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Assessment of Leniency Measures in Drug-Related Offenses under Iran's Criminal Policy in Light of International Drug Control Conventions

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Drug-related offenses present a complex challenge for criminal policy because they encompass conduct ranging from dependency-driven possession and minor participation to organized, armed, and profit-oriented trafficking. This article assesses the legal status and practical operation of leniency measures in Iran's criminal policy toward drug-related offenses in light of the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Using a doctrinal and analytical method, the study examines mitigation of punishment, postponement of sentencing, suspension of sentence execution, alternatives to imprisonment, conditional release, semi-liberty, electronic monitoring, pardon, treatment, rehabilitation, and social reintegration. The findings indicate that Iranian law has developed a relatively broad formal framework for individualized and rehabilitative responses, particularly through the 2013 Islamic Penal Code and the 2017 amendment to the Anti-Narcotics Law, which restricted the scope of capital punishment in drug cases. Nevertheless, the practical effectiveness of these measures remains limited by fragmented legislation, broad statutory exclusions, excessive reliance on drug quantity, inconsistent judicial interpretation, insufficient differentiation between minor participants and organized traffickers, and inadequate coordination among judicial, prison, treatment, and welfare institutions. The international drug-control conventions do not require uniformly severe punishment for all drug-related conduct; rather, they support serious sanctions for grave trafficking while permitting treatment, education, aftercare, rehabilitation, and social reintegration for drug-dependent and minor offenders. The article concludes that Iran should adopt a more coherent, role-sensitive, and risk-based framework. Severe sanctions should be reserved for armed, organized, leadership-level, and repeat professional trafficking, while treatment-oriented and supervised non-custodial measures should be expanded for minor, nonviolent, dependency-driven, and low-risk offenders.

Keywords: *Leniency Measures; Drug-Related Offenses; Iranian Criminal Policy; Anti-Narcotics Law; Individualization of Punishment; International Drug Control Conventions*

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1. Introduction

Drug-related crime presents criminal justice systems with a persistent conflict between the protection of public security and the requirement to preserve proportionality, human dignity, rehabilitation, and individualized justice. The production, transportation, distribution, possession, and consumption of narcotic drugs and psychotropic substances do not constitute a homogeneous category of

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conduct. They encompass activities ranging from personal consumption and dependency-driven possession to minor transportation, street-level distribution, professional trafficking, armed smuggling, financing, and leadership of transnational criminal networks. A criminal policy that treats all these forms of conduct in substantially the same manner risks ignoring major differences in culpability, dangerousness, motivation, personal circumstances, and capacity for rehabilitation. Conversely, a policy that applies leniency without adequate differentiation may weaken deterrence and fail to respond appropriately to serious organized trafficking. The central challenge is therefore not whether drug-related offenders should invariably be treated harshly or leniently, but how criminal law can construct a rational and reviewable system in which the severity of the response corresponds to the nature of the offense and the characteristics of the offender.

Iran has long confronted particularly serious drug-control challenges because of its geographical position near major production areas and along important international trafficking routes. These circumstances have contributed to the formation of a predominantly state-centered and security-oriented criminal policy. Criminal policy, in its restricted sense, concerns the legislative, judicial, and executive responses through which the state confronts criminal behavior, whereas its broader understanding includes preventive, social, educational, rehabilitative, and participatory measures intended to reduce both crime and the conditions facilitating it (Najafi Abrandabadi, 2005). Iranian drug policy has historically emphasized criminalization, severe imprisonment, substantial fines, confiscation or seizure of assets, corporal punishment, and, in aggravated cases, the death penalty. This policy was shaped by the assumption that severe and certain punishment would deter potential offenders, incapacitate traffickers, protect society, and demonstrate the state's determination to confront an offense perceived as a threat to national security, public health, family stability, and the economic order. The punitive orientation was particularly evident in legislation governing trafficking and distribution, in which the quantity and type of the drug frequently played a decisive role in determining punishment.

The severity of statutory punishment does not, however, guarantee effective prevention. General criminal-law theory recognizes deterrence, incapacitation, retribution, rehabilitation, and social defense as distinct but interrelated objectives of punishment (Ardabili, 2017). Excessive reliance on severity may be ineffective where offenders act under addiction, poverty, exploitation, coercion, or limited awareness of the legal consequences. It may also produce extensive imprisonment, prison overcrowding, stigmatization, family disruption, and weakened prospects for lawful reintegration. Applied criminology emphasizes that the conditions leading to offending should be considered when selecting interventions because a reaction that does not address the causes and circumstances of crime may fail to prevent repetition (Salimi & Davari, 2002). This is especially relevant to drug-related offenses, many of which are committed by persons situated at the lowest levels of distribution networks or by individuals whose unlawful conduct is closely connected to dependency. Treating such persons in the same way as organizers, financiers, armed traffickers, or professional repeat offenders may create formal uniformity while producing substantive inequality.

The concept of leniency measures responds to this problem by allowing the criminal reaction to be adjusted according to statutory conditions and the individual circumstances of the case. Leniency measures are not merely acts of compassion, nor should they be interpreted as an abandonment of punishment. They are legal institutions through which prosecution, sentencing, or execution of punishment may be postponed, reduced, suspended, replaced, modified, or terminated in the interests of proportionality and rehabilitation. The Iranian legal system recognizes various institutions with this function, including mitigation of punishment, postponement of sentencing, suspension of sentence execution, exemption from punishment in limited cases, alternatives to imprisonment, conditional release, semi-liberty, electronic monitoring, pardon, commutation, and certain effects attributed to repentance. Offender-oriented leniency institutions are grounded in the proposition that the offender's social background, criminal history, post-offense conduct, personality, degree of dangerousness, and prospects of reform are relevant to the legitimacy and effectiveness of punishment (Ghasemi et al., 2024). Their application may reduce the damaging effects of imprisonment,

strengthen motivation for lawful conduct, facilitate treatment, and preserve family and occupational ties.

The emergence of these measures reflects the movement from rigid legal punishment toward judicial and executive individualization. Individualization requires the criminal response to be adapted not only to the abstract legal description of the offense but also to the real seriousness of the conduct and the offender's personal position (Moazenzadegan, 1990). In drug cases, meaningful individualization requires attention to the offender's role in the criminal operation, the scale of financial benefit, the use of violence or weapons, organizational membership, dependency, coercion, prior convictions, cooperation with authorities, and likelihood of successful treatment. It also requires differentiation between those who create and manage illicit markets and those who are exploited by them. General criminal-law doctrine accepts that punishment should reflect the degree of culpability and that mitigating circumstances may justify a reduction where the ordinary statutory response would exceed what is necessary in the individual case (Goldouzian, 2019). Leniency is therefore compatible with legality and equality when its conditions are transparent, consistently interpreted, and related to legitimate sentencing purposes.

Iranian criminal policy has not remained entirely fixed in its earlier punitive form. The adoption of the Islamic Penal Code of 2013 expanded and systematized several general leniency institutions, strengthening the legal foundation for individualized responses. The 2017 amendment to the Anti-Narcotics Law, particularly the reform associated with Article 45, restricted the application of capital punishment and substituted lengthy imprisonment and financial penalties in a substantial number of cases that would previously have attracted death sentences. Research on the contextual foundations of capital punishment in Iranian drug cases indicates that security considerations, deterrence, the scale of trafficking, the offender's organizational role, and the perceived threat to public order have strongly influenced the use of the death penalty (Khodakhah et al., 2026). The restriction of capital punishment can therefore be understood as a significant form of legislative leniency, even though it does not itself create a comprehensive system of rehabilitative alternatives. It represents an acknowledgment that the most severe and irreversible punishment should be confined to more aggravated circumstances rather than imposed primarily by reference to drug quantity.

The question of leniency must also be considered in light of the international drug-control conventions. The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances establish obligations concerning criminalization and control, but they do not compel states to apply an identical or exclusively punitive response to all drug-related conduct. Article 36 of the 1961 Convention recognizes treatment, education, aftercare, rehabilitation, and social reintegration as relevant responses to offenders affected by drug abuse. Article 22 of the 1971 Convention adopts a comparable approach to offenses involving psychotropic substances. Article 3 of the 1988 Convention requires sanctions that reflect the grave nature of serious trafficking offenses but simultaneously allows treatment, education, aftercare, rehabilitation, and social reintegration to supplement punishment and, in appropriate cases of a minor nature, to operate as alternatives to conviction or punishment. The international framework therefore contains both a repressive dimension directed toward serious illicit trafficking and a rehabilitative dimension applicable to drug-dependent, minor, and personal-use offenders.

The international conventions should not be interpreted as requiring general leniency, nor do they eliminate the discretion of states to punish serious conduct severely. Their significance lies in the recognition that effective drug control depends upon differentiation. Serious organized trafficking, financing, armed activity, exploitation of vulnerable persons, and leadership within criminal organizations may properly attract severe sanctions. Personal consumption, dependency-driven possession, minor participation, and nonviolent low-level conduct may justify treatment and non-custodial intervention. This dual structure is particularly important when assessing Iranian law because Iran's legislation contains both severe special rules and general leniency institutions whose relationship is not always clear. The existence of a leniency institution in the Islamic Penal Code does not necessarily ensure that a person convicted under the Anti-Narcotics Law can benefit from it. Special exclusions, offense classifications, mandatory consequences, restrictive interpretations,

and security-oriented judicial attitudes may substantially limit practical access.

The objective of this article is to assess the legal status, operation, and effectiveness of leniency measures in Iranian drug-related criminal policy in light of the differentiated approach reflected in the international drug-control conventions. It examines whether Iranian legislation adequately distinguishes between categories of offenses and offenders, whether the general institutions of leniency are meaningfully available in drug cases, and whether treatment, rehabilitation, aftercare, and social reintegration have been integrated into sentencing and sentence execution. It also evaluates the tension between the general provisions of the Islamic Penal Code and the special provisions of the Anti-Narcotics Law, the role of judicial discretion, and the executive capacity of prisons and treatment institutions. The central argument is that Iran has developed important legal capacities for leniency but has not yet transformed them into a coherent and consistently accessible system for drug-related offenders. The general criminal-law framework recognizes individualization and rehabilitation, while the 2017 amendment demonstrates movement away from an undifferentiated reliance on capital punishment. Nevertheless, broad restrictions, fragmentation between general and special legislation, excessive dependence on drug quantity, inconsistent judicial practice, and inadequate continuity between treatment and social reintegration continue to limit the effectiveness of the system. The appropriate direction of reform is not indiscriminate reduction of punishment. It is the establishment of a structured, offender-sensitive, and role-based framework that reserves severe sanctions for organized and aggravated trafficking while creating reliable pathways to treatment, supervision, conditional release, and reintegration for minor, nonviolent, dependency-driven, and low-risk offenders.

2. Conceptual and International Legal Framework of Leniency Measures

Leniency measures occupy an intermediate position between unconditional punishment and complete withdrawal of the criminal response. They retain the authority of criminal law while permitting its consequences to be adapted to the demands of proportionality, correction, and prevention. In a narrow sense, leniency may refer to a judicial reduction in the punishment imposed after conviction. In a broader and more useful sense, it includes all legally recognized mechanisms that reduce the intensity, duration, form, or collateral consequences of criminal intervention. This broader understanding encompasses postponement of sentencing, suspension of sentence execution, exemption from punishment where statutorily permitted, alternatives to imprisonment, conditional release, semi-liberty, electronic supervision, pardon, and treatment-based measures. These institutions differ in legal nature and procedural stage, but they share the capacity to moderate the ordinary penal reaction.

The term "leniency" should not imply that the offender has a general right to forgiveness. Most leniency institutions are conditional and discretionary. Their application depends on legally relevant considerations, including the seriousness of the offense, the offender's criminal history, the circumstances of commission, compensation for harm, cooperation, remorse, conduct during imprisonment, treatment needs, and prospects of social reintegration. The general legal concept of mitigation is connected to the principle that statutory punishment establishes a framework within which the court may determine the appropriate consequence (Zeraat, 2000). A properly regulated system of leniency does not contradict legality because the legislature itself defines the available measures and their conditions. Nor does it violate equality, provided that different treatment is based on relevant differences between cases rather than personal favoritism or arbitrary decision-making.

The theoretical legitimacy of leniency can first be explained through individualization. Classical criminal law sought to control judicial arbitrariness through predetermined penalties and formal equality. Although legality remains indispensable, strict uniformity may disregard the fact that two persons convicted under the same statutory provision may have markedly different levels of culpability and dangerousness. Individualization therefore supplements legality by requiring the criminal response to reflect both the offense and the offender. The development of individualized punishment in Iranian criminal law was intended to allow courts and sentence-execution authorities to consider personal, social, and criminological factors without abandoning the statutory framework (Moazenzadegan, 1990). In drug cases, this

approach is essential because the legal category of trafficking may encompass the organizer of a network, an armed transporter, an impoverished courier, a dependent seller, and a person acting under coercive pressure.

Proportionality provides a second foundation. Punishment should not exceed the degree justified by the seriousness of the conduct and the offender's culpability. The principle operates both legislatively and judicially. The legislature must avoid punishment ranges that create manifest disproportionality, while the judiciary must select a sentence that corresponds to the circumstances of the individual case. General criminal-law scholarship treats proportionality as a limitation on the punitive authority of the state and as an element of substantive justice (Nourbaha, 2001). In drug legislation, quantity thresholds may serve administrative and evidentiary functions, but quantity alone cannot always reveal culpability. A courier may transport a substantial amount without exercising authority over the operation or receiving a major financial benefit, whereas an organizer may avoid physical possession while controlling the enterprise. A system that determines eligibility for leniency almost exclusively by quantity can therefore produce disproportionate outcomes.

Rehabilitation constitutes a third foundation. Rehabilitation assumes that criminal conduct may be influenced by personal, social, economic, psychological, and situational factors and that appropriate intervention can reduce the likelihood of repetition. Criminology does not regard all offenders as permanently dangerous; instead, it examines the circumstances that contribute to offending and the interventions capable of altering them (Najafi Tavana, 2004). For drug-dependent offenders, punishment that does not address dependency may leave the principal driver of offending unchanged. Imprisonment may temporarily prevent access to the illicit market, but without treatment, aftercare, and social assistance, the individual may return to drug use and related crime after release. Leniency linked to treatment and supervision can therefore serve preventive purposes more effectively than an unconditional reduction in punishment.

The social-defense justification also supports conditional leniency. Society is protected not only through incapacitation but also through reducing the offender's future risk. A person who receives treatment, maintains employment, preserves family relationships, and remains under structured supervision may present less long-term danger than a person who serves a custodial sentence without meaningful intervention. Offender-oriented leniency institutions are therefore designed to combine reduced penal severity with behavioral obligations and institutional oversight (Ghasemi et al., 2024). Suspension may be accompanied by conditions, conditional release may involve supervision, semi-liberty may require employment or education, and electronic monitoring may enforce spatial restrictions. These measures are not necessarily weaker than imprisonment; in suitable cases, they may be more targeted and more demanding because they require sustained lawful behavior in the community.

The concept of rehabilitation must nevertheless be distinguished from automatic medicalization. Not every drug-related offender is drug-dependent, and not every dependent person commits offenses solely because of dependency. Organized traffickers may themselves use drugs, while some personal-use offenders may participate in distribution. A differentiated framework must therefore combine medical, social, and criminal assessments. The existence of dependency may justify treatment but should not automatically erase responsibility for serious violence, leadership, exploitation, or commercial activity. Similarly, the absence of diagnosed dependency should not automatically exclude leniency where the offender played a minor role, acted without violence, lacked a criminal history, and presents a low risk of repetition. The appropriate inquiry concerns the relationship between the offender's condition, the criminal conduct, the seriousness of participation, and the intervention most likely to protect society.

Leniency also has a procedural dimension. The justice of a substantive measure depends on the fairness of the process through which it is granted or refused. Criminal procedure regulates the gathering of information, the rights of the accused, judicial reasoning, access to expert assessments, and review of decisions. A court cannot individualize a response without reliable information about the offender and the offense. Criminal-procedure doctrine emphasizes that judicial decisions must be based on legally obtained evidence and that procedural guarantees protect both public interests and individual rights (Ashouri, 2018). In drug cases, the need for careful

procedure is heightened by the severity of potential penalties, the frequent reliance on police investigations, the possibility of group prosecutions, and the difficulty of distinguishing organizers from peripheral participants.

The preliminary investigation should identify the offender's precise role rather than merely establish physical possession or transportation. It should examine who financed the operation, who planned it, who exercised control, who obtained the principal profit, whether coercion or exploitation was involved, and whether the accused cooperated meaningfully with authorities. The procedural framework must also allow assessment of dependency, mental condition, family circumstances, and criminal history. Criminal procedure provides the institutional pathway through which substantive leniency can become effective (Khaleghi, 2010). Where investigation is focused exclusively on proving the material elements of possession or transportation, the sentencing court may lack the information necessary to determine whether mitigation, treatment, or supervised release is appropriate.

International drug-control law reinforces this differentiated and procedurally informed approach. The 1961 Single Convention on Narcotic Drugs established a system for limiting narcotic substances to medical and scientific purposes and required states to criminalize specified forms of illicit production, possession, and trafficking. Its penal provisions were not framed solely around punishment. Article 36 permits parties to provide, either as an alternative to conviction or punishment or in addition to punishment, measures of treatment, education, aftercare, rehabilitation, and social reintegration for persons who abuse drugs. This language is significant because it recognizes that criminal justice may pursue public protection through therapeutic and social interventions. It also indicates that a state does not breach its international obligations merely because it diverts an appropriate drug-dependent offender away from imprisonment.

The 1971 Convention on Psychotropic Substances applies a similar logic. Article 22 requires punishable offenses for intentional conduct contrary to the convention but allows treatment, education, aftercare, rehabilitation, and social reintegration in suitable cases involving persons who abuse psychotropic substances. The convention's approach confirms that punishment and treatment are not mutually exclusive. Treatment may supplement punishment in more serious cases, while it may replace conviction or punishment in appropriate minor cases. This structure permits states to design flexible systems that respond to the seriousness of conduct while recognizing dependency as a condition requiring intervention beyond penal suffering.

The 1988 Convention against Illicit Traffic strengthened international cooperation against trafficking, money laundering, precursor offenses, organized distribution, and related criminal activities. Its emphasis on serious trafficking is stronger than that of the earlier conventions, and Article 3 requires sanctions that take account of the grave nature of such offenses. The convention identifies imprisonment, other forms of deprivation of liberty, pecuniary sanctions, and confiscation as possible responses. It also recognizes aggravating factors such as participation in organized criminal groups, use of violence or weapons, involvement in other illegal activities, abuse of public office, victimization of minors, commission in penal or educational institutions, and prior convictions. This framework supports severity toward organizers, armed traffickers, repeat professionals, and persons who exploit vulnerable populations.

The same Article 3 nevertheless preserves substantial room for leniency and differentiation. It allows treatment, education, aftercare, rehabilitation, and social reintegration to accompany conviction or punishment. In appropriate cases of a minor nature, parties may provide these measures as alternatives to conviction or punishment. The convention also recognizes special flexibility in relation to possession, purchase, or cultivation for personal consumption and where the offender is a drug abuser. Consequently, international drug-control law cannot accurately be characterized as requiring the maximum available punishment for every drug offense. Its structure is better understood as differentiated severity: effective and proportionate punishment for serious trafficking combined with treatment-oriented or non-custodial responses for suitable minor and dependency-related conduct.

This distinction is consistent with the broader concept of criminal policy as a coordinated selection of responses rather than a single punitive technique. Criminal policy should identify which conduct requires incapacitation, which requires deterrence, which requires treatment, and which can be addressed through community-based

intervention (Mani, 2008). The conventions leave states considerable discretion in defining offenses and selecting sanctions, subject to constitutional principles and the seriousness of conduct. This discretion creates an opportunity for individualized policy, but it also imposes a responsibility to avoid arbitrary differentiation. The legal framework should specify why one offender is eligible for treatment or conditional release while another is excluded.

The international framework suggests several criteria for evaluating Iranian policy. The first is whether legislation distinguishes serious organized trafficking from conduct of a minor nature. The second is whether drug dependency is assessed as a relevant factor without being used to excuse serious commercial or violent conduct. The third is whether treatment, education, rehabilitation, aftercare, and social reintegration are genuinely available rather than merely declared objectives. The fourth is whether non-custodial and conditional measures can operate at different stages of the criminal process. The fifth is whether decisions are based on transparent criteria and subject to procedural safeguards. The sixth is whether severe and irreversible punishments are confined to cases demonstrating a correspondingly high level of culpability and danger.

These standards do not produce a simple choice between repression and leniency. They require a layered system. At one end are organizers, financiers, armed traffickers, major repeat offenders, and those who exploit children or vulnerable persons; at the other are dependent users, first offenders, minor couriers, and persons whose conduct is nonviolent and limited. Between them are offenders whose cases require careful assessment. A legitimate criminal policy must provide judges and sentence-execution authorities with sufficient discretion to distinguish these cases while also supplying standards that prevent inconsistent or discriminatory outcomes. The effectiveness of Iranian leniency measures must therefore be assessed not only by counting the institutions formally recognized in legislation but also by examining who can access them, under what conditions, through what procedure, and with what rehabilitative support.

3. Leniency Measures within Iranian Drug-Related Criminal Policy

The Iranian legal framework governing drug offenses is characterized by the interaction of general criminal law and special anti-narcotics legislation. The Islamic Penal Code establishes general principles of criminal responsibility, sentencing, mitigation, suspension, conditional release, alternatives to imprisonment, and other institutions. The Anti-Narcotics Law defines specific drug-related offenses and provides specialized punishments, restrictions, procedures, and institutional mechanisms. The relationship between the two is central to the operation of leniency. General criminal-law doctrine ordinarily permits the application of general rules unless a special statute provides otherwise (Goldouzian, 2019). In practice, however, the severity and special status of anti-narcotics legislation have often encouraged restrictive interpretations, with general leniency measures being treated as unavailable or narrowly applicable where the special law imposes mandatory or exceptional consequences.

The legislative history of Iranian drug control demonstrates repeated movement between punitive intensification and limited moderation. Earlier legislation progressively criminalized cultivation, production, possession, transportation, distribution, and consumption. Following the Revolution, drug control was strongly associated with public order and security, and the Anti-Narcotics Law adopted severe penalties intended to incapacitate traffickers and deter participation in illicit markets. The dominant model placed substantial weight on the type and quantity of the drug, with escalating punishments that could culminate in life imprisonment or death. General criminal-law principles recognize the legislature's authority to select severe sanctions for conduct considered exceptionally harmful (Nourbaha, 2001). Nevertheless, quantity-based escalation may become problematic when it leaves insufficient room to distinguish between the owner or organizer of a consignment and the person employed to carry it.

The position of drug-dependent persons has also undergone gradual change. An exclusively punitive model treats consumption and addiction primarily as violations requiring criminal condemnation. A treatment-oriented model understands dependency as a condition that may reduce the effectiveness of

punishment and require medical and social intervention. Iranian policy has increasingly recognized treatment, rehabilitation centers, voluntary referral, compulsory treatment in specified circumstances, and participation by non-governmental institutions. This development is consistent with criminological approaches that regard repeated drug use and related offending as influenced by psychological, social, familial, and economic factors (Najafi Tavana, 2004). The change does not amount to complete decriminalization of all conduct associated with consumption, but it reflects a partial separation between the dependent person in need of treatment and the trafficker who profits from the dependency of others.

The Islamic Penal Code of 2013 provides the principal general framework for judicial leniency. Mitigation allows the court, where statutory grounds are present, to reduce or convert punishment within the limits prescribed by law. Relevant circumstances may include the offender's cooperation, statements or conduct facilitating discovery of accomplices or evidence, the particular conditions influencing commission of the offense, confession, remorse, good record, efforts to compensate harm, and the minor nature of participation. The concept of mitigating circumstances reflects the understanding that the formal elements of an offense do not reveal the full degree of culpability (Ardabili, 2017). In drug cases, cooperation may be especially relevant where a courier provides credible information concerning organizers, financiers, routes, storage facilities, or distribution networks. Remorse and confession, however, should not be treated mechanically; they must be evaluated alongside the voluntariness, timing, and practical significance of the offender's conduct.

Mitigation is one of the most immediately applicable forms of leniency because it operates at sentencing and does not necessarily require removal of criminal liability. It enables the court to preserve a conviction while adjusting the punishment. Yet its effectiveness in drug cases is limited when the special statute fixes severe consequences, excludes reductions, or ties the sentence predominantly to drug quantity. General criminal-law analysis recognizes judicial mitigation as an instrument for achieving proportionality within the statutory framework (Zeraat, 2000). If the applicable special rule leaves little room for reduction, the individualizing capacity of the court becomes largely symbolic. This problem is particularly acute for low-level participants whose material conduct satisfies the same statutory provision as that of more powerful actors.

Postponement of sentencing represents a more substantial departure from immediate punishment. Under the Islamic Penal Code, the court may postpone issuing the sentence for eligible offenses where the offender's circumstances, absence of an adverse record, prospect of reform, and efforts to address the consequences of the offense justify such a decision. The measure allows the court to observe conduct during a specified period before determining whether punishment remains necessary. Its rehabilitative value lies in avoiding premature stigmatization and giving the offender an opportunity to demonstrate reform. Offender-oriented institutions of this kind are intended to link leniency to verifiable behavioral change rather than grant an unconditional benefit (Ghasemi et al., 2024). In drug cases, postponement could be useful for first-time, nonviolent, minor, and dependency-driven offenders, particularly where participation in treatment can be made a condition.

Its actual availability is constrained by offense grading and special statutory restrictions. Many drug offenses are classified at levels of severity that prevent postponement, even when the offender's actual role is limited. Consequently, the formal category of the offense may exclude individualized consideration before the court evaluates whether treatment or supervision would be adequate. Such exclusions reflect concern that postponement may undermine deterrence, but they can also prevent early intervention. The international conventions permit treatment and rehabilitation as alternatives in appropriate minor cases; therefore, a domestic framework in which most drug offenses are categorically too serious for postponement may not fully use the flexibility allowed by international law.

Suspension of sentence execution allows a sentence to be imposed but not immediately enforced, subject to the offender's compliance with specified conditions. It is distinct from postponement because guilt and punishment have already been judicially determined. Suspension may be simple or accompanied by obligations such as treatment, vocational activity, residence restrictions, reporting, avoidance of specified persons or places, and participation in educational programs. Its preventive rationale is that the threat of

execution can encourage lawful conduct while avoiding the criminogenic effects of imprisonment. General criminal-law scholarship treats suspension as a mechanism through which special prevention can be achieved without unnecessary incarceration (Ardabili, 2017). It is especially suitable where the offender does not present a high risk and where community supervision can address the factors connected to offending.

In drug-related cases, suspension should theoretically be capable of separating a dependent, first-time, or peripheral offender from professional traffickers. In practice, statutory exclusions and restrictive judicial attitudes significantly narrow its scope. Courts may consider drug offenses inherently dangerous or may assume that the risk of repetition is high, particularly where dependency remains untreated. The proper response is not necessarily categorical refusal but careful assessment and enforceable conditions. A suspension order that requires structured treatment, periodic testing, employment, and supervision may offer greater long-term protection than a short custodial sentence followed by release without support. Applied criminology emphasizes that community measures are effective only when they are connected to the offender's criminogenic needs and supported by monitoring (Salimi & Davari, 2002).

Alternatives to imprisonment constitute another important category. These may include community service, fines, educational measures, vocational obligations, treatment-based requirements, and other restrictions that permit the offender to remain in the community. Their principal advantages are the preservation of employment and family relationships, reduction of prison overcrowding, avoidance of exposure to more serious offenders, and maintenance of social responsibility. The use of alternatives corresponds to the principle that deprivation of liberty should not be imposed where a less restrictive measure can adequately achieve sentencing objectives. General criminal law recognizes that imprisonment carries social and individual costs that must be weighed against its preventive value (Nourbaha, 2001). In low-level drug cases, non-custodial measures can be combined with treatment and supervision rather than functioning as mere reductions in severity.

The difficulty is that alternatives are often linked to the formal grade of the offense and may be unavailable for a wide range of drug convictions. In addition, financial penalties may be inappropriate where the offender acted because of poverty or received only a small payment from an organized group. An excessive fine may deepen economic vulnerability and indirectly increase the risk of reoffending. Community service and vocational measures may be more suitable, but they require administrative capacity and individualized planning. Leniency cannot be evaluated solely through statutory availability; the executive institutions must have the personnel, programs, and monitoring mechanisms needed to implement it.

Repentance and exemption from punishment occupy a narrower position. In Iranian criminal law, repentance may affect liability or punishment in specified categories of offenses and under legally defined conditions. Its role in drug offenses is limited because most relevant crimes are discretionary punishments governed by special legislation and because claims of repentance must be supported by credible evidence. Nevertheless, post-offense reform, cessation of criminal association, cooperation, treatment participation, and efforts to repair harm may influence mitigation and pardon even where repentance does not formally eliminate punishment. The significance of these factors lies in demonstrating reduced dangerousness rather than in relying solely on an internal declaration.

Conditional release operates during sentence execution and is one of the most important mechanisms for progressive reintegration. It permits a prisoner who has served the required portion of the sentence and demonstrated satisfactory conduct to complete the remaining period in the community under specified conditions. Conditional release recognizes that the justification for continued incarceration may diminish when the offender has shown reform and can be supervised outside prison. The institution continues the process of individualization beyond the original judgment, allowing sentence-execution authorities to consider conduct and progress that could not have been known at trial (Moazenzadegan, 1990). For drug offenders serving long custodial terms, conditional release may provide a powerful incentive to participate in treatment, education, and vocational programs.

Drug-related convictions nevertheless frequently attract restrictive treatment in conditional-release decisions. Authorities may fear renewed involvement in trafficking or relapse into consumption. These concerns are legitimate but should be assessed individually. A person convicted of organizing repeated trafficking presents a different risk from a first-time courier who has maintained good conduct and completed treatment. The decision should be supported by a structured assessment covering criminal history, prison behavior, dependency, family support, employment prospects, associations, and compliance with treatment. A general presumption that every drug offender remains dangerous would deprive conditional release of its individualizing function.

The semi-liberty system permits an eligible prisoner to leave the custodial institution for employment, education, treatment, vocational training, family responsibilities, or comparable rehabilitative purposes while remaining subject to legal control. It is designed to reduce the abrupt transition between incarceration and complete release. The offender gradually resumes lawful social roles while the state retains supervision. This system is particularly relevant to long-term prisoners whose family and occupational connections have deteriorated. Maintaining or rebuilding these connections can reduce the social isolation that often contributes to recidivism. Offender-centered leniency emphasizes reintegration as a process rather than a single release decision (Ghasemi et al., 2024). Semi-liberty translates that concept into a structured stage of sentence execution.

Electronic monitoring similarly offers an intermediate response between prison and unrestricted freedom. It may be used to enforce residence requirements, movement restrictions, exclusion zones, and attendance at treatment or employment. In appropriate drug cases, it can control risk while allowing access to community-based rehabilitation. Electronic monitoring should not, however, be treated as a purely technological solution. Without treatment, supervision, and social assistance, it controls location but not the motivations and circumstances associated with offending. It may also produce unequal outcomes where an offender lacks stable housing, family support, or access to technology. Eligibility criteria must therefore account for socioeconomic disadvantage rather than making community-based leniency available only to those with favorable living conditions.

Pardon and commutation provide another avenue for reducing or terminating punishment. Pardon has a constitutional and institutional character and is generally granted following assessment by the relevant authorities and approval through the legally prescribed process. It can correct excessive severity, reward exceptional reform, respond to humanitarian circumstances, and reduce sentences rendered disproportionate by subsequent legislative change. Pardon should not substitute for coherent sentencing law because an offender should not have to depend on extraordinary executive relief where ordinary judicial mechanisms are adequate. Nevertheless, it plays an important role where special drug legislation restricts judicial discretion. The procedure should apply transparent criteria concerning the offense, criminal history, conduct, rehabilitation, health, family circumstances, and public-safety risk.

The 2017 amendment to the Anti-Narcotics Law represents the most consequential form of legislative mitigation in recent Iranian drug policy. It restricted the death penalty by requiring aggravated conditions and altered the punishment of numerous persons whose cases had previously fallen within capital thresholds. The amendment reflects concern about the fairness, effectiveness, and irreversible nature of death sentences in drug cases. Scholarship addressing the death penalty in the Iranian drug-control system has questioned whether broad capital punishment is compatible with proportionality and contemporary human-rights standards (Solhchi & Nasiri, 2018). The reform did not abolish capital punishment for all drug offenses, but it narrowed its use and directed the most severe response toward more aggravated conduct.

The conditions associated with the continued use of capital punishment place greater emphasis on factors such as weapons, organized leadership, exploitation of minors or persons lacking legal capacity, serious prior convictions, and higher quantitative thresholds. This development is important because it shifts part of the analysis from the mere presence of drugs toward aggravating circumstances and organizational role. Research on capital sentencing indicates that security discourse and perceived dangerousness continue to influence the imposition of death sentences (Khodakhah

et al., 2026). The reform therefore constitutes a significant but incomplete movement toward individualized severity. Its effectiveness depends on careful interpretation of aggravating factors and on ensuring that peripheral participants are not inaccurately classified as leaders or principal actors.

The procedural operation of leniency is equally important. Courts require accurate investigation and reasoned submissions concerning the offender's role, dependency, cooperation, and personal background. Prosecutors and investigators should not treat all members of a group as equally culpable merely because they were present in the same operation. Criminal procedure requires the attribution of conduct and evidence to each accused person (Ashouri, 2018). Defense counsel must have access to the evidence necessary to challenge allegations of leadership, organization, or prior participation. Expert assessment may be needed to establish dependency, mental condition, coercion, and treatment suitability.

The judge responsible for sentence execution also has a crucial role. This authority monitors implementation of the judgment and may contribute to decisions concerning conditional release, electronic monitoring, prison leave, semi-liberty, and related measures. The involvement of sentence-execution judges permits individualization to continue after conviction, but it may also create inconsistency where standards are vague. Criminal procedure requires clear allocation of authority and reasoned decision-making to protect legality and equality (Khaleghi, 2010). Prison authorities, treatment centers, social workers, psychologists, and pardon commissions must provide reliable information rather than relying on generalized descriptions such as "good conduct" or "reform."

The domestic system consequently possesses a substantial formal range of leniency institutions. Its central weakness is not complete absence but fragmentation and restricted accessibility. The general code expresses rehabilitation and individualization, while the special law often reflects deterrence and security. The offender may qualify in principle under a general rule but be excluded because of offense classification or special restrictions. Judicial and executive practices may vary considerably. The result is a transitional framework in which leniency exists but is not consistently organized around a clear classification of offenders. To evaluate its compatibility with international conventions, it is necessary to determine whether these formal capacities produce meaningful differentiation in practice.

4. Assessment of Iranian Criminal Policy in Light of International Drug Control Conventions

Iranian criminal policy demonstrates several areas of convergence with the international drug-control conventions. The first is the continued criminalization and severe punishment of serious trafficking. The conventions require effective measures against illicit production, manufacture, transportation, distribution, financing, and organized trafficking. Iranian law clearly satisfies the demand for criminalization and places particular emphasis on conduct regarded as threatening national and public security. Severe punishment for armed activity, leadership of trafficking organizations, repeated professional offending, and exploitation of vulnerable persons is compatible with the conventions' recognition of the grave nature of serious trafficking. International law does not require states to extend leniency to offenders whose conduct demonstrates a high degree of violence, organization, profit, or social danger.

The second area of convergence is the growing differentiation between drug-dependent persons and commercial traffickers. Iranian policy increasingly recognizes treatment and rehabilitation as appropriate responses to addiction. This distinction corresponds to the conventions' authorization of treatment, education, aftercare, rehabilitation, and social reintegration for persons who abuse drugs. Criminological literature supports the separation of dependency-related behavior from professional criminality because the causes, risks, and appropriate interventions differ (Najafi Tavana, 2004). The existence of treatment centers, voluntary and compulsory treatment arrangements, and the participation of non-governmental institutions indicates that Iranian policy is no longer based exclusively on penal condemnation of the dependent person.

The third area of convergence is the expansion of general leniency institutions under the Islamic Penal Code. Mitigation, postponement, suspension, alternatives to imprisonment, conditional release, semi-liberty, and electronic monitoring provide legal mechanisms through which courts and sentence-execution authorities can

respond differently to different offenders. These institutions are broadly consistent with the flexibility permitted by the conventions. They also reflect the modern understanding that criminal policy should use a range of interventions rather than rely solely on imprisonment (Mani, 2008). Their existence allows Iran, at least formally, to combine punishment of serious conduct with rehabilitative measures for suitable offenders.

The fourth area is the restriction of capital punishment through the 2017 amendment. The international drug-control conventions require serious sanctions but do not require the death penalty. By reducing the number of offenses attracting death and attaching capital punishment to more aggravated conditions, Iranian law moved toward a closer relationship between punishment and culpability. Criticism of broad capital punishment in drug cases has emphasized its irreversibility and the danger that quantity-based rules may expose low-level offenders to the most severe sanction (Solhchi & Nasiri, 2018). The amendment therefore strengthens proportionality, even though continued use of the death penalty remains controversial and even though lengthy substitute sentences may themselves raise questions of excessive severity.

The fifth area of convergence is the recognition that leniency can operate during sentence execution. The conventions refer not merely to treatment but also to aftercare, rehabilitation, and social reintegration. Conditional release, semi-liberty, prison leave, electronic monitoring, vocational activity, and pardon can contribute to this broader process. A person cannot be effectively reintegrated through a single release decision after years of institutional separation. Progressive measures can rebuild employment, family responsibilities, and community connections. Applied criminology regards strengthening protective social factors as an important component of reducing recidivism (Salimi & Davari, 2002). Iranian sentence-execution institutions therefore provide a potential foundation for implementing the conventions' rehabilitative orientation.

These elements demonstrate that Iranian criminal policy is not wholly inconsistent with international drug-control law. The principal issue is the gap between formal capacity and systematic application. The conventions permit differentiated responses, but Iranian legislation does not always provide a clear method for determining which offenders should receive them. Drug quantity remains a dominant criterion. Although quantity can indicate the scale of an operation, it does not necessarily establish the offender's role, profit, authority, or personal culpability. A person who physically carries drugs may be legally exposed to a severe sentence even when another person organized and financed the operation. The organizer may deliberately distance himself from possession, while the courier assumes the evidentiary risk.

A more convention-compatible approach would treat quantity as one factor among several. Role, intent, financial interest, use of violence, organizational authority, exploitation, dependency, coercion, criminal history, and cooperation should also influence punishment and eligibility for leniency. Individualization requires examination of the real circumstances of participation (Moazenzadegan, 1990). Where quantity automatically determines both sentence severity and exclusion from leniency, the court may be prevented from addressing substantive differences. This limitation is particularly serious for minor couriers, women or young persons exploited by organized groups, and individuals who transport drugs in exchange for a small payment because of economic vulnerability.

Iranian policy also insufficiently distinguishes between conduct "of a minor nature" and serious trafficking. The 1988 Convention expressly allows alternatives to conviction or punishment in appropriate minor cases, but domestic legislation does not establish a comprehensive definition of minor drug offending. The absence of a statutory category leaves the matter to fragmented provisions and judicial interpretation. A minor offense should not necessarily be defined by drug quantity alone. It may involve limited participation, absence of violence, no organizational authority, modest or no financial gain, lack of prior convictions, and low public-safety risk. Establishing such criteria would not legalize trafficking. It would enable courts to determine whether imprisonment is necessary and proportionate.

Broad categorical exclusions from postponement, suspension, alternatives, or conditional measures also restrict alignment with the conventions. A categorical exclusion assumes that the statutory name or grade of the offense is sufficient to establish dangerousness. Offender-oriented leniency rejects that assumption and

requires attention to personal and situational factors (Ghasemi et al., 2024). Exclusion may be justified for armed trafficking, leadership, serious violence, exploitation of minors, or repeated professional offending. It is harder to justify where the offender is nonviolent, has no prior record, played a peripheral role, and is suitable for supervision or treatment. Rebuttable restrictions would protect public security more effectively than absolute exclusions because they would allow courts to deny leniency where risk is demonstrated while permitting it where the statutory presumption is overcome.

The availability of leniency is also concentrated too heavily at the stages of sentence reduction and post-conviction release. The conventions allow treatment and rehabilitation to operate as alternatives to conviction or punishment in suitable minor cases. Iranian policy could therefore make greater use of early diversion, deferred prosecution, conditional discontinuance, treatment orders, and supervised community dispositions. Early intervention is particularly relevant where the offense is closely connected to dependency. Imprisoning the offender before beginning treatment may intensify stigma, interrupt employment, and weaken family support. Criminal procedure could authorize prosecutors or courts to suspend proceedings subject to successful completion of treatment and compliance with supervision, provided that serious trafficking is excluded and judicial oversight is preserved.

Any expansion of early diversion must be accompanied by procedural protections. The accused should not be pressured to accept treatment or admit facts without legal advice. Eligibility decisions should be based on clear evidence, and unsuccessful treatment should not automatically produce a harsher sentence. Criminal procedure must protect voluntariness, equality, and access to review (Ashouri, 2018). The system should also prevent regional inequality whereby diversion is available only in areas with treatment facilities. National standards and adequate funding are necessary if treatment-oriented leniency is to operate as a legal institution rather than an exceptional local practice.

The judicial culture surrounding drug offenses presents another obstacle. Legislators may create discretion, but judges may hesitate to exercise it because of concern about public criticism, recidivism, or the perception that leniency weakens deterrence. The history of severe drug legislation has reinforced the idea that strict punishment is the principal indicator of effective control. Research on death-penalty decisions shows the continuing influence of security considerations and perceived threats to social order (Khodakhah et al., 2026). These concerns should not be dismissed, but they should be translated into evidence-based criteria. A court should identify the specific facts demonstrating why an offender presents a high risk rather than relying on the general harmfulness of drugs.

Inconsistent judicial interpretation can also produce unequal treatment. One court may regard a general leniency provision as applicable unless expressly excluded, while another may interpret the special anti-narcotics legislation as creating an implied bar. One judge may treat cooperation as substantial, while another may require information leading directly to the arrest of principal offenders. Differences may similarly arise in the assessment of remorse, dependency, good conduct, and reformability. General criminal-law doctrine requires discretion to be exercised within legal limits and on the basis of relevant circumstances (Ardabili, 2017). Sentencing guidelines, published judicial decisions, and reasoned judgments could reduce unjustified variation without eliminating judicial independence.

Reasoned decision-making is crucial. When a court grants or refuses mitigation, suspension, or an alternative sentence, it should explain how the offender's conduct and circumstances satisfy or fail to satisfy the legal criteria. A statement that the offense is "serious" is insufficient where all drug offenses are considered serious in a general sense. The court should specify whether severity arises from quantity, organization, violence, leadership, prior offending, exploitation, or another factor. Likewise, a decision granting leniency should identify the evidence of minor participation, dependency, cooperation, or rehabilitation. Reasoned decisions facilitate appellate review and contribute to the gradual development of consistent standards. Criminal procedure treats judicial reasoning as an element of accountability and lawful adjudication (Khaleghi, 2010).

The assessment of dependency requires particular care. A treatment-oriented policy must avoid both under-recognition and overgeneralization. Courts should have access to qualified medical and psychological assessment

capable of distinguishing dependency from occasional use and determining the relationship between the condition and the offense. Treatment suitability should include consideration of the offender's willingness to participate, previous treatment attempts, co-occurring conditions, family environment, and risk of relapse. Dependency should not automatically excuse leadership, violence, or large-scale profit, but it may remain relevant to the form and conditions of punishment. A serious offender may require both punishment and treatment.

The conventions' reference to education, aftercare, rehabilitation, and social reintegration demonstrates that treatment cannot be reduced to short-term detoxification. Dependency is frequently recurrent, and successful intervention may require continued medical care, psychological services, peer support, housing, employment, and family assistance. If a person completes treatment in prison but is released into unemployment, homelessness, stigma, and renewed contact with criminal networks, the probability of relapse may remain high. Criminological approaches emphasize that rehabilitation depends on both individual change and the social environment to which the person returns (Salimi & Davari, 2002). Iranian policy should therefore connect leniency decisions to a comprehensive reintegration plan.

The executive capacity of the prison and welfare systems is decisive. Conditional release or electronic monitoring cannot succeed without trained officers, manageable caseloads, accessible treatment, and reliable communication between institutions. Semi-liberty requires employers, educational institutions, and treatment providers willing to cooperate. Community service requires suitable placements and supervision. Pardon commissions and sentence-execution judges require complete and accurate reports. Where administrative resources are limited, authorities may prefer continued imprisonment because it appears simpler to control. The result is that legal leniency remains underused not because the offender is unsuitable but because the state lacks implementation capacity.

Electronic monitoring illustrates this challenge. It can reduce imprisonment and enforce compliance, but it may become a form of surveillance without rehabilitation. It can also discriminate against offenders who lack stable housing or supportive families. A fair system should not treat poverty as evidence of unsuitability. Public or supervised accommodation may be necessary for persons who would otherwise qualify. The conditions imposed should be proportionate and connected to risk. Excessively restrictive schedules may prevent employment or treatment and thereby undermine reintegration.

Pardon presents a related concern. While pardon can correct excessive punishment, heavy reliance on it may conceal defects in ordinary law. If large numbers of drug offenders require extraordinary relief because general sentencing institutions are unavailable, the legislature should reconsider the underlying exclusions. Pardon decisions are also less transparent than judicial sentencing and may not establish general standards. The preferable system is one in which courts can impose proportionate sentences from the outset and sentence-execution authorities can apply conditional measures according to published criteria. Pardon should remain a supplementary humanitarian or corrective mechanism rather than the primary route to leniency.

The 2017 restriction of capital punishment should be extended through further role-sensitive interpretation and reform. The amendment's use of aggravating circumstances is an important advance, but courts must carefully determine whether the accused actually exercised leadership, used a weapon, exploited a minor, or possessed the required criminal history. Collective attribution should be avoided. The irreversible nature of capital punishment requires the highest evidentiary and procedural safeguards. Concerns about proportionality in drug-related death sentences remain significant where responsibility is inferred from association or physical possession rather than demonstrated authority and culpability (Solhchi & Nasiri, 2018).

Lengthy imprisonment substituted for death also requires scrutiny. Replacing an irreversible punishment with a severe custodial term is a major improvement, but it does not by itself establish a rehabilitative policy. Extremely long sentences may reduce incentives for reform and make reintegration difficult. Eligibility for conditional release, sentence review, treatment, and progressive regimes should therefore be preserved where the offender demonstrates genuine rehabilitation and does not fall within the highest-risk categories. Public security can be protected through careful assessment and supervision rather than an assumption

that every long-term drug prisoner must remain incarcerated for the maximum possible period.

Legislative reform should begin with a clear statutory classification of drug-related offenders. The law should distinguish dependent personal-use offenders, minor nonviolent participants, low-level couriers, street-level sellers, repeat commercial offenders, organized participants, financiers, leaders, and armed traffickers. These categories should not operate as inflexible labels but as frameworks for assessing role and risk. The classification should identify aggravating and mitigating factors and specify which leniency institutions are presumptively available, conditionally available, or ordinarily excluded. Such a framework would enhance legal certainty while preserving judicial discretion.

The law should also replace most blanket exclusions with rebuttable presumptions. Serious organized and violent offenses may carry a presumption against suspension or non-custodial punishment, but the court should make individualized findings. Minor, nonviolent, first-time, and dependency-driven offenses should carry a presumption in favor of treatment, supervision, or alternatives unless specific facts demonstrate that imprisonment is necessary. This structure would reflect both dimensions of the international conventions: severity for grave trafficking and rehabilitative flexibility for appropriate minor cases.

Role-based sentencing should supplement quantity thresholds. The court should determine who planned the offense, controlled the drugs, financed the transaction, recruited others, obtained the profit, and had authority within the organization. It should consider whether the offender was coerced, exploited, or economically dependent on a principal actor. Minor participation is a recognized basis for mitigation because culpability is lower where the offender's contribution and decision-making authority are limited (Goldouzian, 2019). The law should require explicit findings on these matters before imposing the most severe penalties or excluding leniency.

Judicial guidelines should define central concepts such as genuine cooperation, minor role, professional trafficking, organized participation, good conduct, rehabilitation, and risk of recidivism. Guidelines should not eliminate judicial judgment, but they can provide common factors and evidentiary expectations. Training should emphasize the international distinction between serious trafficking and treatment-suitable cases. Judges, prosecutors, defense lawyers, social workers, and medical experts should understand how dependency and social vulnerability interact with criminal responsibility without treating them as automatic excuses.

Executive reform should create integrated case-management systems. From the beginning of proceedings, relevant information about dependency, mental health, family support, employment, criminal role, and treatment needs should be collected. A person receiving a suspended sentence or conditional release should have an individualized plan identifying treatment providers, supervision requirements, employment or education, residence, and aftercare. Information should be shared lawfully among courts, prisons, treatment services, and social-support institutions. Progress should be periodically reviewed, and conditions should be modified where necessary.

Evaluation is also essential. The effectiveness of leniency should be measured through recidivism, treatment completion, employment, stable housing, family reintegration, compliance, and public-safety outcomes. The mere number of persons released or diverted does not reveal whether the policy is successful. Nor should every relapse be treated as proof that treatment-based leniency has failed; dependency may involve setbacks, and the response should distinguish a clinical relapse from renewed professional trafficking. Data should be disaggregated according to offense type, role, gender, age, criminal history, dependency status, and measure imposed.

Ultimately, compatibility with the international conventions does not require Iran to abandon strict drug control. It requires a more coherent distribution of severity and leniency. The state may preserve severe punishment for armed, organized, exploitative, and leadership-level trafficking while expanding treatment and supervised community measures for suitable offenders. Such differentiation would improve proportionality, reduce unnecessary incarceration, direct enforcement resources toward principal actors, and strengthen the legitimacy of criminal justice. Leniency would then operate not as an exception granted unpredictably but as a structured instrument of effective and humane criminal policy.

5. Conclusion

Iran's criminal policy toward drug-related offenses has historically been shaped by geographical vulnerability, the scale of regional trafficking, concerns about organized crime, and the perceived effects of narcotics on public health and social order. These conditions contributed to a punitive and security-oriented framework in which severe imprisonment, substantial financial penalties, confiscatory measures, and capital punishment occupied a central position. The harshness of this framework reflected a determination to protect society, but it also reduced the capacity of the justice system to distinguish meaningfully between different forms of drug-related conduct and different categories of offenders.

Drug-related offenses do not constitute a uniform criminological or legal phenomenon. Personal consumption, dependency-driven possession, low-level transportation, street distribution, organized trafficking, financing, leadership, and armed smuggling involve different degrees of culpability, dangerousness, and profit. A just and effective criminal policy must recognize these differences. Treating a dependent first offender or peripheral courier in the same manner as an organizer or armed trafficker does not strengthen justice merely because the same prohibited substance is involved. It weakens proportionality and may divert enforcement resources away from the actors who control and benefit most from illicit markets.

Iranian law contains a broad formal range of leniency measures capable of supporting differentiation. Mitigation of punishment allows sentencing courts to take account of cooperation, remorse, limited participation, personal circumstances, and post-offense conduct. Postponement of sentencing and suspension of sentence execution can provide selected offenders with an opportunity to demonstrate reform outside prison. Alternatives to imprisonment can preserve employment and family relationships while imposing treatment, supervision, community service, or financial obligations. Conditional release, semi-liberty, electronic monitoring, prison leave, pardon, and commutation can facilitate progressive reintegration after a custodial sentence has begun.

The existence of these institutions demonstrates that Iranian criminal law does not understand punishment solely as retribution or incapacitation. The Islamic Penal Code provides a legal foundation for individualization, rehabilitation, and the reduction of unnecessary imprisonment. Developments in the treatment of drug-dependent persons similarly reflect recognition that addiction cannot be addressed effectively through punishment alone. The participation of treatment centers, welfare institutions, non-governmental organizations, psychologists, social workers, and medical professionals creates the possibility of a more comprehensive response.

The 2017 amendment to the Anti-Narcotics Law constitutes an especially important development. By restricting the circumstances in which capital punishment may be imposed, the amendment reduced the reach of the most severe and irreversible response. It introduced greater attention to aggravating circumstances such as armed activity, organized leadership, exploitation, serious prior offending, and higher quantitative thresholds. This reform indicates a movement away from automatic severity based primarily on drug quantity and toward a closer relationship between punishment and the offender's actual dangerousness and role.

Nevertheless, the current framework remains incomplete and internally fragmented. General leniency institutions exist alongside special anti-narcotics rules that frequently restrict their application. The interaction between the Islamic Penal Code and the Anti-Narcotics Law is not always clear, and courts may differ in determining whether general provisions apply. Formal offense classifications and quantity thresholds continue to exercise excessive influence over sentencing and eligibility for leniency. This can prevent courts from considering the personal and criminological circumstances that distinguish minor participants from principal offenders.

Broad exclusions also weaken the individualizing function of leniency. A rule that excludes all persons convicted under a specified category assumes that each presents a similar level of danger and culpability. That assumption is often inaccurate. Restrictions are justified where the offense involves violence, weapons, leadership, exploitation, repeated professional conduct, or a substantial threat to public safety. They are less defensible where the offender is nonviolent, lacks a prior record, has played a peripheral role, or committed the

offense under the influence of dependency, coercion, or acute economic vulnerability.

The international drug-control conventions provide an appropriate framework for resolving this tension. They require criminalization and serious sanctions for grave trafficking offenses, but they also recognize treatment, education, aftercare, rehabilitation, and social reintegration. They permit these measures to accompany punishment and, in appropriate minor or dependency-related cases, to function as alternatives to conviction or punishment. The conventions therefore do not impose a single punitive model. They support differentiated severity: strong sanctions for serious organized trafficking and flexible, rehabilitative interventions for suitable minor and drug-dependent offenders.

Iranian criminal policy is partially aligned with this structure. Its severe treatment of armed and organized trafficking is consistent with the repressive dimension of the conventions. Its treatment programs and general leniency institutions correspond to their rehabilitative dimension. The principal deficiency lies in the absence of a coherent statutory framework connecting these two dimensions. Leniency is available, but access is fragmented, criteria are sometimes unclear, and implementation varies among courts and institutions.

A more effective system should classify offenders according to their actual role, motivation, criminal history, use of violence, financial benefit, dependency, and risk. Drug quantity should remain relevant but should not operate as the exclusive or decisive measure of culpability. Courts should identify organizers, financiers, recruiters, armed participants, minor couriers, dependent sellers, and personal-use offenders. Each classification should carry clearly defined consequences for sentencing and eligibility for treatment, suspension, conditional release, or community supervision.

Blanket exclusions should generally be replaced with structured and rebuttable presumptions. Serious organized offenses may justify a presumption against non-custodial treatment, while minor, nonviolent, first-time, and dependency-driven cases may justify a presumption in favor of treatment or supervised alternatives. In both situations, the court should retain authority to depart from the presumption where specific facts demonstrate that another response is necessary. This model would preserve public security while reducing arbitrary uniformity.

The justice system should also move leniency to earlier stages of proceedings. Treatment and rehabilitation are often most effective before imprisonment disrupts the offender's family, employment, and social relationships. Conditional diversion, deferred prosecution, postponed sentencing, and treatment-linked suspension could be used more extensively in suitable cases. These measures should operate under judicial supervision, with access to counsel and clear consequences for compliance or breach.

Decisions granting or denying leniency should be reasoned. Courts and sentence-execution authorities should explain the relevance of the offender's role, dependency, cooperation, criminal history, conduct, and rehabilitation prospects. Transparent reasoning would promote consistency, facilitate appellate review, and allow a body of principled judicial practice to develop. National guidelines could define important concepts while preserving the capacity to respond to the unique circumstances of each case.

Rehabilitation must extend beyond short-term treatment. Effective implementation requires medical care, psychological support, education, vocational training, family intervention, stable housing, employment assistance, and post-release supervision. Conditional release and electronic monitoring should be connected to individualized reintegration plans. Semi-liberty should be used to rebuild social responsibility gradually. Treatment should continue after release, and clinical relapse should be addressed differently from renewed organized trafficking.

The success of leniency should be evaluated by public-safety and reintegration outcomes rather than by the apparent severity of punishment. A policy is not effective merely because it imprisons a large number of people or imposes lengthy sentences. It is effective when it disrupts organized trafficking, reduces repeated offending, treats dependency, supports lawful reintegration, and uses criminal justice resources proportionately. Reliable data on recidivism, treatment completion, employment, compliance, and social stability are therefore necessary.

The appropriate reform is not generalized mercy toward all drug offenders. Serious trafficking, violence, exploitation, and organized criminal leadership require

firm responses. The necessary change is a more accurate allocation of punishment. Severe sanctions should be directed toward those who exercise authority, generate profit, use violence, and sustain illicit markets. Treatment, supervision, and progressive reintegration should be available to those whose conduct is minor, nonviolent, peripheral, or substantially connected to dependency.

Iranian criminal policy is therefore best described as a system in transition. It has moved beyond an entirely punitive model but has not yet established a fully differentiated and rehabilitative framework. The existing leniency institutions and the restriction of capital punishment provide an important legal foundation. Their potential will be realized only when legislation, judicial practice, and executive implementation are reorganized around proportionality, individualized assessment, transparent criteria, and continuity of care.

A coherent system of leniency would strengthen rather than weaken drug control. It would allow law-enforcement and penal resources to concentrate on organized and high-risk offenders. It would reduce unnecessary imprisonment of persons who can be managed safely in the community. It would improve treatment and reintegration, decrease the likelihood of repeated offending, and enhance public confidence in the fairness of the justice system. In this sense, leniency is not the opposite of effective criminal policy. Properly regulated, it is one of its essential instruments.

Authors' Contributions

Authors contributed equally to this article.

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Transparency Statement

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