine in the amount of two million to six million Rials cash, plus thirty to seventy lashes.

- 3- More than one gram up to four grams, a fine in the amount of eight million to twenty million Rials in cash and two to five years of imprisonment and thirty to seventy lashes.
- 4- More than four grams up to fifteen grams, a fine in the amount of twenty to forty million Rials in cash, plus five to eight years of imprisonment, and thirty to seventy four lashes.
- 5- More than fifteen up to thirty grams, a fine in the amount of forty million to sixty million Rials fine in cash and ten to fifty years of imprisonment and thirty and seventy four lashes.
- 6- More than thirty grams, death penalty and confiscation of property, excepting the provision of the normal living cost for the family of the convicted.

Note 1: If it is established that the perpetrator of the crime under paragraph 6 of this article has committed it for the first time and has not succeeded in distributing or selling the drugs and in case the amount does not exceed one hundred grams, with the compilation of conditions or the non-establishment of the fact that he meant to distribute or sell it inside the country considering the quality and the transiting route, the court will sentence him to life imprisonment and confiscation of the property with the provision of the normal living cost for his family.

.Note 2: In all the above cases, if the accused is an employee of the government or governmental companies or government-affiliated companies and establishments, he shall be sentenced, in addition to the punishments mentioned in this article, to permanent dismissal from government services.

**Article 9:**The punishment of the perpetrator of the crimes set forth at paragraphs 1 to 5 of the article 8, shall be for the second time one and a half of and for the third time twice as much as the punishment mentioned in each paragraph.

The punishment of whipping for the second time onwards shall be seventy four lashes at the maximum.

In the fourth time if the total of the narcotics as a result of repetition reaches thirty grams, the offender is considered as corrupter on earth and shall be sentenced to death penalty.

The death sentence, if deemed appropriate, shall be carried out on the premises of his residence and public.

In case the total of the narcotics in the fourth time as a result of recidivism does not reach thirty grams, the offender shall be condemned to a fine of forty to sixty million Rials in cash, with ten to fifteen years of imprisonment, plus thirty to seventy four lashes.

**Article 10:**(Omitted)

**Article 11:**The punishment of armed smuggling of narcotic drugs, subject matter of this act, shall be death penalty, and the death sentence, if deemed appropriate, shall be carried out on the premises of the offender and in public.

**Article 12:**Anyone who smuggles narcotic drugs into prisons, barracks, or rehabilitation centres for addicts, he shall be sentenced, as the case may be, to the maximum punishments mentioned in articles 4 to 9, and in case the offender is a government employee, he shall also be condemned to permanent expulsion from government services. In the event that as a consequence of negligence or omission of the persons in charge, narcotic drugs are smuggled into such centers, the failing officers shall be sentenced, as the case may be, to the punishment of:

- a) Demotion;
- b) Temporary dismissal;
- c) Permanent dismissal.

**Article 13:** Anybody who uses his industrial, commercial service and residential units for storing, producing and distributing narcotic drugs or make them available to others for such purposes, and also when the proprietor's representative commits such acts on his permission or knowledge, the respective permit for and approval in principle concerning the operation of industrial units or the business license of the services and commercial unit shall be cancelled, and the unit(s) mentioned in this article shall be confiscated in favour of the government.

**Article 14:** Anybody who establishes or runs a place for the use of narcotic drugs, he shall be sentenced to a fine of five million to ten million Rials in cash, plus one to four years of imprisonment together with permanent expulsion from government services. The punishment for recidivism of this offence shall be two to four times as much as the first one.

Note: If the place mentioned in this article is producing commercial or service units, in addition to the punishment provided in this article, the approval in principle concerning and the permit for operation of the producing unit and also the business license of the service and commercial unit shall be suspended for the period of one year, and in case of recidivism of the crime the unit shall be confiscated in favour of the government.

**Article 15:** Addiction is a crime but all the addicts are permitted to refer to centres authorized by the Ministry of Health, Treatment and Medical Education to undergo treatment and rehabilitation.

Note 1: the above addicts are exempted from penalties during the period of treatment and rehabilitation.

Note 2: the expenses for treatment, medication and rehabilitation will be paid by the addicts according to the tariffs approved and the expenses of poor addicts will be provided by the government on annual basis.

Note 3: the government is entitled to take necessary action to revive and create addiction rehabilitation camps.

**Article 16:** Addicts having addiction to the substances mentioned in articles 4 and 8 will be fined from one million to five million Rials in cash and a maximum of thirty lashes. In case of recidivism and for each time, seventy four lashes will be considered.

If the accused is an employee of the government or governmental companies or government-affiliated companies and establishments, he shall be sentenced, in addition to the cash fines and lashes, will be expelled from the government services permanently.

**Article 17:** (Omitted)

**Article 18:** (Omitted)

**Article 19:** Non-addicts who use the narcotic drugs shall be punished considering the type of drugs.

The use of drugs mentioned in article 4 will be sentenced to twenty to seventy four lashes and one million to five million Rials fine payment in cash.

The use of drugs mentioned in article 8 will be sentenced to fifty to seventy four lashes and two million to ten million Rials fine payment in cash.

**Article 20:** Anybody who imports equipment and instrument for the use or production of narcotic drugs or purchases and sells them, shall be sentenced to pay a fine of one million to five million Rials and ten to fifty lashes and also the confiscation of the equipment and instruments.

The instruments of those perpetrators keeping, hiding or carrying the instruments and equipments using Narcotics, will be confiscated and for each instrument an amount from hundred to five hundred thousand Rials fine should be paid or five to twenty lashes should be given. The antiques are exempted from this article.

**Article 21:** Anybody who protects or causes the escape of an offender subject of this act, who is under prosecution or cooperates in securing protection for him or in causing him to escape, shall be sentenced to one-fifth to one half of the punishment of the crime, the perpetrator of which he has caused to escape or to whom he has given protection.

In case of life imprisonment four to ten years of imprisonment and in case of death penalty, ten to fifteen years of imprisonment and thirty to seventy four lashes will be considered.

Note 1: In case the offender is among the first degree relatives of the convict, it will not be more than one tenth of the punishment of the first convict.

Note 2: In case the perpetrator is one of the disciplinary forces or the prison authorities and the authorities of the judicial officials, in addition to the above penalties, they will be expelled from the government services.

**Article 22:** Anybody who extends protection or causes to escape an offender under this act, in the process of arrest or after having been arrested, or gives protection to or causes to escape an offender subject of this act or cooperates in this, shall be sentenced to one half of the punishment of the convicted or that of the principal offender.

In case of life imprisonment and death penalty, the perpetrator will be sentenced to ten to twenty years of imprisonment together with thirty to seventy four lashes.

Note 1: If the perpetrator of the offence is a member of the disciplinary or security forces or a prison guards or a member of the judiciary, he shall be sentenced to the punishment of the convicted or that of the principal offender as well as to permanent dismissal from government functions, except for the death penalty, in case the punishment shall be consisted of twenty five years of prison and permanent dismissal from government services.

Note 2: If the perpetrator of the crimes subject of this Law, who is not yet under prosecution, escapes or is given protection, the provider of protection or the person or the person who has caused the offender to escape shall be condemned to between one tenth to one fifth of the punishment of the principal offender. In case of life imprisonment and death penalty, the offender shall be sentenced to two to four years and four to eight years of imprisonment respectively.

**Article 23:** Anybody who intentionally destroys or conceals evidence of narcotic crimes shall be sentenced to one fifth to one half of the punishment of the principal offender. In case of life imprisonment the perpetrator of the crime shall be condemned to four to ten years' imprisonment, and in case of death penalty, he shall have to face eight to twenty years of imprisonment.

**Article 24:** Any member of village Islamic Councils has as his duty, as soon as he learns of cultivation of poppies or cannabis in the rural area, to notify the matter in writing to the alderman and the closest gendarmerie outpost or the Islamic Revolution Committee Corps.

The heads of the outpost or of the committee are required to report, immediately and simultaneously, to their higher authorities in the country, province and state, and to be present, together with the alderman, district officer or the representative of the village Islamic Council, at the premises of the cultivation and destroy it and to draw up a process-verbal to be forwarded, along with the accused, to competent judicial authorities.

Note: If the cultivation of poppies or cannabis is discovered in urban areas, the members of the municipality, the police, the committee or the Bassij members are required, as soon as they learn of the matter, to report it to the nearest Police station, the Committee or the Bassij outpost, and the concerned authorities shall take action together with the public prosecutor's representative, in accordance with the provisions of this article.

**Article 25:** If the persons referred to in article 24 and the note thereto refuse or fail, without any justifiable cause, to fulfil their duties, they shall be condemned for the first time to six months to one year of expulsion from government functions, and for the second time, to permanent dismissal from Government services.

Members of Islamic Councils also shall be, for the first time, for a period of six months up to one year, and for the second time, permanently divested of their membership of the Islamic Councils.

**Article 26:** Whoever places, in an attempt to accuse another person, narcotic drugs and the tools and equipment of their use in a locality, shall be sentenced to the maximum punishment attaching to the same offence.

**Article 27:** Anybody who, in an attempt to prosecute before judicial authorities intentionally, accuses another person, of any of the offences subject of this act, shall be sentenced to twenty to seventy four lashes.

**Article 28:** Any property earned through drug trafficking and the property belonging to escaping suspects, in case there are sufficient evidence justifying the confiscation, shall be confiscated by the Government. The said property shall not be subject to Principle 53 of the Constitution relating to public property.

Note: The vehicles which are confiscated from the smugglers during the armed conflicts, will be confiscated in the favour of the acting organization by the court.

**Article 29: (amended on 17 Nov. 2001) :** The fines and other funds received through the enforcement of this act shall be imbrued into a centralized account that will be opened with the Ministry of Economic Affairs and Finance.

In order to provide the goals of the Anti-Narcotics campaign, the government considers some budget for the implementation programmes approved by the Drug Control Headquarters in the bill of budget annually.

Note: the approved budgets for each organization will be allocated by the organization of Programming and Management after drafting the description of projects and activities and also the approval of DCHQ and the agreements will be exchanged.

**Article 30:** Any vehicle transporting narcotic drugs shall be confiscated in favour of the government, and will be handed over to the organization in action with the approval of Drug Control Headquarters.

If the transportation of Narcotics has been done without the knowledge or permission of the owner of the vehicle, then the vehicle will be given back to the owner.

Note: All those who try to place and hide the Narcotics in the vehicles, will be considered as a Deputy in the crime and if no crime has happened, they will be sentenced to three to six months imprisonment and ten million to fifty million fine payment in cash.

**Article 31:** The accused who are not in a position to pay the entire or part of the cash fine under a sentence, shall have to be detained, in exchange of ten thousand Rials for each day in half-covered or uncovered prisons in occupational training centers. If during their stay in such centers, the behaviour of the convicted is satisfactory, at the discretion of the center's authorities the amount will be increased to twenty five thousand Rials daily.

Note 1: the instalment of fine payment after the imprisonment period by the authority responsible for enforcing of awards, is dependant on receiving bails of the same amount and also a guarantee by a third party for not more than three years.

Note 2: The imprisonment period other than the fine payment will not be more than ten years anyhow.

**Article 32:** The death sentences issued by virtue of this act shall be final and enforceable after the endorsement of the chairman of the Supreme Court or the prosecutor general.

In other cases, should the sentence be deemed probable, by the chairman of the supreme court or the prosecutor general, to contravene the law or the religious canon, or that the judge who pronounced the sentence is not competent, the chairman of the supreme court or the prosecutor general will be entitled to revise or quash the sentence however the existence of such entitlement shall not bar the sentence from being final and enforceable.

**Article 33:** In order to prevent addiction and campaign against Narcotics of any kind, and their production, trafficking and use, as well as other instances mentioned in the present act, a headquarters, presided over by the president, shall be established, where all the related executive and juridical operations shall be centred. The members of this headquarters shall be consisted of the following:

1. The President
2. The Prosecutor General
3. The Minister of Interior
4. The Minister of Intelligence
5. The Minister of Health & Medical Education
6. The Minister of Education
7. Head of Islamic Republic of Iran Broadcasting (IRIB)
8. The Commander in chief of law enforcement forces

9. The Head of Tehran Islamic Revolutionary Court
10. The Head of Prison Organization
11. The Minister of Culture and Islamic Guidance

Note 1: The President can appoint a Representative to participate in the meetings of The Drug Control Headquarters.

Note 2: In order to prevent drug related crimes, the Government is entitled to allocate a budget and announce this budget to all the implementing organizations.

**Article 34:** Drug Control Headquarters is authorized to draft and compile executive by-laws in case of necessity.

**Article 35:**(omitted)

**Article 36:**In this law, wherever the properties of the perpetrator is confiscated except for the minimum for the living of his family, the court is obliged to mention the detailed specifications of all the properties along with the detailed list of all those which are considered as exception in the sentence or the amended sentence. Any violation of this article subject to disciplinary action and conviction of degree 4 and above.

Note: the courts are obliged to forward a copy of all such sentences to the Drug Control Headquarters.

**Article 37:** The period of temporary confinement shall not last more than four months. If during this period, the sentence is not given, then the authority which has issued the arrest warrant must cancel the arrest warrant unless there are legal grounds and other strong evidence to sustain the arrest warrant. In this case, the reasons and evidence for continuation of the warrant should be mentioned.

**Article 38:** In case there are mitigating circumstances, the court can decrease the punishment to half of the minimum original penalty. If there is no minimum penalty, then the same punishment will be reduced to half. The decreasing rate for life sentences will be fifteen years and for the death penalty, the Amnesty and Mitigation of Penalties Commission will be requested to approve nullification of death sentence.

Note: If the convicted offenders cooperate with the Police or the relevant agency acting in that specific case, and their cooperation results in discovering [trafficking] networks, the court that has issued the sentence may agree with the request of the Police or the relevant acting agency based on related evidence and documents, to reduce the penalty to half of what has already been issued.

**Article 39 (added):**In cases of aggravation of punishment resulting from recidivism, previous convictions or criminal records enforced according to the 1988 Anti-Narcotics Law shall also be taken into account.

**Article 40 (added):**If a person knowingly for the purpose of production or manufacture of narcotic drugs, produces, purchases, sells, preserves, transits, imports, exports or supplies Industrial and chemical substances such as Anhydride Acid, Antratylic Acid, Phenyl Acetic Acid, Acetyl Chloral, and other substances mentioned in the tables 1 and 2 annexed to article 12 of United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Convention of 1988, with later amendments, and also be involved in the import, purchase, produce, use and keeping of Codeine and Methadone, he/she will be convicted to the

penalties prescribed in Article 5 of Anti-Narcotics Law, taking into account and in proportion to the amount of substances in question.

**Article 41:** Production, purchase, sale, dispatch and keeping, importing, exporting, using and transporting of the prohibited substances are exceptionally authorized for medical and industrial purposes upon permission of Ministry of Health, Treatment and Medical Education.

**Article 42:** The Judiciary is authorized to keep some of the drug related inmates in specific camps (under regular or hard conditions) instead of keeping them in the prisons.

Within one year [after entry into force of this Law], the Government should provide necessary funds and facilities and approve the required regulations to provide and supervise these camps.

Note1: The supervision of these camps will be with the Judiciary.

Note 2: The courts can specify confinement in the camps as the penalty instead of imprisonment.

## **“Organized Crime Articles” in the Islamic Penal Act**

### **“Collusion and Gathering for Committing a Crime”**

#### **Article 610**

Two or more people gathering and conspire to commit a crime against the internal or external security of the country, or attempt there to and in case they are not considered as “mohareb” (the Enemy of God), they shall be sentenced to 2-5 years of imprisonment.

### **“Crimes against Persons and children”**

#### **Article 611**

If two or more people gather and conspire to act against people’s property or lives, and preparing the preliminary requirements of the act, but they failed to do so due to reasons beyond their will, they will be sentenced to 3-6 years of imprisonment.

#### **Article 620**

Whenever the offences mentioned in articles 616 (involuntary manslaughter) and 617 (Showing off in public with weapons) and 618 (disturbing the public peace and order by uproar), which are committed by premeditated conspiracy and by a group, each of the wrongdoers will be sentenced to the hardest punishment prescribed by law for the offence.

### **“Robbery and Theft”**

#### **Article 651**

Whenever a theft does not enjoy conditions required for the “Hadd” punishment, but all of the following conditions are fulfilled, the perpetrator will be sentenced to five to twenty years imprisonment and up to 74 lashes:

1. The theft takes place at night
2. The thieves are two or more.
3. One or more of them are armed (whether openly or hidden)
4. They climb a wall or break the fence surrounding the property, or used a fake key, or a government agent’s uniform, or the property is residential.
5. They have threatened or hurt a person/persons during the act

#### **Article 654**

Whenever the theft takes place at night and the perpetrators are two or more, and at least one of them is carrying weapons (whether openly or hidden), and they do not fit into the category of “Mohareb”( enemy of God), they will be sentenced to five to fifteen years of imprisonment and up to 74 lashes.

#### **Article 656**

If the theft does not comply with the conditions of the “Hadd” punishment, enjoys one of the following clauses, the perpetrator will be sentenced to six months to three years of imprisonment and up to 74 lashes.

1. The theft takes place at a residential property, or a public place like mosques, public baths etc
2. The theft occurs in a place surrounded by a barrier made of trees, bushes or fence and the offender breaks the barrier.
3. The theft takes place at night.
4. The offenders are two or more
5. The offender is an employee and,
  - has stolen his employer’s property or another’s in the employer’s household or a place he has formerly been to, accompanying his boss.
  - He has committed theft in a place he has formerly been working in like a house, a chamber, etc as a worker or an apprentice.

#### **“Arson, damaging and wasting property and animals”**

#### **Article 683**

Any kind of plunder, ravage or waste of property or goods, by more than three persons, along with violence or aggravation , if not considered as “Moharebeh”, will cause its perpetrators, to be sentenced to two to five years of imprisonment

#### **“Defamation of residential property and the property of Others Persons”**

## **Article 690**

\*Anyone who tries to fake the possession or other rights to a property for himself or another, in:

- Arable lands ... (Natural resources like water and plants),
- properties and lands belonging to the state or charities or real/legal persons,

By actions like building walls, installing foundations, etc,

\*Or, without the permission of the “Environment Preservation Organization” ... (Causes damage or destruction to the environment)

\*Or commits any kind of forcible possession, trespass or affray, or obstructing people from enjoying their rights, in mentioned cases,

will be sentenced to one month to one year of imprisonment.

Note 1:

Prosecuting the above mentioned offences would be ...

Note 2:

In case the number of perpetrators is three or more, and there are strong indications towards the

Commission of the offence, an arrest warrant will be issued.

## **Article 691**

Anyone who makes an aggravated trespass on a property belonging to another, surrounded by barrier or unbounded, besides abatement of nuisance, according the conditions, will be sentenced to one to six months of imprisonment. In case the perpetrators are two or more and at least one of them is armed, the imprisonment will be between one to three years.

## **Article 694**

Anyone who trespasses on somebody’s house or residence, by force and threat, will be sentenced to six months to one year of imprisonment. In case the perpetrators are two or more, and at least one of them is carrying arms, they will be sentenced to one to six years of imprisonment.

