



BALKAN CRIMINOLOGY

POLITICAL PARTY CRIME IN THE BALKANS

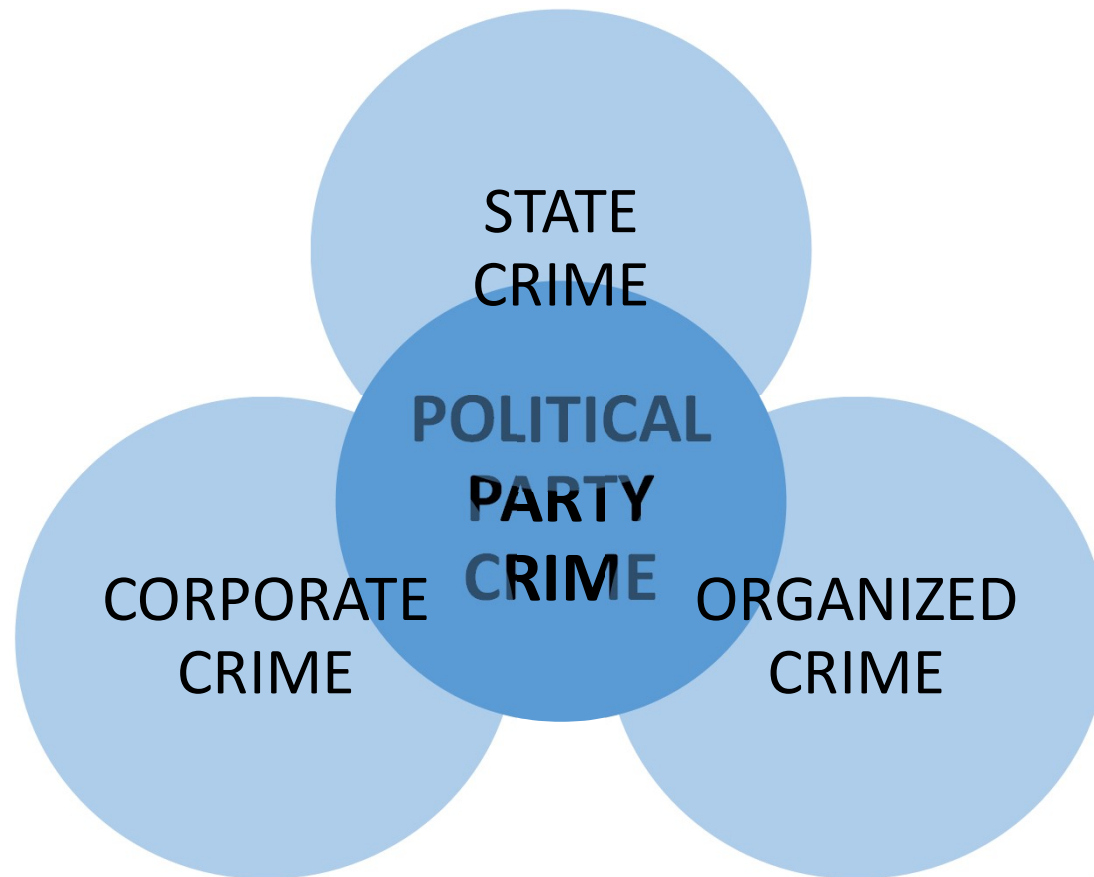
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Organisational crime



ORGANISATIONAL CRIME





Case studies from the Balkans

Torture: Romanian Pitești Prison Experiment

- Brainwashing ('re-educating) of opponents of the communist regime ruled by PCR – developed in Pitești (1949-1952)
- The Pitești model of prison experiment included systematic torture and in the end the prisoners were asked to prove their loyalty to the PCR by becoming torturers themselves.
- Amounts to crimes against humanity





Political Crimes → Political Trials

- SLOMR (Free Union of Romanian Workers)– established in 1979 to oppose the control exercised by the ruling Communist Party
- wave of repression against the body and its members — it included massive arrests, involuntary commitment in psychiatric hospitals, exile, systematic harassment, beatings, as well as a summary trials and prison sentences passed on the SLOMR founder and other leading members
- the SLOMR founders and leaders have been arrested and sentenced to prison for "disseminating fascist propaganda", of having created an "anarchistic organisation", on charges of "parasitism" and "hooliganism" etc.





International Crimes: Serbian Democratic Party (SDS) behind Bosnian Genocide





International Crimes: Serbian Democratic Party (SDS) behind Bosnian Genocide

- [T]he SDS prepared and distributed written instructions to SDS municipal leaders to form crisis staffs including ultimately the objective of ethnic separation by force (*Prosecutor v. Krajišnik & Plavšić, 2002*)
- The Bosnian Serb forces under the direction and control of the SDS collaborated to implement the objective of ethnic separation by force (*Prosecutor v. Krajišnik & Plavšić, 2002*)
- The Trial Chamber stated that Krajišnik's overall contribution to the JCE was to help establish and perpetuate the SDS party and state structures that were instrumental to the commission of the crimes. (*Prosecutor v. Krajišnik, 2009*)
- The Trial Chamber is satisfied beyond reasonable doubt that the crimes that were committed in the Bosnian Krajina from April 1992 until the end of December 1992, the period relevant to the Indictment, occurred as a direct result of a consistent, coherent and criminal strategy of cleansing the Bosnian Krajina of other ethnic groups implemented by the SDS. (*Prosecutor v. Brđanin 2004*)



Terrorism

- IMRO's assassination of King Alexander of Yugoslavia (1934)



1. Trenutak pre atentata

2. Trenutak atentata

3, 4. Neposredno po ranjavanju



Crimes against privacy: Macedonian Watergate

The New York Times

Macedonia Government Is Blamed for Wiretapping Scandal

By JOANNA BERENDT JUNE 21, 2015



government. Georgi Licovski/European Pressphoto Agency

Macedonian monuments of corruption

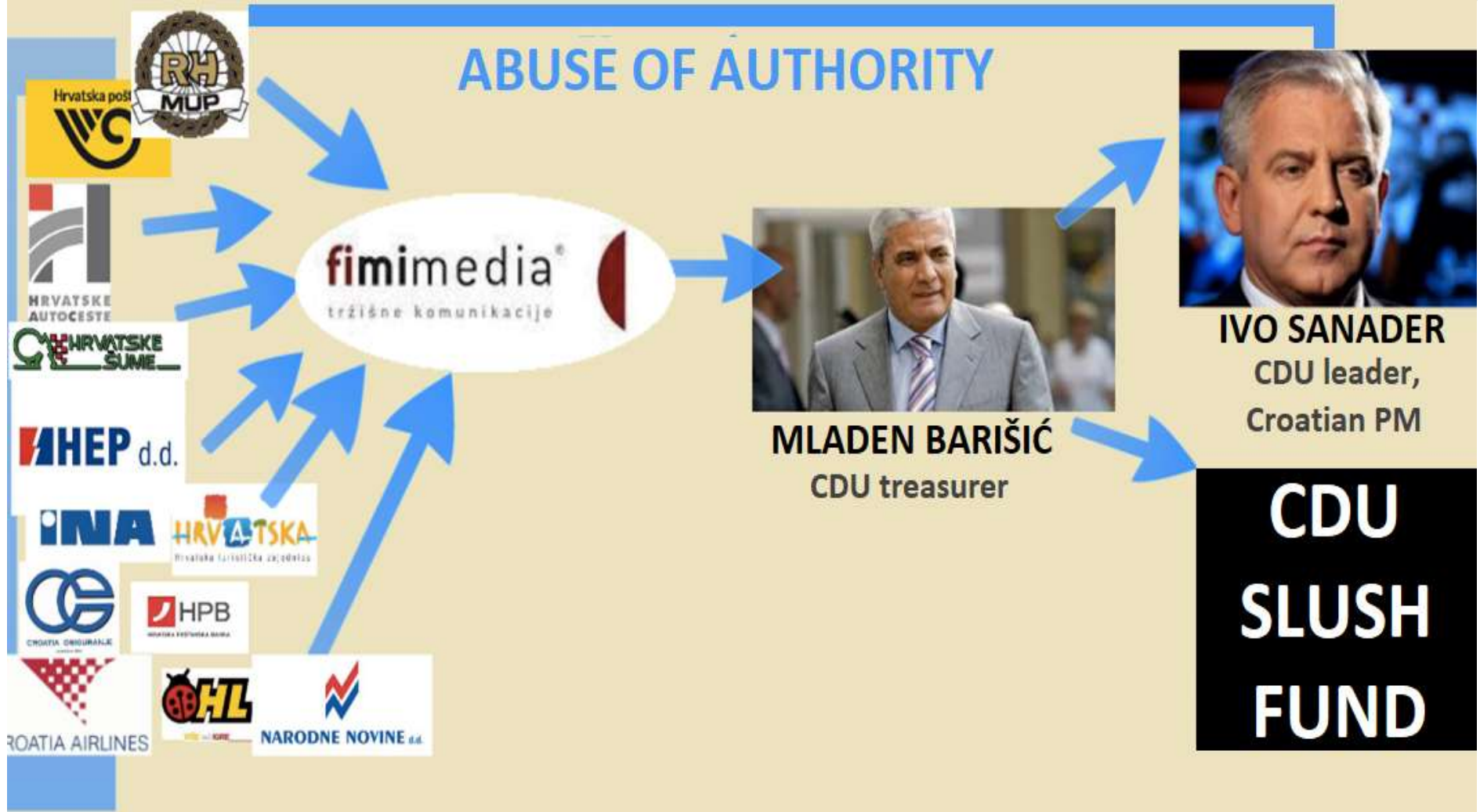




More political corruption: Slovenian Patria affair



Economic crimes: Croatian CDU case



Croatian Democratic Union Case

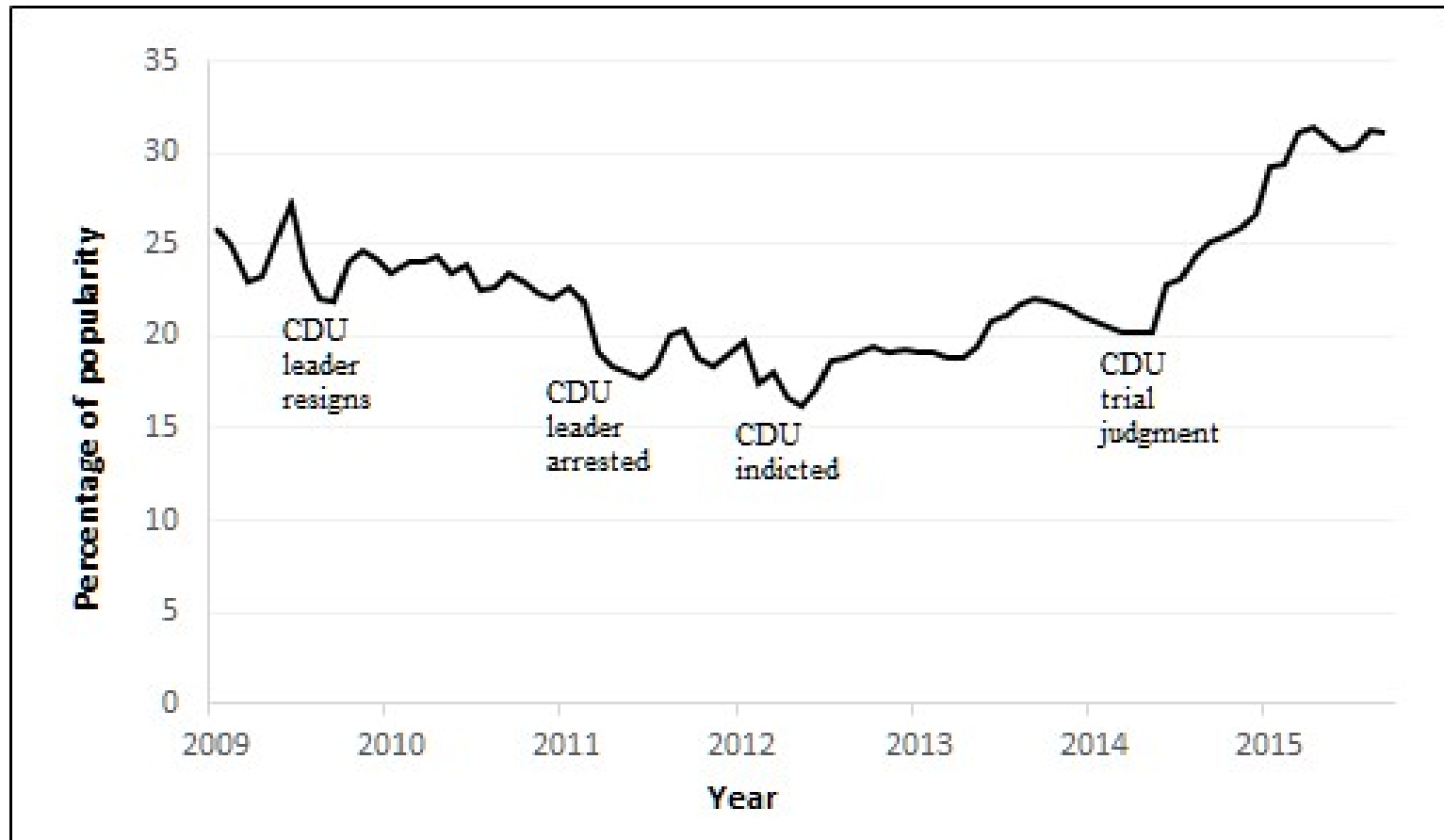


Figure 2 CDU's popularity (January 2009 – September 2015); sample: 1,300; margin of error: +/-2.3%; confidence level 95%; source: Promocija plus.



Hate Crime and Hate Speech

- Far party **Golden Dawn** – hate speech and violence against minorities and immigrants in Greece





PHENOMENOLOGY OF POLITICAL PARTIES' CRIMINALITY

| POLITICAL SYSTEM | STATUS OF A POLITICAL PARTY | CRIMES IN PEACETIME | CRIMES IN WARTIME |
|------------------|-----------------------------|---|---|
| DEMOCRACY | RULLING PARTY | <ol style="list-style-type: none"> 1. Economic crimes 2. Election crimes 3. Crimes against privacy | <ol style="list-style-type: none"> 1. International crimes 2. Unlawful imprisonment & torture 3. Hate speech & economic crimes |
| | PARTY IN OPPOSITION | <ol style="list-style-type: none"> 1. Hate speech 2. Election crimes 3. Terrorism | <ol style="list-style-type: none"> 1. Hate speech 2. Election crimes 3. International crimes |
| TOTALITARIANISM | RULLING PARTY | <ol style="list-style-type: none"> 1. Unlawful imprisonment & torture 2. Homicide 3. Crimes against humanity | <ol style="list-style-type: none"> 1. International crimes 2. Unlawful imprisonment & torture 3. Homicide |
| | PARTY IN OPPOSITION | <ol style="list-style-type: none"> 1. political crimes 2. terrorism | <ol style="list-style-type: none"> 1. political crimes 2. International crimes |





ETIOLOGY OF POLITICAL PARTIES' CRIMINALITY



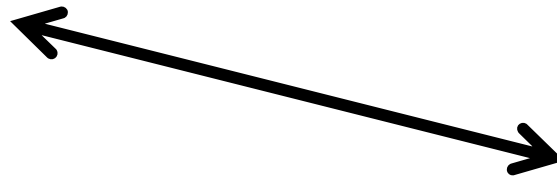


ETIOLOGY OF POLITICAL PARTIES' CRIMINALITY

Colliding interests:

*DUTY TO ACT FOR THE
GOOD OF THE PEOPLE*

(Locke)



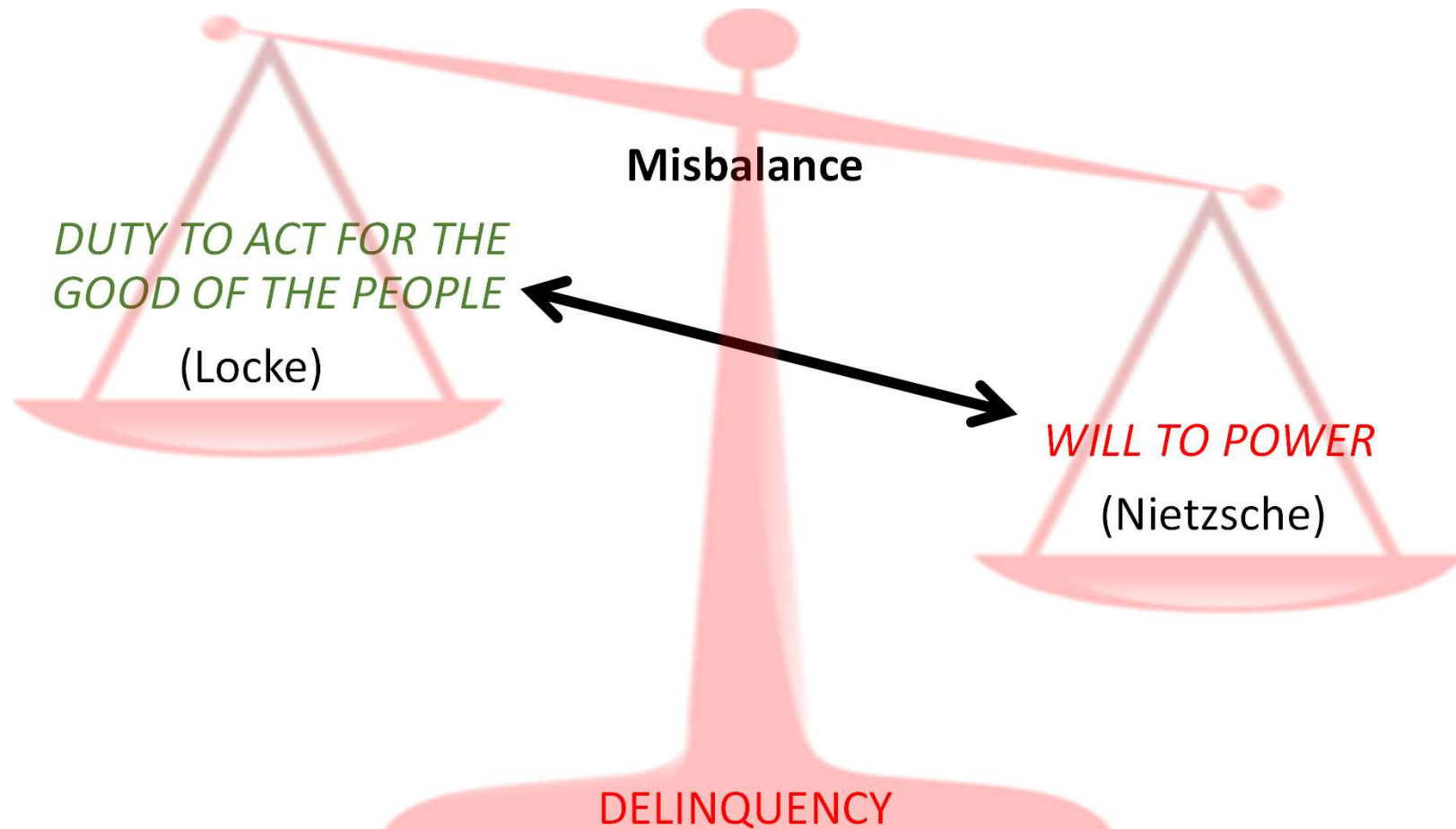
WILL TO POWER

(Nietzsche)



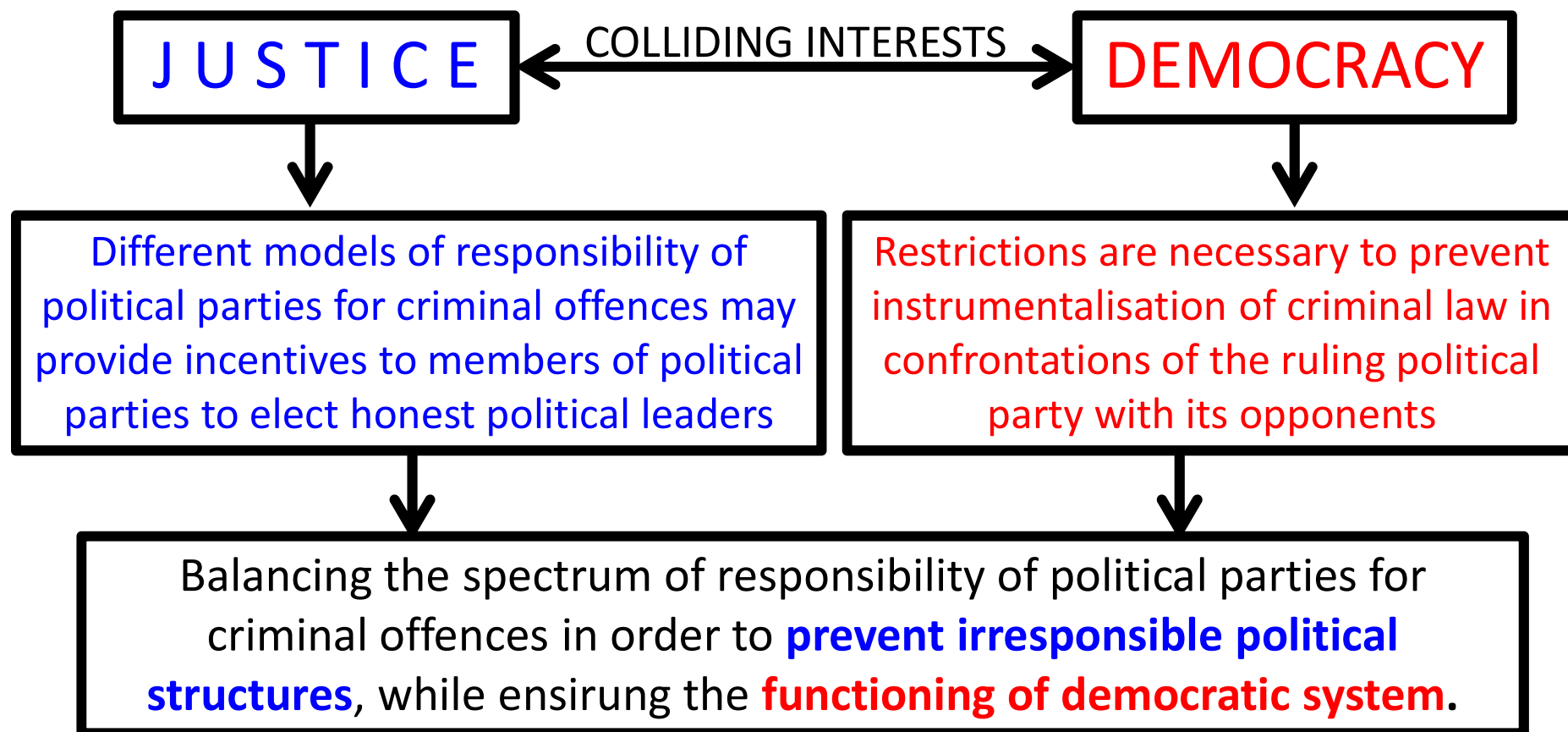


ETIOLOGY OF POLITICAL PARTIES' CRIMINALITY





Responsibility of political parties: colliding interests





Responsibility of political parties: alternative constitutional response





Obstacles, alternatives, sanctions...

- **Obstacles:** immunity, abolition, amnesty, pardon, law amendments, political preferences of law enforcement bodies (police, prosecutors, judges...), *Parteienprivileg*, *statut privilégie*, status change of political parties, political pressures...
- **Alternatives:** other criminal law models (criminal organizations) political, constitutional, administrative, misdemeanour, civil...
- **Sanctions**
 - Punishments: fine, dissolution, *de facto* dissolution
 - Security measures: bans of certain activities ...
 - Ancillary measures (criminal record)
 - etc.
- **Human Rights concerns** – primarily Art. 11 ECHR





Discussion and Conclusion

- New area of criminological research
- Balkan region (including Balkan neighbouring countries) can be used to study new criminological phenomena of global relevance
- Balkan region is the perfect environment to study political party crime:
 - Relatively small area
 - Cultural and political diversity
 - Historical presence of totalitarianism, transition and democracy
 - Presence of innovative responses



Thank you for your attention!



BALKAN
CRIMINOLOGY

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