

THE ANTI NARCOTICS LAW
OF THE ISLAMIC REPUBLIC OF IRAN

as amended on 8 November 1997 by the Expediency Council

Article 1: The following acts are considered as crimes and the perpetrators shall be sentenced to punishments prescribed hereunder:

1. Cultivating poppy and coca absolutely, and cannabis for the purpose of production of narcotics.
2. Importing, exporting, producing and manufacturing any kind of narcotics.
3. Keeping, carrying, purchasing, distributing, hiding, transiting, supplying 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 for by law.
6. Producing, manufacturing, purchasing, selling and keeping tools and instruments used for manufacturing and consuming 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 offenders' crimes.
9. Putting narcotic drugs or the tools used for their consumption in a place to entangle someone else.

Note: In this law, narcotic drugs contain all substances in the 1959 Decree of narcotic schedule and its related amendments or all the drugs which have been considered as narcotics by Ministry of Health, Treatment and Medical Education.

Article 2: Anybody who cultivates poppies, coca or cannabis for the purpose of producing narcotic drugs shall be sentenced, in addition to his crops being

destroyed, to the following punishments according to the amount of his or her cultivation:

1. The first time, a fine in the amount of ten million rials to one hundred million rials in cash.
2. Second time, a fine in the amount of fifty million to five hundred million rials in cash, plus 30 to 70 lashes.
3. Third time, a fine in the amount of one 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 the event that it is proved that cultivation of poppy, coca and cannabis have 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 or she 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 cultivations 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, coca leaves or cannabis shall be sentenced to a fine in the amount of one to thirty million rials in case as well as one to seventy lashes. In the case of cannabis seeds, 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 hempjuice, grass, opium and opium juice, residue (shireh) shall be sentenced to the following punishments, taking into account the quantity of said materials:

1. Up to 50 grams, a fine in the amount of up to four million rials in cash and up to fifty lashes.

2. More than fifty grams up to five hundred grams, a fine in the amount of four to fifty million rials in cash, plus twenty to seventy four lashes as well as up to three years of imprisonment if the court finds it necessary.

3. More than five hundred grams to five kilograms, a fine in the amount of fifty million rials 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 not succeeded in distributing or selling narcotic drugs which weight for 20 or less than 20 kilograms, he or she shall be sentenced 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 in the amount up to three million rials in cash, plus up to fifty lashes.

2. More than fifty grams up to five hundred grams, a fine in the amount of 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 in the amount of 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 to twenty kilograms, a fine in the amount of 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 all the mentioned punishments would be implemented and confiscation of property excepting the provision of the normal living cost for his or her family rather

than a fine, and for the third time, death penalty and confiscation of property excepting the provision of the normal living cost for his or her family.

5. More than twenty to one hundred kilograms, a fine in the amount of two million rials for per kilogram in addition to punishments mentioned in Article 4 and in the event of recidivism, death penalty and confiscation of property excepting the normal living costs for his or her family.

6. More than one hundred kilograms, life imprisonment in addition to the fine and lash punishments mentioned in paragraphs 4 and 5 of this Article and in the event of recidivism death penalty and confiscation of property excepting the normal living cost for his or her family.

Note: If the perpetrators of the above mentioned crime have operated as a network and transported the narcotics for domestic consumption, they shall be condemned to the punishments of Article 4. Otherwise, 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 or other paragraphs, and for the third time to twice as much as the mentioned punishments and in the subsequent instances to two and a half, three and a half times for the punishment of the new crime.

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. In the case of recidivism of the mentioned crimes in Articles 4 and 5, the amounts of drugs exceed 5 kilograms, the perpetrator shall be sentenced to twice as much as the punishments prescribed in paragraph 4 of Article 5.

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

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

1. Up to five centigrams, a fine in the amount of five hundred thousand to one million rials in cash plus twenty to fifty lashes.
2. More than five centigrams to one gram, a fine in the amount of two million to six million rials in 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 plus 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 million 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, plus ten to fifteen years of imprisonment and thirty and seventy four lashes.
6. More than thirty grams, death penalty and confiscation of property excepting the normal living costs 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 the amount of drugs does not exceed 100 grams or, according to the quality and route of transportation, he or she has not determined to distribute/sell them inside the country, the court shall sentence him or her to life imprisonment and confiscation of his or her family.

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

Article 9: The punishment of the perpetrator of the crimes set forth at paragraphs 1 to 5 of Article 8 shall be for the second time one and a half 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 narcotics as a result of repetition reaches thirty grams, the offender is considered as corruptor on earth and shall be sentenced to death penalty.

The death punishment, if deemed appropriate, shall be carried out on the premises of his residence and in public. In case the total of narcotics in the fourth time as a result of repetition does not reach thirty grams, the offender shall be condemned to a fine in the amount 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, shall be sentenced, as the case may be, to the maximum punishments mentioned in Articles 4 to 9 and in the case that the offender is a government employee, he or she shall also be condemned to permanent expulsion from government services.

In the event as a consequence of negligence of the persons in charge, narcotic drugs are smuggled into such centers, the offending officers shall be sentenced as the case may be to the punishment of:

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

Article 13: Anybody who uses his or her industrial, commercial services 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 or her permission or knowledge, the respective permit for and approval in principle concerning the operation of industrial units or the business license of the service and commercial units shall be cancelled, and the units 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 or she shall be sentenced to a fine in cash in an amount of five million to ten million rials with twenty to seventy four lashes, plus one to two years of imprisonment together with permanent remove from governmental 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 a producing commercial or service unit, 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 shall be confiscated in favour of the government.

Article 15: Drug addiction is a crime. Nevertheless, all the addicts are permitted to go to legal centers determined by the Ministry of Health, Treatment and Medical Education and use such centers for treatment and rehabilitation.

Note 1: The mentioned addicts are protected from the prosecution of this crime in the period of treatment and rehabilitation.

Note 2: The costs of diagnosis, treatment, medicines and rehabilitation shall be paid by addicts to relevant units based on approved tariffs and the government will finance the costs for unable addicts annually.

Note 3: The government is committed to revive and establish rehabilitation camps for drug addicts.

Article 16: The addicts mentioned in Articles 4 and 8 shall be sentenced to a fine in the amount of one million to eight million rials in cash with up to thirty lashes. In the event of recidivism of the crime the perpetrator is an employee of the government or government affiliated companies and establishments, he or she shall be sentenced, in addition to fine and whipping, to permanent expulsion of governmental services. If it would be proved that he/she has given up his or her addiction, he/she can be reemployed in governmental services.

Article 17: (Omitted)

Article 18: (Omitted)

Article 19: Non-addicts who use narcotic drugs, shall be sentenced to the following punishments, taking into account the type of drugs:

1. For using narcotic drugs referred to Article 4, twenty to seventy four lashes and a fine in the amount of one million to five million rials in cash.

2. For using the narcotic drugs referred to Article 8, fifty to seventy four lashes and a fine in the amount of two to ten million rials in cash.

Article 20: Anybody who imports, produces, purchases or sell the equipments and instruments for the use or production of narcotics shall be sentenced in addition to confiscation, of mentioned tools to a fine in the amount of one to five million rials in cash, plus ten to fifty lashes. The perpetrators of keeping, concealing or carrying the instruments and tools of using narcotic drugs shall be sentenced, in addition to their confiscation, to a fine in the amount of one to five hundred thousand rials for each tool and five to twenty lashes. Antiquities are excluded from the provisions of this Article.

Article 21: Anybody who gives protection to an offended subject of this act who is under protection or while apprehending, knowingly and voluntarily, or cooperates in securing protection for him or her and in causing him or her to escape, shall be sentenced to one fifth to one half of the punishment of the crime to perpetrator of which has caused to escape or to whom he has given protection. In the case of life imprisonment and death penalty, the offender shall be sentenced to four to ten years and ten to fifteen years of imprisonment, respectively, as well as thirty to seventy four lashes.

Note 1: The punishment of offender's family will not be more than one tenth of perpetrator's punishments in any case.

Note 2: In the case the offender is a member of the disciplinary personnel, a prison guards or a member of Judiciary, in addition to aforementioned punishments, he/she shall be subjected to permanent dismissal from government services.

Article 22: Anybody who extends protections or causes to escape an offender under this Act or cooperate in this, shall be sentenced to one half of the punishment of the convicted or that of the principal offender. In the case of life imprisonment and death penalty, the accused shall be condemned to ten and twenty years of imprisonment respectively and thirty to seventy four lashes.

Note 1: If the perpetrator of the offence is a member of the disciplinary or security forces, prison guards or a member of Judiciary, he/she shall be sentenced to the punishments of the convicted or that of principal offender as well as to permanent dismissal from government functions except for 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 case that principal offender subject of Article 21 and Article 22 is acquitted, he or she would be released immediately; however, the principal offender is condemned to less punishments, the sentence of whom escapes or gives protection to principal offender is revisable according to Article 32.

Article 23: Anybody who knowingly and voluntarily 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 of imprisonment, and in case of death penalty he or she 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 learns of cultivation of poppy, coca or cannabis in the rural area, to notify the matter in writing to the alderman and the closest outpost. The heads of outposts are required to report, immediately and simultaneously, to their higher authorities in the country, and to be present together with the alderman, district officer or the representative of the village Islamic council at the premises of 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 poppy, coca or cannabis is discovered in urban areas, the members of law enforcement force, municipality or the Bassij are required to, as soon as they learn of the matter, to report it to the nearest outpost or Bassij Base, and the concerned authorities shall take action together with the competent judicial authority, 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, condemned 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 of 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 smuggling and the assets of escaped offenders subject to this Act, if there are enough evidence, shall be confiscated in favour of Government and is not included in Principle 53 of Constitutional Law about governmental properties.

Note: Any vehicle which is seized after armed clash with illicit drug traffickers, shall be confiscated in favor of operating agency.

Article 29: The fines and other funds received through the enforcement of this Act shall be imbued into centralized account that will be opened with the Ministry of Economic Affairs and Finance. Such funds shall be expended by approval of the Headquarters mentioned in Article 33 and the endorsement of the President.

Article 30: Any vehicle transporting narcotic drugs shall be confiscated in favour of the Government, and donated to discover agency by adoption Drug Control Headquarters. If the transportation of drugs has been affected without the knowledge or permission of the vehicle owner, the vehicle shall be returned to its owner.

Note: Anybody who conceals narcotic drugs in a vehicle in order to transport them, if he or she committed the crime, shall be sentenced as the assistance of committed crime and other than this, shall be condemned to three to six months of imprisonment and a fine in the amount of ten to fifty million rials 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, each day in exchange of ten thousand rials in half-covered or uncovered prison in occupational training centers. If during their stay in such centers, the behaviour of the convicted is satisfactory, at the discretion of the centre's authorities and agreement of Decree Implementation, the mentioned sum shall be accounted between twenty to fifty thousand rials in exchange of each day.

Note 1: The instalments of cash fine by Decree Implementation after imprisonment period depends on issuing an equivalent security and a credit guarantee which is not longer than three years via a third party.

Note 2: In any case, the period of imprisonment in exchange for cash fine shall not be more than ten years.

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 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 drug addiction and fight against smuggling narcotic drugs of any kind including production, distribution, buying, selling and use of them and other substances mentioned in the present Act, the Headquarters presided over by the President shall be established where all

the related executive and juridical operations, preventive and awareness programs as well as campaign against illicit drugs 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 Information
5. The Minister of Health, Treatment and Medical Education
6. The Minister of Education
7. Manager of the I.R. of Iran Broadcasting
8. The Commander-in-Chief, Law Enforcement Force
9. The Head of Tehran's Islamic Revolutionary Court
10. The Head of the Organization of Prisons and Penitentiaries
11. The Commander of Bassij
12. The Minister of Culture and Islamic Guidance

Note 1: The President can assign a representative in order to manage the meetings of Drug Control Headquarters.

Note 2: In order to prevent the commission of drug-related crimes, the Government shall allocate a certain budget in this regards annually and notify it to the relevant constitutions subject of this Article.

Article 34: Drug Control Headquarters is allowed to prepare executive procedures.

Article 35: (omitted)

Article 36: In all cases subject to this Act, perpetrators, in addition to adopted punishments shall be sentences to confiscation of all their assets excepting the provision the normal living costs for their family and the court must include the characteristics of confiscated assets as well as subassets which are excluded or the opinion of an expert, in its order or amended verdict. Violation of mentioned regulations would cause enforcement prosecution and sentences up to degree 4.

Note: The courts have a duty to send a copy of their verdicts for Drug Control Headquarters.

Article 37: The period of temporary detention shall not be more than four months. If no order is issued during the mentioned period, the authority who has issued the award, has a duty to terminate or decline it unless there are legal or justified reasons for the continuation of detention award.

Article 38: If there are reasons by which the punishments subject to this act are mitigated, the court can reduce the punishments to half of their minimum. If some punishments have no minimum, the verdict shall be mitigated to half of the same punishments. The mitigating of life sentence would be 15 years and of death penalty, the demand for amnesty and punishment reduction shall be send for amnesty commission.

Note: All perpetrators who cooperate with law enforcement force or operation agency and their actions result in detention f drug networks, and in the case of request of law enforcement force and/or operating agency, the court can amend the issued verdict and mitigate his or her punishment based on relevant documents to a half.

Article 39: In strengthening the punishment because of the repeating of the crime mentioned in this Act, the credibility of sentences and records thereafter the implementation of the 1988 Act for fighting against illicit drugs is suspended.

Article 40: Anybody who knowingly and voluntarily manufactures, purchases, sells, maintains, carries, imports, exports and supplies industrial/chemical substances such as acetic anhydride, anthranilic acid,

phenylacetic acid, acetyl chloral and other substances mentioned in the Tables I and II of the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988, and related amendments or try to import, purchase, sell, manufacture, maintain and export codeine or methadone in order to produce or convert into narcotic drugs shall be sentenced to punishments mentioned in Article 5, based on the amount of illicit drugs.

Article 41: Manufacturing, producing, purchasing, selling, maintaining, importing, exporting and carrying forbidden substances for medical, research and industrial consumptions from the provisions of this Act by the license of the Ministry of Health, Treatment and Medical Education.

Article 42: The Judicature power is permitted to maintain some of the drug-related convicts in special camps (with tight or normal conditions) rather than prisons. The government has a duty to provide necessary funds, facilities and regulations for managing such camps in a period of one year.

Note 1: The Judicature is responsible for managing these camps.

Note 2: The courts can determine detention punishment rather than imprisonment for perpetrators in such camps.