Criminal Offences Against Humanity and International Law in Republic of North Macedonia

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Abstract

Despite the harsh policies in this area with the aim of halting migration flow, during the last several years, a considerable number of cases of crimes have been evidenced. They all belong to the group of “founding slavery and transportation of persons in slavery” which are incriminated in Article 418 of the Criminal Code of the Republic of North Macedonia, in Chapter thirty-four in the group of “Criminal offences against humanity and international law”.

This research paper reflects on and analyzes the criminal policy of the Republic of North Macedonia on the illegal migration and other criminal offences related to this phenomenon, based on the explanation of the phenomenology of the types of these crimes, such as: Human trafficking (art.418-a); Smuggling of migrants (art.418-b); Organizing a group and instigating performance of crimes of human trafficking, trafficking of juveniles and migrants (art. 418-c); Abuse of visa-free regime with the member countries of the EU and the Schengen Agreement (art.418-e), etc. This paper will reflect on the structure, dynamics and the volume of the crimes mentioned above based on the official statistical data published by the State Statistical Office of the Republic of North Macedonia for the period of January 2007 to December 2018.

Additionally, this research attempts to reflect the real picture of the reported, accused and convicted perpetrators of the crimes which are subject of this research, as well as provide some detailed data analysis on the indicators such as gender, age, the number and the type of the criminal offences during 2007 and 2018, the type of the decision of the court, the type of the sentence applied.

Keywords: smuggling migrant, transporting of persons in slavery, abuse of the visa-free-regime, human trafficking.
INTRODUCTION

This research analyzes the phenomenology of some types of criminal offences that are incriminated in the Criminal Code of Republic of Macedonia, in Chapter thirty four within the group of the “Criminal offences against humanity and international law” such as Human trafficking, Smuggling of migrants, Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants, and Abuse of the visa-free regime with the member countries of the European Union and the Schengen Agreement. The crimes mentioned above are evidenced mostly as conducted in North Macedonia for the period from 2007 to 2018, based on the official data published by the State statistical office of the country.

The data is presented in six specific tables providing information such as the total number of the convicted persons for the period 2007-2018, numbers by the type of the crime they have committed, the gender of perpetrators, and the sanctions sentenced. All the data presented have been collected from ten different publications per each year of the research period that this paper covers. More detailed data are presented for 2017 and 2018. For 2019, the Statistical Office has not published the data yet. Additionally, the paper analyses the juridical sanctioning of the criminal acts mentioned above, based on the Criminal Code of the country. Namely, it presents the legal framework for these criminal offenses as well as the criminal sanctions for the various forms as stipulated within the Criminal Code.

Many other crimes are incriminated in the Criminal Code in the chapter “Crimes against humanity and international law”, but there is no a registered case for the research period specified in this paper for the mentioned crimes. This is one of the reasons why those criminal acts are not treated in this paper, but also, they do not belong to the group of crimes linked with illegal migration. The crimes mentioned above include: genocide, crime against humanity, crimes of aggression, war crimes against the civil population, war crime against wounded and sick, war crimes against prisoners of war, use of not allowed battle means, approving or justifying genocide, crimes against humanity or war crimes, abuse of chemical or biological weapons, organizing a group and initiating commission of

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1 Criminal Code of Republic of Macedonia, 1996 (Consolidated text)
genocide and war crimes, unlawful killing and wounding of an enemy, unlawful confiscation of objects from killed and wounded on the battlefield, harming a parliamentarian, cruel behavior with wounded, sick or with prisoners of war, unjustified delay in repatriation of prisoners of war, destruction of goods under temporary protection or cultural heritage, instigation of aggressive war, abuse of international signs, organizing groups and instigating commission of genocide and war crimes, liability of the commandants and other superiors, liability of the inferior for crime committed upon order by the superior, and racial or other discrimination. (Criminal Code of R.M. 1996, Art. 403-417 “Official Gazette” No./year 37/1996)

CRIMINAL POLICY FOR CRIMINAL OFFENCES AGAINST HUMANITY AND INTERNATIONAL LAW REGULATED IN THE CRIMINAL CODE OF THE REPUBLIC OF NORTH MACEDONIA

This part of the paper presents the criminal policy of the criminal acts which belong to the group of founding slavery and transportation of persons in slavery which are incriminated in article 418 of the Criminal Code of the Republic of North Macedonia within the group of the “Criminal offences against humanity and international law”\(^2\). The positive legislation of North Macedonia is presented, i.e. the articles of the Criminal Code which incriminate these actions. The purpose is to present the legal framework for the criminal acts mentioned above, given that they are interrelated. There are six different criminal acts incriminated in Article 418 of the Criminal code, linked to illegal migration and similar acts linked with its criminal structure, but since there are differences between them, different criminal sanctions are applied to each of them. For example, in terms of sanctioning the forms of these actions from the easiest to the most serious forms, respectively the cases when aggravating circumstances are presented, when the perpetrator of these criminal offenses is an official person who commits the criminal offense during the exercise of official duty, or when the victim is a child, the

\(^2\) Criminal Code of Republic of Macedonia (Consolidated text) The revised text contains the following amendments to the law published in the “Official Gazette of the Republic of Macedonia” no.80/99, no.4/2002, no.43/2003, no.19/2004, no.81/2005, no.60/06, no.73/06, no.7/08, no.139/08, no.114 / 09, no.51/11, no.135/11, 185/11, no.142/12, no.166/12, no.55/13, no.82/13, no.14/14, no.27/14, no.28/14, no.115/14 and no.132/14.
punishment is more severe. The acts sanctioned in Article 418 which are presented below are those that are represented the most in our country for the period from 2007 to 2018, and they are incriminated in the Criminal Code as following:

- The criminal act **Founding slavery and transportation of persons in slavery** is incriminated as following in the positive Criminal Code of the country: “Whosoever by violating the rules of international law places another person in slavery or in some similar relation, or keeps them under such relation, buys, sells, hands the person over to another, or mediates in the buying, selling or handing over of a person, or instigates another to sell their freedom or the freedom of a person they support or who supports them, shall be sentenced to imprisonment of one to ten years. Whosoever transports persons under slavery or similar relation from one country to another shall be sentenced to imprisonment of six months to five years. Whosoever commits the crime referred to in paragraphs 1 and 2 against a juvenile, shall be sentenced to imprisonment of at least five years”. *(Criminal Code of the Republic of North Macedonia, Art. 418, (1,2,3))*

- The criminal act **Human trafficking** is incriminated as following: “Whosoever by force or serious threat causes delusions or other forms of coercion, by kidnapping, deceit, or abuse of their position and abusing pregnancy or the position of weakness of another person, or the physical or mental disability of another, or by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turns, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced pregnancy, unlawful adoption or similar relations to it, begging or exploitation for purposes forbidden by law, or illicit transplantation of human organs, shall be sentenced to imprisonment of at least four years. Whosoever seizes or destroys the ID, passport or other identification document in order to commit this crime, shall be sentenced to imprisonment of at least four years. Whosoever uses or makes it available for another to use sexual services or other type
of exploitation of persons knowing that they are victims of human trafficking, shall be sentenced to imprisonment from six months to five years. If the crime is committed by an official person while performing their service, they shall be sentenced to imprisonment of at least five years. The consent of the human trafficking with the intent to exploit them, as anticipated in paragraph 1, is not significant to the presence of the crime from paragraph 1…”. (Criminal Code of the Republic of North Macedonia 1996, Art. 418-a, (1-7))

- The criminal act Trafficking of migrants is incriminated as following: “Whosoever by force or by serious threat commits an assault on the life and body, by kidnapping, deception, covetousness, by abuse of their official position and the position of weakness of another, illegally transfers migrants over the state border, and the one that makes, procures or possesses a false traveling documents for such purpose shall be sentenced to imprisonment of at least 4 years. Whosoever turns, transports, transfers, buys, sells, harbors or accepts migrants shall be sentenced to imprisonment of one to five years. If, during the commission of these crimes the life or health of a migrant is threatened, or the migrant is subject to particularly humiliating conduct or brutality, or the migrant is prevented from exercising the rights determined by international law, the offender shall be sentenced to imprisonment of at least five years. If the crime is committed against a juvenile, the offender shall be sentenced to imprisonment of at least eight years. If the crime is committed by an official person while performing their service, they shall be sentenced to imprisonment of at least five years. The objects and means of transport used for committing the crime shall be seized, in accordance with Article 100-a of this Code”. (Criminal Code of the Republic of North Macedonia 1996, Article 418-b (1-6))

- Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants: “Whosoever organizes a group, gang or other association for committing the crimes from Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of at least eight years. Whosoever becomes a member of the group, gang or other association from paragraph 1, or in some other way helps the group, the gang or the association, shall be sentenced to imprisonment of at least one year. A
member of the group from paragraph 1, who reveals the group before it commits the crime within it or on its behalf, shall be acquitted from the sentence. Whosoever calls for, instigates or supports the commission of crimes referred to in Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of one to ten years”.


- The criminal act **Trafficking with a child** is incriminated as following: “Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbors or accepts a child for the purpose of exploiting them in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years. Whosoever commits this crime by the use of force, serious threats, delusion or other form of forcing, kidnapping, defraud, abuse of the position or pregnancy, powerlessness or physical or mental disability of another, or by giving and receiving money of other benefit for the purpose of obtaining consent of a person controlling another person, or the act is committed over a child younger than 14 years shall be sentenced to imprisonment of minimum ten years. Whosoever knowing, or being obliged to know that he or she is a victim of human trafficking, shall be sentenced to minimum imprisonment of eight years. The user of sexual services given by a child younger than 14 years shall be sentenced to imprisonment of at least 12 years”. (Criminal Code of the Republic of North Macedonia 1996, Art. 418-d (1-10))

- The criminal act **Abuse of the visa-free regime with the member states of the European Union and of the Schengen Agreement** incriminated as following: “Whosoever recruits, instigates, organizes, shelters or transports persons to a member state of the European Union or of the Schengen Agreement in order to acquire or exercise social, economy or other rights contrary to the law of the European Union, to the regulations of the member states of the European Union
and of the Schengen Agreement and to the international law shall be sentenced to minimum four years of imprisonment…(Criminal Code of the Republic of North Macedonia 1996, Art. 418-e(1-5)).

PHENOMENOLOGY OF CRIMINAL OFFENCES AGAINST HUMANITY AND INTERNATIONAL LAW IN NORTH MACEDONIA

In this part of the paper six tables are presented which show in detail the number of Criminal offenses against humanity and international law evidenced for the period from 2007 to 2018 in North Macedonia. The number of perpetrators reported, charged and tried-convicted and found not guilty for the crimes mentioned above is shown in each of them, as well as the types of criminal sanctions imposed for the specific criminal offenses, like the sentences as punishments and alternative measures. From the data we can analyze the way that the dynamics of these crimes has developed during the 10-year period in the country in the increasing or decreasing trend during the period of this research. This is related also to the migration phenomenon in the world in recent years, which has also influenced North Macedonia. The harsh criminal policy provided by the positive legislation of the country for these offenses is quite visible, because according to statistical data most of the sanctions imposed are imprisonment and very few are alternative measures or other sanctions.
In Table 1, convicted adult perpetrators by total criminal acts and by specific types of criminal offences against humanity and the international law and gender for the period from 2007 and 2018 are shown, while specifying the total number of convicted adults for each year as well as the number of female adults that were convicted during this time period in the Republic of North Macedonia.


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3 Perpetrators of criminal offenses in 2017, Statistical review 2.4.18.07 (898), p. 47, State statistical office of the Republic of Macedonia, Skopje, 2018
In 2007 we have 9639 convicted adults, in 2008 a total of 9503 convicted adults, in 2009 a total of 9801 convicted adults, in 2010 a total of 9169 convicted adults, in 2011 a total of 9810 convicted adults, in 2012 a total of 9042 convicted adults, in 2013 a total of 9539 convicted adults, in 2014 a total of 11683 convicted adults, in 2015 a total of 10312 convicted adults, in 2016 a total of 8172 convicted adults, in 2017 a total of 6273 convicted adults and in 2018 a total of 6273 convicted adults.

Something that can be noticed immediately in this table is the fact that there is a tendency of decline in the numbers of convicted adults in our country for the total number of crimes during the last few years, especially for the last three years of the research period. For the period from 2017 to 2018, we can see that the number of convicted adults decreased by 50% compared to the period from 2014 to 2016.

Another indicator in Table 01 reflects the number of the convicted adults in the country for 2007 - 2018 period by specific types of criminal offences against humanity and the international law and also specifically the number of females convicted for these types of crimes. We can see a very small number of females convicted during the ten-year period that the research covers compared to that of males convicted. Namely, for 2007 from a total of 44 convicted adults only 2 were female adults, in 2008 from a total of 91 convicted adults only 3 were female adults, in 2009 from a total of 72 convicted adults only 5 were female adults, in 2010 from a total of 72 convicted adults only 2 were female adults, in 2011 from a total of 67 convicted adults only 2 were female adults, in 2012 from a total of 67 convicted adults only 2 were females adults, in 2013 from a total of 78 convicted adults only 5 were female adults, in 2014 from a total 147 of convicted adults only 2 were females adults, in 2015 from a total of 208 convicted adults only 10 were female adults, in 2016 from a total of 91 convicted adults only 4 were female adults, in 2017 from a total of 55 convicted adults only 1 was female adult and in 2018 from a total of convicted 55 adults there is no female adult convicted.

Comparing the number of the total convicted adults for the period from 2007 and 2018 and those convicted for crimes against humanity and international law, the number of those convicted for crimes against humanity and international law is very low compared to the total number of the convicted perpetrators.
Based on the data presented for the number of crimes against humanity and the international law, we can see a considerable number of convicted perpetrators in some specific years such as 2014, 2015, 2016. Also, considering that in the last years the migration phenomenon has had a big rise, the statistics show a decrease of the number of the convicted adults for the crimes linked to trafficking migrants and other acts similar to it, around 50% less in the last two years of the research period compared to the other years covered in the data provided above. This is a positive indicator that shows that the preventive policy against these crimes and generally the migration policy of our country has yielded positive results and it has shown to be effective.

Table 1 also presents the number of the convicted adult perpetrators by specific crimes from the group of the crimes against international law and humanity, specifically those of the group Founding slavery and transportation of persons in slavery, such as: trafficking in minrors, smuggling of migrants, human trafficking, abuse of visa-free regime with the EU member states, organizing a group and inciting to commit the crimes of human trafficking and migrant smuggling, enslavement and transportation of enslaved persons and others from 2007 to 2018 in the country.  

For the criminal act Trafficking in minors in 2007, 2008, 2010, 2016, and 2017 no adult perpetrators were convicted, in 2009 there were 10 convicted, in 2011 there were 3 convicted, in 2012 there were 7 convicted, in 2013 there were 5 convicted, in 2014 there were 18 convicted and in 2015 there were 6 adults convicted perpetrators. For the criminal act Smuggling of migrants in 2007 - 2013 no adult perpetrators were convicted, in 2014 there were 98, in 2015 there were 177, in 2016 there were 73 and in 2017 there were 50. For the criminal act Human trafficking in 2007 - 2013 no adult perpetrators were convicted, in 2014 there was 1 convicted, in 2015 there were 4 convicted, in 2016 there was 1 convicted and in 2017 there was 1 convicted. For the criminal act Abuse of visa-free regime with the EU member states in 2007 - 2013 no adult perpetrators were convicted, in 2014 there were 13 convicted, in 2015 there were 14 convicted, in 2016 there were 6 convicted and in 2017 there were 2 convicted. For the criminal act Organizing a group and inciting to commit the crimes of human trafficking
and migrant smuggling in 2007 - 2014 no adult perpetrators were convicted, in 2015 there were 7, in 2016 there were 5, in 2017 there were 2 convicted. For the criminal act Enslavement and transportation of enslaved persons in 2007 - 2014 and in 2017 no adult perpetrators were convicted, there were only 6 convicted in 2016. For other types of crimes against humanity and international law there were 62 convicted in 2009, 41 convicted in 2011, 60 convicted in 2012, 73 convicted in 2013 and 7 convicted in 2014.

**T-02: Accused, convicted and not convicted adult perpetrators by type of criminal offence, decision and gender in 2018**

<table>
<thead>
<tr>
<th></th>
<th>Accused persons total</th>
<th>Female</th>
<th>Convicted persons</th>
<th>Total not convicted</th>
<th>Persons not convicted</th>
<th>Charge rejected</th>
<th>Charge dropped</th>
<th>Investigation Terminated</th>
<th>Security measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>7423</td>
<td>677</td>
<td>6273</td>
<td>1150</td>
<td>590</td>
<td>208</td>
<td>310</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>Crimes against humanity</td>
<td>56</td>
<td>3</td>
<td>55</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>and international law</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2 shows the number of the accused, convicted and not convicted adult perpetrators by the type of criminal offence, decision and gender specifically for 2018 in North Macedonia. Based on the data presented, there is a total of 7423 accused persons for all types of crimes, out of which 677 are females. Also, from the total number of accused, 1150 are not convicted, while 6273 are convicted, from which: for 590 the investigation was terminated, for 208 the charges were dropped, for 310 the charges were rejected and for 42 of them a security measure was applied.

Specifically, in 2018 for the crimes against humanity and international law, there were 59 accused persons, one of them was female, 55 were convicted, and only 4 were not convicted. For two of them the

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5 There is no data published for the number of the reported perpetrators of Crimes against the humanity and international law in 2018 in the website of the State Statistical Office of Republic of North Macedonia! Neither there is still no publication published for 2019 about the Crime perpetrators in the country (last access on the statistical office website: July, 2020)
Investigation was terminated, for one of them the charge was dropped and for one of them the charge was rejected. The data in Table 2 show that when comparing the number of the accused and convicted adults in 2018 for the general crime to those accused and convicted for the crimes against humanity and the international law, there is a very low tendency for committing crimes against humanity and international law (only 59 were accused for these crimes). However, there is approximately 98% of the accused persons that were convicted – found guilty (from 59 accused 55 were convicted), as presented in table n.03:

Table 3 shows the number of the accused, convicted and not convicted adult perpetrators by the type of criminal offence and gender specifically for 2017. Based on these data there are totally 59 accused for Crimes against humanity and international law, specifically for crimes of the group Founding slavery and transportation of persons in slavery. 53 persons were accused for Smuggling of migrants, 2 persons were accused for Organizing a group and inciting to commit crimes of human trafficking and migrant smuggling, 1 person was accused for Human Trafficking and 3 persons were accused for Abuse of the visa-free regime with the member countries of the EU. Only one female was accused and convicted for the criminal act Abuse of the visa-free regime with the member countries of the EU.
As for the convicted persons, there are 55 convicted adults in total for Crimes against humanity and the international law, concretely for Founding slavery and transportation of persons in slavery, as following: 1 of them is female as pointed above for the act of Abuse of the visa-free regime with the member countries of the EU, 50 adults were convicted for Smuggling of migrants, 2 persons were convicted for Organizing a group and inciting to commit the crimes of human trafficking and migrant smuggling, 1 person was convicted for Human Trafficking and 2 persons were convicted for Abuse of the visa-free regime with the member countries of the EU.

**Table 4: Convicted adult perpetrators for Crimes against humanity and international law in 2017 by types of criminal offences and type of sentence**

<table>
<thead>
<tr>
<th>Convicted Punishments Total</th>
<th>Main - Imprisonment</th>
<th>Secondary - Expulsion of a foreigner from the country</th>
<th>Alternative measures Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Crimes against humanity and international law</td>
<td>55</td>
<td>39</td>
<td>8</td>
</tr>
<tr>
<td>Smuggling of migrants</td>
<td>50</td>
<td>36</td>
<td>6</td>
</tr>
<tr>
<td>Organizing a group and inciting to commit the crimes of human trafficking and migrant smuggling</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Human trafficking</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Abuse of the visa-free regime with the member countries of the European Union</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
</tbody>
</table>


Table 4 presents the number of convicted adult perpetrators for crimes against humanity and international law in 2017 by types of criminal offences and with special emphasis on the type of sentences imposed, their types and their number. The data presented divide the criminal sanctions specifically to how many of them were sentenced with main sentences, punishments and secondary punishments, as well as the number of the other sanctions as a total and concretely the number of alternative measures issued as a sentence for
the concrete crimes presented in Table 4. During 2017, there were 55 convicted perpetrators for the crimes mentioned in Table 4. The court issued 47 punishments and 8 alternative measures for the convicted adults for the crimes mentioned in the table.

As shown in Table 4 the highest number is that of sentenced punishments (total of 47), from which 39 were issued a main sentence - imprisonment and 8 a secondary punishment - Expulsion of a foreigner from the country. Also 8 sentences were alternative measures - Probation (Imprisonment).

For the crime Smuggling of migrants 50 sentences were issued as punishments for the total cases of the convicted adults for this type of crime as following: 36 imprisonments as main punishments, 8 Expulsion of a foreigner from the country as secondary punishments and 6 alternative measures - probation. For the crime Organizing a group and inciting to commit the crimes of human trafficking and migrant smuggling only 2 sentences were issued as main punishments - Imprisonments, for the total of two cases of convicted adults for this type of crime.

For the crime Human trafficking only one sentence was issued as a punishment- with imprisonment as the main punishment, for the one case convicted for 2017. For the crime Abuse of the visa-free regime with the member countries of the European Union 2 sentences were issued as alternative measures - Probation.

As we can see from the data presented in Table 4, the most commonly conducted criminal act from the group of the crimes on Founding slavery and transportation of persons in slavery in 2017 in North Macedonia was Smuggling with migrants (50 cases from a total of 55), and the most frequently sentenced punishments were the main punishments, specifically the Imprisonment. This is another fact that proves the harsh criminal policy for this group of criminal acts which are sanctioned in the Criminal Code of the country.
### T-05: Convicted adult perpetrators by types of criminal offences and applied main sentence – imprisonment, fine and types of applied alternative measures in 2017

<table>
<thead>
<tr>
<th></th>
<th>Main sentence</th>
<th>Alternative measures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Imprisonment</td>
<td>fine</td>
</tr>
<tr>
<td>Total</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Convicted perpetrators</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All life imprisonment</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>1-3 years imprisonment</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>2-3 years imprisonment</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>4-6 years imprisonment</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Total Crimes</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Crimes against humanity and international law</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Smuggling of migrants Organizing a group and inciting to commit crimes of human and migrant traffic. Human trafficking Abuse of the visa-free regime with EU count.</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
<td>-</td>
</tr>
</tbody>
</table>


Table 5 presents data for the main sentences – imprisonment, fine, and types of applied alternative measures in 2017 for the convicted adult...
perpetrators by types of criminal offences from the group of the crimes against humanity and the international law. As shown in Table 5, there are a total of 39 sentences issued as main punishments - Imprisonments, 0 fines (as main or secondary punishments), and 8 alternative measures. In Table 5 there are no data on the other 8 secondary punishments sentenced in 2017 for the crimes that are researched - The Expulsion of a foreigner from the country, however those data are presented in details in Table 4. With them, there are overall 55 punishments that were sentenced during 2017 for crimes against humanity and international law - 47 punishments (9 imprisonments, 8 Expulsions of a foreigner from the country and 8 alternative measures - probation). The purpose of Table 5 is to present the duration of the punishment Imprisonment sentenced for specific crimes and also the specified Probation - with Imprisonment. As we can see there are more numbers of Imprisonments sentenced for the duration 5-10 years, a total of 17 cases, 11 imprisonments with duration 1-2 years, 7 imprisonments with duration 3-5 years, 2 imprisonments with duration 2-3 years and 2 imprisonments with duration 6-12 months. There is no imprisonment sentenced with life imprisonment for any of the cases registered. For the alternative measures, which are 8 in total during 2017 for the mentioned crimes, all of them are probation - Imprisonments, namely, 4 probations with imprisonment over 1 year, 3 probations with 6 months to 1 year and 1 up to 3 months. As shown in Table 5, the most commonly committed crime in 2017 was trafficking with migrants and the most frequent sentence was main punishments - Imprisonment, sentenced exactly to these perpetrators of this crime (from a total of 39 punishments, 36 were sentenced for this crime, 2 for Organizing a group and inciting to commit the crimes of human trafficking and migrant smuggling and 1 for Human trafficking.)
Table 6 presents the data for the number of security measures applied to the convicted adult perpetrators for specific crimes against humanity and international law during 2017. From a total of 55 convicted perpetrators, 45 security measures were applied. Namely, 43 Confiscations of objects for 50 convicted perpetrators of Smuggling of migrants and 2 same measures for 2 convicted perpetrators of the crime Organizing a group and inciting to commit the crimes of human trafficking and migrant smuggling.

**CONCLUSION**

This research reflected on the phenomenology of criminal offenses related to illegal migration and similar acts in the Republic of North Macedonia. The criminal code of the country lists several criminal offenses in the chapter "Criminal offenses against humanity and international law", specifically Article 418 entitled *Founding slavery and transportation of persons in slavery*. Under Article 418 several offenses were listed, which were also the subject of study in this paper, such as: Trafficking in Minors, smuggling of migrants, Organizing a group and inciting to commit the Crimes of human trafficking and migrant smuggling, Human trafficking and Abuse of the visa-free regime with the member countries of the European Union (Articles 418 a, b, c, d, e).

In the first part of the paper the positive legal provisions of the Criminal Code which sanction the above-mentioned criminal offenses were presented, in order to reflect their legal framework, since the criminal
phenomenology of these criminal offenses explains the manner of manifestation of these criminal offenses, the forms of their presentation - from the easiest to the most serious. All this is regulated by the Criminal Code - presenting their aggravating circumstances in some cases, which in turn lead to more severe sanctions for those actions. Thus, the purpose of the theoretical treatment of the provisions of the Criminal Code was initially to present how many forms of criminal offenses are provided in the criminal legislation of the country of the nature of illegal trafficking of migrants, human trafficking and children, etc., with other details which are provided in relevant articles - such as the forms of manifestation, the perpetrator, the victim and the type of criminal sanction.

Regarding the criminal sanctions provided by the Criminal Code for each criminal offense addressed in the first part, but also from the statistical data presented in the second part of the paper, it can be concluded that the criminal policy towards these criminal offenses is harsh. This is proven by the fact that these actions are punishable by a long-term imprisonment in most cases, which was confirmed through the data provided for the period 2017 and 2018, showing that for over 80% of the persons convicted based on these offenses the main sentence is the punishment - imprisonment, with very few cases having alternative measures and secondary sentences.

The second part of the paper presented the tables with detailed data, showcasing how this criminal phenomenon, i.e. the object of research is present in our country. The data are provided by analyzing 10 separate publications published by the Statistical Office of the Republic of North Macedonia for each year from 2007 to 2018. The tables provide cumulative and simplistic overview of the data, all the while providing as much information as possible by combining the data obtained from 10 separate publications. The emphasis was placed on data analysis for the last two years of research 2017 and 2018, which reflected the number of criminal offenses committed during these years, the number of persons reported, charged and tried - found guilty and innocent, and the types of criminal sanctions imposed in each case and security measures applied against the perpetrators of these actions. It can be concluded that in our country from 2007 to 2018 we have a variety of the number of these criminal offenses, an increase during the years from 2014 to 2016 and a large decrease in the cases during 2017 and 2018. The most common type of crime committed is illegal trafficking in migrants,
although there are very few cases each year of other criminal offenses of this group.

So, according to the dynamics, it is reported that in the recent years we have a decrease in these crimes, although for 2019 we have no data published by the Statistical Office. According to the structure, the criminal offenses committed are several - all of the acts provided by articles 418 and 148-e in the Criminal Code. By volume - the highest number of crimes are trafficking in migrants with detailed numbers in the tables in the second part. By studying the dynamics, structure, and volume of these crimes, the real criminal phenomenology of this criminal phenomenon in our country has been reflected. I consider that we still need to work on advancing the preventive policy against these criminal offenses in order to further reduce the number of this criminal phenomenon in our country.

**BIBLIOGRAPHY**

- **Criminal Code of Republic of Macedonia (Consolidated text)** The revised text contains the following amendments to the law published in the "Official Gazette of the Republic of Macedonia" number 80/99, number 4/2002, number 43/2003, number 19/2004, number 81/2005, number 60/06, number 73/06, number 7/08, number 139/08, number 114 / 09, number 51/11, number 135/11, 185/11, number 142/12, number 166/12, number 55/13, number 82/13, number 14/14, number 27/14, number 28/14, number 115/14 and number 132/14. (In:https://www.pravdiko.mk/wp-content/uploads/2013/11/Krivichen-zakonik-integralen-prechisten-tekst.pdf)

  

  

  
- **Perpetrators of criminal offenses in 2010**. Statistical review 2.4.11.15 (698), State Statistical Office of the Republic of Macedonia, Skopje, 2011. ISSN 0580-454X. Population and social statistics, ISSN 1409-8997

- **Perpetrators of criminal offences in 2011**. Statistical review 2.4.12.09(724), State statistical office of the Republic of Macedonia, Skopje, 2012. ISSN 0580-454X. Population and social statistics, ISSN 1409-8997


**Reported, accused and convicted adult perpetrators of criminal offences and adults in conflict with the law, 2018** (T-03: Accused adult perpetrators by type of criminal offence, decision and gender, p.6) Publisher: State Statistical Office Skopje, Dame Gruev 4, Fax: +389 2 3111 336 Prepared by: Stojanka Krsteva, Toni Krstev, 30.05.2019, Year LVII No: 2.1.19.17
• https://www.globaldetentionproject.org/countries/europe/macedonia
• https://www.pravdiko.mk/category/zakoni/
• http://pravo.org.mk/
• http://pravo.org.mk/documentlaws.php?name=%D0%BA%D1%80%D0%B8%D0%B2%D0%B8%D1%87%D0%B5%D0%BD+%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD+%D0%B8%D0%BA

228