North Macedonia

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RULES/GENERAL LAWS	
	1. Law on Service in the Army of the Republic of North Macedonia (Official Gazette, 36/10, 23/11, 47/11,
General	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
	2. Rules on Disciplinary Procedures (Official Gazette, 8/13) http://morm.gov.mk/wp-content/uploads/2018/01/Pravilnik-disciplinska.pdf
	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-
	<u>2013.pdf</u>
	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
	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.
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 North 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.
	Every service member has the right to initiate disciplinary procedure if there is reasonable doubt that a disciplinary
Powers of the Commanding Officer (CO)	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.
	Depending on the position of Commanding officer, different measure can be imposed up to discharge from the service.
	Usually disciplinary procedures are conducted in the territory of the Republic of North Macedonia even for the
	disciplinary offences made abroad.
INVESTIGATION	
Who can investigate?	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.
	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
Na4* a 1	conducted in coordination with the public prosecutor's office.
National	In the Republic of North Macedonia there is no National Investigation Officer as such. As mentioned above all the
Investigation Officer (NIO)	investigations will be done by the disciplinary commission, military police and military intelligence service.
(NIO)	DDOCECUTION
	PROSECUTION The procedure is coordinated with the prosecutor and other authorities involved from the beginning. After the
Referral	investigation is completed the prosecutor files an indictment and takes the case to the court or dismisses the charges.
Who can charge?	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.
	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.
JUSTICE	
Military justice	Military justice system in the Republic of North Macedonia involves only disciplinary procedure.
	Criminal procedure, even for military personnel is conducted in front of (civilian) criminal courts.
Deployable Court Martial?	The Republic of North Macedonia does not have military court martial.
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