



C & C LAWYERS

Wretched Drugs

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The times are gone when morality kept families behind closed doors, for shame due to drug related problems, a serious and poorly accepted evil, often looked down upon as a black plague. Many families were destroyed by wretched drugs, suffering in silence with too many questions and no answers. Nowadays, however, people tend to be more open about it and society lays down which "treatment" to apply to those who fall prey to the wretched drugs.

Today's youth have the means to be informed about the world of drugs through television, radio, newspapers, textbooks and others. It is thus not hard for them to recognize the dangers and pains caused by the use of plants, substances or psychotropic preparations, provided they show interest in acquiring such information. Ignorance of the law cannot be used as an excuse and the role of the victim does not move those who deal with these kinds of cases on a daily bases anymore.

Decree-Law No. 5/91/M has been in force for 17 years and regulates the unlawful production, trafficking and use of drugs and psychotropic substances. On 11 July 2008, however, a Government's bill passed the general examination phase in the Legislative Assembly which will eventually repeal the said Decree-Law.

This means that we will soon have a Statute, whose kindness will not be discussed herein, laying down the penalties described in *Table 1*.

Notwithstanding changes to the minimum and maximum applicable penalties above referred, there are other important changes that this bill is trying to implement, namely, a reference table with amounts of daily use for different types of plants, substances or preparations to be taken into account upon application of penalties.

Whenever it is not technically possible to determine the respective amounts of the drug, the competent judiciary authority is authorized to make such determination based on the rules of experience and on the breast of the court.

Furthermore, any suspect of producing, trafficking and using of drugs and psychotropic substances which refuses to be searched or submitted to tests by the authorities may incur in a penalty up to 2 years of imprisonment or a fine of 240 days. This brief examination of the changes being brought about by the bill are revealing of a tightening of legislation around criminal offences and subsequently around temptations which may destroy the youth of those which the law regards as incapable, that is, minor of 16 years and less.

Youth is unarguably the most beautiful part of life but there are youngsters, however, who throw it away by being confined due to the temptation of "wretched drugs". Indeed, confined, for if drugs do not confine the soul within the addiction, they ultimately throw the body into a prison.

"Wretched drugs", they always win.

	Unlawful production of drugs and psychotropic substances		Unlawful trafficking of drugs and psychotropic substances		Unlawful use of drugs and psychotropic substances	
	Minimum Penalty	Maximum Penalty	Minimum Penalty	Maximum Penalty	Minimum Penalty	Maximum Penalty
Decree-Law 5/91/M	- 8 years imprisonment - 1 month imprisonment	- 12 years imprisonment - 1 year imprisonment	- 8 years imprisonment - 1 year imprisonment	- 12 years imprisonment - 2 years imprisonment	Penalty from MOP\$250 up to MOP\$5,000	Imprisonment up to 3 months or penalty of MOP\$500 up to MOP\$10,000
Government's Bill No ./2008	- 5 years imprisonment - 2 years imprisonment	- 15 years imprisonment - 8 years imprisonment	- 3 years imprisonment - 1 year imprisonment	- 15 years imprisonment - 8 years imprisonment	Imprisonment up to 1 month	Imprisonment up to 6 months or a fine of 60 days

Table 1