

BC RESEARCH PROJECTS

Balkan Homicide Study

Anna-Maria Getoš Kalac

In 2016, the Max Planck Partner Group for Balkan Criminology started a new empirical study on homicide in six South-Eastern European countries: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Turkey.



Under the MPPG's first research focus on "Violence, Organized Crime and Illegal Markets" the study of violence in the Balkans will not only provide an empirically based insight into the phenomenology and aetiology of violence; it will also be a further cornerstone within the research concept of an in-depth 'mapping' of the criminological landscape of the Balkans. This mapping exercise has so far tackled criminology and crime in the Balkans (BC book series Volume 1 of 2014: www.balkan-criminology.eu/en/publications/book_series) as well as sentencing and imprisonment (BC Volume 3, forthcoming in 2016: www.balkan-criminology.eu/en/projects/imprisonment). Mapping violence in the Balkans represents the next step on the MPPG research agenda and follows two complementary lines of inquiry.

Mapping Violence in the Balkans

The first project is based on a more general approach to violence as apparent in the Balkans; it includes violent acts understood as a rather broadly defined phenomenon which depends on country specific

circumstances. The project provides a complete geographical coverage of the region, including all BCNet partner countries. Its approach is two-fold: it aims to simultaneously capture violence as both a legal construction and as a criminological reality. The results will provide country specific and regional results about violence, including the legal framework, especially sentencing rules and practices, phenomenology of violence, different types of violence, country specific violence discourses, violent crime rates and trends, aetiology of violence, offender and victim characteristics, etc. Preliminary findings of this first line of inquiry will be presented and discussed at the 3rd Annual MPPG Conference (1-4 September 2016, Bucharest/Romania). The final research results will be published in spring, 2017, as a further volume of the BC book series (Mapping Violence in the Balkans).

Balkan Homicide Study

Parallel to the 'general mapping' of violent crime, the MPPG is also pursuing a second line of inquiry based on a more focused approach in terms of subject and country coverage: the "Balkan Homicide Study". Why investigate homicides in the Balkans at all? Because homicide, being "the most readily measurable, clearly defined and most comparable indicator for measuring violent deaths around the world, is, in certain circumstances, both a reasonable proxy for violent crime as well as a robust indicator of lev-

CONTENTS

BC RESEARCH PROJECTS.....	1
BC RESEARCH NEWS	3
BEST PAPER AWARD	5
NEWS FROM BC PARTNERS	9
BC EVENTS	11
IMPRINT	11

els of security within States” (UNODC Global Study on Homicide, p. 9). Therefore the new study will not ‘only’ provide an insight into the social and legal construction, as well as the phenomenology of homicide in the Balkans. Following UNODC’s interpretation, the findings can simultaneously be used as a measure for the prevalence of serious violent crime and a plausible indicator of security in the region.

The topic also links to the typical ‘Balkan images’ or stereotypes, with the most prominent ones portraying the ‘Balkan people’ as ‘clan people’ prone to wild, violent and revengeful behaviour, which is set up in a culture of drinking slivovitz and running around with guns and shooting at each other for no good reason. This image also lies at the very core of the negative connotations of the term Balkans. Its empirical illumination is also one of the main goals of the study, since existing data already indicates that non-conflict deaths in the Balkans are indeed decreasing and currently around the “European average”, perhaps even beneath it. Interestingly, this does not seem to affect the Balkan stereotype as being a region prone to violence.

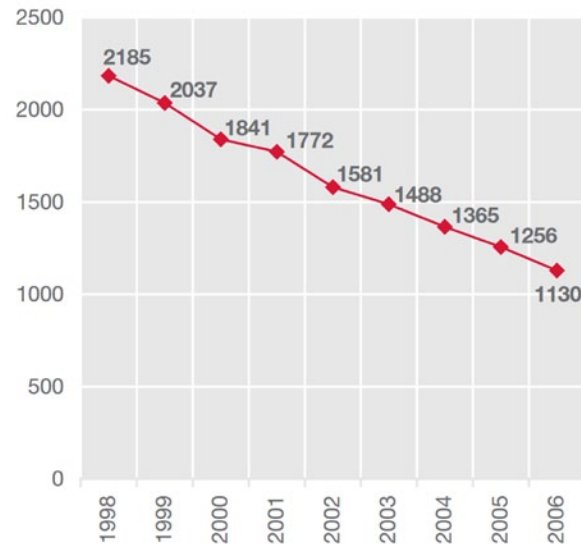
This regional research project will collect and analyse original empirical data on the most severe type of violence, homicides, in 6 countries of the region

(Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia, and Turkey, see map above). The project, currently limited to some of the region’s core countries, is designed as a pilot study which in the long run should be realised in all the BCNet partner countries. Not only is the study of (lethal) violence one of the core interests of the MPPG and its ‘Balkan Criminology’ research concept, but tackling homicide in the Balkans should also contribute to European criminology, which “does not

have a long tradition of studying the trends, patterns and explanations of homicide” and which currently, although expanding into homicide research, is “increasingly focusing on sub-types of homicide rather than homicide in general” (Liem & Pridemore 2014).

*Assist. Prof. Dr. Anna-Maria Getoš Kalac,
Zagreb Faculty of Law, Chair of Criminal Law,
and head of the MPPG*

Regional murder count 1988 – 2006



Source: UNODC 2008, p. 39.

References

- Liem, M. & Pridemore, W. A. (2014): Homicide in Europe, *European Journal of Criminology*, Vol. 11(5), pp. 527-529.
 UNODC (2013): Global Study on Homicide, full report and additional materials available at www.unodc.org/gsh/.
 UNODC (2008): Crime and its Impact on the Balkans and Affected Countries. Vienna.



Conceptualization workshop, Zagreb, March 2016



Balkan Homicide Study – The research team

BC RESEARCH NEWS

ISR3 study in Tirana, Albania

Evisa Kambellari & Reana Bezić

Reana Bezić, a staff member and grant holder from the Max Planck Partner Group for Balkan Criminology, spent one month at the Faculty of Law of the University of Tirana from 22 November to 22 December as part of the Basileus V, Erasmus Mundus Action 2 project. The purpose of her stay was to conduct the Tirana survey for the International Self-Report Delinquency Study (ISR3). The survey was conducted with the assistance of Prof. Dr. Altin Shegani (Dean at the Faculty of Law, University of Tirana) and Dr. Evisa Kambellari (Lecturer in Criminal Law, University of Tirana). ISR3 is an ongoing research study on delinquency, victimization, and substance use among 8th and 9th grade of middle school and 1st grade of high school. ISR3 is the third edition of the international data collection; it started in 2013 and it is still ongoing. It is being conducted with about 50 partners worldwide. The expansion of the survey to countries in central and eastern Europe began with ISR2 and has expanded further in this edition. It is the first time that Albania has been included. ISR3 has two main aims. First, to compare differences, similarities, and tendencies in delinquent behavior and victimization in different countries. Second, to examine and verify theoretical questions that relate to juvenile delinquency and victimization while maintaining relevance for needs of policy making. An additional goal is to provide a cross-national comparison regarding juvenile delinquency based on the ISR3-study findings in the Balkan region, which is the main research focus of Ms. Bezić in her doctoral dissertation.

The Faculty of Law of the University of Tirana strongly supported the ISR3 survey. Three members of the faculty's academic staff and eight master students worked under the leadership of Prof. Dr. Altin Shegani and Dr. Evisa Kambellari. This group took care of the preparation of all the necessary materials for the survey. The translation of the questionnaire was done by Dr. Evisa Kambellari and Ms. Alma Bela.

Official permission was issued from the Tirana Regional Directory of Education for conducting the ISR3 study in secondary and high schools locat-

ed in Tirana. In this regard, it is to be appreciated the professionalism that the Director of the Tirana Regional Directory of Education, Ms. Eglantina Metani showed in providing the permission in due time and allowing full access to the research working group in any of the schools to be selected for the survey.

Before entering the schools, preliminary research about risk factors for juvenile delinquency in Albania was made. This included attendance at a presentation of the Policy Paper on Reducing Prison Overcrowding in Albania, held at the Albanian Ministry of Justice in December 2015. The paper was presented by the independent expert Dr. Kambellari. The paper provided a general overview of the current situation in the Albanian penitentiary system, the main factors leading to prison overcrowding, and a set of recommendations for future action. Special attention was paid to the criminological variables of juvenile delinquency and to the current situation of juvenile offenders in the criminal justice system.



Photo: ISR3 Tirana research team

Then, ISRD3 Tirana research group continued with collecting data about the history, educational level, family structure, economic situation, migration background, and unemployment rate of young people. Students were asked about their perception of the current situation of juvenile delinquency in Albania. In this respect, a special meeting was organized with students of the Criminal Law Master Program at a private university named “Hena e Plote” (Beder). The main idea was to observe and compare differences, similarities, and trends in offending and victimization between countries.

The ISRD3 Tirana working group used city-based samples by randomly choosing the schools in Tirana who then received the questionnaire. The survey was conducted in one high school named “Petro Nini Luarasi” and one middle school named “Emin Durraku” under the leadership of Dr. Evisa Kambellari and Reana Bezić. In both schools, the headmasters were very cooperative and helpful. After providing the pupils with copies of the questionnaire, a general introductory session was made on the nature of the questionnaire and its main aims, as well as how to complete it. The overall survey in both schools went

well and the students seemed interested in reading the form and providing information as required.

Ms. Bezić explained that the results of the ISDR3 survey in Tirana will help her further in exploring and testing theoretical issues related to juvenile delinquency and victimization in Balkan Countries, while maintaining relevance of the main findings for policy purposes.

In the future, the results of this project will be presented in a special article about the ISRD3 study in Albania by Dr. Evisa Kambellari and Reana Bezić, and in the doctoral dissertation “Juvenile Delinquency in the Balkans: A Regional Comparative Analysis based on the ISRD3-Study Findings” by Reana Bezić.

Dr. Evisa Kambellari
Lecturer at the Department of Criminal Law
Faculty of Law, University of Tirana

Reana Bezić
Member of the MPPG for Balkan Criminology as
Assistant at the Faculty of Law, University of Zagreb;
PhD Candidate at the MPI for Foreign and International
Criminal Law in Freiburg, Germany

AWARD (1): Croatian Best Young Scientist's Paper Award to Aleksandar Maršavelski's BC Mapping Book article

On 14 March 2016, MPPG member Dr. Aleksandar Maršavelski received the *Annual Best Young Scientist's Paper Award* from the *Society of University Professors, Scholars and other Scientists in Zagreb*. The Society awarded him for the article titled ‘Responsibility of Political Parties for Criminal Offences: Preliminary Observations, Challenges and Controversies’, which he published in the first issue of the MPPG Book Series: Getoš Kalac, A.-M., Albrecht, H.-J. & Kilchling, M. (eds.), *Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans*, Berlin 2014: Duncker & Humblot, pp. 499-514.

The article for which he was awarded is part of his doctoral project on Responsibility of Political Parties for Criminal Offences under MPPG's Research Focus I. “I was very pleased to be honoured in this

way and to see that my work received academic recognition,” he said. “I am also very grateful to my supervisors Prof. Dr. Hans-Jörg Albrecht and Prof. Dr. Davor Derenčinović, as well as to the Head of MPPG Assist. Prof. Dr. Anna-Maria Getoš Kalac, who encouraged me to undertake this research, which was completed last year when I defended my dissertation.”



It is important to note that, throughout nearly one century of its existence, the *Society of University Professors, Scholars and other Scientists in Zagreb* has been encouraging numerous young scientists to continue with innovative researches and pursue their academic careers. The award given to a MPPG mem-

ber this year is widely acknowledged as the leading academic award that young scientists can receive in Croatia. Having in mind that the awarded author is an MPPG member and that the publication is an MPPG Book Series, this award also represents a recognition of excellence for the MPPG.

AWARD (2): Best Paper Award of the 2015 Dubrovnik Course 'Crime and Criminology in the Balkans'

As an attractive special feature of the annual BC Courses the best student paper competition was launched for the first time in the 2015 Course. The awarded paper has been selected for publication in the *European Journal of Criminology*. The selection was made by the course directors, Assist. Prof. Anna-Maria Getoš Kalac, Dr. Michael Kilchling, Assist. Prof. Almir Maljević and Prof. Dr. John Winterdyk. During the 2016 Course a new best student paper competition will be organised.

- Award winners of 2015 are Ms. Susanne Schot and Ms. Michelle Bruijn from the University of Groningen, Faculty of Law, the Netherlands, with their joint paper titled "Isolation in Disguise – An Explanation for the Increasing Violent Behaviour against Refugees by Border Police across the Balkan Route in Macedonia and Serbia" (see *Balkan Criminology News* 2/2015).

In light of the good quality of the papers presented, and the range of interesting topics addressed, the course directors decided to give space for the publication of an abbreviated version in the *Balkan Criminology Newsletter* to those papers which were graded next to the awarded paper. The invitation to publish their summary was extended to:

- Mr. Srđan Vujović (University of Sarajevo, Bosnia and Herzegovina). The title of his paper is: *Corruption offences and Organized crime in the final judgements at Bosnian courts: Where is the link?*
- Mr. Rok Hacin (University of Maribor, Slovenia). The title of his paper is: *A comprehensive approach to the study of legitimacy in Slovenian prisons.*
- Ms. Željka Bogović (University of Zagreb, Croatia). The title of her paper is: *The UGPOL Project – Correlation between external appearance and position within the criminal justice system – the prisoners' perception.*

Congratulations to the winning team and to all participants.

A W A R D W I N N I N G P A P E R – A b r i d g e d V e r s i o n

Isolation in disguise – An Explanation for the Increasing Violent Behaviour against Refugees by Border Police across the Balkan Route in Macedonia and Serbia

Susanne Schot & Michelle Bruijn

Ever since the outbreak of the civil war in Syria in March of 2011, there has been a mass exodus of Syrians fleeing their homes and seeking refuge elsewhere. It is estimated that in 2015 alone some 800,000 refugees have entered Greece by sea. The country has become one of the main entries into Europe after which they use, *inter alia*, the western Balkan route to enter

EU Member State Hungary, and eventually other EU countries – primarily Germany. Before reaching Hungary, the Balkan route leads the refugees through Macedonia and Serbia who, like Greece, are being overrun by refugees. As Macedonia and Serbia encounter the consequences of the European Union's changing migration policies regarding the inflow of refugees, they

have closed their borders at different times as a result of being unable to manage the flow of refugees.

Without any legal protection or status, refugees are trapped inside a Balkan ‘no-man’s land’. Qualitative research conducted by Amnesty International has reported ill-treatment and flagrant discriminatory practices against some of the refugees by the Macedonian and Serbian border police. The police have allegedly engaged in acts of beatings and other violent acts against the refugees.

In light of the events addressed above, we examined the increasing violent behaviour of the border police in an effort to determine whether the actions of the police can be explained through their institutional environment; that is, individual and group dynamics surrounding their installation as border police officers. For our methodology we relied on open sources to inform our inquiry.

Based on the evidence we collected between July and October 2015, we first argue that the large scale and regular occurrences of border police violence outweigh the possibility of the ‘rotten apple theory’ proposed in the work of Lersch and Mieczkowski (2005). Nevertheless, caution is required in interpreting our findings, as generally accepted definitions of ‘violence’ and ‘force’ are interpreted differently across cultures and places (see, for example, Lersch and Mieczkowski 2005). Also, as border police officers are allowed to resort to force under certain circumstances, whether or not an act is perceived as excessive use of force or power differs amongst police officers themselves and others (Adams 1995).

Second, we argue that the organizational structure of the border police, as enshrined within the respective Code of Police Ethics in both Macedonia and Serbia, lacks disciplinary sanctions for any transgressions of illegal use of police powers. Subsequently, if no disciplinary actions are defined in relation to breaching the code or other internal regulation, the border police officers engaging in behavior that violates such regulations by using excessive force or violent behavior appear to go largely unaddressed – that is, no disciplinary actions are taken. Consequently, this could increase the incentive to engage in violent behavior towards refugees, as there are no clear regulations prohibiting or attaching any consequences to such behavior. Therefore, in order to ensure the safe-

ty and rights of the refugees, the current state of the Code of Police Ethics in both Macedonia and Serbia needs to be enhanced through improved structures of disciplinary actions when it is not being followed by (border) police officers.

Third, we argue that the idiosyncratic factors that the Macedonian and Serbian police have to contend with, such as the internal and external pressures placed upon them and the group dynamics, affect their socialization with the rest of society. This means that the border police officers can become a distinctive group and may have lost their bond with the rest of society (see Hagan 2013 for further discussion about the social control theory). Ultimately, this leads to what Durkheim (1951) referred to as a state of ‘normlessness’ (i.e. moral deregulation as a result of social change), which increases the possibility of deviant behavior. Consequently, an increased incentive to resort to force or violence is constructed, as the border police officers become isolated from society as individuals and as a group, albeit also geographically, whereby the geographic isolation occurs as a result of the remote areas that form a part of the border police stations.

Throughout 2015, governments surrounding the western Balkan route have adopted various measures, either temporary or permanent, to restrict the movement of refugees, and includes, amongst others, profiling on basis of nationality. Inevitably, such measures cause tensions at border crossings, as the influx of refugees places increasing demands and strains upon the resources of the receiving countries and the capacity of border and police services to effectively manage the flow. Furthermore, in light of the geographic remoteness of border police officers in both Macedonia and Serbia, such policies can and have resulted in grievous outcomes of excessive violence. Ultimately, with FRONTEX on the verge of offering assistance to Macedonia, the necessity of studying border police institutions becomes a bare reality.

In conclusion, our exploratory project served to show that acts of ill-treatment and violence against refugees by border police officers stationed in both Macedonia and Serbia can be explained by the institutional environment surrounding border police officers. The unremitting exodus of refugees requires auxiliary research in order to cease the excessive use of violence against those seeking refuge from armed conflicts elsewhere.

References

- Adams, K. (1995): Measuring the prevalence of police abuse of force, in: Geller, W. A., and Toch, H. (Eds.), *And Justice for All: Understanding and Controlling Police Abuse of Force*, Washington, DC: Police Executive Research Forum, 61-97.
- Durkheim, E. (1951): *Suicide*. New York: Free Press. (Original work published 1897)
- Hagan, F. E. (2013): *Introduction to Criminology – Theories, Methods and Criminal Behavior*. Los Angeles: Sage Publications.
- Lersch, K. and Mieczkowski, T. (2005): Violent Police Behavior: Past, Present, and Future Research Directions. *Aggression and Violent Behavior* 10(5), 552-568.

Susanne Schot,

LLM Criminal Law and Criminology & Research Master 'Effectiveness of Legal Arrangements', Faculty of Law, University of Groningen, the Netherlands

Michelle Bruijn, PhD Candidate,

Department of Legal Methods, Faculty of Law, University of Groningen, the Netherlands

Corruption Offences and Organized Crime in the Final Judgments of Bosnian Courts: Where is the link?

Srđan Vujović

It is common place to assume that organized crime and corruption are linked. There is literature suggesting that organized criminal groups use institutional corruption as a tool to make their criminal operations possible. Likewise, there is literature that also suggests that high levels of corruption provide fertile ground for organized crime to flourish. Bearing that in mind, it is interesting to inquire whether these links between organized crime and corruption can be observed through the verdicts in the courts of Bosnia and Herzegovina. Thus, the main objective of the research project conducted was to explore the links between proven corruption offences and organized crime, as well as the link between proven organized crime cases and corruption. In order to accomplish the stated objective, final judgments were analysed in three courts in Bosnia and Herzegovina (Court of Bosnia and Herzegovina, Municipal court in Sarajevo and Cantonal court in Sarajevo).

The findings show that (1) perpetrators of corruption offences were not involved in organized crime (or they have not been convicted for organized crime), and (2) perpetrators convicted for organized crime were not using corruption. Nevertheless, the judgments for the most serious corruption offences indicate possible links with organized crime.

Research results do not confirm theoretical assumptions and previous findings about links between corruption and organized crime. There are two possible explanations for the identified disconnection be-

tween these antisocial behaviours in Bosnia and Herzegovina: (1) Grand corruption was extremely rarely brought to light whereas petty corruption which is usually prosecuted in the Bosnian courts is not linked with organized crime, and (2) it is difficult to find and present evidence in corruption cases while it seems to be “sufficient” for prosecutors to prove just one crime, whatever it is, organised crime primarily related to offences such as smuggling of persons, illicit trafficking in narcotic drugs, tax evasion or fraud, or counterfeiting of money. The second explanation can indicate either a lack of motive to consequently prosecute corruption offences or a lack of knowledge and expertise to do so.

Srđan Vujović, researcher,

Criminal Policy Research Centre – CPRC, Sarajevo; PhD candidate at the Faculty of Criminal Justice, Criminology and Security Studies, University of Sarajevo

A New Approach of Studying Legitimacy in Prison

Rok Hacin

The purpose of this paper is to present a new theoretical approach to study legitimacy in the prison environment. Based on a literature review on legitimacy and self-legitimacy in the prison environment, we propose a new approach to studying legitimacy in prisons, which would combined two approaches of studying legitimacy in prisons – measuring self-legitimacy of prison staff and prisoners’ perceptions of legitimacy.

We derived from findings of previous studies, which claimed that foundation for legitimacy is a constant

dialogue between power holders (prison staff) and recipients (prisoners). Legitimacy, which is based on quality of interpersonal relations between prisoners and prison staff, is not a fixed phenomenon – changing nature of relations in prison causes that perceptions of legitimacy and self-legitimacy are changing all the time. Because legitimacy is based on relations between both groups (prison staff and prisoners), we should combine two approaches (prisoners' perception of legitimacy and self-legitimacy of the prison staff), when we study legitimacy in prison.

Limitation can be seen in a large number of proposed factors included in the new approach – problem of multicollinearity. Furthermore, based on an assumption that legitimacy in prison derives from ever-changing interpersonal relations between prisoners and prison staff, we can assume that repetition of research would give us different results – problem of reliability of the results.

The originality of the new approach is twofold: it combines two different approaches of studying legitimacy in prison, which were used individually for studying prisoners' perceptions of legitimacy and self-legitimacy of the prison staff. It also represents the first step to a more comprehensive approach of studying legitimacy in prisons, which still needs to be tested in practice.

*Rok Hacin, M.A., Assistant of Criminology,
junior researcher and doctoral student at
Faculty of Criminal Justice and Security,
University of Maribor*

The UGPOL Project – Correlation between external appearance and position within the criminal justice system – the prisoners' perception

Željka Bogović

Even though we live in the information age, where our physical presence is no longer required in many aspects of life, physical appearance continues to mean much more than our reflection in a mirror: it is our visual identity, our business card. People make a first impression of someone based on their physical appearance. Stereotypes related to the appearance of individuals are one of the most common stereotypes among people. Our project aims to find out whether stereotypes on physical appearance can be found among people who have committed crimes and who

are now in the prison system. For example, police officers are often considered to be corrupt, judges to be subjective or have biased opinion, and prosecutors to be incompetent, etc.

The UGPOL project is an experimental study conducted in five penal institutions in Croatia: four penitentiaries (Glina, Lepoglava, Lipovica-Popovača and Požega) and the prison in Zagreb. The purpose of the study is to analyze stereotypes made by prisoners, based on the outward appearance of representatives of the legal system – police officers, judges, prosecutors – who can be associated with the stereotypes ugly – beautiful.

Methodologically, the study is based on an experimental design with prisoners as subjects. A total of 150 adult males aged 18-65 serving their sentence in the five participating penal institutions volunteered to participate in the study. We worked with groups of inmates which, depending on security reasons or the capacity of the facilities, varied in size. The average group size was 10-12 inmates. In order to interview both working and non-working subjects, non-working groups were interviewed in the morning and working groups in the afternoon.

The perception was recorded on the basis of a set of 29 photographs showing faces of different genders and different ages. Pictures were disclosed to the prisoners in a very short time interval (about 500 milliseconds) who were asked to rate some non-physical characteristics (e.g., objective, corrupted, competent, etc.) as well as the appearance of the persons on the photo on a scale 1 to 5, where 1 stands for ugly and 5 stands for beautiful. In addition, a short questionnaire was distributed for socio-biographical classification of the subjects (e.g., age, family status, education, type of crime committed, sentence, etc.).

The main idea behind the project is to examine what differences in the delinquents' background might affect their perception on physical and nonphysical characteristics of people within the legal system. We expect to reach an in-depth insight in inmates' communication patterns, their habits and routines. Not having all the data collected and analyzed at this time, the results cannot be predicted yet. When finished, however, the findings will reveal some valuable information about our legal system.

*Željka Bogović, student volunteer
at the Max Planck Partner Group, Zagreb*

NEWS FROM BC PARTNERS

BC Partner Gorazd Meško Nominated as Candidate for Presidency of the European Society of Criminology

Gorazd Meško is Professor of Criminology at the University of Maribor, Slovenia. He studied at the University of Ljubljana, Slovenia, received his Ph.D. in 1998, became Professor of Criminology in 2009, and gained additional criminological experience as a visiting scholar to the UK (Institute of Criminology, Cambridge, 1995, 2001, 2011-2014; Centre for Criminology, Oxford, 1996, 1999) and as a member of various international criminological project teams on violence in Europe (2002-2004), stalking (2004-2007), EU-Australia criminology student exchange (2006-2009), CRIMPREV (2006-2009), EFUS/EE-MUS (2009-2012), YOUPREV (2010-2012), UR-BIS (2013-2014), and ARIEL (2014-2015). He has expanded research on contemporary criminology topics to Eastern Europe (e.g., development of criminology, fear of crime, policing, prisons, legitimacy of policing, and criminal justice) and collaborated with researchers from the USA – in a bilateral project on policing (Michigan State University) and in editing publications (Eastern Kentucky University) – and, recently, Russia (bilateral projects with the Moscow State University – Lomonosov). That said, his comparative research has mainly focused on the countries of Southeastern Europe.

Since 1992, Professor Meško has lectured on criminology, penology, victimology, crime control policy, and comparative criminology. Since 2007, he has been responsible for the Doctoral Program at the Faculty of Criminal Justice and Security, serving as its Dean between 2007 and 2015. His study visits at universities in the USA and Europe have had a great impact on his interests in comparative criminological research. Much of his work in recent decades has involved international collaborations, comparative and cross-national research subjects, especially in Central and Eastern Europe, as well as in the wider international arena. He has co-edited thematic issues of several criminological journals (e.g., *Policing – An International Journal of Police Strategies and Management*, 2009; *The Prison Journal*, 2011; *Crime, Law and Social Change*, 2013). His recent major books include *Understanding and Managing Threats to the Environment in Southeastern Europe* (with

Fields and Dimitrijević, Springer, 2011), *Handbook on Policing in Central and Eastern Europe* (with Fields, Lobnikar and Sotlar, Springer, 2013) and *Trust and Legitimacy in Criminal Justice: European Perspectives* (with Tankebe, Springer, 2015).



Photo: Gorazd Meško

Professor Meško is a person building bridges between the North and the South, as well as between the West and the East: he has organized numerous regional and international conferences on a variety of criminological topics. His contribution to the development of post-graduate programs in criminology and related disciplines in South-Eastern Europe is significant, not to mention that he has been the head of the ESC working group on criminology curricula since 2004. He has been an active member of the ESC for many years, e.g., as a member of the ESC Executive Board in 2005-2006 and a co-organizer of the 2009 ESC conference in Ljubljana, Slovenia. As a result, he is very familiar with how the society functions.

Gorazd Meško's positive energy and enthusiasm coupled with his management skills and academic abilities could contribute significantly to successful leading of the ESC. We appreciate Professor Meško's willingness to give his consent to being nominated as a candidate for Presidency of the ESC in Muenster, Germany. His election would further strengthen the positive attention for the BC Network and criminological research community in the Balkan region.

The Constitutional Court of Romania rendered that the Dropping Charges Measure (due to Lack of Public Interest) is Unconstitutional

Ioana Curt

According to art. 318 of the Romanian Criminal Procedure Code (which entered into force in February 2014), in the situation of offenses for which the law requires the penalty of a fine or a penalty of imprisonment of no more than 7 years, the prosecutor can drop charges when, considering the contents of the offense, the *modus operandi*, and the instruments used, the goal of the offense and the concrete circumstances of its commission, the consequences that occurred or could have occurred, they find that a public interest is not served in prosecuting. Moreover, when the offender is identified, weighing the public interest aspect also involves the person of the suspect or defendant, their conduct prior to the offense, and the efforts they made in removing or minimizing the consequences of the offense. Thus, the dropping charges measure can envisage both the offense *in rem* when the offender's identity is unknown, and the suspect or defendant when he/she is identified.

Although the dropping charges measure was widely used for minor offenses during 2014-2015, on the 20 January 2016, the Constitutional Court decided that this measure was unconstitutional as it implied that justice was made by prosecutors and not by the courts (as the constitution requires). It must be said that a similar institution (closing case due to lack of social danger of an offense) existed under the former penal legislation and was never considered unconstitutional.

The decision to declare the article unconstitutional came as a surprise, especially in regard to the fact that the legislator's option was mainly based on the Recommendation of the Committee of Ministers (87) 18, concerning the simplification of criminal justice. This would involve, in particular, that member states, while taking into account their own constitutional principles of legal tradition, resort to the principle of discretionary prosecution (or measures having the same purpose) and make use of simplified procedures and out-of-court settlements as alternatives to prosecution in suitable cases in order to avoid full criminal procedures.

The impact of the Constitutional Court's decision is striking when one takes into account the applicability rates of dropping charges in over the article's short life span. According to data made public by the Public Ministry, in cases where the offender was identified, in 2015 the charges were dropped for 49,479 suspects/defendants.¹ Approximately a third of them had committed an offense against property, but the number of suspects/defendants who had committed (minor) violent offenses for which the charges were dropped was not negligible, constituting roughly 10% of the total.² Apart from the hypothesis where the investigation started *in personam*, charges were also dropped in a lot of cases with unidentified offenders: for example, in 2015 there were 134,436 total cases where the charges were dropped by the prosecutors. Therefore, if the institution is not reinstated (in one form or another) all such cases will again have to be solved by the courts, which will greatly add to their workload.

At the moment, the above-mentioned decision has not yet been published in the Official Gazette, therefore it is uncertain if the legislator will opt to later rework and reenact the article, taking into account the Constitutional Court's decision. Pursuant to the constitution, the provisions of laws in force which are found to be unconstitutional cease to carry their legal effect 45 days after the publication of the Constitutional Court's decision; in the meantime, parliament cannot bring the unconstitutional provisions into line with the constitution. During this limited time period, the provisions found to be unconstitutional are to be suspended *de jure*.

Ioana Curt
PhD Student, Faculty of Law,
"Babeş-Bolyai" University

Notes

- 1 See the Activity Report of the Public Ministry for 2015, available online at www.mpublic.ro/presa/2016/raport_activitate_2015.pdf.
- 2 As it results from the data transmitted to the Constitutional Court by the General Prosecutor, available online at www.mpublic.ro/presa/2016/3070_C_2015_RENUNTARE_URMARIRE_PENALA.pdf.

BC EVENTS

Third one week intensive course on Balkan Criminology: Dubrovnik, Croatia, 10 to 14 October 2016

The 'Balkan Criminology' Course provides in-depth and up-to-date knowledge about the state of art in crime research in the Balkans, while introducing its participants to the basics of criminological methodology, phenomenology and etiology. It is part of the overall scientific programme of the Max Planck Partner Group for 'Balkan Criminology' – MPPG.

The course serves as a platform for the dissemination of criminological expertise gathered through the MPPG scientific activities: The MPPG research focuses (Violence, Organized Crime and Illegal Markets; Feelings and Perceptions of (In) Security and Crime; International Sentencing), as well as the expertise gathered at the annual conferences. This concept of transforming newest research findings and expertise from and for the region into transmittable knowledge for course participants ensures a holistic approach that combines education with science and research. The added value for course participants is, besides the knowledge itself, the networking oppor-



tunity with colleagues from the region and the possibility to present their PhD/master/diploma thesis before internationally and regionally renowned experts.

Participants arrive on Sunday, 09 October 2016. The course starts on Monday morning and lasts until Friday noon. The programme includes keynote lectures, students' presentations, soft skills trainings and extensive exchange and discussion. In addition, a Dubrovnik city tour is offered. The course is accredited by Zagreb Faculty of Law and offers 4 ECTS credits.

Special feature: The best student paper of the 2016 BC Course will be selected for the publication in the European Journal of Criminology.

For the program and further practical information please visit www.balkan-criminology.eu/en/events/event/201610141.html or contact the course manager Ms. Reana Bezić at: r.bezic@balkan-criminology.eu.



IMPRINT

Balkan Criminology News – Newsletter of the Max Planck Partner Group for Balkan Criminology

Publisher:
Max Planck Partner Group for Balkan Criminology
Trg Nikole Šubića Zrinskog 17
HR-10000 Zagreb
Croatia

Published in Zagreb, April 2016

ISSN: 1849-6229

Editor-in-chief: Dr. Andra-Roxana Trandafir

Editorial team: Dr. Anna-Maria Getoš Kalac, LL.M. (Zagreb, head of MPPG), Dr. Michael Kilchling (Freiburg), Dr. Andra-Roxana Trandafir (Bucharest)

Contact: andra-roxana.trandafir@drept.unibuc.ro
To subscribe or unsubscribe: info@balkan-criminology.eu

www.balkan-criminology.eu

