

International and National Obligations to Protect from the Risks of Pharmaceutical Crime: The Crime of Counterfeit Pharmaceutical Products in the COVID -19 Crisis

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ABSTRACT

The physical integrity of a person constitutes a legal right to protect the elements of exclusivity authorized within the limits permitted by national laws and international legislation, which focuses on the safety of the individual keep his body and balance the level of health, which makes it enjoy a dignified life and free him from the pain physical, So that it can exercise its functions in order to achieve what aspire goals. In light of the individual's global health crises such as the rapid spread of the epidemic at the level of the world and the outbreak of the epidemic in various proportions, any criminal and unlawful behavior leads to prejudice to the health of the individual and his right to access to medication and treatment in a legal and consistent manner with the necessary specifications and norms The pharmacy will inevitably lead to great losses especially at the level of human resources. Perhaps this leads us to address the questions posed by the study are: What is the extent of keeping pace with international and national obligations of global events in the field of pharmacy in a way that makes them more effective in achieving a balance between

eliminating crimes of counterfeit pharmaceutical products, especially in the context of the spread of a pandemic, as a benefit 19 and between achieving effective protection for those affected, so that they have the right to protect Their? What are the mechanisms adopted by the international community to protect individuals and the injured from the dangers that may be committed while doing medical work and using counterfeit pharmaceutical products?

Keywords: The crime of counterfeit pharmaceutical products, the COVID -19 Crisis, International and national obligations

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INTRODUCTION

The continuous development of science and medical treatment methods and the existence of the practices of medical-date as a result of any new diseases, and the breadth of thinking circle of individuals attempting to shred drugs effective led to the emergence of many of the legal problems concerning the protection of the right person in the safety of his being physically in the face of the use of methods, techniques in modern medicine, Both from a theoretical standpoint and from a practical point of view to it.

The fact that the work in the medical field and pharmacist arrangement requires legal responsibility to protect patients from the consequences of these actions, in terms of its size is determined depending on the nature and amount of dealing, and became doctors and pharmacists are responsible for the consequences of their actions from the sanctions if a civil t The latter leads to the occurrence of crimes, due to their direct association with the human soul and the principle of the sanctity of the human body that is guaranteed under the law, where the violation is prohibited except for necessity or urgent need (Angelo Castelletta, 2004, p 45).

So it is imperative that the legal legislator to give pharmacist field sufficient to treat patients in an atmosphere of trust and confidence without fear or hesitation when providing treatment on the one hand, with the protection of patients from the large number of risks arising from the pharmaceutical business on the other hand, given the nature of the technical and scientific technology that characterize business pharmaceutical, As it comes Number of responsibility also when the breach of the duties of the profession and violation of the rules and provisions set by the regulations, so that we can arrange responsibility on the perpetrator of these acts when acting through any violation of the rules of pharmacy scientific or legal assessments.

Objectives of the study

- Increasing risks that may result from the presence of medicines, defective or unknown source in the market, may also sell them ordinary people in weekly markets with worldwide which is cheap to pay consumers buy them despite not effective compared to the original products.
- The subject of crimes and pharmaceutical the most important special topics considered in front of the spread of the so-called pandemic or epidemic COVID-19 on the one hand and the spread of the phenomenon of perception of material from these owners of jobs because they originally considered to function humanely primarily in terms of guaranteeing an individual right to enjoy a life of prosperity and peace, which led to the outbreak The phenomenon of self-treatment For patients without resorting to medical examinations as a result of the high cost of medical consultations, given the level of individual income for each citizen.
- Personal attention to the subject as a fundamental right related to individuals closely is the right to health protection stipulated in the Universal Declaration of Human Rights, as it is right advocated by international organizations, and the right is protected by a constitutional various national and international legislation.
- Evaluating the effectiveness of international mechanisms for the protection of the legislator placed patients from the risks of non-pharmacist activity project, consider safeguards to ensure protection of the right to health enshrined Constitutionally and globally through the World Charter on Human Rights.

Research problem

What is the extent of keeping pace with international and national obligations of global events in the field of pharmacy in a way that makes them more effective in achieving a balance between eliminating crimes of counterfeit pharmaceutical products, especially in the context of the spread of a pandemic, as a benefit 19 and between achieving effective protection for those affected, so that they have the right to protect Their? What are the mechanisms adopted by the international community to protect individuals and the injured from the dangers that may be committed while doing medical work and using counterfeit pharmaceutical products?

The study methodology

To answer the problem of research, we adopted two approaches: the descriptive approach, by giving a description of legal facts and jurisprudence that dealt with the topic of research through access to modern and specialized scientific sources. In addition to the analytical approach, in order to clarify the path of legal protection and the international endeavors established by the patient's law.

The first topic: COVID-19 Crisis and its relationship to the spread of crimes of counterfeit pharmaceutical products

First/ Definition of the International Health Crisis and the COVID-19 Epidemic

The definition of a global epidemic depends on the ability to spread and the geographical area and not the extent of its seriousness, and therefore the epidemic determined in a specific place differs from the global epidemic that sweeps several regions around the world.

Among the most important examples of local and global epidemics throughout history are the black plague that ravaged Europe during the fourteenth century and killed 20 million people, the London plague that witnessed the British capital in 1665 and 1666, and killed 100,000 people, which constitutes about a quarter of the city's population at the time, and fever Yellow that spread at the end of the eighteenth century in American Philadelphia and killed about 45 thousand people.

The plague of Marseille in 1720, which caused the death of 100,000 people within days in the French coastal city, and cholera that spread in 1820 in Southeast Asia, and the number of its victims reached more than 100,000 people and spread to the Middle East and the Mediterranean coast.

The Spanish flu in 1918, which killed about 40 to 50 million people around the world, the Asian flu that spread in Singapore, Hong Kong and the United States between 1957 and 1958, to come recently several epidemics such as the flu of cows, birds, pigs and SARS, as well as the Ebola epidemic that spread in West Africa and died because of it More than 8,000 people, during the first two waves in 2013 and the second in 2018.

Michael Ryan, Director of Emergencies, defines the global epidemic as a situation where "the epidemic is where the entire world is exposed to this disease and may cause a large number of community members to be infected" Emergency Ministerial Conference on the emerging coronavirus (COFED-19), 17/02/2020).

Idiopathic pneumonia in Wuhan, China was first reported to the WHO Country Office in China on December 31, 2019, and then classified as a public health emergency with a global dimension on January 30, 2020, to announce on February 11, 2020, a name Corona virus disease: COVID-19 (covid-2019-outbreak-on-17-february-2020).

The Director-General of the World Health Organization, Tidros Adhannum, announced that the disease had reached the stage of the global epidemic, but he stressed at a press conference in Switzerland on Wednesday that the use of the word epidemic to describe COVID-19 confirms the degree of threat and seriousness of the virus (Tidros Adhannum Gebresus, 29/ 01/2020).

Covid-19 is an infectious disease caused by the emerging coronavirus (Corona virus) that was first detected in December 2019. Coronaviruses are a viral family that causes respiratory infections. Until now, there is no vaccine to prevent corona virus, and there is no medicine to treat the resulting disease, except for dealing with its symptoms.

With the World Health Organization declaring Covid 19 caused by the global pandemic virus, the world is perhaps moving to another stage in dealing with the outbreak of the virus.

Second / Covid-19 relationship with the spread of crimes of counterfeit pharmaceutical products

The head of the International Criminal Police Organization (INTERPOL) told euro news that the Corona epidemic (Covid-19) "produced new methods of crime", warning that organized crime groups have adjusted their activities to take advantage of the global health crisis(Interpol, 01/01/2020).

Jürgen Stock revealed that police forces around the world have already confiscated fake medical supplies, including "thousands of fake masks, hand sanitizers and medicines" (Jürgen Stock, Interpol, 19/03/2020).

The INTERPOL chief noted that other tactics used by organized crime groups include "criminal contact centers", saying "We have this new form of phone fraud, as people receive phone calls from someone pretending to be a hospital official." (Interpol, 26/03/2020).

INTERPOL also announced 121 arrests worldwide in a large-scale operation against the illicit sales of drugs and medical products online. And participated in this process, the interests of the police, customs and health organization from 90 countries, the process bore the name "Operation Pangea 12", during which he seized large quantities of dangerous drugs valued at more than \$ 14 million (Interpol, 26/03/2020).

In its official statement, Interpol stated, "So far, about 30 Covid-19 virus fraud cases have been detected in Asia and Europe, and this has led to the banning of 18 bank accounts and the freezing of more than \$ 730,000 in suspected fraudulent transactions." (Interpol)

The second topic: the criminal organizations exploiting the Covid-19 pandemic to sell counterfeit pharmaceutical products

First / Definition of the crime of selling counterfeit pharmaceutical products

The crimes of counterfeit pharmaceutical products are not recent, as many national authorities have fought their long struggle against counterfeit medicines (Nisreen Abdel-Hamid Nabih, 2006, p 69), although the World Health Organization has been actively working on this complex, politically sensitive topic since it was discussed at the World Health Assembly in May 1998 (Faiza Younis Al-Basha, 2002, p 97).

Law enforcement efforts increased in 2006 when the International Anti-Counterfeiting Medical Products Task Force (IMPACT), which attracted members from international organizations, law enforcement, industry and NGOs, was launched (Ahmed Ibrahim Mustafa Suleiman, 2006, p 129).

Since then, members of the international team working on counterfeiting pharmaceutical products have been directly involved in the investigation of international crime (Adel Abdul-Gawad Muhammad Al-Kardousi, 2005, p 67), helping countries to strengthen their discovery and law enforcement systems, and working with factories to develop procedures for making pharmaceutical packaging with them safe and high-tech (INTERPOL, 19/03/2020).

WHO is also working with the International Criminal Police Organization (INTERPOL) to dismantle criminal networks that raise billions of dollars in trade in counterfeit medicines (Tidros Adhannum Gebresus, 02/22/2020).

The statistics mentioned in the reports indicated that the sale of counterfeit medicines globally exceeds 75 billion dollars this year, and has increased by 90% in five years, according to estimates published by the Center for Medicines of Public Interest in the United States of America. It is difficult to estimate the extent of the problem when there are so many Among the various sources of information and definitions is "counterfeiting" (Maha Allam, 04/04/2020).

Sabine Cup, Secretary General, Interim Executive Secretary of the International Anti-Counterfeiting Task Force for Medicinal Products and Director of the WHO Against Counterfeiting Program, says that WHO is currently conducting a survey to compare legislation and terminology used to combat counterfeiting of medical products in different countries. (Sabine Cup, Interpol, 1/1/2020).

In "Operation Storm 2", a member of the International Criminal Police Organization, Aline Blancon, a coordinated operation by the International Task Force against Counterfeiting Medicinal Products in Asia in 2009, the counterfeit medicines confiscated from antibiotics were diversified into birth control, anti-tetanus, anti-malarial and anti-erectile drugs. In Egypt, investigators have discovered everything from transplants to other diseases such as heart disease, schizophrenia and diabetes, along with thousands of cancer drug packages. (Aline Blancon, Interpol, 1/1/2020)

According to a study sponsored by Pfizer, which is one of the biggest investigations conducted in 14 European countries, that the countries of Western Europe spend more than \$ 14 billion annually on illicit source drugs, many of which are

counterfeit and counterfeit and a large share of this market is due to So-called "lifestyle" medications

The study showed that nearly half of the sales of counterfeit drugs on the Internet were for weight loss, followed by influenza drugs, and other major markets for counterfeit medicines in Europe as in the case of Asia, markets for medicines for erectile dysfunction that were supported by the increase in the presence of pharmacies on the Internet offering access to drugs that require Prescription without embarrassment, consult a doctor.

Second / the causes of the seriousness of unlicensed medicines

Unlicensed and counterfeit medicines are dangerous for several reasons, they may contain an inappropriate amount of active ingredients (less or more than they should be, or without active ingredients), or their expiration date may be counterfeit.

It has also been found that some counterfeit medicines contain mercury, arsenic, rat poison, or cement, and in other cases, the medicines may be original but stolen and therefore not stored as they should or may have expired, which means that they may be ineffective or contaminated. (Infectious Disease Society of America, 2011, p 45).

Many analysts believe that developing countries are an explicit target for counterfeiters because of the inability of many people to afford the cost of legitimate medicines, and often weak legal oversight (Mahmoud Sharif Bassiouni, 2004, p137)

Criminals also seek to conceal illicit drugs among other goods, which means that the authorities must remain vigilant when searching a wide range of shipments of original goods (Maha Allam, 04/04/2020).

For example, the authorities found fake birth control pills hidden inside DVD packages, and illegal sleeping pills hidden in shipments authorized as clothing, bed linen and food.

In 2009, twenty million illegal pills, bottles, and bags of illicit counterfeit medicines were seized in a five-month operation coordinated by the International Criminal Police Organization in China and seven of its neighboring countries in Southeast Asia. 33 people were arrested and 100 sales outlets closed (INTERPOL, 19/03/2020).

A series of raids in Egypt last year led to the discovery of counterfeit medicines amounting to hundreds of millions of dollars, and exposed a criminal network supplying consumers in the Middle East. In Europe, customs officers confiscated 34 million counterfeit pills in just two months in 2009, and in this regard, EU Trade Commissioner Gunter Vorhoigen said: "It has surpassed our worst fears" (World Health Organization; 2011)."

As a result of the tightening of these law enforcement operations around the world, an important conclusion was reached that Asia is the largest share of the counterfeit drug trade according to the Institute of Pharmaceutical Security, an industry-funded organization, but according to Blancon there are cases of counterfeit medicines worldwide, where It stresses: "There is an influx of products that come from anywhere and go anywhere, and there are many axes" (European Commission, 2011)

In Singapore, 150 people were admitted to hospital in the first five months of 2008 because of severe hypoglycemia, four of them died, while seven suffered severe brain damage. Counterfeit versions of drugs intended to treat erectile dysfunction have been reported to have an elevated dose of glyburide glyburide used to treat diabetes (Mourad Hannouz et Mohammed Khadir, 2011, p165).

Organized crime members have used the Internet and social media to market and sell illicit drugs in order to achieve one goal: to make money, without regard for the health or lives of consumers who are not anxious about any of them, and reap huge profits from this illegal trade (Ahmed Ibrahim Mustafa Suleiman, 2006, p 140).

“By tracing the funds and confiscating assets from this crime, we can dismantle criminal networks involved and protect public health. INTERPOL is committed to providing the necessary analysis and investigation support to meet the changing needs of law enforcement agencies,” said Paul Stanfield, Director of INTERPOL's Department of Organized and Emerging Crime (INTERPOL,19/03/2020).

The rapid spread of the virus around the world and the lack of certainty about its development necessitates taking global measures to confront it, and law enforcement agencies play a fundamental role in this context, as they contribute to efforts to contain the disease, enhance the safety of the population, and address criminals who see its spread as an opportunity to develop Or diversify their activities.

In this regard, INTERPOL Secretary General Jürgen Stock stated that law enforcement agencies are being mobilized at **all levels during these critical times, and Stock has stated:** “I am in contact with police leaders around the world who face, together with members of their devices, enormous pressure due to a pandemic. Covid-19, and to assist them in their work, given the threats we face, INTERPOL will continue to provide any assistance needed by the 194 Member States.

Consequently, many international measures have been taken to warn of emerging crimes associated with the spread of the Covid-19 epidemic, in particular intimidation and the initiation of intentional spread of infection, fraud or phishing via the Internet, cyber-crime, and counterfeiting, and this is what we will try to address with some Detail in the following topic "(Interpol, 1/1/2020).

The third topic: Crimes related to fraud in pharmaceuticals and counterfeiting pharmaceutical brands

First / crime of fraud in medical materials

All legislation seeks to provide physical safety for people, so that the goods are offered for sale matching legal specifications necessary, to ensure the quality of consumer goods provided, whether food and pharmaceuticals, and in the case of violation of the manufacturer legal provisions can say crime fraud (Ibrahim Sayed Ahmed, 2007, p. 89).

Legal legislator has provided for the principle of the safety of products and services through the protection of consumer law and the suppression of fraud (Osama Ahmed Badr, 2008, p. 67), in addition to other laws, including the Penal Code of Algeria is a commitment of result, during which each product should not be distributed or displays its products For sale only after confirming that it is not infected with any of the

defects or else repent I with the crime of fraud in food or medical materials.

Article 431 of the Algerian Penal Code stipulates: “Any person who deceives materials that are suitable for human nourishment, animals, medical materials, drinks, or agricultural or natural products intended for consumption, **shall be punished.**”

As confirmed by Article 70 of Law 09/03 related to the protection of consumers and the suppression of Algerian **fraud by stating:** “**The penalties stipulated in Article 431 of the Algerian Penal Code, or any of the following:** Or sell a product that is known to be counterfeit, corrupt, poisonous, or dangerous for human or animal use, and for sale it offers material, tools, or devices Gaza or all of a special material that will lead to any falsification product for human use prompt or animal “(the Algerian Penal Code, 2006).

Article 433 of the Algerian Penal Code provides for the criminalization of possession of medical materials adulterated without linking criminalization to deal with or act, whatever the intended purpose behind it, and as well as the acquisition of machinery and tools and equipment used in the process of fraud, a preventive measure to ensure the achievement of effective protection and successful To the consumer because the acquisition process is the preparatory stage of production or sale (Muhammad Shukri Sorour, 1983, p. 78).

1- Making counterfeit medicines

Court of Cassation ruled Egyptian that fraud is achieved by adding material extraneous to the goods or decrease something of its elements beneficial, and also ascertain to hide the goods under the appearance of the chambers would cheat the buyer, and is achieved as well as mixing, or in addition to material contrary to the nature of the goods or of the same nature But it is of the lowest quality class To delude the consumer that the mixture is special and has no impurity in it, or with the intention of concealing the poor quality of the goods or showing them better than they are in reality (Nabila Razaki, 2013, p. 56).

A / Fraud in the composition of the drug by mixing and adding

Accordingly, the standard specifications required in the products are violated by increasing the materials of a lower quality or by adding other materials similar to those of the non-identifiers that are not in the names (Jean Panneau, 2004, p98).

So that the raw materials of the other nature of lower quality or add extraneous materials lose the thing some of its properties and weaken the nature, where the goods retain the same appearance without the same characteristics, and is hidden the goods under the deceptive appearance of consumer fraud, and show a similar appearance to the truth and not tebyan poor product (Mahmoud Mr. Abdul Moaty Khayal, 1998, p. 98).

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consumer fraud, and show a similar appearance to the truth and not to discover the poor quality of the product (Mahmoud Mr. Abdul Moaty Khayal, 1998, p. 98).

B / Fraud in the components of the drug

by not adding some of the main components required in the composition of the product while maintaining the same appearance, naming and selling it at the same price that it is the real product, this amendment affects the quality or quality of the product. , And the removed item must not affect the shape of the commodity as it remains The same trademark to deceive consumers (Mona Abu Bakr Al-Siddiq, 2013, p. 95)

C / Fraud with manufacturing and material substitution

This is done through the complete or partial development of a commodity with materials that do not enter in its normal composition, as defined in the regulatory texts and professional custom.

French legislator has the text of the toxic cargo in Article 213, paragraph 4 of the Code of consumption as well as corrupt goods considered to sell, offer for sale and possession of a crime independent, but the Egyptian legislator did not mention the toxic goods considered all that is toxic and harmful to health aggravating circumstance (Ahmed Mohamed Mahmoud Ali Khalaf, 2005, p. 190)

As for the Algerian law, it has stipulated toxic substances in the Health Protection and Promotion Law as well as in the penal law; it is punished for its negligence and failure to provide the necessary care in the prescribed conditions of storage and storage to ensure the validity of these pharmaceuticals (Ali Mahmoud Amer Abu Maria, 2006, p. 176).

2. The crime of incitement to fraud

defined in Article 431 in the third paragraph of which it is to urge people to carry out fraud whether it is directly or indirectly achieved through brochures or leaflets or brochures, advertisements or posters or any instructions provided by (Muhammad Bodali, 2005, p 27).

Incitement is considered a stand-alone crime, as the instigator is every act that the person sends on the determination to commit the criminal act, and creates the direction of the will to commit it (Saham, Murr, 2013, p 42).

3. Possession of Counterfeit medicines for an unlawful purpose

Article 433 of the Algerian Penal Code criminalizes the process of possession of medicinal or pharmaceutical materials that the holder knows that they are adulterated, and that this is achieved materially with the pharmacist and under his control and actual behavior (Ammar Abbas Al-Husseini and Ahmed Hadi Abdel Wahid, 2016, p. 365),

The Egyptian Court of Cassation defined it as "monopoly over something on the path of ownership and jurisdiction, and material seizure is not required, but a person is considered possessed even if the object was acquired by another person on his behalf" and possession in places designated for the use of the offender, whether they are places of sale or preservation and storage, and possession is for a purpose Unlawful whether it is the subject of the act:

- Counterfeit medicines by promoters.

- Materials used in cheating medical and pharmaceutical materials.

- Measures, scales, or non-conforming machines used for the weight or weight of these materials (Zahia Houria Youssef, 2009, p. 156).

Second / The crime of counterfeiting pharmaceutical trademarks

1- Definition of the crime of counterfeiting pharmaceutical trademarks

It is the process of transferring the basic elements of the product or transferring each other literally with some additions or changes, so that they are collectively similar to the original product (Amina Samet, 2015, p. 88).

Sylviane Durrande) defined it as: creating a trademark that is in perfect conformity with the original mark or making a mark that is similar in our group to the true mark, so that the original brand of it (the brand that it is in) is the one with the new brand (Sylviane Durrande, 2003, p 268).

2- The penalties mentioned in the Trademarks Law

Contained in Article 32 of the Order 156/66 of 08/7/1966 containing the amended Penal Code and complementary, "Every person who has committed a misdemeanor tradition punishable by imprisonment from six months to two years and a fine of two million five hundred thousand dinars Algerian (2500.000 DA) to ten Millions of Algerian Dinars (10,000,000 DA) or one of these two penalties only, with:

- Temporary or final closure of the institution.
- Confiscation of things, means, and tools used in the violation.
- Destroy the things that are the subject of the violation "(Idris Fadhli, 2013, p. 162).

Third / The crime of advertising counterfeit and counterfeit medicines

- False advertising crime of counterfeit elements of the product: misinformation is found on information and data related to the product presented in the advertising process, these misleading data may relate to the core elements of it or its secondary elements (Zahia Houry Si Yusef, 2010, p. 138).

As for the penalties mentioned in the Health Protection and Promotion Law, Article 265 of Law 8/13, mentioned above, "shall be punished by imprisonment from two years (02) to five (05) years and a fine of 500,000 DA to 1,000,000 DA to 1,000,000. Pharmaceutical and Medical Supplies Used in Human Medicine "(Health Protection and Promotion Law, 1990).

Article 264 of Chapter 13/08 has criminalized every violation of the provisions of the media and the private and publicity materials pharmaceuticals "punished ... who violates the provisions relating to special media materials pharmaceuticals used supplies in human medicine," the article also 265 "shall be punished Whoever violates the provisions Media related to the advertisement etc. Concerning the pharmaceuticals and medical supplies used in human medicine", The French legislator has also criminalized the misleading media in Article L121-8 to 14 of

the French Consumer Law No. 949 of 1993 as it leads to the contractor falling into the mistake by implying that there are effective substances in the product (French Consumer Code, 2016).

Fourth / The crime of practicing illegal prices (illicit speculation)

The sale of medicines is restricted to the licensed pharmacist, the law obliged them to sell according to the legal prices expressly in the text of Article 132 of the Code of Medical Ethics by saying, "The pharmacist must sell at legal prices, and may be included in the guidelines in the country" (Health Protection and Promotion Law, 2008).

As for the Egyptian law, it has regulated it in Article 09 of Decree Law No. 163 - 1950, regarding compulsory pricing and determining the profits modified by Law 128 of 1988, according to the price of a contract ... It increases the price or profit or refrains from selling it in this price. T or profit ... ", and we find the French legislator is also keen to develop controls for pricing medicines and other pharmaceuticals, and the prohibition of selling higher than the price set her, according to the rules applicable pricing.

Fifth / crimes resulting from violating the provisions related to the stages of manufacture and circulation of the drug

First - The crime of drug testing

Criminal behavior is achieved when one of the conditions set by the legislator is violated for the drug testing process:

- Failure to obtain consent from the person being tested.
- Lack of respect for the ethical and scientific principles that govern the experience achieved.
- Failure to obtain a license from the Minister in charge of Health (Hannouz Mourad et Kadir Mohammed, 1999, p 23).

Second / the crime of not registering and manufacturing pharmaceuticals

- Violation of the rules for registering medications, such as not granting a temporary license to use unregistered medications, and not registering medications permanently.
- Violation of the rules of drug manufacture, such as lack of respect for the necessary conditions for good practices in the pharmaceutical industry, and the pharmaceutical industry from unaccredited institutions (Article 173 of Law 8/13 amending the Health Protection and Promotion Law, 2008).

Third / The crime of importing and exporting pharmaceutical materials without a license

- Import and export without a license: Import or export of medicines is without obtaining a license from the National Agency.
- Importing or exporting unregistered medicines: The registered medicines are considered reliable, so that the governmental authorities make sure that they are subjected to the testing process and that there are no side effects for

them or a risky action (Health Protection and Promotion Law, 2008).

Fourth / The crime of violating the marketing rules

A wholesale or retail distribution is a crime punishable if it comes in one of the following two pictures:

Drug marketing without being monitored: Article 193 bis 1 and 2 prevented the process of marketing drugs or any pharmaceutical article ready for human use, in order to find a substance for the title of the title of the article.

Marketing without a license: the distribution process is limited to public and private pharmacies approved by the state in accordance with Article 186 and 188 of Law 8/13 amending the Health Law, and each violation of these provisions constitutes a crime (Health Protection and Promotion Law, 2008).

The fourth topic: international efforts to combat crimes of counterfeit pharmaceutical products in the COVID 19-pandemic

First / protecting consumers around the world from counterfeiting pharmaceutical crime

The combined efforts of the police, customs, regulatory agencies and private sector companies have prevented potentially dangerous drugs from reaching consumers and dismantled many of the illegal networks involved in these crimes.

The Pangea process, coordinated by INTERPOL, is a solid international effort to undermine the sale of counterfeit and illicit medical and pharmaceutical products on the Internet. The process also seeks to raise awareness of the dangers of purchasing medicines from illegal websites (INTERPOL, 26/03/2020).

Since the launch of Operation Pangea in 2008, more than 105 million medicinal units (pills, bags, small and large medicinal bottles, etc.) have been withdrawn from circulation, and more than 3,000 people have been arrested.

Results of Pangea operations reports over the past decade reveal that at least 11% of pharmaceutical products sold online are counterfeit and that all regions of the world are affected by this pest.

It should be noted here that the largest number of seizures under the Pangea process were counterfeit medications to treat impotence, and other common counterfeit products include antidepressants, anabolic steroids and diabetes or cancer medication, but since 2015, the diversity of seized illicit drugs, especially drug quantities, has increased Hypnotic, sedative and anti-inflammatory (Interpol, 26/03/2020).

Second / INTERPOL field operations target the sale of counterfeit and illicit drugs and medical products.

- 1- Pangea: It is a global process that aims to sell illegal and counterfeit drugs and medical devices on the Internet. Participating agencies carry out coordinated field activities against illegal websites in the same week to identify criminal networks involved in trafficking.

The main objectives are to withdraw illicit pharmaceutical products from circulation and to raise awareness of the risks associated with purchasing medicines from unregulated sites.

The (Pangea) process has evolved dramatically over the past decade, as the number of participating countries increased from eight when launched in 2008 to a record level of 123 in 2017, and it is worth noting that among the results reached by (Pangea) are the following:

- Seized goods: 10 million units
- Value: \$ 14 million
- Arrests: 859
- Closed websites: 6713(Interpol, 14/04/2020).

2- Anti-pharmaceutical crime operations (RAINFALL) process

This process aims to prevent trafficking in pharmaceutical products and medical devices in Asia, and seven countries participated in this process in 2018: (Pakistan, Philippines, Vietnam, Cambodia, Laos, Myanmar, and Nepal), and the results can be reported the process indicates the following:

- Seized goods: 295,000 units
- Estimated value: USD 122,400
- Suspects identified: 15 (Interpol, 14/04/2020).

Operation Qanoon

It is a multi-initiative targeting illicit drugs and medical products in the Middle East and North Africa.

It aims to collect and exchange information in order to identify cases and crimes transnational borders, support ongoing investigations and dismantle the criminal networks involved.

It also seeks to establish a group of experts (police, health, customs, judiciary, and the private sector) to support cooperation and procedures in a continuous and lasting manner.

The countries that participated in this initiative are: Jordan, the United Arab Emirates, Bahrain, Tunisia, Algeria, Iraq, Oman, Qatar, Kuwait, Lebanon, Libya, Egypt, Morocco, Saudi Arabia, and Mauritania.

We can mention the results of (Qanoon) process for the year 2018 as follows --

- Seized goods: 1.4 million units
- Estimated value: \$ 1.5 million.

- The suspects who were identified: 39 (Interpol).

Operation HEERA

is a regional initiative targeting the trafficking of pharmaceutical products in West Africa. Benin, Burkina Faso, Togo, Senegal, Guinea, Cote d'Ivoire, Mali, Mauritania, Niger and Nigeria participated in the following countries.

We can mention the results of the (HEERA) process for the year 2018 as follows:

- Seized goods: 95,800 units
- Estimated value: \$ 3.8 million
- Suspected identities: 41(Interpol, 14/04/2020).

Third / Global operations reveal a rise in counterfeit medical products during the Covid-19 pandemic

1- Pangea XIII process reveals rise in counterfeit medical products during Covid-19 epidemic

Due to the outbreak of the Coronavirus, new methods and trends have emerged regarding the tradition of medicinal and pharmaceutical products, Where we find that this phenomenon has worsened in many countries, for example in the city of Lyon, France, it was seized in the framework of

(Pangea XIII) counterfeit masks, hand sanitizers that did not meet safety standards and unlicensed anti-virus medications. The police, customs, and health sector regulatory agencies from 90 countries participated in this process with the aim of taking collective action to combat the illicit sale of medicines and medical products on the Internet.

It is worth noting that the outbreak of the Covid-19 epidemic in Italy led to a significant increase in the imitation of masks and other personal protective and hygiene products.

The process resulted in the seizure of potentially dangerous pharmaceutical products valued at more than \$ 14 million in Mozambique.

Operation Pangea XIII also resulted in the arrest of 121 people worldwide and the seizure of dangerous counterfeit pharmaceutical products valued at more than \$ 14 million (Interpol, 14/04/2020).

2- Criminal organizations exploit social networks to make money during the Covid-19 pandemic

The range of counterfeit products that reach the market has expanded with the increasing commercial use of the Internet to provide a huge number of commercial and non-proprietary medicines. In more than 50% of cases, it has been found that medicines purchased online from illegal agencies withholding their natural address are counterfeit, according to the World Health Organization.

The outbreak of the Corona Covid-19 virus has created opportunities for rapid profit, in the context of which criminals benefit from the strong market demand for personal protective and hygiene products.

Law enforcement agencies involved in the (Pangea) operation have uncovered nearly 2000 electronic advertising links for products related to Covid-19.

It is noted that more than 34,000 imitated and non-safety masks were confiscated, corona spray, coronavirus packages, and coronavirus medicine.

In this regard, a statement by the INTERPOL Secretary General, Jürgen Stock, stated: "The Pangea process shows once again that there is no deterrent between criminals and profit-taking. The illicit trade in such medical imitations at the height of a public health crisis highlights their total disregard for the condition of people or their lives" (Interpol, 14/04/2020).

Because of the rapid and frightening spread of the Covid-19 epidemic, a significant increase in the control of counterfeit and illegal pharmaceutical products was observed, as if we compare the results achieved during the implementation of the (Pangea) process in 2018, we find the (Pangea XIII) process on 3-10 March 2020 recorded An increase of about 18% in seizures of unlicensed anti-viral drugs, and more than 100% in seizures of unlicensed chloroquine (an anti-malarial drug).

3- The process of controlling and closing websites

During the week in which the operation (Pangea XIII) (March 3-10, 2020) was implemented, authorities in the participating INTERPOL countries searched more than 326,000 parcels in Ireland, and more than 48,000 customs and regulatory authorities seized more than 48,000 pharmaceuticals. Legitimate worldwide, including:

impotence pills; cancer drugs; sedatives and sedatives; anabolic steroids; pain relievers; drugs for the nervous system; drugs for skin diseases; vitamins (INTERPOL's COVID-19, 06/04/2020).

Also, more than 37,000 unlicensed and imitated medical devices were seized, the vast majority of which were surgical masks and tools for self-medical analysis (for the detection of HIV and blood sugar), as well as various surgical equipment. The process allowed the deletion of more than 2500 links referring to websites, social media pages, electronic markets and ads for illegal pharmaceutical products on the Internet, and a similar number of these electronic links are being deleted, and the efforts of the authorities jointly undermined the activities of 37 organized criminal groups (INTERPOL's COVID-19, 06/04/2020).

Results of the study

- 1- As part of the Pangea XIII process, INTERPOL member countries have reached out to the general public by broadcasting videos, distributing brochures, organizing exhibitions and meetings in hospitals and schools, to sensitize them to the dangers of purchasing pharmaceutical products from illicit sources on the Internet.
- 2- In this regard, Ms. Norlida Binti Abdul Rahman, Senior Assistant Director at the Malaysian Ministry of Health said: "As demand reduction is an important aspect of the Pangea XIII process, Malaysia has strongly encouraged outreach activities aimed at the general public such as distributing car posters and displaying video tapes on electronic billboards and holding a meeting on radio and television".
- 3- INTERPOL launched a set of international guidelines aimed at enhancing the safety and effectiveness of law enforcement personnel and first responders in the context of the Covid-19 epidemic.
- 4- Highlight the various tasks performed by these agencies during the spread of a pandemic or pandemic, such as Covid-19.
- 5- The Organization's specialized crime-fighting units continue to provide the latest information on trends and threats related to Covid-19, while the Center for Operations and Coordination will ensure that all requests for assistance are responded to.

RECOMMENDATIONS

- 1- Support law enforcement agencies in their response to the Covid-19 epidemic by issuing international guidelines, to highlight current criminal threats, which include practical guidance on preventive measures.
- 2- Control borders and maintain public order.
- 3- To assist the national health authorities in detecting cases and determining their origin.
- 4- Inform the population about public health measures.
- 5- Securing deliveries of medical equipment or transportation of patients.

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