

The former Yugoslav Republic of Macedonia

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RULES/GENERAL LAWS	
General	<p>1. Law on Service in the Army of the Republic of Macedonia (Official Gazette, 36/10, 23/11, 47/11, 148/11, 55/12, 29/14, 33/15, 193/15 and 71/16) http://morm.gov.mk/wp-content/uploads/2017/02/Zakon-za-sluzba-vo-ARM-precisten-tekst-fev-2017.pdf</p> <p>2. Rules on Disciplinary Procedures (Official Gazette, 8/13) http://morm.gov.mk/wp-content/uploads/2018/01/Pravilnik-disciplinska.pdf</p> <p>3. Law on the Protection from Harassment at the Workplace (Official Gazette, 79/13 and 147/15) www.pravdiko.mk/wp-content/uploads/2013/11/Zakon-za-zashtita-od-voznemiruvane-na-rabotno-mesto-31-05-2013.pdf</p> <p>4. Criminal Code (Official Gazette 37/96, 88/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 16/14, 199/14, 196/15, 226/15 and 97/17) www.pravdiko.mk/wp-content/uploads/2013/11/Krivichen-zakonik-integralen-prechisten-tekst.pdf</p> <p>UN rules on the prohibition of sexual exploitation and abuse are included in all documents regarding the deployment. Those rules are included in the pre deployment training. Each member of the contingent has to participate in the pre-deployment training, where all the rules are specified and explained.</p>
SEA: military offence?	Sexual exploitation and abuse is military disciplinary and criminal offence. As a disciplinary military offence, it is treated as such in the Law on Service in the Army of the Republic of Macedonia . However the disciplinary procedures are independent from criminal procedures. This means that during the disciplinary procedure, criminal procedure for criminal responsibility may also be initiated before a criminal court in line with the Criminal Code . These two procedures will be conducted separately.
Powers of the Commanding Officer (CO)	<p>Every service member has the right to initiate disciplinary procedure if there is reasonable doubt that a disciplinary offence is committed by another service member. This includes sexual exploitation and abuse. After the disciplinary procedure is initiated, the authorized Commanding Officer will form a disciplinary commission for investigation of the offence. If the commission determines that a disciplinary offence has been committed by a service member, the proposal for disciplinary measure will be given to the authorized Commanding officer.</p> <p>Depending on the position of Commanding officer, different measure can be imposed up to discharge from the service.</p> <p>Usually disciplinary procedures are conducted in the territory of the Republic of Macedonia even for the disciplinary offences made abroad.</p>
INVESTIGATION	
Who can investigate?	<p>If a disciplinary procedure is initiated, the disciplinary commission has the authority to investigate the offence. The commission however may include the military police or military intelligence service to help during the investigation.</p> <p>As mentioned above, aside the disciplinary procedure, the criminal procedure will be initiated. In this case the military police and military intelligence service will be involved in investigating the offence. This investigation will be conducted in coordination with the public prosecutor's office.</p>
National Investigation Officer (NIO)	In the Republic of Macedonia there is no National Investigation Officer as such. As mentioned above all the investigations will be done by the disciplinary commission, military police and military intelligence service.
PROSECUTION	
Referral	The procedure is coordinated with the prosecutor and other authorities involved from the beginning. After the investigation is completed the prosecutor files an indictment and takes the case to the court or dismisses the charges.
Who can charge?	<p>In the case of criminal liability the criminal courts are authorized to do so after completion of the investigation, which is conducted in close cooperation with the military police and military intelligence service and civilian authorities.</p> <p>However sexual exploitation and abuse is also considered a violation of military discipline and the Commanding Officer can also render a decision on disciplinary liability.</p>
JUSTICE	
Military justice	<p>Military justice system in the Republic of Macedonia involves only disciplinary procedure.</p> <p>Criminal procedure, even for military personnel is conducted in front of (civilian) criminal courts.</p>
Deployable Court Martial?	The Republic of Macedonia does not have military court martial.
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