

Contents lists available at Sjournals

Scientific Journal of
Pure and Applied Sciences

Journal homepage: www.Sjournals.com



Original article

Evaluation Procedures for drug crimes, the Iranian legal system

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ARTICLE INFO

Article history,

Received 21 June 2014

Accepted 20 July 2014

Available online 25 July 2014

Keywords,

Detection of crime

The preliminary investigation

Prosecution

Enforcement

Evidence in crime fighting drugs

ABSTRACT

Today, drug trafficking, transnational organized crime of, comes into account. Distributors and consumers of drugs, distribution and consumption gradually, the traditional process lubricants Battalion (mechanical and chemical), and this would have altered, requires the development of formal and substantial rights. The law of success in fighting crime, completely dependent on the integrity, transparency and efficiency of criminal procedure, and the amount of punishment that fits the crime apply. Procedure employed the crime, drugs, procedures, differential forms, these differences can be revolutionary courts, specific regulations regarding the safeguarding arrangements, the provisions relating to the revision survey, and regulations related to solicitors involved, noted. The strengths of the Criminal Procedure Code on Drugs and Crime (Special Procedure, set a time limit for the detention of the accused to a favorable commutation, the indeterminate nature of the death penalty mandatory intervention of a lawyer, the judge sentences the possibility of objecting to certain provisions) can be. And weaknesses speed and force is the result of both violations of defendants' rights should be. Technological advances in science and technology today,, works in all areas, including tools to detect and prove the crime is revealed, and in an age of scientific evidence, biological and genetic evidence Procedure Drug crucial role of the can be instrumental in the discovery and proof of evidence, but there are deficiencies in the law, the primary purpose of the legislation, is verily justice and prevent crime, faced with serious challenges, in this paper, we regulations address deficiencies and gaps in the existing legislation, serious consideration

has been.

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1. Introduction

Psychotropic substance is a substance that, can affect the central nervous system, and the drug effect and change the mood Psychotropic, holds. Psychotropic drug trafficking, and other illicit drugs, one of the major challenges of global society are committed drug above the organized and transnational crime and its relationship with the major money laundering, arms trafficking, corruption and etc., is of great importance in the Islamic Republic of Iran, the phenomenon of trafficking recent decades has been one of the major national problems, no political instability, civil war, poverty and illiteracy Afghanistan, as one of our neighbors., and stereotypical policies and laws mismatch, in terms of form and substance with the needs of the community, is an important factor aggravating the crisis, Noting that, the defendant's rights in Iran, in general, and in drug offenses in particular, are faced with obstacles and challenges. The rules of criminal procedure, criminal policy as a general tool in maintaining public order and crime prevention, the most important and valuable role to play , and more rules and regulations concerning its necessity and demands of society and social change is more consistent with the situation, as well as in preserving and protecting the community from harm and social harm caused by acts of anti-social, will be more effective and practical., no doubt, the rules of criminal procedure, including tools it is important that the criminal policy of each country, in order to achieve their ultimate goals (the elimination of crime, or at least control, the range of tolerable), it is interest . Human than 7 thousand years ago, there is a strong drug, Poppy was aware, and in clay tablets belonging to 5 thousand years BC, the Sumerians remainder of opium is named. About 4 thousand years BC, opium smoking was common in China. Around 1500 BC, poppy seeds taken from Egypt to Greece, Greek opium poppy are called. Doctor's combinations of opium, for various Somatic mental illnesses, were prescribed (Tajzaman, 2000). But first law, in connection with the drug was approved. Law limiting narcotics approved will be 22.12.1910. Under this Act, enacted opium for domestic consumption, and measures were considered, a component of opium as medicine, law, after seven years of history, is totally prohibited. (Koosha, 2000). In 1334, under pressure from the World Health Organization, the fight against poppy cultivation and opium, was adopted, this law was amended in 1338, and the addition of opium, its derivatives list of drugs, along with other chemical compounds by legislators, dated 10.05.1959 was passed. (Qorban Hoseini, 1989). prevalence of psychoactive drugs in the community, concerns arising from the expansion of consumption and trafficking, authorities thought the fighting intensified, all related activities the materials to be drug Act, originally dated 8/17/1997, was approved by the expediency Council, and adopted its amendments dated 09/05/2010, and psychoactive drugs in terms of form and substance, subject to the provisions of the drug. And the addition of the drugs industry, recognized in Article 8 of Law has been recognized were entitled. First topic: the discovery of the crime, and preliminary investigations

First speech: detecting crime

investigator would not be able to start an investigation, and not the trial court fails to stream until after prosecution by the prosecutor, and the prosecutor not to prosecute to until after gathering adequate information, the of the offense. Thus began the chase, preceded by the discovery of the mass of an elementary step is, can be done by restraining the judiciary. Discovery phase, a very sensitive and important step Criminal to be considered. At this point, the true foundation of criminal procedure, and the underlying criminal proceedings are to be. Prosecute drug crimes, the public prosecutor in charge in 1994. According to the courts and prosecution offices, procedures a revolution, revolution prosecutors trained, and supervised the functions attorney general said. He orders the prosecution, or the lack of prosecution should they run. So the prosecutors, who were under the orders of the Attorney General. With the approval of the formation of public and revolutionary courts, public prosecutors and the judicial system were removed, and the pursuit of their duties, including the duty, the responsibility of Heads of State and Justice, city, and they were deputies. Now with restoration prosecutors, prosecute offenders of drug crimes, the public and the responsible investigator or Assistant Prosecutor, is.

Speech two: a preliminary investigation

Preliminary investigation, criminal justice is one of the basic tasks. Can not be prosecuted without any preliminary investigation, to be carried out. Preliminary investigation, both general and specific means used be. "In a general sense, all the research before the hearing, whether on stage or by restraining discovery has taken place and what the research is conducted by an investigating judge, takes over. Preliminary investigations in this sense, every crime, however small and insignificant it might be done. In a certain sense, and is limited to a preliminary investigation, an investigation by an impartial judge (magistrate), to help with the special authority, entrusted to him by law, and the use of multiple and difficult formalities are done. (Stephanie and others, 1998). Drug offenses, legislators from the special provisions and apart from the general rules laid down in the Criminal Procedure Code, the state said. The legislative procedure, the severity of these crimes, he should be back. The most secure place in the Revolutionary Court issued a preliminary investigation be subject preventive detention can be. In accordance with Article 37 of the Law amending the Law on Narcotics: "During detention, however, was not more than 4 months ..." "Article 30 of the bylaws, according to the provisions of Article 37 of the Act, in the case of offenses punishable by death or life imprisonment, if the detention is issued, it is considered necessary. But in this matter, pursuant to Vote No. 79-29/2/2002, General Board of the Court of Justice, arguing that the adoption of these regulations, the regulations executive, legislative issues, and the scope and powers of the anti-drug campaign has been falsified. "Drug Amendments Act, 08.17.1998 and 09.05.2010 regarding whether or not the prescriptions of Article 17 legislation in 1980, is silent. "Some are of the opinion, Article 17 bill to toughen penalties in 1980 is obsolete, and the issuance of temporary detention, about the crimes, except in cases of crimes punishable by death or life imprisonment, subject to the provisions of general law of criminal procedure is. (Torki, 2000). Unlike some people I believe "Article 17 bill to toughen penalties for drug crimes perpetrators, approved July 19, 1980 when the issuance of arrest warrants, drug crimes requires all know, is to remain (Rahmdel 2009). Legal Department of the judiciary, in Opinion No 8494/7 dated 10.23.2003, has approved a second opinion, "the provisions of Article 17, a bill to toughen penalties for drug crimes perpetrators, despite later adopted in 1980 by Ali Correction of BC. A. D... K., 1378 against drug law reform Act, Act no 08/17/1997. So, not copies, and remains legally valid (Salimi Alizaii, 2013). It seems to, Drug Amendment Act, Bill 17 in 1980, not yet clearly not the way backwards, and it seemed adoption of Article 37 of the 2000 Act amendments and extensions silence substances in dated 09.05.2010 that the legislator, drug offenses, and not deviate from the former practice Rooming rule, also confirmed this is the case. Also, the rules of criminal procedure, approved in 1378, later general and can not Correction, specifically excludes front-Correction, (Act sight year 1980) is.

Second argument: the trial and execution of orders on drugs and crime industrial

First speech: proceedings trials

Paragraph a) handle the initial phase of trials

With the approval procedure of public and revolutionary courts in criminal matters, law courts and public prosecutor's office was abrogated. Thus, at present, drug crimes and other crimes, the court said the law will face.

How the public and the courts, in the third chapter of the second chapter of the afore expressed.

Paragraph b) appeals the trial proceedings

It seems to, legislators and regulatory rulings in the appeals process, the views of drug use has certain rules, appear to be major differences rules of criminal procedure, the provisions relating to appeals from decisions of the drugs is as follows:

1. The Code of Criminal Procedure, the principle of finality of decisions, unless the contrary is stated. (Article 232 BC. A.. (D). K), but the anti-drug laws, ordinances into two categories: (definitive and inconsistent) share (article 32 BC. A.. M.. M.. M.).

2. Deadlines and Appeals process, the procedure stipulated by the law, but the law on narcotics, the silence of the legislator, it seems deadline for appeal has not been located. Which in this case apparently must act in accordance with the procedures of the public.
3. The revision of the laws, the Law and the Rules of Procedure of the General Court, the Court of Appeals is (Article 232 BC. A.. (D). K), and the precedents Vote No. 703, dated 05/09/2010, reference protest Penal Court, Supreme Court and other decisions of courts of general civil, penal, and the appellate court is, of course vote precedents, No. 715, dated 01.24.2010, ideas, Were entitled court, where penalties Jeremy is executed, the Supreme Court, but the revised drug laws, the death penalty, a chief Justice or the Attorney General.
4. A proceeding in the Supreme Court, basically, is a form of address. In the past, the Supreme Court addressed the detection branch, which was essential to the present discussion is avoided detection branch, the head of the Supreme Court proceedings, or Attorney General, can be substantial.

Chapter two: drug enforcement technology

Seem to appear, the investigation and enforcement of judgments, the court's discussion of drugs (Traditional - Industrial), can be divided into two categories:

Paragraph a) death sentences

Paragraph b) the non-execution of judgments

Criminal sentence cannot, by itself, provide any of the purposes of punishment. The ultimate goal of sentencing, it is the implementation process. For the punishment of safeguarding measures and education have a positive effect, and it aims to provide education and training to implement it with the principles and procedures, and judicial rules of logic are combined. Unfortunately, the enforcement of criminal law, there is no CSP and Drugs Act and its amendments, the place and manner of execution drugs, special rules have been pre. For example, the second part of Article 9 of the Act amended, and Article 11 of the process execution, if deemed appropriate, the public will be implemented, and in Article 42 of the Act also, Prison allowed some convicted drug, rather than prison are kept in special camps.

Paragraph a) death sentences

First, Article 32 expressly Drug Reform Act, approved by the President of the Supreme Court or the Attorney General, the death penalty is essential for the final and binding, and appears to be vertical -to-man. Secondly, in exceptional cases that the Attorney General or the President of the Supreme Court, personally decree of the District Court (Revolution) has been issued, you must examine the substance.

Third, the specific condition for execution on request, or overturns the Articles 25, 27, 28 Drug Regulations executive, was projected earlier. According to regulations, if approved death sentence case to court to enforce the restitution exporter to vote. The assumption of non-approved death sentence, ruling violation, action is as follows:

- A. Court which issued the judgment, re-examine the case and take appropriate sentence except death, the exported.
- B. The court which issued the sentence, the sentence before (death) declined insisted that, if the case, documents mentioning the expression theory, for a referral to another Branch, President of the Islamic Revolution Court and in the absence the establishment of another branch in the city, the nearest Islamic Revolution Court shall transmit.
- C. Return Trial layer (secondary branches), it can appropriate sentence other than death issue.
- D. If the court returned the extreme, death seems to be the case with the State's reasonable opinion, the Attorney General ruled that without the willing sends However, the Chief Justice or the Attorney General, if accepted court's reasoning, willing, vote for confirmed cases considered, returning to the court, and otherwise personally, or by reference to one of the judges for the final death urge, to act.

Currently, 79-29/2/2002 number of public virtue Vote court, Article 25, 27, 28, bylaws, narcotics, has been falsified, yet at present, precedent, according Materials revocation, the former fi coma persists; restore hearing in

Article 274 BC. A... (d). K, and the provisions of Article 18 BC. T. D.. A.A, or, in the case of violation of the Court, the matter be referred to the branch, and the trial judge independence layer is returned, but the discussion End drug offenses, the doctrine chief Justice, the Attorney General or the nationals.

Paragraph b) the non-execution of judgments

Sentences, according to Article 32 of the Law on Combating Drug conclusive. In the following cases, according to Article 26 of the Executive Regulations to revise the poll, the president of the Supreme Court case or the Attorney General shall transmit.

1. Assistant Prosecutor run Revolutionary Court ruling, contrary to the recognized standards.
2. Assistant Prosecutor execution, protested against the accused or his counsel, and the protests against the third party in relation to the confiscation of the property, he is obliged to deliver arguably, the judge may give a hint vote.
3. the court in person, be aware of the mistake of law or Sharia, in the latter part of the implementation of Article 32 of the Narcotics Act, the case will be sent to the State Attorney General's office, headed up by the Supreme Court or the Attorney General, to handle, and continue to deal with formalities such as the death penalty.

The third debate: evidence fights, drug crimes industrial

"Because of the applicable rules for obtaining an offense in relation to external events or behavior of the person is wanted. Because in criminal matters, it is of utmost importance. Because, by law, when a defendant is convicted of an offense Perpetration that all elements of the offense is attributable to the defendant the sum is collected. (Goldoozian, 2010) seem likely, because the education system in drug offenses, according to the moral persuasion, not the actuarial or legal reasons, because unlike some, and some other crimes, the legislator has recognized evidence fights, drug crimes drugs, such a situation does not exist, and what is The focus of, science and conscience, the judge is satisfied that, to be fair and reasonable way to school. Evidence fights crime, drugs, is divided into two categories: general and specific. Common reasons include (testimony of witness - the accused confessed), and specific reasons (knowledge of the judge - evidence and Emirates, BA, etc)

Speech i: basic evidence to prove the claim

General evidence, including confessions and witness testimony to be.

Section a) confesses

In accordance with Article 1880 BC. M.: "A confession is, the news is right, and the loss for the non-self", such that arguments about the validity and value of its approval, as specified in the law, and the most valuable the evidence. So that's Confession, " Seyyed evidence" and "Queen of the reasons" are called,. Legislator in the Penal Code, Article 219, passed in 2013 stating that: "in conflict with each other and other evidence, the testimony of religious confession or oath Aliquot comes first" Meanwhile, according to Article 160 and 161 BC. M.. However, 2013 years passed, the subject admits and not Doctrine, unless it is contrary to science. confession about drug can be express or implied, admits to drug charges, whether or not the substance of his discovery, the file must conform with the evidence and reasons, is why.

Paragraph b) witnesses

Testimony in Islamic law, one of the main reasons is to prove fights. In other legal systems, as well as one of the most important evidence fights, that is.

Some economists believe that of Rights: "Testimony, declaring himself eligible for the benefit and to the detriment of non other than be (Diani, 2006). Basically, drug crimes, we have seen two types: a) normal vision, b) informant witnesses Ordinary witnesses, people who know that the person is addicted to drugs, such as family, spouse, friends

An informant witness, the monument is his duty, because the informant is often an influential factor, officers from the drug traffickers to infiltrate and acquire information. Also, due to non-disclosure of identity Informants, legislators in Clause (4) of Article 22 of the Executive Regulations, stating that:

"In order to safeguard the resources and Informants, only their identity, they will be the judge investigating the case." primarily drug cases, the private complainant there is no normal people, just in terms of criminal policy of partnership, attend to matters testified that, some economists believe that of Rights: "Concealing the identity of sources and informants, although they may be justified in terms of and is maintained, but the idea that it is possible, some of the security cover, tell lies against others, and make them vulnerable to prosecution or penalties are severe and damaging to the rights of the accused, is entitled to deliver., so in this case the interests of the accused and the interests of the informant, there is conflict. Appears to be, in this case, legislators have accused the benefit of the informant prefers. Because the defendant, the defendant may require, the proof of its source, is to be aware of the need to defend their practice. Concealing the identity of the informant, to be scene due fraudulent and against the defendant, to be followed, this is inconsistent with the principles of a fair trial. (Rahmdell, 2003).

Chapter two: specific evidence to prove the claim

Specific evidence of drug crimes, including (of judge - evidence UAE - BA) is a.

Paragraph a) learned judge

Knowledge of the judge, is the science that is obtainable through conventional, the ways that people typically and traditionally, it is through education, science,, and to do the work. Legislator in Article 210 of the Penal Code, enacted in 2013 stating that: "knowledge of the judge is certain from the evidence that the Umayyad, posed to him. Documented cases in which the sentence, the judge's knowledge, he is obligated evidence and Emirates, the documentation of your knowledge, has explicitly stated in the sentence. Amendment: such as expert opinion, examination, location, location research, informed remarks, report restraining, and other evidence and the UAE, are typically binding of, you can be the judge's authority. However, understanding of the causes certainly not be a judge, can not be the basis for sentencing. In the process, the judge's conflicts, fights with other evidence, case assignment is specified in the Penal Code. Article 211 BC. M.. A., stating that "in the case, the judge's reasons other law, the conflicts between the science of stay, it is not valid arguments to the judge, and the judge noted evidence of their knowledge, and directions rejection other arguments, votes issued, and if not come to judge the science, the evidence was valid. They are based on ratings issued.

Paragraph b) evidence and the UAE

Under Article 1321 of the Civil Code, the presumption is "known circumstances which, by law or by the judge because it is known to."

Emirates to a friend Share : 1) legal Emirates; 2) Justice Statistics.

1. Legal emirates

"Emiratis who, by reason of that, legislature is explicitly stated. (Karimi, 2012) According to Article 1322 of the Civil Code, "which Emirates UAE law, the law on the matter because it has placed."

2. Justice statistics

"In Islamic law, the legal presumption under different names, including circumstantial evidence, Contexts, indications, clear, evidence Condition, Condition Matchmaker, matchmaker already, Outwardly evidence, evidence and evidence pirate named science are useful. (Jafari Langroodi, 2002). "Justice is circumstantial evidence, the evidence and the circumstances of each particular case, the judge is implying something, so that the results, there is a reasonable suspicion of the unknown is found, so that the judge, to the extent conscience contentment comes from that, the probability is actually achieved. (Amrovani, 2011). Correlates of drug Emirates positive process,

which is very varied, is as follows: (Test addiction - Appearance - Background accused - were discovered embedded - devices, and drugs - hear phone conversations - Lab (physical purity - a chemical substance))

Paragraph c) bachelor

"Today, technological advances in science and tech, works in all areas, including tools to detect and prove the crime is revealed, such that, in the modern era that" scientific evidence "to refer even traditional evidence, such as testimony and confession in the items are measured with the help of new evidence (Tadayon, 2009). "Development and progress of science and technology in all areas of, the result has been the discovery that many of the crimes and even proved, the Magistrate can, without reference to persons skilled and expert in proving cope crimes, forced to vote people who build their own terms, having particular expertise in science or technology, or having experience and expertise and skill, and ability necessary to clarify that issue. UAE most relevant judicial experts. In many cases due to lack of proficiency and expertise to judge, citing experts from the experts is necessary, the law has been interpreted by the individual expert. The expertise of a specialist or expert, for judicial resolution and help judges are used, in other words, from an expert in this case, the judge will help in knowing the truth. (Roger et Vita2001).

In terms of law, the independence of the judge's expertise is based on credit, not the judge's, but it's the law, to ensure the condition is recognized. (Hassanzadeh, 2007)

In other words, it is not necessary, thereby obtaining expert opinion of the judge, but legislators to master and expert opinion, the situation has decreed that, with the acquisition conditions, expert opinion is valid, and the procedure is obliged to issue a vote on it, unless it can prove the absence of those conditions.

But if, according to the Court, the Magistrate is science, judge can obtain the documentation for your science expert said.

Conclusion

Allocation procedures, especially for drug crimes is essential, however, to reconsider entrusting to the Executive, the Judiciary, and the trial judge's obligation to comply with the terms of and dealt with without a fair and judicial independence, conflict there. The results are as follows.

1. Special Procedures: Drug Law Reform Act, and devotes special attention and expedited due process proceedings, in particular at legislators to show that drug-related crime.
2. Prevention of Crime: The pros regulations governing drug comprised of staff headed by the President, on the basis of Article 33 and the focus of all executive, judicial, prevention programs, public education and propaganda against drugs to prevent addiction and combating drug trafficking.
3. Set the time limit for detention: Article 37 of the defendants' rights, length of detention, the set of up to four months. Extended detention is justified and cited the need for the evidence and legal aspects. Role to assist the defendant in Promotional penalties for drug offenses detected, network access, particular, with regard to the nature of this crime, it is not easy, and co-defendant solve this problem, it is very effective. Expediency, the amendment to Article 38, to pay attention to this important matter, and the court has allowed the effective co-accused in the case discovered a crime, punishable by up to half.
4. The indeterminate nature of the death penalty: pursuant to Article 32 death sentences, charged with drug crimes after confirmation of Chief Justice, or the Attorney General, is final and binding, and it assumes certain knowledge of other court rulings, the advantages of this law.
5. The discovery of the crime: the agents discovered a drug offense, the discovery is considered, and it has encouraged employees to keep track of.
6. Compulsory intervention Lawyer: In implementing Article 35 of the constitution, and vote precedents No. 15-1984, the General Board of the Supreme Court, as well as single article Expediency Council Act 1991, and pursuant to Article 22 of the Executive Regulations, court obliged to accept the defense attorney for the accused to the crimes punishable by life imprisonment or death. Also under Clause 2, Article mentioned in the other cases, the defendant's request, the court appointed attorney is required to determine. Use the lawyer assisting the court, including the condition that a fair trial in Article 186 BC. A.. D.. D.. A.. V. A., Is recognized.

7. Ability to protest the judge sentences the final sentence: According to Article 26 of the Executive Regulations, if the judge's verdict, the verdict issued by the court, concerning drug offenses, contrary to Sharia, or law, or no sufficient grounds recognize, is obliged, much to the judge, to hint, hint in case of non compliance, enforcement cases in the last part, Article 32 of the Act, the Attorney General has sent. The prosecutor supervising the sentences, could prevent enforcement against the law, and guarantee the rights of the condemned to.

Feedback

8. Uncertainty of punishment nowadays different opinions than these punishments, particularly the death of the Narcotics Act, will be expressed. In accordance with Article 38 BC. A.. M.. M., penalties prescribed by this Act, is suspended. "Legal Department, Judiciary, 1171-1996 and 3101-1996, according to the theory of numbers, 17 BC. M.A these penalties mentioned in the statute punishing it as a deterrent. The Attorney General of the Legal Commission, in Notice No. 1/12375-1993, the anti-drug law offenses, law or government Soltani has seen. (Badrian, 2002) Attorney General of the vote 5364-30/11/1380 numbers, contrary to the views of the Legal Department and protest sentences, including the sentence for time, believing the term penalties set forth in the law on drugs, and the Spoken citing Article 38 of the Constitution, the executive committee has dismissed the protest. (Yoosofi, 2010) the dispersion of the vote, leading to the violation of the rights of the accused, because believing deterrent penalty, the inclusion of time, the penalty compliant material 173 and 174 BC. A.. D.. K., is possible, but if the term of punishment mentioned, will lapse. Article 14 of the Penal Code of 2013 years, punish is divided into four parts, (maximum - Retribution - Challenges - punishment), the Penal Code of 1991, as well as injunctive punishment, a division of rated Islamic Penal Code, that consists of, imposed by the new law, punishable by imprisonment integration, and as a "term" is. Already at the time of Penalties, that according to Article 173 BC. A.. D.. K., was appointed, with the approval of Article 109 of this Law, has also manuscripts. Furthermore, according to Article 108 of the new law, suggests that, over time, the term crime in general, exercised unless the: One. Crimes against internal and external security of the country Second. Economic crime, including fraud, and offenses amendment 35 Three. Crimes Drug Law
9. Place of detention: In accordance with Article 37 BC. A.. M.. M., "The duration of detention, however, was not more than four months. In case the period of record, leading to charges, sentencing is not the reference issuer, shall be placed into the jaw and allowances provided above is, unless otherwise legitimate or valid reason for maintaining detention, there is that, in this case, the above mentioned reasons and directions, be cause is reinstated. "Of mandatory detention, the major drug offenses, may be justified, but the arrest of perpetrators of crimes, drugs, because of the small amount of material, much not fair, it. This detail is appropriate, pass the strict regulations, to issue a temporary detention uncertainties, the answer is reasonable.
10. Lack of restorative justice: the rules governing drug rehabilitation proceedings of certain provisions, pre unexpected, the revised survey Attorney General and the Chief Justice on the implementation of Article 32 of the normal modes, and the two solutions in parallel the width, and also articles 18 BC T. D.. A.A had the mentality "definite opinions public and revolutionary courts, the military and the Supreme Court, part of the restitution hearing, and objected to the way in which party rules related been set, this deal is not available unless the ratings recognize the head of the judiciary, is contrary to the Shariah.
11. Unable to insist judgment or vote precedents of the Supreme Court, according to the provisions of Article 32 BC. A.. M.. M., it is believed that the general rules of appeal, and the appeal in this case is not a drug. Thus Revolutionary Court, are bound to comply with spoken Article 32, and the General Board of the Supreme Court in the matter, issuing opinions insist, and not permitted precedents know, and confirm or violate the laws about drugs, the two supreme judicial authority, (Attorney General and chief Justice) is the addition of the strategy to create a unified approach between the two supreme mentioned, has not pondered over the same issues. These problems hinder the supervision of the General Board of the Supreme Court of Justice under Article 160 of the constitution, the proper implementation of the laws by the courts. In one case, two branches of court, the prosecutor general comments, and insisted on discussing the criminal branch of the General Board of the Supreme Court, have requested, according to

the above directions, the Attorney General, pursuant to petition Number 260-9/2/2004 has decreed that another branch of the proceedings and shall issue an appropriate sentence. (yoosofi, 2010).

Suggestions

1. determine appeals from judgments of drugs: a reconsideration of all the drug laws, the implementation of Article 32 of the Narcotics Act, and Article 15 and 19 of rules of procedure, the two supreme judicial authority of the Chief Justice and the Attorney the entire country has been granted. The legal principle, a court should be set for the renewal survey. These two officials, the chief prosecutor of the Supreme Court, refers to law enforcement, and can no not fair to judge. In addition, the judge should have given the scientific and practical experiences of their own with full leisure records, surveys, and as a matter of administrative case, shall not delegate to their subordinates. Now what happens while operation fails, check the file has instructed two officials mentioned by others. Proposes to revise drug sentencing, the court case, the Supreme Court must be submitted to the higher authority.
2. Limit the right to vote to protest against the sentence: accordance with paragraph 5 of Article 14 of the International Covenant for Civil Rights and Political Renewal Voting Act of 1966, as an indictment against the right to be recognized. In the extreme, the death penalty, sending both to the presence of the Supreme Court, a place to defend against the accused and his attorney could not. Other provisions concerning certain drug offenses, and judicial authorities suspected unlawful, and the incapacity of the vote or judge, without obligation, if any, would merely be case, with two extra officials mentioned will be posted. Another objection is that, in a case in this situation, prevent not be executed. Appeal of sentences for which the death penalty was wrong not to human life, and the other provisions of unknown reputation, no wastage. It should be revised, suspended work has been executed otherwise violate any effect. is recommended in cases where penalties are non death, the case against the accuser's rights, in particular with respect to the appropriateness of the protests, and the renewal survey is.
3. Undermine the judge's independence: independence of judges, the investigation and punishment, is of paramount importance. Punishment and deterrence in the sentence, the judge empowered to determine penalties, according to the character of the offender, to commit a crime and so on.
4. Article 38 BC. A.. M.. M., commutation of the death penalty, the judge denied the Commission has granted amnesty. In other words, even if the judge finds that the defendant is entitled to discounted, contrary to their belief and conscience, should be sentenced to death, and then apply it Off, longer making the reference. "If the death penalty from 1544 to 1175 about 76 percent of demand a degree of discounts were. (Asadi, 2010)
5. Suggests, the trial judge, the trial process is examined. Noting the principle of self-punishment, commutation, the jurisdiction of the court.
6. To address the violation of the Article 32 of the Act, appeals the violation is identified. Where the provision of this stage of the proceedings, the rules of procedure, the General Board has falsified court, a legal vacuum, the rights of persons are at stake. Would suggest, Regulations provide a comprehensive and prevents the execution incomplete discussion on Article 32 of the Law on narcotics industry, due to the revocation of bylaws, to prevent dispersion different procedures, it is essential .
7. Objecting to death without a deadline: a possible death sentence violated by the authorities referred to in Article 32 of the law, regardless of the deadline, in addition to the provisions of insecurity, anxiety because of the sentence, to consider possible trial again in the future due to . Is proposed, the deadline for objections to Article 32, the stability necessary to enforcement arrives.
8. Improper extradition and punishment: At present, most countries on the death penalty from penal system has removed his, and the UN Convention, there is no mention of death. On the other hand, corporal punishment, flogging, according to time and circumstances, feature of most drugs, commit crimes, particularly drug, the punishment is not justified. (Asadi, 2010)
9. Cooperative effects between the international court to prosecute and punish perpetrators of organized crime, drug extradition fugitive outside the country. The international treaties that, News has joined the government, corporal punishment is prohibited, hence the pre predict physical punishment in the fight against drugs is not only inconsistent with Iran's obligations under international inter Yes, but in practice the range of criminals, drug law restricts refundable to, and actually the extradition of alleged fugitive or

punishment makes it impossible. Thus, corporal punishment, Narcotics Act removed and replaced by another appropriate punishment is provided.

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