

# Fair and Equitable Procedure in Drug Offenses Traditional and Industrial

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## Abstract

**Introduction:** fair hearing, a normal procedure, is based on human dignity. By observing the balance between the interests of society and the accused, and the accused based all rights defense, and facilities to prepare a defense on equal terms with his hand, by an independent and impartial court established, the violation of any of the principles of fair trial during the preliminary investigation or proceedings, would be unjust decisions. Procedures used in drug crimes, the type of procedure differential, the difference in the discovery process, procedure and specific regulations, in the manner of issuance of solicitors and supply, evidences and enforcement notice be. The aim of this study is to analyze the rules and regulations as observer, to investigate how to handle drug-related offenses (including any cultivation, production and converting, transportation, sales, maintenance and use of concealing a drug or intervention).

**Methods:** This study purpose of applied research is part of that, using research gathered documents required information, and then analytical methods, are analyzed.

**Results:** The results of this study show that, drug crimes, is to a large extent for the differential.

**Key words:** Drug offenses, The reason, Proving grounds of Criminal Fight, Differential procedure

## INTRODUCTION

### Problem Statement

Undoubtedly one of the problems of human society in the modern era is drug addiction. In certain cultures, within the meaning of the drugs: drugs that they use, causing numbness and lethargy and general stupefaction, or is localized. (Such as cocaine, heroin, etc.), these drugs are often addiction (Moin, 2001). The definition of drug-related offenses, some of the lawyers these crimes have defined “drug-related offenses include any cultivation, production and converting, transportation, sales, maintenance and use of subterfuge or intervention materials drugs, which are contrary to legal norms accepted (Consultative group UNDCP, 1998). Drugs into two main groups, and generally can be divided into: (1) drug-natural, herbal

sources. (Opium, hashish, etc.) 2. synthetic drugs (synthetic, synthetic drugs, chemical) (Poorvali, 2011). Internationally, drug abuse all plant sources, harvesting them and synthetic psychotropic substances, and precursors included in the lists annexed to the Convention of 1961 (revised 1972 protocol), 1971 and 1988, with a global approach, and in some countries joined the international conventions beyond the materials listed above, according to the list of the country, other materials, is prohibited (Asadi, 2009).

The prevalence of psychoactive substances in society, and concerns about the spread and trafficking, authorities into thinking intensify the fight against all activities related to the materials used, then the anti-drug law dated 08/17/1997, the was approved by the Expediency Council, and its amendments dated 05.09.2010 was approved and psychotropic substances in terms of form and substance, drug regulations, the addition of synthetic drugs, in Article 8 of the law Were entitled, Blocked. Ease of procurement of raw material and low price possible for their production, lack of fighting forces, with this production, including the risk factors and the spread of synthetic drugs. Statistical data suggests changing

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www.ijss-sn.com

Month of Submission : 01-2017  
Month of Peer Review : 03-2017  
Month of Acceptance : 05-2017  
Month of Publishing : 07-2017

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patterns of drug use in recent years the use of traditional drugs, the drug industry. Considering the increasing rate of drug-related crimes, in terms of synthetic drugs, as well as the harmful effects of this crime, it is essential to control drug-related offenses, especially synthetic drugs, differential criminal policy be adopted, an important part the criminal policy should, in the realm of criminal law form, or the Code of criminal procedure, in other words a crime control synthetic drugs, require the adoption of a Code of criminal procedure differential that is, the subject of this paper is to analyze the problem, respectively.

### The Objectives of the Study

- A) The main objectives
  - Explain the drug differential criminal procedure, and hearing process, the Iranian criminal law.
- B) Secondary objectives
  1. Explain the organization and jurisdiction of courts dealing, drug offenses.
  2. Explain the evidence of crimes synthetic drugs

### Research Questions

- A) The main question
  - Procedure crimes synthetic drugs, what are its characteristics?
- B) Sub-questions)
  1. The organization, competence and judicial proceedings dealing, drug crimes, what are the features?
  2. Evidences in drug crime, what is?

### Research Hypotheses

- A) The main hypothesis
  - Procedure drug crimes, is the differential.
- B) Sub-hypothesis
  1. The organization, competence and way of dealing with drug-related offenses, differentiate and specific.
  2. Evidence of drug crimes, is no different from other crimes.

### Methodology

The aim of this study is an applied research, and in their mode of data collection, documentation and library are on the way, all the contents of this article, in addition to compliance with fiduciary expressed in the contents of books, letters, legal papers note taking, and with the following attribution in each page, as is the footnote. As well as analytical methods, information and research data, to be analyzed.

### History Research

In the field of drugs in the country, there are numerous scientific studies and thesis including the research,

narcotics and psychotropic substances, from the perspective of criminal and international law, doctor Mohammad Reza Saki, narcotics and psychotropic substances, the national criminal law and international, doctor Hasan Assadi, drug crimes, from the perspective of criminal science and criminal law, Deputy education and Research, the judiciary, national and international criminal policy on drugs, doctor Ali Akbar Baseri, international paper reports drugs, doctor Mohammad Ashori, evaluating the legal structure of the fight against drugs, doctor Seyed Mahmood Kashani, a thesis foundations of criminal law, in the light of the anti-drug law reform, Gholam A bbas Torki, ending a form of drug law changes, Habib Takin. But the drug Procedure Code, Criminal Procedure E except drugs, doctor Akbar Baseri, there is no academic research in this area, and the issue of drug offenses procedure, it is novel.

## COMPETENCE, ORGANIZATION AND REGULATION OF CARE, TO DRUG OFFENSES

### Institution of Crime Detection

Detecting crime and subsequent initiatives, such as the preliminary investigation, preservation and evidence of a crime, prevent the accused from escaping and hiding, papers and enforcement of judicial decisions, it is the responsibility of Officers of Justice (Article 28 Q.A.d.k). In the discovery process, the synthetic drugs offenses, as a specialized police, special police anti-narcotics law enforcement agencies, responsible for the discovery of drug-related crimes, including drug-related crime in the discovery process breakdown, the specialized police, on traditional drugs and there is no industry.

Today, new ways of mass drug discovery, as follows:  
 Identification and drug discovery, through satellites.  
 Electronic surveillance  
 The use of infrared and X-ray  
 Scanner, to detect and conceal illegal drugs in the human body (Saki, 2012).

### Prosecute the Accused and Preliminary Investigations

No investigator can begin to investigate, and not flow falls due in court until after the start chased by prosecutors. The prosecutor also began to chase not only after gathering sufficient information regarding the crime (Sadeghi et al., 2013; Nosrati & Karimi, 2016). Thus began the chase well, had a an early stage, the discovery of a crime which, by the enforcers of justice. Discovery phase, a very critical stage of criminal proceedings, is considered. This step is in fact the foundation of Criminal Procedure, and is the foundation for criminal proceedings. Prosecution of drug crimes, the Prosecutor's

1994 revolution. Regulations courts and prosecutor's offices in the revolution, the revolution under the training and supervision of the Attorney General's prosecutors Revolution, were on duty. And in the pursuit of his orders, and whether or not prosecution should be carried out to the crime. So prosecutors Revolution, under the orders of the Public Prosecutor's Office (Janfeshan & Nosrati, 2014; Sabaghi et al., 2016). With the approval of the General and Revolutionary Courts, the Public and Revolutionary Prosecutor's Office of the judicial system were eliminated, and the pursuit of their duties, including the duty, the responsibility of the heads of the judiciary of the province and the city, and their assistants was used. Now with reinstating the prosecution, the defendants in the prosecution of drug crimes, prosecutors or public prosecutor is in charge. Preliminary investigation, one of the fundamental tasks of the criminal justice system. Not for any trial, without a preliminary investigation be conducted. Preliminary studies in both general and specific means used. In general, all the studies before the hearing, whether on stage and by restraining the discovery is made, and what was done during the investigation stage by the investigating judge, in place. Preliminary research in this sense, in the case of any crime, however small and insignificant it is done (Salami et al., 2015; Jenaabadi & Mobasheri, 2014). In particular, limited means, the preliminary investigation, investigation by an impartial judge (magistrate), with the help of specific powers entrusted to him by law, and their use multiple procedures and has hardly done (Stephanie and others, 1998). Preliminary investigation, largely affect the fate of a trial, the guilt of the accused may be issued, and may be brought to justice, issued an injunction or cessation of prosecution seems to be her innocence. The preliminary investigation should be conducted by impartial and independent judges, has freely and without any pressure and commands, with the collected evidence for or against the accused, the accused can fairly decide. In 1994, on drug-related offenses, in revolutionary courts, the preliminary investigation by the magistrate court, or at the behest and under him by the investigating judge, took place. Act now to revive the prosecution service, in 2002 and Article 92 Q.A.d.k, according to the jurisdiction of the Revolutionary Court for preliminary investigation of crimes related to drugs, it is important for the investigator (Khosroazad & Chitsazan, 2016; Nosrati et al., 2013; Arvanaghi & Azimi, 2016). In the preliminary inquiry, the Public Authority General and Revolutionary Courts, we see that a special court for drug crimes, not created, but in the organization of the General and Revolutionary Courts, specialized branches for drug crimes, without distinction between traditional and industrial drug offenses there.

## **INSTITUTIONS AND ENFORCEMENT PROCEEDINGS**

### **Stage Trials**

#### *Primitive stage*

Hearing and sentencing stage, the stage of criminal proceedings is, at this stage the court's judgment, the plaintiff and defendant with the reasons and documentation, and reasons as evidence in the indictment, independently and impartially, and according to the character of the accused, or the conviction or acquittal, manner and extent of liability and the type and amount of the penalty, the decisions you make about him. With the approval of the General and Revolutionary Court Hearing Procedures in Criminal Matters, regulations were repealed Revolutionary Tribunal. So now, industrial drug crimes, under paragraph (c) of Article 303 Q.A.d.k, and amendments to the Drug Reform Act, enacted on 09.05.2010, is in the jurisdiction. At the hearing, unlike the two-step discovery of the crime, and it is observed that the preliminary investigation, the Iranian criminal justice system, special proceedings, especially drug crimes, drug crimes in general and without distinction between traditional and industrial, There is.

#### *Appeal*

Considering that under article 570 Q.A.d.k, dated 12.26.2013, Article 32 of the amended anti-narcotics law, and the incorporation of substances into the Act of 17.8.1997, approved by the Expediency Council, prescriptions is clear, therefore, in the case of synthetic drugs, in court there two assumptions: (a) - votes uncertain revolutionary court, the judicial system capable of unity objection, the province's court of appeal. (B) Inconclusive vote penal court, with the multiplicity of judicial systems objectionable, the Supreme Court (Drawn from the Articles of Q.A.d.k 297/428).

### **Enforcement Synthetic Drugs**

Articles 32 Drug Reform Act, and 26 regulations of this law to deal with synthetic drugs, death sentences and Non-execution was divided into two categories, and now Q.A.d.k pursuant to Article 570, adopted 04.02.2015, prescriptions, and according to article 484 Q.A.d.k, the prosecutor's criminal law enforcement, and the implementation of synthetic drugs, is with the public prosecutor, and officials of the public prosecutor in the process of execution are not separated, and in the implementation of the provisions, such as crime detection and preliminary investigation, the distinction between traditional and industrial drug yet.

#### *Evidence of crime*

A set of rules applicable, to establish a crime in relation to external events, or behavior of a person is prosecuted. Because in criminal matters, is of utmost importance.

Because, by law when the defendant is convicted of a crime Perpetration, all the elements of crime attributable to the accused is collected. In criminal law, in addition to the quality of crime, protection of public order, and guarantee the rights of the accused person wanted to be considered (Golduzian, 2010). In criminal matters, because that means any device, whether or not something or prove the authenticity of a claim, or because the device is legal, judicial authorities in uncovering the truth and achieving persuasion conscience and help promote fair decision (Ashori, 2009: 21). One of the components of a fair trial, rather than accepting the presumption of innocence is presumed guilty. According to some presumption of innocence for the accused, does not constitute a right. But it should be considered a privilege. It seems education system, due to drug-related offenses based on the persuasion of conscience, not the actuarial or legal reasons, under Unlike some others of crimes that, the legislator has recognized the evidences in drug-related offenses, such there is a situation, and what areas of science and conscientious convincing a judge that should be of reasonable education. And other evidences (confession, testimony, etc.), have their own value. Evidences, in drug offenses are divided into two categories: general and specific. Common reasons include (testimony of witnesses - alleged confession), and specific evidence (the judge - circumstantial and hearsay evidence, expert and evidence Biogenetique)

### **Basic Argument**

General evidence, including confessions and witness testimony, he adds.

### **A Confession**

In accordance with Article 1259 Q.M: “Confession is, the news is right, to the detriment of non-self”, including reasons is about credibility and probative value of which, in law and marked with most valuable is evidence. So that confession, “Seyed of evidence” and “Queen of reasons” are called. Legislator in article 219 Q.M Oh, note: other arguments in conflict with each other, acknowledging the religious martyrdom, and I swear Aliquot precedence. As well as religious martyrdom, and I swear on Aliquot takes precedence. Meanwhile, according to Articles 160 and 161 Q.M Oh, admit relevant, not Credo, unless science contrast, have. Confession about drugs can be express or implied, by the way, there are differences among us confess, confess, one thing against the other reports, for example, a defendant convicted of drug (Traditional - Industrial) is arrested, says: I am not guilty, and Sir or Madam A is, and is not admitted as evidence. In the process of confession, the accused alleged that he was subjected to, statements is unacceptable, because he does not see, because they must have the testimony, and he stands accused of, as if to refute

the charge of its own debt, it not attributable to another, his defense is his statement that needs to be investigated.

The defendant confessed to drugs, or drugs found on him or not, if consistent with the evidence and records reasons, reasons.

### **The testimony of witnesses**

Martyrdom in Islam, is one of the most Evidences. And in other legal systems, as one of the evidences, is.

Some lawyers believe: Confirm the testimony of a qualified person, for the benefit and to the detriment of other non-other (Dayani, 2006). Basically, drugs offenses, there are two types of control: a) ordinary intuition; b) the witness’s informant Ordinary intuition, people who are aware that drug addiction is one example: family, spouse, friends and. Witnesses Rapporteur on duty and his mission is building, because the informant is usually an agent of influence, the influence of agents among drug traffickers, and the information you provide. In addition to refusing to disclose the identity of the whistleblower, the legislator in Note (4) Article 22 of the Implementing Regulations, pointed out: In order to secure the resources and whistleblower, their identity solely at the discretion of the judge handling the case, will be. “ Basically, in the case of drugs, because there is no private plaintiff, the ordinary people, only in the form of corporate criminal policy, paying testimony to attend, some lawyers believe: Concealing the identity of sources and informants, however, may be justified in terms of maintaining them, but in the sense that it is possible, under the security cover some of these stories, tell lies against others, and of prosecuting or punishing them at risk for more severe the day, and to harm the rights of the accused have been delivered. In this case, the interests of the accused and the interests of the informant, there is conflict. It seems that in this case, legislators have accused the informant would benefit decimal. Such as the right to defense requires that the defendant of evidence against him and is aware of the source, so it can defend itself needed to be done. Concealing the identity of the informant will be staged and fake argument against the accused, to be followed that, with the principles of a fair trial, in conflict (Rahmdel, 2003). To confirm this view, it should be stated that, and enforcement officials also reported a presumption, not because the proper sense. In this regard, Article 36 Q.A.d.k, provides: “If the report is valid restraining that, unlike the circumstances and the evidence certainly not the case, and based on legal regulations and provisions to be prepared.

This means that if there is adequate enforcement reports, the judge can ask them to complete, by the way, if the case goes to a higher authority, if not written statements

informant, and only orally, they may also questioned the vote.

### Specific Reasons

Specific evidence on drug-related offenses, including (judge - circumstantial and hearsay evidence - Expert evidence Biogenetique), respectively.

### Judge

The judge, through conventional science that, to achieve it, the way people typically and traditionally, it is through education, and to that effect the day. The scope of resorting to the judge, some say, such a science at all stages of the proceedings, should be considered, and some believe that it is only at the stage of judgment, should be considered. According to the recent number, who make up the majority, if, during the investigation stage also considered the science, in most cases Darcy process, thrown into confusion and error, and attain the truth with the fewest obstacles encountered (Vouin, 1961, Forutani, 1977). In contrast to these people (Ashori, 1996: 117), factions believe that, the judge must at all stages of the proceedings, and presents in front of all courts (Stephanie, Levasseur and Bouloc, 1993). And against all sorts of reasons are in question. In the latter group, can be some of the famous French lawyers, like Mr. Well and Vatio noted that, explicitly believe the judge, at all stages of the proceedings, and for all sorts of reasons applies. (Merle et al, 2001). With the possibility of resorting to the judge, firstly, the need for conventional through education, secondly, the need to mention the origins of the vote. Legislator in Article 210 of the Penal Code, enacted 2013 years, pointed out: "knowledge of the judge, to ensure that the documentation is among the things that comes to him. In cases where documentary sentence, the judge, he is obliged circumstantial and hearsay evidence, the documentary is his knowledge to stipulate in the judgment. Note: such as expert's theory, inspection location, location research, statements informed, officer reports, and other circumstantial and hearsay evidence that, typically Science binding, they can be documented judge. However, science is understood that, would certainly not judge, can not be the criterion for sentencing.

In the process of conflict the judge, with other evidences, case assignment is specified in the Penal Code.

Article 211 Q.M.A states that:

If the judge, is in conflict with other legal grounds, if the science of stay, it is not valid arguments to the judge, and the judge cited his knowledge documentation and directions rejected other arguments, ruling, and If the judge science is not reached, it was valid arguments. They are based on a verdict.

### Circumstantial and Hearsay Evidence

In accordance with Article 1321 Q.M, stated: "The circumstances known to the law or the judge, because the thing is known.

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

#### 1. The legal Emirates

United Arab Emirates which, due to its being expressed because the legislator is explicit. "(Karimi, 2012), in accordance with Article 1322 Q.M " Emirates is the Emirati legal, law because it is put on. "

#### 2. Justice Statistics

In Islamic jurisprudence of judicial jurisdiction under different names, including circumstantial Emirate evidence, evidence, clear evidence of conditions, hinting conditions, hinting the case, evidence of phenomenon, current evidence and evidence useful science have mentioned (Jafari Langroodi, 2002). The judicial jurisdiction, evidence and circumstances which, in each particular case the judge does not indicate it, so that its results reasonably strong suspicion of the existence of the unknown, so the judge the degree of contentment conscience seems that, in all probability actually has achieved (Omrani, 2011). Emirates drugs and evidence in proof process, which is very diverse, as follows: (drug test - appearance - convicted history - were found embedded - drug abuse instruments - intercepted telephone conversations - Laboratory (purity - chemical drugs))

### Addiction Testing

Drug testing, the circumstantial and hearsay evidence is that, today medical science advances and numerous laboratories, the case is investigated. It may be persons of some pills, and the test is negative. Problem: Is drug addiction, crime is evident, and the seizure and arrests of suspected drug addiction, by Officers of Justice, in public places is allowed, judges Qom, in the July 2005 legislative session, consider that there are clear signs crime, in accordance with Article 21 of the Code of Criminal procedure to a person of the offense is evident. Among them is apparent drug cases, and the Commission believes the Criminal Department of Education has accepted (Saki, 2012). It seems, if the appearance of a person, clearly indicates his addiction to drugs, crime tangible and intangible is Ella.

### Accuse Records

The defendant who has a track record, and effective drug conviction (Traditional - Industrial), and is arrested again, and the Circumstantial evidence is one of the evidences which can prove he is a drug pushing and trends.

### **The Discovery Process and Embed**

And embedded in the discovery process, sometimes drugs, movable or immovable property a person is embedded, skillful and embedded. Today, some new avenues for drug discovery there, but some of them as high technology, our country has not yet entered, the hope is that the barriers be removed: the new way of discovering drugs and psychotropic substances (satellites - electronic surveillance - using infrared rays, and X-rays - use the scanner to detect drug embedded in the human body - use of Dog Food Finder)

### **Drug Abuse Instruments**

Finding drugs in machinery and equipment location, or the person, unless this is offset counterparts. For example, antiques or old aspects.

### **Wiretapping of Telephone Conversations**

Under article 150 Q.A.d.k: Control of communications is prohibited, except in cases where the internal and external security of the country concerned, or to explore crimes paragraphs a, b, c and d, Article 302 of the law has determined, in this case, with the concurrence of chief Justice of the province, and the duration and frequency of the action. Today the practice of most drug traffickers, used and used, wiretapping telephone conversations, sometimes lied on the phone is, or is nonsense, why the judge should be carefully monitored.

### **Lab (Purity - Chemical)**

One of the problems in the criminal justice system, it may be a lot of drugs (Traditional - industrial) that the discovery is not pure, purity and chemical drug Therefore, in the laboratory and a final decision on it, in the amount of penalties is very important. Criminal Judiciary Committee Deputy for Education and Research, in response to the question, "If you discovered the drug (heroin), more than one hundred grams, can be due to its purity, in compliance with Article 38 of the Law on Narcotics, non death penalty for the purpose of heroin ?, described customary and usability, as heroin is in the consumer market, and the sincerity and determination of the areas and the validity and criterion operation. But if the charged material artifacts, Non heroin introduce, and the court seized material, non-heroin is suspected, then the attention of expert laboratories to determine the type of material, and it is essential purity (Deputy for Education and Research branch judicial, China first).

### **Bachelor**

Today, advancements in science and technology, his works in all areas, including tools to detect and prove the crime is revealed, so that in an era when it was the era of "scientific evidence" call, even traditional reasons, such

as the testimony and confession, in some cases with the help of new evidence, can be calibrated (Tadayyon, 2009).

Development and progress in all fields of science and technology, has resulted in the discovery of many crimes and even prove it, the judge can not, without recourse to qualified persons and experts to prove cope crimes, will have their votes with the lay persons who, because of their particular expertise in science or technology, or even having experience and expertise and skills, ability to illuminate the subject matter. The best example of Justice Statistics, experts said. In many cases due to lack magistrate, to issue specialized information, refer to the experts, the experts is essential to the rule of the people is interpreted expert. The degree of specialization or experts, judicial and contribute to solutions used to judge, and experts in other words, in this case, the judge will help in knowing the truth (Merle,Roget et Vita, 2001). According to Article 128 Q.A.d.k: official expert or experts, such as doctors, pharmacists, engineers and assessors are inviting the opinion of the scientific or technical or special knowledge is necessary.

Article 166 of the new Code of Criminal Procedure states that:

If the expert opinion, the circumstances undergraduate research and the information does not match, justifiably rejected the prosecutor's expert opinion, and subject to the expert referrals.

In terms of rights, expert because the judge is independent of the basis for its reliability, the judge, but the law, in ensuring conditions is valid (Hasanzadeh, 2007). In other words, it is not necessary, expert opinion to judge the attainment of knowledge, but also the legislator for experts and expert opinion, the situation requires that, to achieve that condition, expert opinion is valid, and the hearing is obliged to issue a vote on it, unless they prove the absence of those conditions. But if the court, judge science, the judge can make a documentation of his knowledge, provide expert opinion (Judicial and Legal Assistance, 2006). It turns out, some of the conditions BSc (having scientific and technical competence in the matter brought before it, trustworthiness, explicit and justified by the circumstances he considered the compatibility of the file), and the reliability of expert opinion, subject to the caveats -is.

## **CONCLUSION**

Assign a special and differential procedure for drug offenses (traditional and industrial), is essential. Noting the principles of speed, and intensity of how to deal with

drug offenders from process (detection, prosecution, investigation, prosecution, because of how education, enforcement), the best examples of violation of the Guiding Principles, and strategy procedure is fair, because that a fair trial, based on the presumption of innocence and human dignity, is based, and must be respected basic rights and legal charges.

- 1) The discovery of the mass, we see that a specialized police under special anti-drug police, the law enforcement agencies responsible for drug-related offenses are discovered, without distinction in this specialized police, the discovery of crimes synthetic drugs, traditional drugs from there.
- 2) The discovery process, common practices in drug offenses, through entrapment by secrecy, in studying why the two alternatives (secrecy and personal matter), is. Unfortunately, contrary to Article 38 of the constitution, and Articles 15 and 212 of the Criminal Procedure Code, and the criminal law “citizen-oriented”, to the criminal law “circuit enemy” steps, and a violation of the principle of the legitimacy of Education because, in the discovery process.
- 3) In the process of prosecution of defendants in the General and Revolutionary Courts, prosecution in all cases, the person is a public prosecutor, and therefore, due to the specialized agencies of the Revolutionary Court in the judicial process distinction between the prosecution, the General and Revolutionary Courts There.
- 4) Participated in the preliminary investigation, the general organization of the General and Revolutionary Courts, we see that a special court to deal with drug-related offenses, including synthetic drugs has not been established, but within the Authority’s Public and Revolutionary Court, branches specialized to deal with drug-related offenses, drug offenses without distinction between traditional and industrial, there.
- 5) At the hearing on the contrary, crime detection and preliminary investigation phase is observed that, under Iranian criminal law, specific proceedings for drug crimes in general and drug offenses without distinction between traditional and industrial, There is.

### Suggestions

According to the findings, in the discovery of the crime, with a special police under special anti-drug police, the law enforcement agencies is recommended, specialized and trained police in the discovery process, in the field the discovery of drug crimes traditional industries, the breakdown applied. Legislator explicitly seiner way, in serious crimes, including drug, ask for a systematic and legally, and to narrow it simply, with the permission of the competent judicial authorities to accept, and police without any judicial oversight, be declared invalid. In the process

of prosecution of the accused, due to the specialized institution (crime detection and investigation proceedings), drugs (traditional and industrial), should the prosecution, the Court of revolution be split.

In the preliminary inquiry, the General and Revolutionary Courts, specialized branches and judges are trained, drug-related offenses in the field of traditional industries, the split seems necessary.

Since the institution of proceedings, in addressing drug-related offenses ranging from traditional and industrial, dedicated to the jurisdiction of the judicial proceedings in court, the court must also appear in certain branches, for segregated, crime traditional drugs and industrial care.

### REFERENCES

- Advisory Group UNDCP, 1998, a variety of drugs, drug reports an international dimension in the field of judicial matters, first printing, the Secretariat of the Headquarters for Combating Narcotics.
- Arvanaghi, H., & Azimi, V., (2016). Determination of Semicircular-Trapezoidal Weir Discharge Coefficient. *Agriculture Science Developments*, 5(2), 22-27.
- Ashori, M., 1996, the Criminal Procedure Code, Volume 2, Seal, Samt.
- Assadi, H., 2009, narcotics and psychotropic substances, in national and international criminal law, First Edition, Tehran, Mizan publication.
- Dayyani, A.A., 2006, evidences in civil and criminal matters, printing, publishing of Tadriss.
- Golduzian, A., 2010, evidences, Third Edition, published of Mizan.
- Hasanzadeh, M., 2007, the independent expert of the judge, *Jurisprudence and Law Magazine*, Issue 12.
- Jafari Langroodi, M.j, 2002, *Encyclopedia of Islamic Sciences judicial*, Volume I, Third Edition, Ganj Danesh.
- Janfeshan, K., & Nosrati, M., (2014). A quick look to English language training in Iranian guidance schools through “Prospect” method and CLT with a book analytic approach. *International Journal of Economy, Management, and Social Sciences*, 3(1), 100-106.
- Jenaabadi, H., & Mobasheri, A., (2014). The study of Organizational Trust Effect on Organizational Transparency and Loyalty of Primary School Teachers in Zahedan City, Iran. *World Applied Programming*, 4(6), 156-160.
- Judicial and Legal Assistance, 2006, meeting of the Judicial (Code of Criminal Procedure) Department of Law, Volume I, first edition, Fekrsazan.
- Karimi, A., 2012, evidences, Second Edition, PNU.
- Khosroozad, N., & Chitsazan, H., (2016). Does Book-to-Market Ratio Matter in Profitability of Momentum Investment Strategy in Tehran Stock Exchange?. *International Journal of Economy, Management and Social Sciences*, 5(2), 23-27.
- Merle, Roger et Vita, 2001, *André Traité de droit Criminel*, 5 eme édition, paris, cujas.
- Moin, M 2001 *Persian culture*, Volume III, Seventeenth Edition, published by Amir Kabir.
- Nosrati, M., & Karimi, R., (2016). Investigating a benchmark cloud media resource allocation and optimization. *World Applied Programming*, 6(1), 5-9.
- Nosrati, M., Karimi, R., Hariri, M., & Malekian, K. (2013). Edge detection techniques in processing digital images: investigation of canny algorithm and gabor method. *World Applied Programming*, 3(3), 116-121.
- Omravanni, R., 2011, conflict evidences (legal affairs), printing, Fekrsazan.
- Rahmdel, M., 2003, criminal law drugs, Volume I, Misagh Edalat.
- Sabaghi, M., Dashtbayazi, M., & Marjani, S., (2016) Dynamic Hysteresis Band Fixed Frequency Current Control. *World Applied Programming*, 6(1), 1-4.
- Sadeghi, M., Mohammadi, M., Nosrati, M., & Malekian K., (2013). The Role of Entrepreneurial Environments in University Students Entrepreneurial

- Intention. World Applied Programming, 3(8), 361-366.
- Saki, MR, 2012, drug offenses, criminal science and criminal law perspective, printing, publishing of Rah Novin.
- Salami, R., Saffari darberazi, A., & Khani, M., (2015). Institutional factors in regional innovation systems in industrial clusters. World Applied Programming, 5(2), 41-49.
- Stefani, Levasseur, Bouloc, 1993, Procedure Penal. 15 eme ed, Dalloz.
- Stephanie and others, criminal procedure, translations doctor Hasan Dadian, 1998, first edition, publication of Allameh Tabatabai University.
- Tadayyon, A., 2009, the undergraduate and Biogenetique evidence in criminal proceedings, Justice Law Journal, No. 68.
- Vouin, Cours de yoctorat, 1961-1962, - Drjavad Foroutani, Fardeau de la prevue, thèse de doctorot, paris 11, 1977- Michile – Laure Rassat, OP. Lit.p. 289. [www.faculty.nwc.edu/toconnor/410/4101lect.4.htm](http://www.faculty.nwc.edu/toconnor/410/4101lect.4.htm).

**How to cite this article:** Hariri M, Varvahi A, Jafari MJ. Fair and Equitable Procedure in Drug Offenses Traditional and Industrial. Int J Sci Stud 2017;5(4):969-976.

**Source of Support:** Nil, **Conflict of Interest:** None declared.