

Drugs – A Social Menace

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STA



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Flashy lights, pounding tunes, and illegal drugs are the growing rave culture amongst the youngsters. *Tomorrowland*, *Ultra Music Festival*, and *Electric Zoo* are some of the most popular raves that attract young-adults from all around the world. In order to dance till the sunrise and create heightened feelings of social connectedness, drugs play a vital role in these parties. An upsurge of new drugs has turned out to be progressively well known in today's age. These drugs are normally known as club drugs, a term beginning from the rave evolution. Many club drugs are additionally called designer drugs, alluding to the way that a large number of the drugs are synthetic (for instance, Ecstasy or ketamine) as opposed to establishing in or got from nature (for instance, pot or marijuana). Raves are throughout the night parties with noisy, beating music and glimmering lights invigorating vigorous dancing.



Individuals consume drugs for numerous reasons. Some experiment with recreational drugs to have a good time under peer pressure or to ease tensions, for example, stress, nervousness, or depression. In any case, it's not simply illicit drugs, for example, cocaine or heroin, that can prompt addiction and exploitation. Physicians recommended drugs, for example, painkillers, sleeping pills, and sedatives can cause comparative issues. Although reliable statistics are hard to get a hold of, it is likely that the yearly number of deaths because of drug abuse would be estimated in thousands. The number of deaths in 2014 due to drug addiction was estimated to be 207,400. Have you ever thought how drugs affect its users? And to what extent it can damage your health and life? Addiction to drugs is one of the most contemporary concerns that exist

among youth. Many don't comprehend why individuals end up noticeably dependent on drugs or how drugs play with the mind to encourage impulsive drug abuse. In order to keep the UAE free of this scourge, the security authorities in the country are making great efforts to prosecute drug addicts and drug traffickers, because of their negative impact and dire consequences in the society. The laws emphasize the pursuit of all those who might be tempted to use or trade in drugs. The measures included in the recent amendments of the Anti-Narcotics Act contribute to the treatment of addicts and returning them to their families and society to redeem them from this life-threatening addiction, therefore they can resume their normal life.

According to authorities, these amendments have been made in the interest of individuals and of the society, because the treatment of the person as an addict is different from treating him as a patient. Drug addicts are an outcast in society, so these amendments were introduced to treat the drug addicts as patients that can work towards its rehabilitation and integration in society. The UAE legislator imposed the appropriate penalty for drug crimes to deter and combat the spread of this scourge in society.

The Possession and Obtainment:

Possession and obtainment is one of the most important forms of contact and dealing with narcotics, as it is the general and basic form of the physical element in drug crimes. This is because every deal in these materials is either possession or an obtainment. Drug possession or obtainment is the offense of bringing drugs from abroad or having illicit drugs in a one's ownership, either for individual consumption or distribution. Possession and obtainment are material facts that are considered to be a basic presumption of criminalization in narcotics and are achieved subsequently.

I. The possession of the drugs:

The civil concept of possession differs from its penal concept as described below.

The civil concept of the possession:

Article 1307 (1) of the Federal Law Number 5 of 1985 concerning the Civil Transactions Law (the Civil Code)

provides that "**possession is effective to control of an individual over a thing or right which may be negotiated**". It is explicable that possession itself is a physical form that expresses an actual authority.

The penal concept of the possession:

The concept of possession in criminal law does not correspond to the law of civil transactions, where it can be defined in criminal terms as: (a power or physical control based on certain acts and actions of a person on anything transportable of any kind in order to act for himself).

The possession of penal concept takes three different forms as follows:

i. Full possession: it is an effective control over the substances and the authority of the owner with an intention to hold it as its own. Full possession has both the elements being material and moral.

ii. Temporary or incomplete possession: The possession of the material without the moral element, where it is a collection of material acts carried out by the person on the substance without being the owner. Therefore, this type is called incomplete possession because it lacks the moral element and limits to the material element.

iii. Physical possession: or possession of the interlocutory hand: This type of the possession is the material presence of the drug in the hands of the person without having the right. An example of this type is that a person holds the narcotic substance in his or her hand for the purpose of buying it, examining it, experimenting or watching it only.

II. The obtainment of drugs:

In general, the obtainment can be defined as mere physical acquirement or sufficient control by the person on the substance for any given reason. It is considered to be a material act by the owner of the drug or from others as if the person who found the drug with him is the buyer or if someone found drug and kept it with him without delivering it to anyone, also the obtainment can be prolonged and may be less because the physical control here does not require a period of certain time.

The possession of penal concept takes three different forms as follows:

Crimes are divided into temporary crimes and continuing crimes, and the criterion of this division relates to the

temporal element in which the material elements of the crime is achieved. The temporary crime is composed of an act that occurs at a certain time and ends once the act has concluded. Whereas, the continuing crime involves an act is done repeatedly, except by the end of its criminal case. Ergo, it is clear that the passion and obtainment of drugs are considered as continuing crime.

Proof the possession and the obtainment:

In order to prove the possession and obtainment of drugs, it is sufficient to establish the presence of drugs with the person which will be considered as drug possessor. However, the drug possessor can mitigate the liability by proving beyond any reasonable doubt that the act was performed by others or the drugs was kept in his possession without his knowledge or consent.



The punishment:

The Federal Law Number 8 of 2016 amending the Federal Law Number 14 of 1995 regarding combating of narcotics drugs and psychotropic substances (the **Narcotics Law**). Article 6 of the Narcotics Law mentions that the procurement, import, export, manufacture, extraction, separation, production, possession, acquisition and abuse of narcotic drugs which are mentioned in the schedules of the Narcotics Law are strictly prohibited in the country. Whereas in certain cases, the possession or acquisition of narcotics drugs or psychotropic substances is authorized, the Narcotics law specifically mentions the proportions of weights which should not exceed the prescribed limit as out rightly mentioned under Article 8 of the Narcotics Law.

The Penal Provisions

The Narcotics Law penalises the drug abuser who has abused the drugs in whatsoever ways or personally used the drugs except for the authorized circumstances

described in Schedule 1, 2, 4, and 5 with an imprisonment for a term not less than four (4) years and/ or a fine of not less than AED 10,000 (UAE Dirham ten thousand) as mentioned under Article 39 of the Narcotics Law. Whereas, under Article 40 an imprisonment for a term not less than one (1) year and not exceeding three (3) years and a fine not less than AED 10,000 (UAE Dirham ten thousand).

Article 41 of the Narcotics Law imposes a similar punishment on a person who has abused the drugs for personal use which has a harmful effect on the mind and was consumed with the intention. The Narcotics Law also provides a provision for Addictions Treatment units, wherein the court rather than imposing penalty will confine the drug abuser to the Addiction Treatment units supervised by Treatment Supervision Committee (the **Committee**), as specified under Article 42 of the Narcotics Law. The Narcotics Law also set aside the punishment for the drug abuser if he/she voluntarily presents himself to either the Committee or to the public prosecutor.



Severe punishment will be imposed as under Article 44 of the Narcotics a punishment for a period not less than a period of five (5) years and a fine of not less than AED 20,000 (UAE Dirhams twenty thousand) will be imposed on anyone who induces to incite another person to violate any provision of this Law. Whereas, if a person commits an offense under the Narcotics Law with a prior intention to cause harm to another person, he will be under Article 45 sentenced to an imprisonment for a term not less than seven (7) years and a fine not less than AED 20,000 (UAE Dirhams twenty thousand).

The Narcotics Law creates a distinction between the basic and severe penalties, wherein the offenses for

inducing others for committing an offense would attract severe punishments, whereby if someone voluntarily presents himself to the court. Almost all of the drug offenses have a minimum of four (4) years of jail term, regardless of how less the weight of drugs concerned. The punishment for smuggling with the purpose to disperse is ten (10) years and a fine of around US Dollars 13,000. Drug offenses are the most popular offense of indictment in Dubai. They account for forty-seven (47) percent of all prisoners in the country, of those prosecuted for murder fourteen (14) percent), violence and sexual offenses. Foreign wrongdoers are immediately expelled from Dubai and blacklisted once they have served their sentence.

Illicit drug trafficking is a universal industry worth US Dollars 400 billion. The United Arab Emirates, for its ideal position as a social and geological passage between the East and West, isn't prohibited from this black market. Two major drug raids in Umm Al Quwain and Dubai in the last year have revealed factories which were devoted to the production of illegal narcotics. The raids reflected the two extraordinary channels in the UAE's push to stem the stream of drugs through and into the nation. From one perspective, the accomplishment of the police operations served to feature the capacity and assurance of authorities to uncover and catch drug traffickers. This raid has exemplified that the UAE is being targeted by organized criminal groups with access to the capital and labor to create and move substantial amounts of illicit substances. The UAE's approachability via ocean, air, and land is a fortunate gift for the nation's economy. However, the drawback of this ideal location is the ease with which drug traffickers can move their illicit products.

Conclusion

Dubai is known for its skyscrapers, luxury shopping, ultramodern designs and an energetic, lively nightlife scene. There are plenty of options for party-goers to dance the night away. However, the drug culture doesn't extend to the Gulf. Dubai is home to festivals, concerts, sports events and many more and illicit drugs are a popular substance consumed by rappers to athletes. To control and deter the drug usage, the authorities in Dubai towards the growth of the domestic consumption of illicit drugs has been rigid, on the grounds of strict rules and regulations.

Prohibited Drugs

The Narcotics Law provides a list of banned or controlled drugs in the country, and the list is similar to the list of narcotics drugs annexed with the Single Convention on Narcotics Drugs, 1961 (the **Single Convention**). The Schedules are as under:

Acetorphine	Acetyl – alpha – methlfentanyl	Acetylmethadol	Alfentanil	Allylprodine
Alphacetylmethadol	Alphameprodine	Alphamethadol	Alpha – methylfentanyl	Alphaprodine
Anileridine	Benzethidine	Benzylmorphine	Betacetylmethadol	Betameprodine
Betamethadol	Betaprodine	Bezitramide	Cannabis	Clonitazene
Coca leaf	Cocaine	Codoxime	Concentrate of poppy straw	Desomorphine
Dextromoramide	Diampromide	Diethylthiambutene	Difenoxin	Dihydromorphine
Dimenoxadol	Dimepheptanol	Dimethylthiambutene	Dioxaphetyl butyrate	Diphenoxylate
Dipipanone	Drotebanol	Ecgonine	Ethylmethylthiambutene	Etonitazene
Etorphine	Etosexidine	Fentanyl	Furethidine	Heroin
Hydrocodone	Hydromorphinol	Hydromorphone	Hydroxypethidine	Isomethadone
Ketobemidone	Levomethorphan	Levomoramide	Levophe nacy lmorphane	Levorphanol
Metazocine	Methadone	Methadone – intermediate	Methyldesorphine	Methyldihydromorphine
Methylfentanyl	Metopon	Moramide – intermediate	Morpheridine	Morphine
Morphine Methobromide	Morphine - N – Oxide	MPPP	Myrophine	Nicomorphine
Noracymethadol	Norlevorphanol	Normethadone	Normorphine	Norpipanone
Opium	Oxycodone	Oxymorphone	PEPAP	Pethidine
Pethidine – intermediate – A	Pethidine – intermediate – B	Pethidine – intermediate – C	Phenodoxone	Phenampromide
Phenazocine	Phenomorphane	Phenoperidine	Piminodine	Piritramide
Proheptazine	Properidine	Racemethorphan	Racemoramide	Racemorphan
Sufentanil	Thebacon	Thebaine	Tilidine	Trimeperidine

Schedule II: The list includes the drugs which are also there in Schedule II in the Single Convention

Acetyldihydrocodeine	Codeine
Dextropropoxyphene	Dihydrocodeine
Ethylmorphine	Nicocodine
Nicodicodine	Norcodeine
Pholcodine	Propiram

Schedule III: The List includes drugs which we can also find in the Schedule III to the Single Convention

1	Preparation of: a) Acetyldihydrocodeine b) Codeine. c) Dihydrocodeine. d)Ethylmorphine. e) Nicocodine. f) Nicodicodine. g) Norcodeine. h) And Pholcodine. The drugs above when a compound with more than one or other ingredients and comprise not more than 100 milligrams of the drug on single dosage a unit and with a concentration of not more than 2.5 percent.
2	Preparations of propiram comprised of not more than 100 milligrams of propiram for every dosage and compounded with a similar amount of methylcellulose.
3	Preparations for oral use consisting of not more than 135 milligrams of dextropropoxyphene base per dosage or with a concentration of not exceeding 2.5 percent, subjected that such developments are not containing any substance controlled under the 1971 convention on Psychotropic Substances.
4	Preparations of cocaine containing not exceeding 0.1 percent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 percent of morphine estimated as anhydrous morphine base. It is compounded with one or more other ingredients and in such a manner that the drug cannot be recovered by readily applicable procedures or in a yield which would lead to a risk to public health.
5	Preparations of difenoxin containing, per dosage unit, not more than 0.5 milligrams of difenoxin and some amount of atropine sulfate equivalent to at least 5 percent of the dose of difenoxin.
6	Preparations of diphenoxylate comprising of per dosage unit, not exceeding 2.5 milligrams of diphenoxylate calculated as base and some amount of atropine sulfate equivalent to at least one percent of the dose of diphenoxylate.
7	PULVIS IPECACUANHAE at EPII COMPOSITES: a. 10 percent opium in powder. b. 10 percent ipecacuanha root, mixed well in the dust. c. 80 percent of some other powdered substance containing no drug.
8	Preparations are conforming to any of the formulae listed in this schedule and mixtures of such preparations with any material which contains no drug.

Schedule IV: This Schedule includes drugs which are included in the Schedule to the Convention on Psychotropic Substances, Salts and Preparations thereof, in any proportion.

S. No.	International Non- Proprietary Names	Other Non- Proprietary or Trivial Names
i.	BROLAMFETAMINE	DOB
ii.	CATHINONE	
iii.		DET
iv.		DMA
v.		DMHP
vi.		DMT
vii.		DOET
viii.	ETICYCLIDINE	PCE
ix.	ETRYPTAMINE	
x.	(+) - LYSERGIDE	LSD, LSD-25
xi.		METHACATHINONE

S. No.	International Non- Proprietary Names	Other Non- Proprietary or Trivial Names
xii.	MDMA	
xiii.	MESCALINE	
xiv.	METHYLAMINOXEX	
xv.	MMDA	
xvi.	N-ETHYI MDA	
xvii.	N-HYDROXY MIDA	
xviii.	PARAHEXYL	
xix.	PMA	PSILOCYBINE
xx.		PSILOCINE, PSILOTSIN
xxi.	PHP, PCPY	ROLICYCLIDINE
xxii.	STP, DOM	STP, DOM
xxiii.	TENAMFETAMINE	MDA
xxiv.	TENOCYCLIDINE	TCP
xxv.		TMA

Schedule V: The Schedule includes the list of natural narcotics drugs, plants whose cultivation and possession is prohibited in the country and excepted plants.

S. No.	Natural Narcotics Drug	Prohibited Drug	Excepted Plants
1.	Ergot mushrooms	Cannabis	Narcotic fibers of cannabis stems
2.	al-qubba	Poppy	Cannabis seeds which are roasted to ensure non-germination positively
3.	Crownest	Papaver	Poppy seeds which are roasted to ensure non-germination
4.	Tabernananna	Coca	
5.	Kaujnanth yohimbine	Kat (Catha edulis)	
6.	Mahar Babuna	Datura	
7.	Convolvulus tricolor	Sakran	
8.		Ergot mushrooms	
9.		Piptadenie Peregrina	
10.		Thabernanta	
11.		Peyote cactus	
12.		Convolvulus tricolor plants	

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