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Drugs and Drug Policy in the Islamic Republic of Iran

Golnar Nikpour

In January 2018, a judicial order issued by the Islamic Republic of Iran's Chief Justice, Sadeq Larijani, amended the country's strict drug trafficking laws, raising the threshold that triggers the death penalty in drug possession cases. The new order set the stage for several thousand prisoners to have their pending death sentences reviewed and possibly commuted. This legal transformation has been part of a broader recent effort to modify the official approach to drug-related offenses in the Islamic Republic, which has long had one of the highest rates of drug-related incarcerations as well as the second highest rate of drug-related executions anywhere in the world.¹ But the reform of Iran's drug trafficking laws must be understood not only in the context of Iranian penal and criminal codes generally but also in the broader context of what has been labeled an epidemic of drug use across Iran, particularly among younger Iranians.²

With the proliferation of illicit drugs, including opium and heroin as well as newer synthetic drugs, there are now officially said to be between 2 and 3 million drug-dependent individuals in Iran, with other internal estimates placing the figure as high as 10 million.³ In 2017, Iranian officials claimed that the number of drug addicts in the country had doubled in the past six years alone.⁴ For Iran, this represents not only a crisis of public health and social well-being of monumental proportions, but also a financial crisis, as the government has already exceeded its budgetary allotments for addressing drug use in the country.

This legal reform announced by Larijani is significant beyond its implications for global death penalty rate watchers. It follows other recent changes in Iran's official anti-drug policies and strategies and signifies a broader shift in Iran's approach to drug offenders and criminal law from the zero-tolerance ethos of the post-revolutionary era. This Brief looks at the recent changes in Iranian criminal and penal codes as they pertain to illicit drugs, considering these changes in the context of historical rates of drug smuggling and drug use in Iran; grassroots and NGO responses to the drug problem; and subsequent governmental attempts to incorporate grassroots strategies in the fight against drugs. It also argues that the reformation of Iran's drug sentencing laws reveals the extent to which the Islamic Republic's legal and penal codes remain flexible as well as responsive to both international and domestic pressures, rather than static and simply driven by ideology.

The Rise in Drug Trafficking and Shifts in Islamic Republic Drug Policy

Iranian use of the death penalty for drug offenses, while widely criticized internationally, has been justified by Islamic Republic officials as a necessary means of addressing rising rates of drug smuggling in Iran through the Iran-Afghanistan border. The trafficking in and subsequent abuse of opium and heroin in Iran have dramatically increased since the United States invasion of Afghanistan in 2001 and the onset of the U.S.-led global war on terror, just as they had earlier increased in the 1980s during the Afghan-Soviet war. According to United Nations estimates, Afghan opium farmers produced 3,400 tons of opium in 2002, an exponential increase from the 185 tons produced in 2001 under Taliban rule, before the U.S. began its now years-long military presence in Afghanistan in October of that year.⁵ A significant portion of this new opium production gets trafficked through Iran, and the U.N. estimates that opium-based drugs are abused by 1.7% to 2.8% of the Iranian population (compared with .3% of the population in Western Europe).⁶

Synthetic drugs—in particular, crystal meth, colloquially known in Iran as *shishesh*, or “glass”—have also been on the rise in Iran. In 2012, a U.N. report claimed that Iran was the world's fourth highest importer of pseudoephedrine, the substance used to produce crystal methamphetamines.⁷ According to the 2014 United Nations Office on Drugs and Crime (UNODC) World Drug Report, in 2012, Iran accounted for an incredible 74% of the world's opium seizures and a quarter of the world's heroin and morphine seizures.⁸ It is in part because of the massive amounts of narcotics being trafficked into Iran—particularly through Afghanistan and Pakistan—that the UNODC Country Office in Iran has worked to support local law enforcement agencies, specifically on the issue of border management.⁹

These rising figures on drug use and trafficking are particularly vexing for leaders of the Islamic Republic, given the government's post-revolutionary promises to eradicate drug use in Iran. In the aftermath of the 1979 Islamic Revolution, the leader of the revolutionary movement and subsequent government, Ayatollah Ruhollah Khomeini, stated unequivocally that drug use is un-Islamic and maintained that the spread of illicit drugs in Iranian society was a function of Western influence and lax morals under the Shah.¹⁰ After Khomeini's death in 1989, his supporters argued that “[t]he Imam...carried out the most successful campaign against drug addiction, and came nearer than anyone else to eradicating the drug culture in Iran.”¹¹ In May 1980, on the watch of the notorious “hanging judge,” Ayatollah Sadegh Khalkhali, revolutionary “purification” of drug users

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was undertaken, leading to hundreds of arrests and executions.¹² Zero-tolerance policies against drugs were promoted as part and parcel of the Islamic revolutionary ethos, which was said to be transforming Iranian society not only politically but also morally. As one scholar has noted, in the first years after the revolution, “Fighting drug users became one rope in the moral tent erected over the Islamic Republic.”¹³

Nor was this position limited to the immediate aftermath of the revolution. In the late 1980s, in the wake of the end of the Iran-Iraq war, Iran established a national Drug Control Headquarters (*markaz-i mobarizih ba mavad-i mukhadar*) and undertook the execution of drug offenders with renewed fervor. Yet despite this longstanding rhetorical insistence on the fundamental incompatibility of a revolutionary Islamic government and illicit drug use, several sectors within Iran have worked in recent years to transform the country’s approach to drug use and treatment from zero tolerance to rehabilitation and health. The next section looks at these groups, including grassroots drug rehabilitation organizations and public health NGOs, and provides the broader context within which the recent criminal law and death penalty reforms should be understood.

Grassroots Drug Rehabilitation Efforts

While the shift in thinking at the highest levels of Iran regarding drug-related death penalty cases is relatively recent, in the 1990s, during the presidency of reformist Mohammad Khatami, drug rehabilitation non-governmental organizations (NGOs) began to advocate a move away from the zero-tolerance moral conservatism of the previous two decades and toward so-called harm reduction models for treating drug addiction. In many cases, these grassroots NGOs have pushed governmental agencies to focus more closely on public health matters, particularly in the areas of addiction rehabilitation and HIV prevention.¹⁴ The use of methadone to treat drug addiction, which had been partially implemented between 1974 and 1977, was ended in the aftermath of the 1979 revolution. But by the year 2000, after considerable pressure from grassroots public health organizations, as well as from medical professionals, the Iranian government agreed to authorize the use of methadone for drug rehabilitation.¹⁵ Similarly, public health concerns convinced Iranian officials to begin HIV prevention tactics in prisons, where at least 50% of all prisoners are being held on drug-related offenses and as many as 70% use illicit drugs.¹⁶ These prison policy changes have proven successful in both curtailing the spread of HIV and reducing drug use among the incarcerated.¹⁷

These public health successes reveal the extent to which official responses to the problem of drug use in Iran are influenced and even shaped by on-the-ground organizing efforts and successes, belying the notion that policy in the Islamic Republic is driven solely by static ideological imperatives or top-down decision-making. According to a report by the UNODC, “Non-governmental organizations (NGOs) [in Iran] are key partners in implementing drug treatment programmes. While many initiatives are funded and supported by the Government, NGOs do most of the work on the ground. Often run and supported by health practitioners, social workers, and former drug users, their constant effort and lobbying has helped convince political and religious authorities to adopt new approaches to tackling the drug problem.”¹⁸

Since the Khatami era, a robust non-governmental sector has emerged in virtually every Iranian city and provincial area serving drug-dependent individuals. These organizations provide public health services such as methadone clinics, needle exchange programs, detoxification centers, designated drug-safe zones, drug counseling, and medical care for homeless addicts.¹⁹ They (as well as their governmental counterparts) have expanded despite pushback from law enforcement agencies, a continued belief in zero tolerance among certain governmental elites, lingering social taboos around drug use, and the myriad difficulties that U.S.-led sanctions have created for health professionals and government-sponsored health initiatives in Iran.²⁰

That government-approved (but not necessarily government-run) treatment centers in Iran have multiplied yearly since the late 1990s is in part a function of the fact that the high rate of drug use cuts across political, class, and education lines. Both citizens and statesmen in the Islamic Republic have had to confront the reality that drug use is not limited to certain classes or political sectors—and is simply too widespread to leave unaddressed, or addressed only as a problem of lacking morals. As Hasan Razavi, a doctor who runs a drug rehabilitation clinic in western Tehran, stated in late 2016, “No walk of society is immune. Even the sons of Islamic clerics are patients in our clinics.”²¹

Narcotics abuse and addiction has also proven to be a growing problem across *gender* lines. While women represent only 10% of drug users in Iran, the rate of addiction is currently spreading more rapidly among women than it is among men. This troubling fact resulted in the establishment in 2002 of the first non-governmental women’s-only drug rehabilitation center in Shiraz (run by a local NGO called the Rebirth Society), and eventually of several similar government-

run organizations (often run by the State Welfare Organization), including facilities in both large cities and rural provinces.²² Women-only drug rehabilitation services were not easily achieved, however. Activists and health workers who have been in the field for over a decade often recall that in the early years they received no protection from law enforcement and little support from the government. Social or legal taboos created incentives for drug users to keep their addictions secret.²³

Since 2015, even alcohol addiction—a major prohibition in the Islamic Republic, in which any alcohol use is considered forbidden by religious law—has been increasingly addressed as a public health crisis rather than simply an issue of morality or legality. Again pushed by grassroots efforts to address an increasingly undeniable problem, the Ministry of Health announced in 2015 that it would be opening 150 outpatient alcohol rehabilitation facilities in the country, including six clinics in which inpatient detoxification services would be available.²⁴ That such facilities are now available to Iranians struggling with alcoholism reveals the extent to which those promoting public health and rehabilitation have at least partially wrested the public conversation with respect to these issues away from those preaching zero tolerance and increased moral rectitude as the only solutions to the problem of substance abuse.

From a War on Drugs to Legal Reform

In December 2015, the Iranian Parliament (Majlis) agreed to formally consider changes in drug trafficking death sentence policies. After considerable public debate, voting postponements, and several rounds of revision to a reform proposal, the Majlis passed an amendment in summer 2017 raising the threshold for drug-related death sentences. The amendment went into effect in October 2017, when the Guardian Council approved the parliamentary decision. In effect, the new judicial order is applying the change in the law retroactively, as it is slated to dramatically reduce Iran's drug-related execution rate in 2018 and beyond.

Under the previous, ultra-strict standards, a person convicted of possessing 30 grams of heroin would receive the death penalty. The new standard has increased the death penalty threshold ten-fold for opium and other “conventional” narcotics, with a lower threshold for increasingly popular synthetic drugs, such as crystal methamphetamines.²⁵ These thresholds are part of what Iranian officials have routinely referred to as the “battle against drug trafficking” or “battle against drugs,” evoking the language of a societal war on drugs utilized since the

early 1980s in countries from the U.S. to Mexico to the Philippines and beyond.

The Islamic Republic's drug offender death penalty rate has long been a point of contention for global activists as well as Iranian reformists. At the same time, it has been routinely defended by supporters in Iranian policy and law enforcement circles as a necessary component in an ongoing national battle against drug trafficking and drug use. Iran is said to have executed close to 600 people in 2016 after executing approximately 900 people in 2015 and has now said to have executed over 10,000 individuals in the past twenty years, the majority on drug-related charges. According to one Amnesty International estimate, Iran has executed approximately 10,000 people for drug-related offenses alone since 1988.²⁶

At the time of Chief Justice Larijani's judicial order, there were approximately 5,000 people on death row in Iran on drug-related charges, most of whom were between the ages of 20 and 30.²⁷ Approximately 4,000 current death row inmates have been convicted on drug-related charges that fall below the new death penalty drug possession threshold and are thus potentially in line to have their sentences commuted as a result of the judicial order.

Global human rights organizations like Amnesty International have long publicized Iran's death penalty record as a marker of human rights abuses in the country. International institutions like the U.N. (as well as a number of its powerful member states) have similarly spoken out against Iran's high rate of executions. In April 2016, the U.N.'s Human Rights Chief, Zeid Ra'ad Al Hussein, admonished Iran: “Given the broadening recognition in Iran that the death penalty does not deter drug crime and that anti-narcotics laws need to be reformed, I call on Iran to take the important first step of instituting a moratorium on the use of the death penalty.”²⁸ Tellingly, in noting the seeming failure of Iran's zero-tolerance policies, Al Hussein's statement echoed arguments used by Iranian criminal law reformers inside the country.

For their part, some officials in the Islamic Republic have seemed more willing to admit that the country's notoriously stern anti-drug trafficking laws, and in particular the high rate of executions, have not had their intended effect as far as curbing the illicit trade in narcotics. Thus, in 2016, the deputy head of the Judiciary for Social Affairs, Mohammad Baqer Olfat, revealingly observed that “[t]he truth is, the execution of drug smugglers has had no deterrent effect...We have fought full-force against smugglers according to the law, but unfortunately we are experiencing an increase in the

volume of drugs trafficked to Iran, the transit of drugs through the country, the variety of drugs, and the number of people who are involved in it.”²⁹

Speaking before the new parliamentary law and judicial order were formalized, Olfat further suggested that Iran would be better off if drug offenders simply served long prison terms rather than be subjected to the death penalty. And that is precisely what the 2018 judicial order would formalize. In his order, Chief Justice Larijani stated that those convicts who have their death sentences commuted will instead serve sentences of life in prison.³⁰

That the conservative Larijani approved this criminal justice reform—along with the Guardian Council (the twelve-person clerical body that reviews all parliamentary laws to determine their compliance both with Islamic legal norms and with the Iranian constitution) is telling, as the change has received meaningful support not only among reformists and pragmatists, but also among some influential conservatives. This shift among reformists and conservatives alike from the zero-tolerance logic of the 1980s and 1990s reveals the extent to which an increasingly public drug crisis and grassroots efforts to address that crisis have altered the state-level consensus on drug policy in Iran.

Of course, not everyone in Iran has come to agree that the drug trafficking death penalty threshold needs to be raised or that Iran’s drug laws need any reform. Like most debates of significance in Iran—on everything from law to social welfare services to economic policies—the conversation on drug sentencing has revealed factionalism among Iranian elites.³¹ While the amendment to the drug trafficking law was eventually passed with substantial parliamentary support, voting on the law had to be postponed several times owing to pressure from law enforcement officials and members of the judiciary who opposed the changes.

Law enforcement agencies have been the most vociferous opponents of changes in Iranian drug laws. At a drug law enforcement conference in the months leading up to the reform, the head of the prosecutor’s office in the Khorasan Razavi province, Hujjat ol-Islam Ali Mozaffari, argued, “We should not remove execution from our drug laws for the sake of Western governments and their arrogant institutions. Even if we change a thousand of our laws, it will not diminish [these governments’] opposition and malice toward the Islamic Republic of Iran.”³²

At the same conference, Anti-Narcotics Police General Mohammad Massoud Zahedian blamed the U.S.’s post-9/11 military policies in the Middle East and particularly

its military occupation of Afghanistan for Iran’s drug trafficking woes. Zahedian reminded the audience that in 2001, before the U.S. invasion of Afghanistan, only 185 tons of narcotics were produced in that country, whereas by 2016 that figure had exponentially ballooned to 4,400 tons. Arguing for the continued importance of strict policing and harsh sentences for drug traffickers, Zahedian claimed that in the previous year alone, 710 tons of narcotics were seized in Iran and that several hundred law enforcement officers had been killed or wounded trying to curb trafficking.³³ The allusion to the large number of law enforcement injuries and deaths in Iran’s war on drugs is a particularly popular reference for officials arguing that only the harshest possible penalties will curb drug smuggling and drug use in the country.

Still, despite protestations by law enforcement agencies and judicial conservatives, grassroots efforts to change the conversation on drug use in Iran reveals that not all Iranians are on board with the Islamic Republic’s longstanding war on drugs. As in several other countries known for pushing zero-tolerance drug policies in the 1980s and 1990s, including Uruguay³⁴ and the U.S.,³⁵ public opinion regarding punishments for drug offenses in Iran has gradually shifted in the direction of increasing support for lighter sentences and addiction rehabilitation. Mirroring legal trends in those countries, where drug sentencing began to slowly inch away from the maximalist logic of the war on drugs, the legal changes in the Islamic Republic reveal the extent to which Iranian policy has shifted in the rehabilitative direction promoted by numerous advocacy groups and by Iranian civil society generally.

Conclusion

In the aftermath of the January 2018 judicial order that made it legally permissible for nearly 5,000 prisoners to have their death sentences reviewed and commuted, and which recommended that the Islamic Republic’s judicial apparatus attend to these cases expeditiously, it is as yet unclear how many lives have been spared.³⁶ According to the text of Larijani’s judicial order, those death row prisoners who want their cases reviewed would have to file paperwork to that end, putting their lives in the hands of individual judges, some of whom could be either more or less inclined to make any drastic changes to previous sentencing. Yet, in April 2018, Parviz Afshar, the spokesperson for Iran’s Drug Control Headquarters, whose members had earlier spoken out against the change in policy, officially stated that between three and four thousand of those on death row for drug offenses in Iran would soon have their sentences commuted.³⁷

As this Brief suggests, however, the significance of this legal reform is not simply that it will save the lives of a few thousand death row inmates, but that it is part of a broader societal and thus governmental rethinking of Iran's approach to drug use.

Beyond this important death penalty reform, it is possible that further drug law reforms are being considered in Iran. In 2015, Saeed Sefatian, the head of the working group on drug reduction in the Islamic Republic's Expediency Council—the appointed administrative assembly that acts as an advisory body to Iran's Supreme Leader—proposed a major overhaul of Iran's drug policies. Sefatian's proposal included death penalty reform, but it ultimately went much further. The proposal argued that the state should cultivate, produce, and manage most drug use—particularly of marijuana and opium—from beginning to end, rather than criminalize it. This would mean reintroducing the cultivation of poppy and cannabis plants in Iran and fully decriminalizing marijuana and opium.³⁸ The effects of this suggested change on the criminal and penal status quo in Iran would be profound: for one thing, rates of incarceration would drop precipitously. Proponents of these proposed reforms also argue that such changes would reduce the illicit drug trade in Iran, ultimately addressing the crisis of addiction in the country.

As this Brief has shown, Iran has already revised its approach to illicit substances and anti-narcotics laws more than once, albeit to a significantly less radical extent than in the reforms proposed by Sefatian. Starting in the Khatami era, the Iranian government shifted its previous hard-line stance to incorporate the harm reduction and addiction treatment models favored by grassroots organizations. In the past decade this shift has become institutionalized, with public health initiatives, HIV treatment, and drug and alcohol rehabilitation increasingly seen as normative responses to substance abuse rather than as exceptions. To what extent any future legal reforms away from the logic of a war on drugs would reduce Iran's rates of drug-related execution and incarceration, or substantially address the country's substance abuse crisis, remains to be seen.

Endnotes

1 The Islamic Republic has routinely been ranked second in total executions after the People's Republic in China. Iran doesn't release formal death sentence numbers, but the Iranian news media, the United Nations, and several global human rights organizations attempt to keep records. For up-to-date global death penalty rates, see [Amnesty International](#), "The Death Penalty in 2016: Facts

and Figures" (April 11, 2017). In terms of total prisoner population, Iran ranks among the top ten countries in the world. See [Institute for Criminal Policy Research](#), [World Prison Brief: "Highest to Lowest—Prison Population Total."](#)

- 2 On the high rate of drug use in Iran, see [Maziyar Ghiabi](#), "The Paradox of Iran's War on Drugs and Its Progressive Treatment of Addiction," *The Conversation*, July 2, 2014. See also [Maziyar Ghiabi](#), "Maintaining Disorder: The Micropolitics of Drugs Policy in Iran," *Third World Quarterly*, 39:2, 277–97 (2017).
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- 4 [Bethan Mckernan](#), "Number of Drug Addicts in Iran 'Doubles' in Six Years," *The Independent*, June 26, 2017.
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- 8 UNODC, *World Drug Report 2014* (New York: United Nations, 2014).
- 9 Interestingly, according to the 2013 UNODC World Drug Report, more rigorous border control for Iran has meant that regional drug trafficking has increasingly been routed through Iraq instead. See UNODC, *World Drug Report 2013* (New York: United Nations, 2013).
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- 11 [S. A. A. Razwy](#), "Khomeini Upheld the Ideals and Values of Islam," (Letter to the editor) *The New York Times*, June 8, 1989.
- 12 [Janne Bjerre Christensen](#), *Drugs, Deviancy, and Democracy in Iran: The Interaction of State and Civil Society* (New York: I.B. Tauris, 2011).
- 13 *Ibid.*, p. 126.

- 14 The majority of those living with HIV/AIDS in Iran are or have been intravenous drug users. See <http://www.unaids.org/en/dataanalysis/knowyourresponse/countryprogressreports/2012countries>.
- 15 Zahra Alam-Mehrjerdi et al., “Women-Only Drug Treatment Services and Needs in Iran: The First Review of Current Literature,” *DARU Journal of Pharmaceutical Sciences* 24: 3 (2016).
- 16 For drug-related incarceration rates, see UNODC, “Islamic Republic of Iran: Drug Prevention, Treatment and HIV/AIDS Situation Analysis.” See <http://www.asriran.com/fa/news/492970/70> (in Persian) for prison drug use rates.
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- 23 Rezaian, “Women Addicted to Drugs in Iran Begin Seeking Treatment Despite Taboo.”
- 24 Adam Taylor, “Iran Is Opening 150 Alcoholism Treatment Centers, Even Though Alcohol Is Banned,” *The Washington Post*, June 9, 2015.
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