
Unauthorized production (cultivation) and processing of narcotic drugs in Kosovo

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Abstract: *Kosovo is facing numerous challenges that are as a result of organized crime, including criminal phenomenon of unauthorized production and processing of narcotic drugs. 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. Production and processing of narcotic drugs is causing numerous consequences to individuals, family and to society overall. 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. Research conducted prove that with the commission of unauthorized production and processing of narcotic drugs criminal 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 are considered to be very soft.*

Key Words: *Narcotic, cultivation, processing, production, prosecution, punishment*

1. 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 the unauthorized production and processing of narcotic drugs criminal offences. During the period of time 2008-2013 when this

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research has been conducted some forms of these criminal offences are manifested with a relatively high degree of aggressiveness. Unauthorized production and processing of narcotic drugs 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 and presented analyzed some elements and aspects related to criminal law treatment of unauthorized production and processing of narcotic drugs 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 opinion for a persistent engagement towards combating unauthorized production and processing of narcotic drugs criminal offences.

2. The meaning and some other criminal law elements of unauthorized production and processing of narcotic drugs

Criminal Code of the Republic of Kosovo unauthorized production and processing of narcotic drugs 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".¹

According to the article 274 of Criminal Code of the Republic of Kosovo by unauthorized production and processing of narcotic drugs is implied the unlawful actions through which are produced, (planted)² processed and

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

² In Kosovo in particular is forbidden the cultivation of hashish plant, bush and cocaine or cannabis plants because climatic conditions are estimated to be appropriate for their development as well as because the same have continued to be cultivated permanently

prepared substances or preparations which have been declared by law to be narcotic drugs or psychotropic substances.¹ For the existence of this criminal offence, any of the action forms shall be committed in an unauthorized manner, unlawfully. This due to the fact that production and processing of narcotic drugs for certain destinations for example for medical or scientific purposes is allowed but of course only pursuant to the conditions determined by the law² and in a controlled manner.

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

1. Production (cultivation) of narcotic drugs;³
2. Processing, extraction, refining, and their preparation meaning their industrially processing;⁴ and
3. Overcoming their content, meaning when there are bigger doses.

Protective object of unauthorized production and processing of narcotic drugs criminal offences is human health and legal order of processing, extraction, refining,

and unauthorized, sometimes for other purposes for example for production of various ropes.

¹ 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 processing of narcotic drugs 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.

² Here it comes the Law No. 02/L- 128 on Narcotic Drugs, psychotropic substances.

³ Production, except cultivation of narcotic plants, including preparation through narcotic chemical preparations. Duly, it can be discussed for narcotic cultivation from the moment when thrown seed on the ground have sprouted respectively until being harvested. Therefore, the cultivation of even a single root of narcotic plants, it will be considered a committed crime. In this regard, it does not matter the fact if the plant has reached proper maturity as drug. This criminal offence is consumed in the moment when the cultivator takes out from the ground. After this moment the person can be considered liable for the criminal offence of keeping or possession of narcotic drugs. For this, more broadly see: Besnik Muçi, Criminal offences in the field of narcotics, Tirana, 2002, page 135.

⁴ These actions consist in processing of narcotic plants (hashish, cocaine and cannabis), in extracting their by-products, especially of morphine and heroin. Such processing is dictated by the need to be facilitated their circulation, because in these cases is reduced the volume and easily are hidden during their movement (is obstructed their detection by police).

preparation of narcotic drugs and psychotropic especially protected by criminal legislation from criminal actions.¹

Perpetrators of this criminal offence can be any person who has reached the age for criminal liability and is responsible² which in an unauthorized manner cultivates, processes, refines substances or preparations which have been declared by law as narcotic drugs "According to this definition, the person who cultivates or processes for personal usage narcotic drugs is not excluded from criminal liability."³

Unauthorized production and processing of narcotic drugs and psychotropic substances is committed only by intention⁴ and on purpose of material benefit or any other benefit.

For this criminal offence depending on the form of commission, is foreseen the punishment by imprisonment of one (1) to ten (10) years.

3. Some phenomenological characteristics of unauthorized production and processing of narcotic drugs criminal offences

The treatment of unauthorized production and processing of narcotic drugs criminal offences, 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 regarding criminal offences of unauthorized production and processing of narcotic drugs perpetrators.

¹ Ismet Elezi, Criminal Law, The special part, Tirana, 2002, page 413.

² Compare: Ismet Salihu, Criminal Law, General part, Prishtina, 2012, page 201.

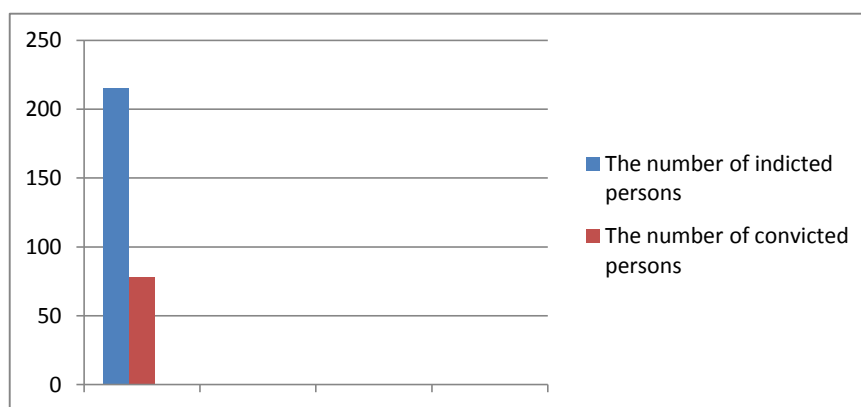
³ Ismet Salihu, Hilmi Zhitija, Fejzullah Hasani, The Criminal Code of the Republic of Kosovo, Commentary, 2014, page 760.

⁴ Afrim Shala, The special part of the criminal law with cases from judicial practice, Gjilan, 2010, page 199.

3.1. The volume

In Kosovo the issue of unauthorized production and processing of narcotic drugs 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 2010 for commission of this criminal offence were punished 16 persons, whereas in 2013 were punished 28 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 unauthorized production and processing of narcotic drugs criminal offences, and the number of convicted persons concerning these criminal offences during the period of time 2008-2013.



According to these data during the period of time 2008-2013 in Kosovo for commission of unauthorized production and processing of narcotic drugs criminal offences were indicted 215 persons, whereas were convicted 78 persons.¹ From 78 convicted persons for commission of these criminal offences 26 of them were convicted for narcotic drugs

¹ 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.

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cultivation whereas 52 for their processing.¹ As it turns out the number of convicted persons is almost two times smaller than the number of indicted persons. This number is many times smaller than the number of persons to whom were filed criminal reports (557). 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 unauthorized production and processing of narcotic drugs criminal offences 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 unauthorized production and processing of narcotic criminal offences in the following table, will be presented the data for convicted persons on commission of these criminal offences during the period of time 2008-2013.

Years	The number of convicted persons
2008	6
2009	7
2010	9
2011	12
2012	16
2013	28
In total	78 ²

According to these data it turns out to be that Kosovo courts for commission of these criminal offences of unauthorized production and processing of narcotic drugs in

¹ Processing of narcotic drugs has involved narcotic plants cultivated inside and abroad, but without excluding also other preparations manners for narcotics consumption (through chemical preparations).

² 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.

2008 have punished 6 persons, in 2009 have punished 7 persons, in 2010 have punished 9 persons, in 2011 have punished 12 persons, in 2012 have punished 16 persons and in 2013 have punished 28 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 almost 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 transferred from year to year, a problem that is following Kosovo throughout the postwar period.

Despite of what has been emphasized above, 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 criminal justice system bodies, the unsatisfactory inter-police cooperation level to the neighboring countries (especially with Serbia),¹ inefficient work and sometimes even unprofessional of police 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 unauthorized production and processing of narcotic drugs 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 78 convicted persons for commission of these criminal offences 26 of them these criminal offences committed as individuals, whereas 52 others committed these criminal offences in cooperation with others. Commission by individual perpetrators (21 of 26) mainly were present to production of narcotic drugs cases whereas

¹ This due to the fact that are narcotic plants transferred from other countries that in substance become subject of their processing within manufactory for this purpose in Kosovo.

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to processing of narcotic drugs the commission of these criminal offences is dominated by perpetrators within criminal groups (43 of 52).¹

The commission of unauthorized production and processing of narcotic criminal offences 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.

It is worth emphasizing the fact that the cultivation of certain narcotic drugs (cannabis, cocaine and hashish) marked a presence at all regions of the country (6 of them). The experience of these years proves that the cultivation of these plants, in many cases, is done in public land parcels and foreign, including here displacement persons parcels from Kosovo during or after the war (1999). Additionally were evidenced some cases (not few) of narcotic plants cultivation within planted parcels with crops (especially corn) plantations planted with tree as well as in rooms and basements equipped with special equipment of creating conditions (light and heat) appropriate to their development. This fact, but also non-efficiency of Kosovo Police in combating crime in the field, including weak cooperation with citizens, became extremely the identification of a perpetrators considerable number of these criminal offences.² Also, also narcotic processing has marked a presence in all regions of the country. The experience of the conducted period of time (2008-2013) proves for detection of tens manufactories of narcotic processing, in which this craft were practiced by three or more persons. Even in this regard, were cases when the manufactories were adapted in

¹ See: Kosovo Basic Courts judgments for the period 2008-2013.

² There were cases when Police for example in land parcels of some Kosovo municipalities (Kamenica, Podujeva, etc) have detected planted narcotic plants, but did not detect the perpetrators because the plants were planted in land parcels of Kosovo displacement people many years ago.

abandoned and foreign objects, in order to avoid to the maximum detection.

This situation, concerning the manner of commission of criminal offences regarding unauthorized production and processing of narcotic drugs, 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 drugs, 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 which will lead to the eradication of causes determining its presence.

4. Kosovo attractive place of unauthorized production and processing narcotic drugs

The period involved in conducting the research of unauthorized production and processing of narcotic drugs criminal offences (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 unauthorized production and processing of narcotic drugs criminal offences.¹

¹ Azem Hajdari, *Organized criminality*, Prishtina, 2006, page 228-229.

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 unauthorized production and processing of narcotic drugs.

The conclusion that Kosovo can be considered the country who favours unauthorized production and processing of narcotic drugs is based on the fact already were detected tens of land parcels planted with narcotic plants¹ as well as tens of manufactories for processing of narcotics.² The fact that Kosovo preferable country of unauthorized production and processing of narcotic drugs has its source in geographical position that country has (there are deep zones rarely visited by those who are responsible on security), climatic conditions, 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,³ owner, dealer etc.), regarding problems accompanying the country concerning the functionalization of criminal justice system, including big possibilities to influence in judiciary through politics and corruption etc.

5. Some personal characteristics of unauthorized production and processing of narcotic drugs perpetrators

Criminality in general, therefore also its specifics types, it cannot be explained entirely their complexity without

¹ Cultivation cases of narcotic plants were evidenced in the municipality of Prishtina, Suhareka, Kamenica, Gjilan, Podujevë, Prizren, Ferizaj etc. For these see: www.indexonline.com, 6 September 2014.

² See: Police statistical data regarding criminal offences of narcotic for a period of time 2001-2012.

³ 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.

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,¹ 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 unauthorized production and processing of narcotic drugs criminal offences perpetrators.

5.1. Age

Age is an important characteristic of the criminal phenomenon that it has a special importance in explaining criminal behaviors.² 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 unauthorized production and processing of narcotic drugs. The results of this paper prove that the perpetrators of unauthorized production and processing of narcotic drugs are mainly adults. In the following table will be presented the age of convicted persons for commission of criminal offences of unauthorized production and processing of narcotic drugs during the period of time 2008-2013.

The age of convicted persons	The number of convicted persons
14 – 18	3
18 – 30	19
30 – 40	27
40 – 50	16
50 – 60	12
Over 60 year old	01
Total	78 ³

¹ Mihajlo Aćimović, *Pravci kriminalne psihologije*, Beograd, 1976, page. 7 – 8.

² Ragip Halili, *Criminology*, Prishtina, 2000, page, 76.

³ 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.

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According to these data the criminal offences of unauthorized production and processing of narcotic drugs substantially were committed by persons of ages between 18-40 years, in 49 cases, and then come persons who belong ages between 40-50 years with 16 cases, and so on. The commission of the biggest number regarding unauthorized production and processing of narcotic drugs criminal offences by persons of ages 18-40 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.

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.¹ Numerous researches conducted for different forms of crimes in many world countries prove this fact. This tendency is noticed also in commission of unauthorized production and processing of narcotic drugs criminal offences. Thus, the data regarding convicted persons for commission of unauthorized production and processing of narcotic drugs criminal offences 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 unauthorized production and processing of narcotic drugs criminal offences during the period of time 2008-2013.

¹ RagipHalili, *Kriminologjia,.....*, fq. 77.

The gender of convicted persons	The number of convicted persons
Male	76
Female	02
Total	78 ¹

Such high participation of males in the commission of unauthorized production and processing of narcotic drugs criminal offences should be explained with the general social position that male has in comparison with 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 unauthorized production and processing of narcotic drugs criminal offences. 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 of female participation in commission of these criminal offences indicates a tendency to increase.²

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 unauthorized production and processing of narcotic drugs criminal offences 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.

¹ 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.

² Only in 2012 and 2013 were evidenced punishment cases of female gender for commission of unauthorized production and processing of narcotic drugs criminal offences (one case in each year).

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<i>Educational level of convicted persons</i>	<i>The number of convicted persons</i>
<i>Without a complete primary education</i>	2
<i>With primary education</i>	35
<i>With secondary education</i>	41
<i>With faculty</i>	00
<i>Total</i>	78 ¹

According to these data the biggest number of convicted persons for commission of unauthorized production and processing of narcotic drugs criminal offences belongs to the persons with complete secondary education (41) and to the persons without a complete primary education and who have completed only primary school level (35), whereas there are no persons with superior education. The reasons of this situation should be sought in relatively low level of knowledge they have for 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 unauthorized production and processing of narcotic drugs criminal offences derive 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 unauthorized production and processing of narcotic drugs criminal offences during the period of time 2008-2013.

¹ 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.

<i>Social affiliation of convicted persons</i>	<i>The number of convicted persons</i>
<i>Employed</i>	11
<i>Unemployed</i>	67
<i>In total</i>	78 ¹

According to these data from 78 convicted persons 67 of them were unemployed. Commission of such high number of unauthorized production and processing of narcotic drugs criminal offences 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.

6. Measures for combating unauthorized production and processing of narcotic drugs criminal offences

For preventing and combating unauthorized production and processing of narcotic drugs criminal offences 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 unauthorized production and processing of narcotic drugs criminal offences 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.² Preventive measures undertaken in order to prevent the

¹ Ibid.

² Milan Milutinović, *Criminal policy*, Prishtina, 1987, pg. 388.

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commission of unauthorized production and processing of narcotic drugs criminal offences 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;
3. Professional development seminars and other communication forms with citizens in order to inform them concerning the consequences of unauthorized production and processing of narcotic drugs criminal offences 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 unauthorized production and processing of narcotic drugs;
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. Advancement and promotion of police activities on the ground in order to detect on the right time plantations planted with narcotic drugs and their growers;
7. Better work organization on security issues and the re-socialization of prisoners in penitentiary institutions, in order to avoid recidivism cases.
8. 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);
9. Efficient management of border in and out of crossings, especially in the north entering unprocessed contingents narcotic drugs and their seeds, including narcotic drugs for consumption;
10. Border police specialization in order to detect narcotic plants and their seeds, including processed narcotic drugs hidden in motor vehicles and non-

motorized vehicles of all types, as well as their equipping with modern equipment and well trained dogs;

11. 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 unauthorized production and processing of narcotic drugs.

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.¹

Repressive measures used for combating unauthorized production and processing of narcotic drugs criminal offences may be of two types: the detecting and prosecuting policy of unauthorized production and processing of narcotic drugs criminal offences perpetrators and application policy of criminal sanctions against their perpetrators.

6.2.1. The detecting and prosecuting policy of unauthorized production and processing of narcotic drugs criminal offences perpetrators

The detecting and solving of unauthorized production and processing of narcotic drugs criminal offences and their

¹ Compare: Azem Hajdari, *Corruption criminal offences with special in Kosovo*, Prishtina, 2003, pg. 124-125.

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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.¹ It is considered that until now in Kosovo is not done enough in combating unauthorized production and processing of narcotic drugs criminal offences. 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."² but mostly with inadequate treatment done by competent bodies to unauthorized production and processing of narcotic drugs criminal offences (negligence in combating).³

Except the detection and identification of unauthorized production and processing of narcotic drugs criminal offences, 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 557 criminal reports concerning unauthorized production and processing of narcotic drugs criminal offences.

After the detection of unauthorized production and processing of narcotic drugs criminal offences 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 unauthorized production and processing of narcotic drugs criminal offences were arrested 143 persons, of whom 109 were released after deadline expiration of 48 hours of their arrest.⁴ Also, according to State Prosecution data for commission of criminal offences of unauthorized production and processing of narcotic drugs

¹ The Kosovo Police data prove that during the period of time 2001-2012 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.

² Compare: Azem Hajdari, War crimes against civilian population in Kosovo during the period February 1998-June 1999,, Prishtina, 2002, page. 252.

³ Azem Hajdari, *Corruption criminal offences*,...,pg. 127.

⁴ See: Police statistical data over criminal reports filed during the years 2008-2013.

during the conducting period of this research were filed 215 indictments.¹

In order to achieve a more successful fight regarding unauthorized production and processing of narcotic drugs criminal offences 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 against unauthorized production and processing of narcotic drugs criminal offences perpetrators

Successfully combating unauthorized production and processing of narcotic drugs criminal offences 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".² 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 for the commission of unauthorized production and processing of narcotic drugs criminal offences courts imposed punishments by imprisonment to 43 persons, which were punished by an average of 1 year and 2 months of imprisonment, punishment by fine to 17 persons, suspended sentence to 13 persons, and other punishments to 5 persons. It is worth it to emphasize the fact during this period of time has come to the statutory limitation of 36 cases for which indictment has been filed.³

¹ See: State prosecution statistical data over indictments filed during the years 2008-2013.

² Milan Milutinović, *Criminal policy*,..., pg. 258.

³ 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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These data prove that Kosovo courts concerning unauthorized production and processing of narcotic drugs criminal offences perpetrators 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 unauthorized production and processing of narcotic drugs criminal offences 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.

7. Conclusion

Unauthorized production and processing of narcotic drugs, 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 78 persons. Despite this, it is considered that in Kosovo the number of criminal offences of unauthorized production and processing of narcotic drugs is many times bigger. This fact is proven by criminal reports filed (557) and indictments filed (215) 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 unauthorized production and processing of narcotic drugs 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 of unauthorized production and processing of narcotic drugs. This due to the fact that Kosovo is dominated by young population without any perspective for the future, that country has a geographical position in many locations is difficult to be monitored, it has convenient climatic for cultivation of some narcotic plants (cannabis sativa, cocaine and hashish), the country has problems with border management and proper functioning of law etc.

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.

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