

NARCOTIC TRAFFICKING IN KOSOVO

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ABSTRACT

Kosovo is facing numerous challenges that are as a result of organized crime, including criminal phenomenon of narcotic trafficking. This harmful phenomenon is causing dissatisfaction among citizens, especially due to the fact that the detection and punishment of its perpetrators is marking stagnation and other big uncertainties. Narcotic trafficking is causing numerous consequences to individuals, family and to society overall. These consequences are of health, social and psychological nature etc. Criminal acts by which is committed this type of criminality recently are expressing increasingly greater scale of their aggressiveness. This due to the fact persons within under criminal organizations and professional perpetrators deal with the commission of this type of criminality. Researchers conducted prove that with the commission of Narcotic Drug Offences deal persons of different age, gender, education levels and different social backgrounds, but dominate the youth, persons of masculine gender, persons with low education and those unemployed. Modest results of this scientific paper also prove that the fight against this type of criminality significantly continues to be inefficient. Consequently, there are significant stagnations especially in terms of undertaking prohibitive measures, but without excluding repressive measures also because punitive policies is considered to be very soft.

Key words: *Trafficking, narcotic, criminal justice system, prosecution, arrest, punishment.*

Introduction

Kosovo as many world countries, recently is facing numerous problems coming as a result of attacks of criminal actions qualified as organized crime. This country since after the war (1999) onwards, besides other serious criminal offences, significantly is facing also with Narcotic Drug Offences. During the period of time 2008-2013 when this research has been conducted some forms of these criminal offences are manifested with a relatively high degree of aggressiveness. Narcotic trafficking has become a common phenomenon causing disgust of citizens, especially due to the fact that its perpetrators, in most of the cases, or they remain undetected, or they are punished by minimal sentences. These actions are obstructing and making difficult the progress of Rule of Law.

In this scientific paper are analyzed and presented some elements and aspects related to criminal law treatment of narcotic trafficking criminal offences. And then have been analyzed some criminological data of these criminal offences, and at the end were treated some of the measures for combating this type of criminality. In this regard, through this scientific paper is made a modest attempt to increase the awareness of competent authorities and public and opinion for a persistent engagement towards combating narcotic drug criminal offences.

1.The meaning and some other criminal law elements of narcotic trafficking

Criminal Code of the Republic of Kosovo narcotic trafficking, respectively unauthorized purchase, possession, distribution and sale of narcotic drugs, psychotropic substances and analogues considers a serious criminal offence. For this criminal offence as will be seen below are foreseen severe penalties. This criminal offence is listed in the chapter XXIII named "Narcotic Drug Offences".⁵

According to the article 273 of Criminal Code of the Republic of Kosovo by narcotic trafficking is

⁵ Criminal Code of the Republic of Kosovo (amended and supplemented) entered into force on January 1, 2013.

implied the unlawful actions through which are purchased, offered for purchase or possession of narcotic substances, psychotropic and analogues for sale and distribution.⁶

In general, actions through which is committed this criminal offences consist in:

1. Wholesale or retail of narcotic and psychotropic substances without a license and authorization⁷ by violating the law;⁸
2. Offering for wholesale or retail of narcotic and psychotropic substances without a license and authorization and by violating the law;
3. Purchase of wholesale or retail of narcotic and psychotropic substances without a license and authorization and by violating the law;
4. Giving or getting wholesale or retail of narcotic and psychotropic substances without a license and authorization and by violating the law;
5. Distribution to other persons wholesale or retail of narcotic and psychotropic substances without a license and authorization and by violating the law;
6. Trading, transportation, shipment, delivery and maintenance of wholesale or retail of narcotic and psychotropic substances without a license and authorization and by violating the law;
7. Importing, exporting and transiting of narcotic and psychotropic substances abroad, without a license and authorization and by violating the law;

⁶ In order to be considered that this criminal offence exists, any forms of its commission it is required that the concrete action should be undertaken in unauthorized manner, without a license and illegally. This due to the fact that if import, export, transit (distribution) and trading (purchase, offering for purchase and possession) of narcotics and psychotropic substances is done in accordance with the law and with a specific purpose for example on medical or scientific purposes, then this is allowed, it is not considered a criminal offence.

⁷ The circumstance that is acted without authorization, it means illegally, is an essential element of this criminal offence, therefore is necessary that the perpetrator to be aware that does not have a special authorization for purchase and possession of narcotics, psychotropic substances and preparations declared as dangerous intended for sale, distribution, offering for sale etc. Ismet Salihu, Ilmi Zhitija and Fejzullah Hasani, Criminal Code of the Republic of Kosovo, Commentary, Pristina, 2014, page 756.

⁸ Here it comes the Law No. 02/L- 128 on Narcotic Drugs, psychotropic substances.

Protective object of narcotic drug criminal offences and psychotropic substances is human health, whereas as its perpetrators can be any person who has reached the age for criminal liability and is responsible,⁹ which without a license and in unauthorized manner undertakes one of the abovementioned actions.

Narcotic trafficking and psychotropic substances is committed only by intention.¹⁰ Therefore the perpetrator should be aware of the fact that it is about substances which by the law are declared drugs or psychotropic substances and these substances unlawfully purchases, possesses, sells,¹¹ transits, imports, exports etc.¹²

For this criminal offence depending on the form of commission, is foreseen the punishment by imprisonment of two (2) to twelve (12) years.

2. Some phenomenological characteristics of narcotic trafficking

The treatment of narcotic trafficking phenomenon, like any other form of criminality it can be done in a more comprehensive manner only when in addition to other elements, are elaborated also some of its phenomenological characteristics. Therefore, within this scientific paper will be discussed about the volume, dynamics, commission manner, consequences and some personal characteristics of criminal offences narcotic trafficking perpetrators.

2.1. The volume

In Kosovo the issue of narcotic trafficking of criminal offences since the post-war period (1999) onwards, is very current. The actuality of this issue is determined due to the fact these criminal

offence during this period of time are relatively frequent. Thus in 2009 for commission of this criminal offence were punished 42 persons, whereas in 2013 were punished 131 persons.

In the following for purposes of this scientific paper in a special diagram, will be presented the data concerning the number of indicted persons for commission of criminal offences of narcotic trafficking, and the number of convicted persons concerning these criminal offences during the period of time 2008-2013.

⁹ Ismet Elezi, Criminal Law, The special part, Publishing House of University Book, Tirana, 2002, page 413.

¹⁰ Afrim Shala, The special part of the criminal offence with cases from judicial practice, Gjilan, 2010, page 196.

¹¹ Ismet Salihu, Criminal Law, The special part, "FAMA" College, Pristina, 2014, page 377.

¹² Narcotic trafficking represents an activity that mainly is performed by international criminal organizations. For this see: Besnik Muçi, Criminal offences in the narcotic field, Tirana, 2002, page 148.



According to these data during the period of time 2008-2013 in Kosovo for commission of criminal offences of narcotic trafficking were indicted 724 persons, whereas were punished 365 persons.¹³ As it turns out the number of convicted persons (365) is almost half less than the number of indicted persons (724). This number is many times smaller than the number of persons to whom were filed criminal reports (2257). The data used prove that the number of rejected and withdrawn indictments is extremely high. Therefore, this situation, based on the existing perception in public opinion for a high presence degree of this criminal phenomenon, it requires that Police, Prosecution and Courts at their job in the future to be more responsible and efficient.

2.2. The dynamics

In order to be able to assess the performance of movement related to criminal offences of narcotic trafficking is necessary to follow the number of convicted persons for commission of these criminal offences through years. In this regard, in order to present the dynamics of criminal offences of narcotic trafficking, in the following table, will be presented the data for convicted persons for commission of these criminal offences during the period of time 2008-2013.

Years	The number of convicted persons
2008	27
2009	42
2010	46
2011	51
2012	68
2013	131
In total	365 ¹⁴

¹³ See: Statistical reports (periodical and annual) of Kosovo Judicial Council over the manner of resolving judicial cases for the period of time 2008-2013 and Kosovo Basic Courts judgments for the period of time 2008-2013.

¹⁴ Ibid.

According to these data it turns out to be that Kosovo courts for commission of these criminal offences of narcotic trafficking in 2008 have punished 27 persons, in 2009 have punished 42 persons, in 2010 have punished 46 persons, in 2011 have punished 51 persons, in 2012 have punished 68 persons and in 2013 have punished 131 persons. These data prove the continuance regarding the increasing number of these criminal offences from year to year. This number increase seems alarming especially in 2013 where we do have double presence criminal offences of this type in comparison to the year 2012, whereas fourfold more than in 2008. It is estimated that this situation, among others, it could have been dictated also by numerous judicial cases transfer from year to year, a problem that is following Kosovo throughout the postwar period.

In general, I consider that the reasons of this situation presented in this table should be sought in the low level of country economic development, poor management of the state border, the unsatisfactory inter-police cooperation level to the neighboring countries (especially with Serbia), inefficient work and sometimes even unprofessional of criminal justice bodies in combating this criminal phenomenon, a high level of corruption presence in public institutions of the country etc.

2.3. The manner of commission

Statistical data and criminological researches conducted in many world countries indicate that criminal offences of narcotic trafficking are committed by individual perpetrators, and especially by perpetrators within groups and other forms of criminal organization. This fact is present also in Kosovo. Thus, according to the data from resolved judicial cases it turns out to be that from 365 convicted persons for commission of these criminal offences 78 of them these criminal offences committed as individuals, whereas 287 others committed these criminal offences in cooperation with others.

The commission of criminal offences of narcotic trafficking to this high extent within criminal cooperation, and especially from organized criminal groups it is explained by the fact that this type of criminal offences, in a way or other, belongs to so called complicated criminality, so the cooperation in their commission is presented not as an necessary element but also indispensable. In this way is facilitated the commission of these criminal offences because perpetrators have separated the roles and acted in the system. This system has functioned in a manner that such criminal organizations duly had their "boss" connective persons as well as the persons who should deliver narcotics, which depending on the way of their destination (internal or external market) performed further criminal activities through functioning structure in advance.

This situation, concerning the manner of criminal offences of narcotic trafficking commission, it requires from responsible institutions of combating crime to prepare proper strategies to combat them. As far as this will be absent Kosovo will continue to be an appropriate place of criminal groups action and not just in relation to performing their unlawful activities concerning narcotics, but also to the other types of criminal offences. Therefore, the recognition of the manner of commission of these criminal offences would facilitate the identification of measures for combating this criminal phenomenon, but also to the measures undertaking of which will lead to the eradication of causes determining its presence.

3. Kosovo country of origin, destination and transit of narcotic trafficking

The period involved in conducting the research of criminal offences of narcotic trafficking (2008-2013) is characterized by the existence of a deep economic crisis, ongoing exercise of responsibilities in prosecution and judiciary of relevant international mechanisms, especially EULEX, dysfunction appropriately of justice system, the extreme impact of politics in public

administration of the country, the blackmail of certain political and leading personalities of public and state administration, placement in high positions of many persons who are evaluated to be unworthy and unprofessional in the three levels of state power, inefficient management of state border especially in northern part of the country etc. These present only some of the circumstances who created adequate space for the appearance of numerous negative phenomena in Kosovo and the criminal behaviors of all types, including criminal offences of narcotic trafficking.¹⁵

Abovementioned factors but without neglecting also other factors (geographical position, political aggravated circumstances relating to the north of the country, young population etc.), is estimated to have exercise decisive influence that concerning the phenomenon that is the subject of this scientific paper, Kosovo to have the status of the country who favours narcotic trafficking, respectively to be the country of origin, destination and transit of narcotic trafficking.

The conclusion that Kosovo can be considered the country of origin of criminal offences of narcotic trafficking is based on the fact that the largest number of convicted persons (319 of 365) are Kosovo citizens. That Kosovo has the attribute of origin state proves also the fact of detection tens of plantations of cultivation cannabis plant.¹⁶

Also it is estimated that Kosovo, in a way or other, represents the preferable country of narcotic trafficking destination. That is so, indicate statistical used data, according to which ¼ of narcotics entering to Kosovo their destination have “the market” here.¹⁷ The fact that Kosovo is a preferable country of narcotic trafficking has its source in high percentage of youth generation participation in the total percentage population of

the country (is estimated that 70 % of Kosovo population are under the age of 30), which is mainly involved in drug abuse issues (consumer,¹⁸ owner, dealer etc.), in large international presence here which continues to be excluded from every surveillance whether internal or external, regarding problems accompanying the country concerning the functionalization of criminal justice system, including big possibilities to influence in judiciary through politics and corruption etc.

Finally, it should be emphasized the fact that Kosovo during the research period of time 2008-2013 has continued to present also the transit country of narcotic trafficking. This conclusion is based on the fact that ¾ of narcotics entering in Kosovo as their destination have Western countries. This data is argued also by the report of United Nations Office on Drugs and Crimes addressing drug transport roads towards Western Europe. According to this report drug contingents, especially heroin departing from Far East countries (mainly from Afghanistan) arrive in Kosovo through the road following the line of Turkey, Bulgaria, Macedonia or Serbia.¹⁹ This report highlights the fact that later substantial contingents of this drug transferred to Albania or Montenegro and then towards Italy or Bosnia and Herzegovina, Croatia with destination Austria, Germany, Switzerland, France, other Western Europe Countries and United States of America.²⁰ In fact Kosovo as mentioned above, due to the geographical position, non-consolidation of the justice system, functioning with evident problems of control system at border crossings, during the whole period included in research, presented convenient land to move without trouble of narcotic traffickers and to narcotics itself.

¹⁵ Azem Hajdari, Organized criminality, Pristina, 2006, page 228-229.

¹⁶ Cultivation cases of narcotic plants were evidenced in the municipality of Pristina, Suhareka, Kamenica, Gjilan, Podujevë, Prizren etc. For these see: www.indexonline.com, 6 September 2014.

¹⁷ See: Police statistical data regarding criminal offences of narcotic trafficking for a period of time 2001-2012.

¹⁸ According to the Psychiatric Clinic of the University Clinical Centre of Kosovo in Kosovo there are between 4000-5000 heroin users. Whereas the number of drug users in general in Kosovo is estimated to be between 10.000-15.000 persons.

¹⁹ The report finds that the biggest part of the drug in its journey to Kosovo comes through Macedonia.

²⁰ Afghanistan drug passes through Kosovo, www.telegرافي.com, 29 March 2014.

4. The consequences of narcotic trafficking

Narcotic trafficking causes numerous and diverse consequences. The consequences caused by this criminal phenomenon are of health, social-economic and psychological character etc. As such they strike persons (perpetrators and drug addicts), their families and the entire society.

In personal terms criminal offences of narcotic trafficking, except their perpetrators also strike drug addicts, not involved in criminal activities. Health consequences mainly strike consumers of narcotics, and especially drug addicts. They weaken to the destruction physical and mental health and generate the appearance of different diseases which in most of the cases are difficult to be healed. On the other hand, narcotic trafficking destroys the economic situation of drug addicts. Consequently, "they seek the solution through dealing with criminal actions, mainly theft".²¹ The expansion of criminal activity seems inevitable also to criminal offences of narcotic trafficking perpetrators. Many researches indicate that they in most of cases deal with the criminal phenomenon of money laundering, trafficking of human beings, smuggling of migrants etc.

The consequences of narcotic trafficking, except the perpetrators and narcotic consumers strike also their families. Perpetrator's families are struck morally and materially. They in many cases are underestimated and isolated by their living environment, who dictates also the displacement from that environment. As a result they live in a severe psychological situation, without having any idea how to get out from that situation. Materially the families of these criminal offences perpetrators are struck when they by being children or parents shall be punished by up to some years imprisonment, especially in those cases when their families have no existential sources. Morally and materially struck suffer also drug addicts families. Also these families are underestimated by their social environment so in

this way it is difficult for them to live in existing residence. The same thing has to do with material consequences, where many such families go through a severe economic depression.

Narcotic trafficking causes also numerous social consequences. These criminal offences influence in increasing of different types of criminal offences, especially to those linked with organized crime. As such these criminal offences damage the economic, social (culture, education etc.) and integrating perspective of the country. They obstruct proper investments and disorientate free and legal market economy. This happens especially in cases when perpetrators of these criminal offences are linked by individuals of high political and state levels. This due to the fact that in this manner combating narcotic trafficking perpetrators not only it becomes difficult but also becomes impossible.

5. Some personal characteristics of narcotic trafficking perpetrators

Criminality in general, therefore also its specifics types, it cannot be explained entirely their complexity without studying and analyzing also some basic personal and social characteristics of these behaviors, because criminality as a general phenomenon is manifested through the commission of concrete criminal offences,²² by concrete persons.

Bearing in mind this fact, in the following treatments briefly will be discussed about age, gender, educational level and social affiliation concerning criminal offences narcotic trafficking perpetrators.

²¹ Kadri Bicaj, *Drugs, drug addiction and criminality*, Pristina, 2010, page, 56.

²² Mihajlo Ačimović, *Pravci kriminalne psihologije*, Beograd, 1976, page. 7 – 8.

5.1. Age

Age is an important characteristic of the criminal phenomenon that it has a special importance in explaining criminal behaviors.²³ Numerous statistical data from judicial practice, as well as criminological researches data prove that perpetrators belong to persons of different ages. This fact is present in all criminal offences, and thus also to criminal offences of narcotic trafficking. The results of this paper prove that the perpetrators of narcotic trafficking are mainly adults. In the following table will be presented the age of convicted persons for commission of criminal offences of narcotic trafficking during the period of time 2008-2013.

The age of convicted persons	The number of convicted persons
14 – 18	34
18 – 30	153
30 – 40	88
40 – 50	56
50 – 60	28
Over 60 year old	06
Total	365

According to these data the criminal offences of narcotic trafficking substantially were committed by persons of ages between 18-30 years, in 153 cases, and then come persons who belong ages between 30-40 years with 88 cases, the persons of ages 40-50 with 56 cases and so on. The commission of the biggest number regarding criminal offences of narcotic trafficking by persons of ages 18-30 and 30-40 years it is explained by the fact that Kosovo population is dominated by persons of these ages, as well as by the fact that are the persons of these ages those who are more easy to be manipulated. Of course, persons of ages 18-40 years are those who in constellation of political-social, economic and educational courses were mostly neglected, and this situation has been used relatively easy by persons who in postwar years were profiled in commission of various crimes in the country.

²³ Ragip Halili, *Criminology*, Prishtina, 2000, page, 76.

5.2. Gender

Also gender, similar as the age presents an important characteristic of criminal phenomenon, that has a certain importance in explaining criminal behaviors. Exists a general impression that criminality is a typical phenomenon of masculine gender.²⁴ Numerous researches conducted for different forms of crimes in many world countries prove this fact. This tendency is noticed also in commission of criminal offences of narcotic trafficking. Thus, the data regarding convicted persons for commission of criminal offences of narcotic trafficking prove that as subject of these criminal offences appear mainly males. In the following table will be reflected the gender of convicted persons for commission of criminal offences of narcotic trafficking during the period of time 2008-2013.

The gender of convicted persons	The number of convicted persons
Male	312
Female	53
Total	365 ²⁵

Such high participation of males in the commission of criminal offences of narcotic trafficking should be explained with the general social position that male has in comparison to female in Kosovo society. Kosovo female, despite the positive developments that have taken place continues to be many times less involved in public institutional life (state, educational, economic etc.) than male, whereas its dependence with the family (raising children and housework) continues to be extremely higher than male. This situation is estimated to have exercised decisive influence concerning female participation level in the commission of criminal offences of narcotic trafficking. All this is explained by the fact that in recent years, when there is an increase of advancement level of female in society, the degree

²⁴ Ragip Halili, *Criminology*,....., page. 77.

²⁵ See: Statistical reports (periodic and annual) of Kosovo Judicial Council over the manner of resolving court cases for the period of time 2008-2013 and Kosovo Basic Courts judgments for the period of time 2008-2013.

of female participation in commission of these criminal offences indicates a tendency to increase.²⁶

5.3. Educational level

Numerous criminological researches consider education as an important factor in prevention of criminality. This fact is proven also by modest results of this paper. What is the participation degree of convicted persons in commission of criminal offences of narcotic trafficking during the period of time 2008-2013 based on the perpetrator's educational level is best proved from the data that will be reflected in the following table.

Educational level of convicted persons	The number of convicted persons
Without a complete primary education	133
With primary education	121
With secondary education	102
With faculty	09
Total	365 ²⁷

According to these data the biggest number of convicted persons for commission of criminal offences of narcotic trafficking belongs to the persons without a complete primary education and who have completed only primary school level (254). After them come persons with secondary education (102) and persons who have completed superior education (09). The higher degree participation of persons without a complete primary education and who have completed only primary school level in commission of criminal offences of narcotic trafficking also should be seen in the low level of knowledge they have for

²⁶ Only in 2013 were evidenced double convicted females as perpetrators of criminal offences of narcotic trafficking (13) than during the first two years (2008 and 2009) involved in the research (15).

²⁷ See: Statistical reports (periodic and annual) of Kosovo Judicial Council over the manner of resolving court cases for the period of time 2008-2013 and Kosovo Basic Courts judgments for the period of time 2008-2013.

understanding social processes in general including the crime phenomenon (consequences it causes), but without excluding other influential factors, just like can be those linked with the manipulation possibility of these persons, because they are usually persons who see themselves lost in the labour and knowledge market.

5.4. Social affiliation

Numerous data from judicial practice and the researches from criminological studies attest that the biggest number of perpetrators regarding criminal offences of narcotic trafficking is from unemployed people and those who have difficult material situation. This fact has been proven also by modest results of this paper. In the following table will be presented the data over social affiliation of convicted persons for commission of criminal offences of narcotic trafficking during the period of time 2008-2013.

Social affiliation of convicted persons	The number of convicted persons
Employed	46
Unemployed	319
In total	365 ²⁸

According to these data from 365 convicted persons 319 of them were unemployed. Commission of such high number of criminal offences of narcotic trafficking by unemployed people it is explained by difficult economic situation of the country and with the absence of citizens' perspective regarding their employment. It is considered that majority of these persons are involved in the commission of these criminal offences based on the need to ensure their and family existence, but without excluding motives of being rich and having a luxurious life. Based on this fact, it can be concluded that by having employment growth and welfare of citizens could come to the reduction of cases on commission of these criminal offences.

²⁸ See: Statistical reports (periodic and annual) of Kosovo Judicial Council over the manner of resolving court cases for the period of time 2008-2013 and Kosovo Basic Courts judgments for the period of time 2008-2013.

6. Measures for combating narcotic trafficking

For preventing and combating criminal offences of narcotic trafficking as well as criminality in general during the historical development of human society were used different tools and methods. All the measures used for combating criminal offences of narcotic trafficking can be divided into: preventive and repressive measures.

6.1. Preventive measures

By the word preventive measures is understood the entirety of actions undertaken by a wide circle of state entities in order to prevent criminality appearance as socio-pathological phenomenon, through eliminating and combating causes and conditions who determine it.²⁹ Preventive measures undertaken in order to prevent the commission of criminal offences of narcotic trafficking may be numerous and varied. These measures (general and special nature) must be focused on:

1. The increase of economic, educational and cultural population development level;
2. Issuing of respective legislation and its implementation;
3. Professional development seminars and other communication forms with citizens in order to inform them concerning the consequences of criminal offences of narcotic trafficking and increasing their awareness in terms of helping the fight against this criminal phenomenon;
4. Establishing the responsible and effective mechanisms in order to fight criminal offences of narcotic trafficking;
5. Efficient exercise of responsibilities by the police, state prosecution and courts with the purpose of detecting, prosecuting, arresting and punishing perpetrators of these criminal offences;
6. Better work organization on security issues and the re-socialization of prisoners in penitentiary institutions, in order to avoid recidivism cases.
7. The advancement of international cooperation level between Kosovo police, customs, state

prosecution and courts with other states and specialized institutions for combating crime (Interpol and Europol);

8. Efficient management of border in and out of crossings, especially in the north;
9. Border police specialization in order to detect hidden narcotics in motor vehicles and non-motorized vehicles of all types, as well as their equipping with modern equipment and well trained dogs;
10. The increase of responsibility and professionalism level at all criminal justice system bodies and the elimination of political interference in their work etc.

It is evident that implementation of these and other measures of this nature in Kosovo did not have a good performance during these years included in this research. In this regard, is estimated that undertaking these and other preventive measures is the best guarantee of long-term fighting criminal offences of narcotic trafficking.

6.2. Repressive measures

Repression is another form of social reaction against criminality. That job is entrusted mainly to bodies and specialized organizations, in the first place of those state (police, prosecution, courts execution sentences bodies etc.). Repressive measures are foreseen by the law and as such intended to protect life and other human values and society from criminal acts.³⁰ Repressive measures used for combating criminal offences of narcotic trafficking may be of two types: the detecting and prosecuting policy of criminal offences of narcotic trafficking perpetrators and application policy of criminal sanctions against their perpetrators.

²⁹ Milan Milutinović, *Criminal policy*, Pristina, 1987, pg. 388.

³⁰ Compare: Azem Hajdari, *Corruption criminal offences with a special focus in Kosovo*, Pristina, 2003, pg. 124-125.

6.2.1. The detecting and prosecuting policy of criminal offences of narcotic trafficking perpetrators

The detecting and solving of criminal offences of narcotic trafficking and their perpetrators it has a special importance in combating this form of criminality. The detection of these criminal offences it has a special importance also in decreasing their dark figure of crime.³¹ It is considered that until now in Kosovo is not done enough in combating criminal offences of narcotic trafficking. The reasons for this are numerous and varied. "They first of all have to do with the detection of committing circumstances of these criminal offences, and their perpetrators."³² but mostly with inadequate treatment done by competent bodies to criminal offences of narcotic trafficking (negligence in combating).³³

Except the detection and identification of criminal offences of narcotic trafficking the key issue in order for justice to triumph against crime is the detection and bringing to justice their perpetrators. The results of this paper prove that in this regard, despite the achieved results, in police and prosecution job are manifested certain stagnations. Thus, according to Kosovo Police data for the period of time 2008-2013 were filed 2257 criminal reports concerning criminal offences of narcotic trafficking.

After the detection of criminal offences of narcotic trafficking perpetrators, in order for the fight against this form of crime to achieve the desirable effects is necessary that they must be prosecuted and arrested. The results of this paper prove that during the period of time 2008-2013 for criminal offences of narcotic trafficking were arrested 567 persons, of whom 387 were released

after deadline expiration of 48 hours of their arrest.³⁴ Also, according to State Prosecution data for commission of criminal offences of narcotic trafficking during the conducting period of this research were filed 724 indictments.³⁵

In order to achieve a more successful fight of criminal offences of narcotic trafficking is required an advanced engagement of authorized bodies for combating crime (police, state prosecution, courts etc.) de-politicization in the work of these bodies, cooperation and professional teamwork which in matters regarding the fight of this form of crime are more than necessary.

6.2.2. Application policy of criminal sanctions regarding criminal offences of narcotic trafficking perpetrators

Successfully combating of criminal offences of narcotic trafficking can contribute significantly, by applying adequate criminal policy in the field of criminal sanctions application. "In this regard, the main role belongs to punishments imposed against criminal offences perpetrators during criminal proceedings".³⁶ In this case, is deemed in adequate punishments, such that are in accordance with social dangerousness degree of criminal offence and its perpetrator.

The modest results of this paper prove that during the period of time 2008-2013 courts imposed punishments by imprisonment to 211 persons, which were punished by an average of 10 months and 15 days of imprisonment, punishment by fine to 89 persons, suspended sentence to 57 persons, and other punishments to 8 persons. It is worth it to emphasize the fact during this period of time

³¹ The Kosovo Police data prove that during the period of time 2001-2002 were seized 466 kilograms and 709 grams of heroin. 2161 kilogram and 987 grams marijuana, 2 kilogram and 84 grams hashish, 239 kilogram and 156 grams cocaine etc.

³² Compare: Azem Hajdari, War crimes against civilian population in Kosovo during the period February 1998-June 1999., Pristina, 2002, page. 252.

³³ Azem Hajdari, *Corruption criminal offences*,...,pg. 127.

³⁴ See: Police statistical data over criminal reports filed during the years 2008-2013.

³⁵ See: State prosecution statistical data over indictments filed during the years 2008-2013.

³⁶ Milan Milutinović, *Criminal policy*,..., pg. 258.

has come to the statutory limitation of 49 cases for which indictment has been filed.³⁷

These data prove that Kosovo courts concerning perpetrators of criminal offences of narcotic trafficking have applied relatively soft criminal policy and in their job is noticed a considerable work negligence.

Bearing in mind the relatively high presence degree of criminal offences of narcotic trafficking in Kosovo, and especially the major consequences this form of criminality is causing to the country and its citizens, I consider that courts is supposed to aggravate to the maximum criminal policies as well as give priority to the narcotic cases.

Conclusion

Narcotic trafficking, as a special type of criminal offences, during the period of time 2008-2013 in Kosovo has indicated a relatively high presence. Data used prove that during this period of time for commission of these criminal offences were punished 365 persons. Despite this, it is considered that in Kosovo the number of criminal offences of narcotic trafficking is many times bigger. This fact is proven by criminal reports filed (2257) and indictments filed (724) concerning these criminal offences during the conducted period of time. Also the fact is evident that many perpetrators of these criminal offences continue to be undetected and numerous untreated cases. This situation conditions the need that authorized bodies for combating crime to design concrete strategies addressing all modalities of combating this harmful social phenomenon.

Criminal offences of narcotic trafficking cause numerous consequences for individuals, families and for entire society. Such consequences, in most of the cases are of health (in cases when perpetrators also consumed), social and psychological character.

The perpetrators of these criminal offences, in most of the cases, were relatively young ages persons (dominate ages between 18-40 years), male gender persons, persons with low education level and unemployed. Therefore, a greater care regarding youth, an increase of education and employment level it is considered to be an opportunity that would influence in reduction this criminal phenomenon.

Modest results of this scientific paper led to the conclusion that Kosovo continues to be an appropriate land for some years to come, to have the attribute of the country of origin (about 70 % of population is under the age of 30 years, and without any perspective for the future), transit (convenient geographical position, weak border management, non-functioning efficiently of criminal justice system etc.) and the destination country (continuous increase of drug consumers and growers of some narcotic plants).

Finally, I consider that in order to achieve a successful fight against this type of criminal offences is necessary a continuous commitment of all authorized bodies for combating crime, their equipment with modern and technical tools and well trained dogs, cooperation and professional teamwork of these bodies at all levels etc.

³⁷ See: Statistical reports (periodic and annual) of Kosovo Judicial Council over the manner of resolving court cases for the period of time 2008-2013.

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