

## BC RESEARCH PROJECTS

### MPPG participates in the International Research Project on Economic Espionage in Europe (WiSKoS)

Marta Dragičević Prtenjača

The phenomenon of economic espionage is as diffuse and ambiguous as the terminology. Besides scenarios of ‘classical’ espionage by intelligence agencies of a foreign state it also includes incidents of competitive (corporate) espionage, commercial spying or industrial theft. Despite some variety in the *modi operandi* used and the intentions behind these crimes they all have the same aim, i.e., information theft or, in more general terms, illegal obtainment of knowhow. From a criminological perspective, such crimes have considerable links to illegal markets.

Today, the crimes in focus have a mixed character, which combines elements of crimes against state security (traditional approach) and economic crime (modern approach). In addition they are located at the intersection of conventional (physical) crime and cybercrime. Unlike in past ages of ‘classical’ espionage, in the 21st century such crimes often take the form of hidden attacks on the IT systems of targeted enterprises. As a consequence, penal regulation is often fragmented. The same is true with regard to jurisdiction and the applicable procedural rules which sometimes also involve aspects of political expediency.

As unclear as the legal background is also the state of criminological information about the sector. On the one hand there is a considerable dark field which is often referred to as a double dark field. Attacks – attempted, failed or successful ones – may either remain completely unnoticed, or the targeted enterprises abstain from reporting such cases to the police in order to avoid attention by the public or other competitors. On the other hand, due to the ambiguity of the phenomenon, statistical information is often incomplete as well, sometimes also incorrect. Literature is scarce, and there is not much up-to-date empirical research available. This is why the Max Planck Institute for Foreign and International Crimi-

nal Law (Freiburg, Germany) has started an international comparative research project about economic spying (in a wider sense) in Europe which is funded by the Federal Ministry of Education and Research of Germany (BMBF) under its funding stream ‘Civil Securities’.

The MPPG for Balkan Criminology is participating in the project with an analysis of the situation in Croatia – WISKOS CROATIA. The project is assigned to MPPG’s Research Focus I which, besides violence and organized crime, also addresses issues related to illegal markets. The research design includes (i.) a record of the history of the socio-economic system and the legal framework, (ii.) interviews with experts (practitioners) from the State Attorney’s Office (public prosecutor) and the police, and (iii.) an analysis of the official statistical reports issued by the State Bureau of Statistics.

The Republic of Croatia is a relatively small country with some 4,456,096 inhabitants (last census of 2011) and an expansion of 56.596 km<sup>2</sup>. According to World Bank data the estimated GDP was 57,87 billion USD in 2013. Before its independence in 1991, Croatia was a part of the former Socialist Federative Republic of Yugoslavia (SFRJ), governed by a version of communism called “self-governed socialism”. Economy at that time was based on state property, and private ownership was not known. In the period from 1990 to 2000, Croatia shifted from

#### CONTENTS

BC RESEARCH PROJECTS.....	1
BC RESEARCH NEWS .....	3
NEWS FROM BC PARTNERS .....	4
BC PUBLICATIONS .....	7
BC EVENTS 2015 .....	7
DISCUSSION.....	10
IMPRINT .....	11

a communist regime to a democracy. The system was semi-presidential, although it was proclaimed as parliamentary. In 2000 it shifted from a semi-presidential into a full parliamentary system. The State reform was accompanied by a fundamental reform of the Croatian economy, which changed from a state property to a private property concept. A further radical change came on July 1st, 2013, when the country joined the EU as its 28th member state. As a consequence, the power of regulation of the economic sector shifted to a large extent from the national to the European level. All these fundamental changes may be of high relevance in the context of the research project.

The Croatian Criminal Code (CCC) provides for several articles which can be applied in situations of espionage (commercially or state driven). Relevant statutory offences are: abuse of inside information (art. 259 CCC), capital market abuse (art. 260 CCC), disclosure and unauthorized obtainment of a business secret (art. 262 CCC), disclosure of official secret (art. 300 CCC), disclosure of secret information (art. 347 CCC) and espionage (art. 348 CCC). Statutory penalties proscribed vary to a great extent, with a minimum of 3 months of imprisonment to a maximum of 20 years (concrete ranges are: 3 months to 3 years, 6 months to 5 years, 1 to 8 years, 1 to 10 years, 3 to 12 years, 3 to 15 years, and 5 to 20 years for qualified form of state espionage).

In practice, however, two problems are evident. The first relates to the difficulties in the differentiation between offences of espionage on the one hand, and regular cyber-crime offenses on the other hand. The second is incriminations of espionage may be applied even beyond real cases of espionage. This can, for example, happen in the case of ‘whistleblowing’. From the statistics it cannot be determined whether a case is indeed a real case of (economic) espionage or a case of whistleblowing.

In Croatia, only very few offences representing “espionage” of any kind have been registered. Data of the State Bureau of Statistics for 2012 show that 4 persons were convicted for disclosure and unauthorized procurement of a business secret (art. 295 CCC of 1997; under the new Criminal Code of 2011 which entered into force in 1st January 2013: disclosure and unauthorized obtainment of a business secret accord-

ing to art. 262 CCC); in addition, 2 persons were convicted for disclosure of an official secret (art. 351 CCC of 1997; today art. 300 CCC). The 2013 statistics show even less entries: only 4 persons were convicted in total, all of them for disclosure of an official secret (art. 300 CCC).

The situation is similar in regard to the cyber-crime cases which are not very relevant, too (except for computer fraud according to art. 271 CCC). In 2013, 8 persons were convicted for unauthorized access (art. 266 CCC) and 1 person for damage to computer data (art. 268 CCC) which all might also be (hidden) cases of economic espionage. The statistics further count 2 persons who were convicted were for unauthorized interception of computer data (art. 269 CCC). Even if some of these cyber-crime cases could be linked to (economic) espionage, the overall prevalence of espionage wouldn’t appear so big at all – even if the situation was properly qualified.

The Croatian legal system also provides for criminal responsibility of legal persons due to the Law on Liability of Legal Persons for Criminal Offenses (LLPICO). Responsibility of the legal persons is based upon the guilt of the responsible person (variation of identification theory). Therefore, legal persons can be held responsible for any of the offences under research. According to the data of State Attorney’s Office Report for 2013, assets of legal persons amounting to 895,978.97 kn (ca. € 117,891.96) were confiscated.

It can be concluded that only few cases of “espionage” were recorded in the statistic reports – one might even argue that it almost doesn’t exist. Nevertheless the assumption is plausible that there should be more cases of espionage which are not reported or prosecuted (dark field), but at this stage of the research such an assumption cannot be supported scientifically without further steps of research which requires additional scientific methods.

For more information about WISKOS, see [www.wiskos.de/en/home.html](http://www.wiskos.de/en/home.html); WISKOS CROATIA is also outlined at [www.balkan-criminology.eu/en/projects/wiskos](http://www.balkan-criminology.eu/en/projects/wiskos).

*Dr. Marta Dragičević Prtenjača,  
member of the MPPG for Balkan Criminology and  
assistant at the Faculty of Law, University of Zagreb*

**WISKOS** 

## BC RESEARCH NEWS

### First International Evaluation of the MPPG

In summer, 2015, the first evaluation of the Max Planck Partner Group on Balkan Criminology was taking place. External evaluation through renowned international experts is an important instrument that is regularly employed by the Max Planck Society in order to monitor and, where possible, improve the

quality of research and to safeguard the effective use of the funds provided. The body responsible for the evaluation is the scientific advisory board. The tasks of its members are to provide an overall assessment of the performance of the partner group, to give advice to its head and to make a suggestion to the President of the Max Planck Society as to approve the continuation of the MPPG for the next period.

The MPPG's international advisory board is composed of Prof. Dr. Letizia Paoli, full professor of criminology at the Leuven Institute of Criminology (LINC) at the Catholic University of Leuven, Belgium, Prof. Dr. Marie-Claire Foblets, director at the Max Planck Institute for Social Anthropology, Halle (Saale), Germany, and Prof. Dr. Marko Baretić, associate professor at the Chair for Civil Law at the University of Zagreb's Faculty of Law and former vice dean for international relations.

On 13 July the members of the scientific advisory board convened in Zagreb. It was their first onsite visit at MPPG's premises. The partner group team, headed by Ass. Prof. Dr. Anna-Maria Getoš Kalac, presented a comprehensive overview of the activities of the MPPG and the Balkan Criminology Network

(BCNet) and provided in-depth information on selected research projects that are currently underway. The presentations and discussions with the board members were based on the facts and figures provided in MPPG's *Scientific Report 2013–2015* which was published at the occasion of the evaluation

(see below at section ■ BC PUBLICATIONS). It also includes short biographies of the members of the scientific advisory board. Based on a written report of the scientific advisory board the President of the MPG will decide about the continuation of the MPPG before the end of 2015.

More information about the evaluation is available on MPPG's website at [www.balkan-criminology.eu/en/events/event/201507131.html](http://www.balkan-criminology.eu/en/events/event/201507131.html)



Photo: Michael Kilchling



Photos: MPPG Zagreb



## NEWS FROM BC PARTNERS

### Cross-Border Crime Colloquium Publishes Research Results

*Srđan Vujović*

The Cross-Border Crime Colloquium, an annual conference dating back to 1999, bridges Eastern and Western European scholars and practitioners across generations. The fifteenth Cross-Border Crime Colloquium was hosted by the Criminal Policy Research Centre and Faculty of Criminal Justice, Criminology and Security Studies, at the University of Sarajevo in Bosnia and Herzegovina between 25-27 May 2014.

Papers and research presented at the colloquium were published in spring 2015 in a collection entitled *The relativity of wrongdoing: Corruption, organized crime, fraud and money laundering in perspective*, edited by Petrus van Duyne, Almir Maljević, Georgios A. Antonopoulos, Jackie Harvey, and Klaus von Lampe.

The collection incorporates critical and innovative contributions from twenty-three experts in the field of international organized crime. The authors discuss the latest developments in empirical research, legis-



lation, and law enforcement, with a special geographical focus on Western, Central, and Eastern Europe. The research findings published in *The relativity of wrongdoing* rely on empirical data and critical analyses to address various aspects of criminal activity, including organized crime in post-conflict regions, cigarette smuggling, money laundering, corruption, and fraud. The collection seeks to inform practitioners and provoke policy makers to reflect on these issues when drafting new legislative procedures.

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

### Genuine Life Imprisonment

*Eszter Sárík*

On 11 June 2015, the Supreme Court of Hungary held that L. Magyar's conviction for genuine life imprisonment was reviewed based on the previous verdict of the Strasbourg Court. The Supreme Court's final judgment enabled the supervision of the penalty in 40 years, which means that the theoretical possibility of probation exists for serious perpetrators.

In Hungary, the law regulating genuine life imprisonment was enacted in 1999. This was able to occur because the legal tendencies of the 1990s were rather liberal. From this time on, the judge was authorized to decide on probation, and was provided with two legal opportunities: to regulate the earliest time of probation, or to exclude the possibility of release.

The country shows antinomic figures if we compare the data of criminality and sentencing. From the late 1990s, the number of crimes and criminal offenders decreased, becoming quite apparent in the 2000s. Even the Chief Prosecutor drew attention to the phenomena, particularly in the field of homicide cases. Meanwhile, the case-numbers concerning life imprisonment rapidly grew. While 146 offenders were imprisoned for life in the Szeged High Security Prison and Prison in 2009, in 2015 this had increased to 325, from which 52 persons were sentenced to a genuine life sentence.<sup>1</sup>

As noted, this legal institution was evaluated by the European Court of Human Rights, including its regulation, implementation, and international operation. The first verdict was returned in the *Vinter v. United Kingdom*<sup>2</sup> case, and in the line of judging, Hungary was just the second, with the *Tibor Törköly v. Hungary*<sup>3</sup> and with the *Magyar v. Hungary*<sup>4</sup> applications. The Strasbourg Court derived from these cases that genuine life imprisonment is against the Article 3 of the Convention,<sup>5</sup> as these penalties take away the hope of the convict and thereby fulfill the criteria of the definition of torture.

Though Hungarian politicians were not satisfied with the Supreme Court's decision, it is necessary to em-

phasize that a country based upon Christian values should consider Pope Francis's words, who declared that genuine life imprisonment is nothing else but a hidden death penalty.

### Notes

- 1 Official Statistics of the National Prison Service, data: 19th May, 2015.
- 2 *Vinter and Others v. United Kingdom* (6609/09,130/10, 3896/10. 17th January, 2012).
- 3 *Tibor Törköly v. Hungary* Application No. 4413/06.
- 4 *László Magyar v. Hungary* Application No. 73593/10.
- 5 Article 3 – Prohibition of torture: *'No one shall be subjected to torture or to inhuman or degrading treatment or punishment'*. (Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14 Rome, 4.XI.1950).

*Eszter Sárík, prosecutor, research fellow,  
National Institute of Criminology, Hungary*

Also, the new Code states that, both in cases of multiple crimes and recidivism, if the total penalty is higher than 30 years with more than 10 years and for one of the crimes the penalty provided by the law is 20 years or more, the judge can decide to apply a sentence of life imprisonment.

In the context of serious problems related to prison overcrowding, which led to many convictions of Romania by the ECHR, these provisions and the decisions given on their basis will create serious concerns for the Romanian legal system.

### Note

- 1 See, for example, *V. Cioclei*, *Pedeapsa girafă* (The Giraffe Penalty), available in Romanian language at [www.juridice.ro](http://www.juridice.ro).

*Assistant professor Dr. Andra-Roxana Trandafir,  
Faculty of Law, University of Bucharest*

## Long Imprisonment Penalties Following the New Romanian Criminal Code

*Andra-Roxana Trandafir*

The new Romanian Criminal Code which entered into force in February 2014 brought about a major change regarding the applicable penalty in case of multiple crimes. Basically, the judges now must decide on a penalty for each crime committed by the offender and then the highest penalty shall be applied. To this penalty, 1/3 of the other penalties shall be added (comparing to this provision, the former Code provided for a facultative addition).

The media has reported on how recent case law based on the new Criminal Code has seen individuals sentenced to many years of imprisonment, especially in corruption cases where multiple offences were applicable. For instance, a judge was sentenced to 22 years imprisonment for six bribery offences. Though the latter decision is not yet final, it has led to a lot of discussions, at a political level, within mass-media, or legal literature.<sup>1</sup> The issue was also brought to the attention of the Constitutional Court, which shall give its decision shortly.

The treatment of recidivism was also modified; a modification that has also led to higher penalties.

## The Institute of Criminal Justice, Criminology and Security Studies – CriminalEast

*Sandra Kobajica*

The Institute of Criminal Justice, Criminology and Security Studies–CriminalEast, at the Faculty of Criminal Justice, Criminology and Security Studies, University of Sarajevo, is a scientific institution for both research and teaching in the field of social reaction to illegal acts. Established in 2011, the Institute acts as a leading research centre for increasing knowledge related to the understanding of criminal phenomena and criminalization processes.

The mission of the Institute is to establish and improve institutional cooperation between the scientific field of social control of crime and the law enforcement institutions. The Institute's core function of initiating and implementing research projects should provide evidence-based policies which will contribute to improving the quality of decision-making processes in responding to criminal behaviour, be it in local communities or at an (inter)national level.

The name 'CriminalEast' has multiple symbolisms. The need for deeper analysis of the crime situation in Eastern and South-eastern and the desire to report through scientific projects in English led us to the

idea for the Institute's title. In addition, the Faculty of Criminal Justice, Criminology and Security Studies, has a 22 year heritage in educating criminalists at university level, separate from the closed police system. The fact that the word 'criminalist' when pronounced in the BiH languages, sounds like the determinant CriminalEast in English, inspired us to merge the symbolic with the real need for studying crime in this part of Europe.

The Institute transfers knowledge both within the country and abroad by organizing scientific and professional colloquia, symposiums, and round tables, publishing, implementing staff training courses for various institutions and organizations regarding security protection of persons and facilities, digital forensics etc. It provides education for interested students, as well as training courses for pragmatic sub-specialists from diverse backgrounds. As of 2015, the Institute engages over 25 academic professionals, as well as 3 interns and 5 volunteers, for a twelve month period.

Overall, the Institute's scientific activities are focused on achieving the conditions for engaging the Faculty in the European Research Area—ERA and European High Education Area—EHEA.

*Sandra Kobajica, BA, teaching assistant,  
Faculty of Criminal Justice, Criminology and  
Security Studies, University of Sarajevo*

**Book Review: "Decoding Albanian Organized Crime: Culture, Politics, and Globalization": A Book by Jana Arsovska, University of California Press (2015), pp: 280.**

*John A. Winterdyk*

Not until after the inter-ethnic Yugoslav wars and the break-up of former Yugoslavia in the mid to late 1990s were many people (outside of the Balkan region) aware of the existence of Albania. As one of the most isolated of the former communist countries, Albania had remained relative obscure. However, in the late 1990s, the dramatic rise of the 'Albanian mafia' (a myth which Arsovska dispels), Albania attracted considerable international atten-

tion. The Western media fostered an image of Albania as being an inherently violent and criminal oriented country.

In addition to providing a meticulously researched (the book includes 21 figures & 6 tables), well organized, and a richly insightful read, Arsovska, originally from neighboring Macedonia but now at the University of Leuven in Belgium, not only provides a valuable and compelling account of Albanian organized crime (AOC) but also dispels many of the myths about the nature and characteristics of AOC which in the Western media have largely been attributed to Albanian culture – in particular, the local medieval code of honour (i.e., Kanun) and tradition. Drawing on interviews and an assortment of data, Arsovska points out the rise of AOC was the result of economic, political, and life transitions. For example, the author shows how Albania's transition to democracy was among the most challenging in the former Eastern Bloc and, in line with various criminological perspectives, suggests that poverty, high unemployment, political instability, and the lack of opportunity were the main causes of AOC.

The seven chapters systematically describe not only how and why AOC emerged but also addresses their expansion into the West; their legendary penchant for violence, honor, and secrecy; as well as the assortment of criminal activity they engage in. The concluding chapter also offers some insight and thoughts about the future of AOC.

The book is an essential read for anyone interested in learning about organized crime in the Balkan region. It should also serve as an insightful platform for anyone interested in learning about the complexity and nuances of organized crime. Yet, as much as Arsovska offers an objective understanding of AOC and dispels an assortment of myths, she concludes that despite many misconceptions about AOC groups, 'they should not be underestimated, nor should they be overinflated' (p. 235). Overall, this book represents a substantial contribution to the study of organized crime in one of the more obscure regions of the Balkans.

*Professor John A. Winterdyk, Dept. of Justice Studies,  
Mount Royal University, Calgary, AB, Canada*

## BC PUBLICATIONS

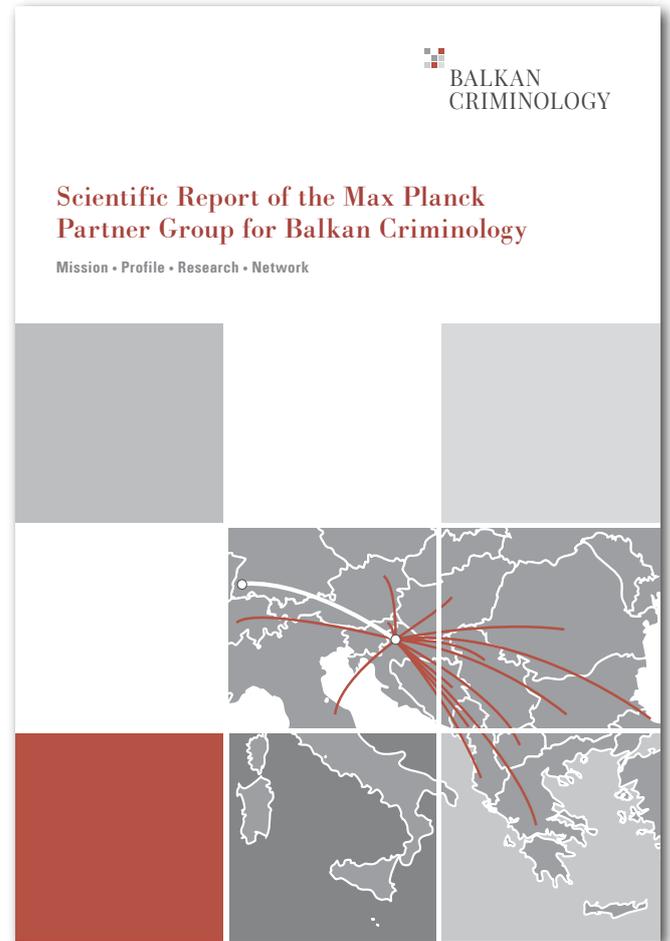
### Scientific Report of the Max Planck Partner Group for Balkan Criminology

Mission • Profile • Research • Network

In summer, 2015, the first Scientific Report of the Max Planck Partner Group for Balkan Criminology was published. It provides a comprehensive portrayal of MPPG's mission, profile, research and networking activities in the period from 2012 to 2015.

Particular emphasis is on the research concept and the research projects. Currently, some 16 individual research projects are ongoing or already completed, 7 in Research Focus I (violence, organized crime and illegal markets), 4 in Research Focus II (feelings and perceptions of (in)security and crime) and 4 in Research Focus III (international sentencing). The Report further includes chapters about the MPPG research team, the BCNet partners, organisation and infrastructure, a list of relevant publications and a review on all major scientific events.

The report is available for free download at:  
[www.balkan-criminology.eu/en/publications](http://www.balkan-criminology.eu/en/publications).



## BC EVENTS 2015

### Second Annual Conference of the Max Planck Partner Group for Balkan Criminology: 'Imprisonment in the Balkans'

*Nika Jurković*

The 2nd annual conference of the Max Planck Partner Group for Balkan Criminology was held in Sarajevo, Bosnia and Herzegovina, from 17 to 19 September, 2015. The conference was hosted by University of Sarajevo's Faculty of Criminalistics, Criminology and Security Studies. The programme of the event included some 16 presentations which covered all relevant aspects of the topic, intensive discussions, and a field trip to the town of Mostar where a visit to the local prison was organised. Mr. Romeo Zelenika, director of the prison, provided an introduction into prison policies in Bosnia and Herzegovina and practical insights into the every-day life conditions of prisoners in his institution.

The main purpose of the conference was to explore the current state of punishment policies in general and sentencing practices in particular, as well as to analyse the effects of such policies and practices on prison occupancy and the conditions of imprisonment in the countries of South Eastern Europe. The conference was opened by Assist. Prof. Dr. Anna-Maria Getoš Kalac and Assoc. Prof. Dr. Almir Maljević who highlighted the significance of the topic of imprisonment for the region and explained the concept of the book project. This introduction was framed in detail by Prof. Dr. Hans-Jörg Albrecht in his keynote presentation on "Penological Research in the Balkans". He raised several important issues such as the legacy left by the former Yugoslavia as well as problems related to the treatment of minorities in Balkan prisons.

 BALKAN  
CRIMINOLOGY  
www.balkan-criminology.eu

## Imprisonment in the Balkans

2<sup>ND</sup> ANNUAL CONFERENCE OF THE MAX PLANCK  
PARTNER GROUP FOR BALKAN CRIMINOLOGY

Jointly organised by the University of Sarajevo's Faculty of Criminalistics,  
Criminology and Security Studies, the Max Planck Institute for Foreign  
and International Criminal Law & the Max Planck Partner Group for  
Balkan Criminology at the University of Zagreb's Faculty of Law

17<sup>th</sup> – 19<sup>th</sup> September 2015, University of Sarajevo,  
Bosnia and Herzegovina



The Conference is funded by the Max Planck Society and the University of Sarajevo, Faculty of Criminalistics, Criminology and Security Studies

 University of Zagreb  
Faculty of Law

 Max Planck Society

 University of Sarajevo  
Faculty of Criminalistics,  
Criminology and Security Studies

trends and rates in order to identify and explaining the similarities and differences between the countries in the Balkans.

The conference brought together experts representing almost all of the BCNet partners who provided detailed overviews on the situation in the field of imprisonment in their countries. Prof. Dr. Altin Shegani and Dr. Evisa Kambellari discussed the situation in Albania, Prof. Dr. Gordana Bužarovska reviewed prison policies in Macedonia, Univ. Assist. Natalija Lukić explained the situation in Serbia, Mr. Rok Hacin presented an overview of penal practice in Slovenia, Assoc. Assist. Prof. Ioana Curt addressed punishment in Romania, Prof. Dr. Effi Lambropoulou explained the Greek prison policy, Dr. Eszter Katalin Sarik revealed the situation in Hungary, and Assist. Prof. Dr. Anna-Maria Getoš Kalac illustrated the problems of Croatian prison system. The programme further included a selection of presentations by the MPPG's Ph.D. candidates: Mr. Karlo Ressler discussed imprisonment practices for traffickers in human beings, Ms. Reana Bezić focused on imprisonment of juvenile offenders, and Mr. Pero Mihaljević on sentencing patterns in prostitution cases in Croatia.

Prof. Dr. Dirk van Zyl Smit and Ms. Angelika Reichstein explored whether life imprisonment was a valid replacement for the death penalty and presented concrete examples of 5 states in which life imprisonment was newly introduced. Prof. Dr. Marcelo Aebi addressed the methodological challenges of the project which aims at comparing, inter alia, imprisonment

More detailed analyses and the main conclusions drawn from of the productive three conference days will be presented in the forthcoming book project which will be ready for publication in spring, 2016.

*Nika Jurković, student volunteer  
at the Max Planck Partner Group, Zagreb*



Photo: Almir Maljević

## One-Week International Intensive Course 'Crime and Criminology in the Balkans', Dubrovnik, October 2015

*Željka Bogović & Sandra Kobajica*

The 2015 edition of the Balkan Criminology Intensive Course took place in the second week of October at the Inter University Center in Dubrovnik (Croatia). It gathered more than twenty five participants and about a dozen of lecturers from the Balkan region and from Canada, Denmark, Germany, Italy, Netherlands, Switzerland and United Kingdom.



Photo: Michael Kilchling

The course was opened by course directors Dr. Michael Kilchling (Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany), Prof. Dr. John Winterdyk (Mount Royal University, Canada) and Dr. Anna-Maria Getoš Kalac (Assistant Professor at the Chair for Criminal Law of Zagreb University's Faculty of Law). The programme included a mix of themed lectures, lectures with a special focus on methodology, soft skill exercises and student presentations. Traditionally, the course programme further includes a guided Dubrovnik city tour.

Themed lectures included the following topics: 'Crime and Criminology in the Balkans – Challenges and Prospects' (Dr. Anna-Maria Getoš Kalac), 'Theoretical and methodological impact of victimology: Origins, areas, developments, perspectives' (Dr. Michael Kilchling), 'Independent and accountable or

courageous with integrity – What kind of criminal justice professional do we need?' (Prof. Dr. Almir Maljević, University of Sarajevo, Bosnia and Herzegovina, course director), 'Relationship between religion and deviancy' (Dr. Eszter Katalin Sarik, National Institute of Criminology in Budapest, Hungary), 'Policing and safety/security-related research' (Prof. Dr. Gorazd Meško, Faculty of Criminal Justice and Security, University of Maribor, Slovenia) and 'The problem of laundering of money obtained by criminal offences on the Balkan route – case study' (Ms. Vesna Rogulj, Attorney of Law, Zagreb, Croatia). Methodologically-oriented lectures covered aspects of comparative criminology and criminal justice research in the Balkans (Prof. Dr. John Winterdyk, Mount Royal University, Calgary, Canada), a general introduction into criminological research methods (Prof. Dr. Marcelo F. Aebi; vice-director of the School of Criminal Sciences at the University

of Lausanne, Switzerland) and a practical demonstration of techniques for searching and finding of data for comparative research purposes in different (online) data bases (Prof. Aebi). Soft skills training included several units and exercises on academic writing (Dr. Eszter Timár, Central European University, Hungary) and a workshop explaining how to select academic journals for the publication of academic papers and how peer review procedures are organised (Prof. Dr. Paul Knepper, University of Sheffield, United Kingdom, editor of the European Journal of Criminology).

In addition, 17 of the participants presented a paper, most of them related to their PhD, master or diploma theses. All papers submitted were included in the best student paper competition, which was based on a critical assessment of the papers by the course directors. The winner of the best paper award is rewarded

through professional support for the submission of the paper to the European Journal of Criminology.

Participants concluded that the BC Course provided a variety of relevant information about criminology and criminal law-related research, of which many had a particular focus on the Balkans, and useful practical exercises in academic writing and publishing. As a more general added value, participation offered

many opportunities for networking with colleagues from the region and beyond, and for meeting with internationally renowned experts.

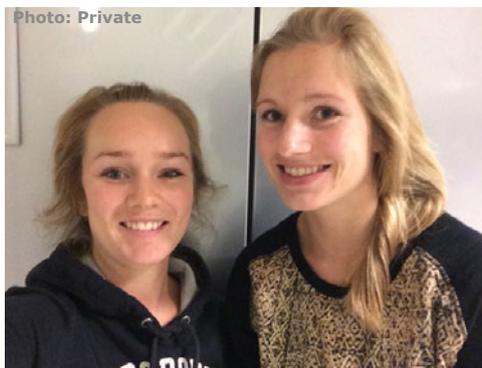
*Željka Bogović, student volunteer  
at the Max Planck Partner Group, Zagreb*

*Sandra Kobajica, assistant  
at the Faculty of Criminal Justice, Criminology and  
Security Studies, University of Sarajevo*

## Best Paper Award of the 2015 Dubrovnik Course 'Crime and Criminology in the Balkans'

The best student paper was selected by the course directors Anna-Maria Getoš Kalac, Michael Kilchling, Almir Maljević and John Winterdyk.

Award winners are **Susanne Schot** and **Michelle Bruijn** from the University of Groningen, Faculty of Law, the Netherlands. The



awarded 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" addresses an issue that is of utmost importance and urgency with regard to the current situation of refugees on the so-called Balkan route.

## MPPG and BCNet at the ESC Symposium 2015 in Porto

The 15th Conference of the European Society of Criminology gathered more than 1,300 participants from 53 countries. The MPPG has organized the first meeting of the ESC working group on Balkan Criminology which was created as a forum of experts in the field of criminology and criminal justice research focused on the Balkans. A selection of current research projects of the MPPG were presented in two themed panel sessions chaired by Prof. Dr. Hans-Jörg Albrecht and Assist. Prof. Dr. Anna-Maria Getoš Kalac which included contributions by Filip Vojta, Reana Bezić, Dr. Marta Dragičević Prtenjača, Aleksandar Maršavelski, Dr. Sunčana Roksandić Vidlička and Karlo Ressler.

The activities of the MPPG and the BCNet were further promoted at the Balkan Criminology exhibition stand. The scientific report 2013–2015 and further promotion material were provided for free. In addition, the first volume of the Balkan Criminology Research Series, "Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans" was on display for purchase.

The Balkan Criminology stand also proved to be a popular contact point where visitors came to meet, discuss or just to have a chat.

## DISCUSSION

### The Croatian Constitutional Court – Transition without Social Justice?

*Sunčana Roksandić Vidlička*

In light of the fact that the economic offences committed in the transitional period during the Homeland War were not prosecuted in a consequent way

in the period of their commission, Croatia amended its constitution on June 16, 2010, by abolishing the statute of limitations with retroactive effect for this specific catalogue of crimes. According to the explanation given by the legislator for this constitutional

amendment such crimes are considered extremely serious and continue to undermine Croatian society; such crimes – and their offenders – should therefore not be afforded privilege under the country’s statute of limitations. Following the constitutional amendment, a special law was passed to make prosecution of these crimes possible: according to the 2014 annual report of Croatia’s Attorney General, there were eight convictions, 49 indictments and 12 newly initiated investigations in that year alone.

On July 24, 2015, almost five years later, the Constitutional Court stepped in. According to its 2015 decision, the abolition of retroactivity cannot apply to offences for which the statute of limitations had expired before June 16, 2010. This decision significantly limits the ability of the state to prosecute and punish economic offences committed in the transitional period because, for the great majority of privatization and ownership transformation scandals committed during the Homeland War, the statute of limitations has already expired. Therefore, in spite of the legislator’s political choice expressed in the constitutional change, the Constitutional Court did not accept the possibility of the retroactive effect of the 2010 constitutional amendment.

According to the Constitutional Court’s reasoning, if the statute of limitations has already expired for a crime that would otherwise be affected by the 2010 amendment, then the crime cannot be prosecuted. The Court noted that priority has to be given to the protection of the principle of legality. Yet concerning the principle of social justice, Croatian society will apparently not have a chance anymore for a serious confrontation with the transitional crimes committed

by perpetrators who clearly took advantage of a situation of war and disorder during the time in which they were committed.

It can be said that the proclamation of non-application of the 2010 constitutional amendment by the Constitutional Court in the individual case (i.e., the Sander case) actually legalized wide spread political white-collar crime.

In fact, the Constitutional Court could have taken another path in its decision making. Based on the principle of proportionality, the Court could have decided otherwise by giving the priority to the principle of social justice. Most of these grave economic offences were committed in the transitional period, i.e., at a time of conflict and peaceful reintegration when the rule of law did not function in its entirety. The basis for such reasoning could be found in the transitional justice jurisprudence of the European Court of Human Rights. With its decision, the Constitutional Court made the voyage of this case to the ECtHR legally impossible. Therefore, the Strasbourg Court lost a perfect opportunity to hear this case and to decide on such an important issue that connects economic and social rights, criminal law and international criminal law – and to take its stand on the importance of protecting economic and social rights in transitional periods.

How Croatia will deal with this difficult moment of its past thus remains to be seen.

*Dr.sc. Sunčana Roksanđić Vidlička,  
senior assistant lecturer, Zagreb Faculty of Law,  
Department of Criminal Law, and member of the MPPG*

#### 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, November 2015

ISSN: 1849-6229

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

Editorial team: Dr. Anna-Maria Getoș 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](http://www.balkan-criminology.eu)

