

BC EVENTS

'Victimology and Victim Protection in the Balkans', Fourth Annual Conference of the MPPG in Budapest, 21-23 September 2017

Eszter Sárík

The Fourth Annual Conference of the MPPG for Balkan Criminology was held in Budapest, Hungary. Host of the event was the National Institute of Criminology (OKRI), a 57-year-old scientific institution which structurally belongs to the Chief Prosecution Office of Hungary. The topic of the conference was 'Victims and Victim Protection in the Balkans'.



The conference was opened by Prof. em. Dr. György Vókó, DSc., Director of the National Institute of Criminology. Prof. Vókó's speech (see text box) was more than a general welcome address. Besides warm welcome words to the participants and sharing his happiness about the opportunity to have experts from the entire region discussing important topics of criminology and victimology, he also emphasized the importance of the Balkan Criminology Network, which has filled a gap in the European scientific landscape.

In the first plenary speech, Prof. Dr. Anna-Maria Getoš Kalac, head of the Max Planck Partner Group for Balkan Criminology, gave an overview of the network's past and present activities and drew attention to its shared success, with a special emphasis on future work. Prof. Getoš also shared her ideas relat-

ing to the contents and structure of the forthcoming conference publication which is foreseen to become the keystone of the *Balkan Criminology Quadrilogy*, which, in addition to the basic mapping volume¹ will consist of the three follow-up studies about imprisonment, violence, and victimology and victim protection in the Balkans. All issues covered are of common interest in the region. The second speaker was Dr. Michael Kilchling, senior researcher at the

Max Planck Institute for Foreign and International Criminal Law – Department of Criminology, who highlighted the theoretical and practical importance of empirical victimology. Besides sharing knowledge on the historical background and development of victimology and its various research areas, brilliant reflections

were presented on victim typologies and the role of the victim in the different phases of victimization – before, during, and after the criminal act. It was argued that the so-called 'victim-offender overlap' in its various forms is still under-researched.

The first Hungarian presenter was Dr. Tünde Barabás, senior research fellow and head of division at OKRI. She summarized the legal development of restorative

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justice in her country. Dr. Barabás explained the details of the legal regulation, as well as the application rates of mediation procedures over the past 6 years. She further introduced two (additional) forms of mediation outside the formal criminal justice system that have been undergoing testing via pilot initiatives. The first one aims to help solve community problems in closed and small communities, the second one is meant to solve conflicts in prison through mediation.

As Hungary enacted the new Criminal Procedure Law in June 2017, the two following Hungarian presentations focused on the procedural role of the victim in the country. Dr. Anna Kiss, senior research fellow and senior advisor at OKRI, concentrated on the roles of the victim in the current procedure law, and detailed the various potential procedural situations in which the injured party may play a role. Dr. Ákos Kara, head of department at the Department of Substantive Criminal Law Codification of the Hungarian Ministry of Justice, mainly addressed the rights of the victim in the new Hungarian Criminal Procedure Code. He explained how the spirit of the Directive 2012/29/EU on establishing minimum standards on the rights, support, and protection of victims of crime, prevails in the new law.

The second day of the conference gave an opportunity to the BC members to give an overview of the current state of victimology and victim protection in their countries. The first presenter was Assist. Prof. Dr. Andra Trandafir, vice dean of the Faculty of Law of University of Bucharest, who spoke about the data on victims and other relevant issues related to victimology in Romania both in legal and criminological terms.

Dr. Selman Dursun and Dr. Tuba Topçuoğlu, Assist. Professors at the Faculty of Law of Istanbul University, mapped Turkey from a victimology point of view, and introduced the legal regulations for the victims in Turkish Criminal Procedure Law. Urska Pirnat, junior researcher at the Faculty of Criminal Justice and Security of University of Maribor provided a general overview of the situation in Slovenia: in terms of law, scientific research, surveys, criminal data, and the practice of victim protection. Reana Bezić, member of the MPPG for Balkan Criminology and assistant at the Faculty of Law of the University of Zagreb, described the outcomes of ISRD-3 in an international comparison, with a special focus on victim-related data in the sample.

Sandra Kobajica from the Faculty of Criminal Justice, Criminology and Security Studies of the University of Sarajevo spoke about the development of victimology in Bosnia-Herzegovina, and shared the available victim data. Dr. Eszter Sárík, researcher at OKRI, addressed the weaknesses of victim data in Hungary and shared ideas about the role of the victim in traditional, modern, and post-modern societies. The session was closed by the joint presentation of Petra Sprem and Mia Krpan, members of the MPPG for Balkan Criminology, Zagreb. They spoke about the sociological and psychological characteristics of victims of homicide cases, based on preliminary outcomes of a new MPPG research project on homicide in the Balkans. The presenters drew particular attention to the lack of information about the victim(s) in criminal files which have been found prevalent even in the most serious crimes such as homicide.



The wrap-up session was chaired by Prof. Getoš Kalac who summarized the main conclusions from the extensive and fruitful discussions during the conference and the importance of a critical approach to the

current state of victim policies in the region in the forthcoming reader.

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Reference

- 1 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*. Publications of the Max Planck Partner Group for Balkan Criminology, Vol. BC 1. Duncker & Humblot, Berlin 2014, 540 p.

Welcome Speech by Prof. em. Dr. Vóko György, director of the National Institute of Criminology (excerpts)

“Dear Participants, Professors, Colleagues and Friends, Ladies and Gentlemen,

First, I would like to warmly welcome everybody to the Fourth Annual Conference of the Max Planck Partner Group for Balkan Criminology, which has been organized on the topic of victimology and victim protection. The National Institute of Criminology, having by now operated for more than 60 years, was always fully committed to the harmonization of practice and theory. The Institute has never narrowed this approach to national cooperation but extended it to an international level. Being a bridge between science and prosecution, national and international relations, we mean to get to know others cultures. But among our international partners, the Freiburg Max Planck Institute for Foreign and International Criminal Law was always privileged, as the professional relations with them now look back on several decades.

The Max Planck Partner Group for Balkan Criminology proves to be highly important due to the fact that the cooperation in the Eastern European region seems to be weaker than in the rest of Europe. We often have the feeling in academic life that we tend to know more about the research findings of Island and New Zealand than about



the knowledge gained by our neighbors. It has become a wonderful and very fruitful initiative to get researchers and university professors together from Croatia, Serbia, Bulgaria, Romania, Montenegro, Greece, Turkey, Macedonia, Slovenia, and Hungary.

Over the past few years, the cooperation provided grounds to discuss the common issues of criminology as a science, empirical research, the problems of imprisonment and violence in the Balkans. The Balkan Criminology Network is an important resource not just for building up fruitful discussions and for drawing attention to the scientific talents in the region but also for doing away with myths and misunderstandings on such topics like violence in the Balkans.

At this year's conference, we are going to discuss the important questions related to the victims, in terms of the risks, the role of the injured party in- and outside the criminal procedure. Though victimology is a relatively young discipline in criminology, it is of high relevance in initiating a fruitful conversation on the typology of victims, the scenario of becoming a victim, the prevention of victimization and, for instance, the psychological phenomenon of blaming the victim.

The current conference is also symbolic from a Hungarian point of view: The new Criminal Procedure Act was enacted on 13 June, 2017. This event will provide us the opportunity to discuss the relevance of this legal act from the victim's perspective. Chapter IX of Act XC of 2017 regulates the different roles of the injured party, and its novelty lies in the fact that a whole chapter was dedicated to this procedural actor. It contains regulations of their specific rights such as their presence in the different parts of the procedure, signing, asking questions, reviewing the documents from the file related to them, being informed about their rights, taking actions of remedy, requiring a legal or non-legal assistant, submitting claims for civil action, acting as a private plaintiff or as a substitute private plaintiff, declaring any physical, emotional or material damage, and last but not least, expressing whether they want the accused to be punished or not.

It is also important to draw attention to the victims' role if they are minors. In most of the violent criminal cases, the crime should be considered more serious if the act was perpetrated against a minor.

Act LXII of 2012 on Child Friendly Justice also considers emotional damages and jeopardies as relevant factors. Mediation is a form of restorative justice, which serves both the goals of the victim and the perpetrator by repairing the damages of the whole community.



It is also important to discuss phenomena such as secondary victimization (suffered from the authority) and repeated victimization (if more than one crime is committed) from the perspective of potential emotional damages. And we should also consider the relevance of the 2012/98 EU Directive which also places an emphasis on the figure of the 'indirect victim'.

Besides the international efforts, it is good to see how the Hungarian legislatures put emphasis on the rights of the victim not just in classical terms. Mostly because the rights of the victim belong to the group of human rights. There are some efforts to lengthen the limitation periods of certain crimes, mostly of those which were committed against minors under the age of 18. The new Hungarian Criminal Code also takes the young or old age or the disability of the victim into account, and it acknowledges the vulnerability of the homeless. The criminal law takes the relationship between relatives into account in order to protect the victim from the misuse of power within the family. Harassment is penalized by law; mandatory injunctions such as compensation are also made available for the victims.

We are all aware of the fact that not all sins, wrongdoings, and crimes can be prevented. But



Photo: National Institute of Criminology [Országos Kriminológiai Intézet], Budapest



if not, the common goal for both the practitioners and the criminologists should be to develop a fair justice system in which the rights of the offenders are acknowledged as much as those of the victims. Discussion at the current conference can be a good way to reach our common goals. With the following words of Burghelli, I wish everyone success for the 2-day conference. And I hope that the Network will add further value to the development of criminology in the region:

'A human sanction system is also wise. Wise because it is preventive, in its human and economic goals, wise with perpetrators and in the terms of unity of law, and last but not least, it is wise because it serves the goals and interests of the victim.' ”

*Edited and translated
by dr. Eszter Sárik*

One-Week International Intensive Course on “Crime and Criminology in the Balkans”, 22-27 October 2017

Luka Miletić & Filip Sokolić

This year's International Intensive Course on “Crime and Criminology in the Balkans” took place in the last week of October (22-27 October 2017) at the Inter University Centre in Dubrovnik, Croatia. The course was attended by more than 25 participants, including course directors, lecturers, and students from the Balkan region, Germany, Switzerland, Canada, Romania, Turkey, Belgium, Slovenia, Macedonia, and The Netherlands.

The course programme included lectures, workshops, discussions, and student presentations which provided participants with knowledge about criminology, victimology, penology, and criminal law, with an overall emphasis on the role of comparative criminology. As a new tool, One-on-One meetings with mentors were offered which helped to provide students with individualized information and methodological advice related to the topics and projects of their personal interest.

The course was opened by the course directors: Assoc. Prof. Dr. Anna-Maria Getoš Kalac from the Zagreb University's Faculty of Law, Croatia, Dr. Michael Kilchling from the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, and Prof. Dr. John Winterdyk from Mount Royal University in Calgary, Canada. Themed lectures covered the following topics: “Balkan Criminology – Mapping criminology, penology, violence and victimology in Southeast Europe” (delivered by Assoc. Prof. Dr. Anna-Maria

Getoš Kalac), “Theoretical and methodological impact of victimology: Origins, areas, developments, perspectives” (Dr. Michael Kilchling), “Victims and offenders in criminological research: disconnected population groups?” (Dr. Michael Kilchling and Reana Bezić, MPPG, University of Zagreb, Croatia), “Comparative European study on restrictions and disenfranchisement of certain civil and political rights after conviction” (Assist. Prof. Dr. Lucija Sokanović, University of Split, Croatia, and Dr. Michael Kilchling), “Revision of the sentencing policy of the courts in Macedonia in context of the strategy for reform of the judiciary” (Andrej Bozhinovski, Association for Criminal Law and Criminology of Macedonia), “Political party crime in the Balkans” (Assist. Prof. Dr. Aleksandar Maršavelski, University of Zagreb, Croatia), “Promoting the growth of comparative criminology/criminal justice (prison) research in the Balkans: Establishing an operational frame” (Prof. Dr. John Winterdyk), “Mechanisms of prevention and control in prisons” (Prof. Dr. Rüdiger Wulf, University of Tübingen, Germany), and “Imprisonment in Romania” (Assoc. Prof. Dr. Andra-Roxana Trandafir, University of Bucharest, Romania).

The special soft-skills trainings included lessons on academic writing, methodology, and data researches: Basics of Criminology Research and Methods, “How to find data for analysis?” (Prof. Dr. Marcelo F. Aebi, University of Lausanne, School of Criminal Sciences (ESC), Switzerland), “Academic Writing – Soft Skill Training” (Prof. Dr. Rüdiger Wulf), “Getting published in academic journals” (Prof. Dr. John Winterdyk). These lessons provided and widened essential knowledge about academic writing, methodology, and the publication of scientific papers.

A further integral part of the annual course programme features presentations by student participants (members of Max Planck Partner Group for Balkan Criminology as well as students from other institutions). Presentations were mostly connected to their theses, scientific work or research projects.

Part of a tradition, participants also made the guided historic Dubrovnik city tour. This excursion, together with more informal interaction between participants and lecturers, resulted in new relationships between students from different cultures and languages. A good atmosphere and positive attitudes induced the exchange of knowledge, research, and opinions, completing the course in the most beautiful way.

Participants' feedback implies that the 2017 course was perceived again as a great success. The programme did not only provide in-depth insight into specific topics and scientific areas, but also offered practical skills especially in academic writing that can be used in the participants' future careers. In addition, participants emphasized the added value of the One-on-One coaching with mentors as an excellent occasion to get connected with renowned experts in the field. Participants took advantage of the opportunity to connect, exchange experiences and ideas for collaboration on future projects with colleges from different parts of world.

*Luka Miletić & Filip Sokolić,
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Participants of the course "Crime and Criminology in the Balkans" at the Inter-University Centre in Dubrovnik

MPPG Panels at the ESC Conference in Cardiff, 13-16 September 2017

Andra-Roxana Trandafir

The 2017 ESC Conference in Cardiff gathered more than 1100 professionals from all over the world, who attended various interesting lectures and presentations related to the general topic *Challenging 'Crime' and 'Crime Control' in Contemporary Europe*.

This year, the Max Planck Partner Group for Balkan Criminology organized two panels.

The first panel, which took place on September 15, 2017, featured the ongoing **Balkan Homicide Study**.

The study (see BC News 1/2016) aims to disprove, based on solid empirical data, the widespread Balkan image as a region inhabited by 'clan people' prone to wild, violent, and revengeful behaviour, embedded

in a culture of drinking slivovitz and running around with guns and shooting at each other for no good reason. Even a first glimpse at available homicide data shows that the Balkans have no higher rates than other European regions, and that they are well below the global average. But what do such ‘bare’ homicide rates actually reveal, besides the obvious, the low incidence of homicide? What is lethal violence, and who defines it? How do we and how should we “measure” or even “capture” lethal violence? What would we see if we were able to look much more closely at lethal violence in the region? Would an innovative methodological approach to lethal violence, perhaps reveal a fundamentally different picture as the one we are currently looking at? What would be plausible explanations for such findings and which theoretical framework could they be placed in? These are only some of the questions addressed by the homicide study which is currently being conducted in 8 countries of the region.

The panel, chaired by Ms. Reana Bezić, included presentations by

- Ms. Reana Bezić, Dr. Sunčana Roksandić Vidlička, Dr. Aleksandar Marsavelski (MPPG for Balkan Criminology, Zagreb Faculty of Law): *Balkan Homicide Study in Croatia: Sampling, Access, and Field Work Experiences*
- Assoc. Prof. Dr. Andra-Roxana Trandafir (Faculty of Law, University of Bucharest): *Balkan Homicide Study in Romania: Sampling and Access*

The second panel on **Balkan Criminology**, also scheduled for September 15, was chaired by Assoc. Prof. Dr. Andra-Roxana Trandafir.

The panel provided a brief general introduction into the concept of “Balkan Criminology” and provided preliminary findings from selected research projects of the MPPG as well as Balkan-related research topics. The panel further included a summary of the findings from the 2016 Balkan Criminology Conference on “Violence in the Balkans” as well as an overview of the state of criminological postgraduate and doctoral education in the Balkans with a focus on the annual Balkan Criminology Course.

The presentations were given by:

- Ms. Reana Bezić (MPPG for Balkan Criminology, Zagreb Faculty of Law): *Juvenile Delinquency in the Balkans: Snapshot of ongoing BC Research Projects*
- Assoc. Prof. Dr. Andra-Roxana Trandafir (Faculty of Law, University of Bucharest): *Violence in the Balkans: Findings from the BC 2016 Conference*
- Dr. Aleksandra Jordanoska (University of Manchester, School of Law) & Dr. Aleksandar Marsavelski (University of Zagreb, MPPG for Balkan Criminology): *Regime Crime in Macedonia*
- Mr. Nikola Vujičić (Institute of Criminological and Sociological Research in Belgrade, Serbia) & Mr. Andrej Božinovski (Faculty of Law Iustinianus Primus Skopje, Association for Criminal Law and Criminology): *Criminological Postgraduate and Doctoral Education in the Balkans with Focus on the BC Course*

The panel enjoyed a good audience which led to very interesting discussions on the presented topics.

PREVIEW ON FUTURE EVENTS

Two of the next three ESC conferences will take place in the Balkans

The annual international symposia of the European Society of Criminology are the most important scientific events for the criminology community in Europe and beyond as they cover all relevant topics related to crime and crime control.

We are very happy to announce that two of the next three conference will take place in the Balkans, organized by partners of our BC Network.

Next will be the 18th Annual Conference that will take place from 29 August to 1 September 2018 in Sarajevo, Bosnia and Herzegovina. The general topic of the conference will be *Crimes against Hu-*



Sarajevo – Former National Library

mans and Crimes against Humanity: Implications for Modern Criminology. It will be hosted by the Faculty of Criminalistics, Criminology, and Security Studies at the University of Sarajevo under the organization of Prof. Dr. Almir Maljević.

At the 2017 ESC conference in Cardiff it was also decided to hold the 20th Annual Conference in Bucharest, Romania, in the second week of September, 2020. The event will be hosted by the Faculty of Law of the University of Bucharest. The organizer will be

Assoc. Prof. Dr. Andra-Roxana Trandafir, vice-dean for international relations.

These events will provide excellent opportunities for a prominent representation of Balkan Criminology. The Max Planck Partner Group for Balkan Criminology fully supports the organizers of these two events. We are certain that they will contribute to the strengthening of the scientific research and cooperation in the region, and its visibility in Europe and the rest of the world.



Bucharest – Parliament Building

BALKAN CRIMINOLOGY NEWS

All issues, current and previous, are permanently provided at

www.balkan-criminology.eu/en/publications/newsletter

BC PUBLICATIONS

New Publication in the Book Series of the MPPG for Balkan Criminology

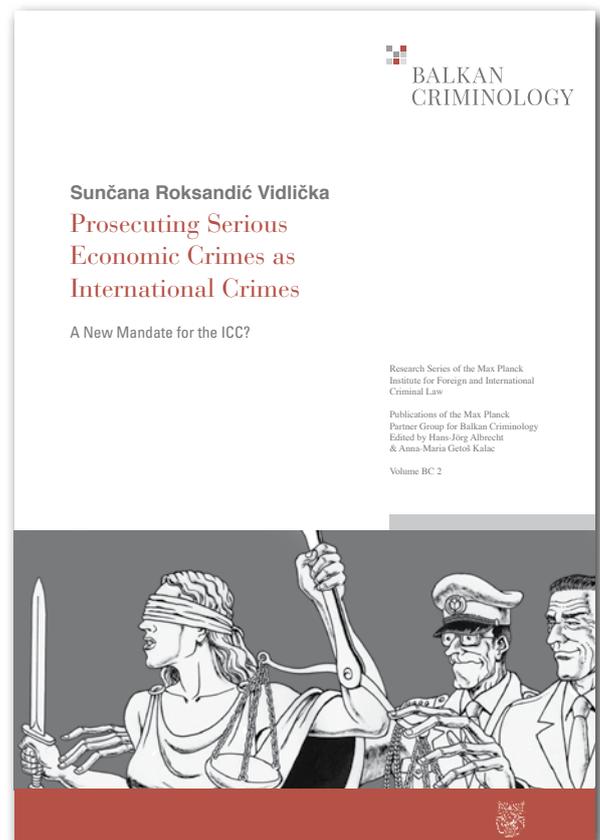
“Prosecuting Serious Economic Crimes as International Crimes”

Serious economic crimes and violations of economic, social and cultural rights have often been neglected in criminal proceedings and reports of truth commissions that have followed in the wake of economic transitions or conflicts. Although such economic crimes often result in a substantial loss of wealth to the overall economy and society of the country in question, they have not been neither widely nor effectively prosecuted. The Balkan region is no exception to this rule. However, as argued in the book, from Nuremberg on, there have been attempts and successful examples of prosecuting war profiteering cases. Even quite recently, the International Criminal Court’s prosecutor called for such a prosecution to be conducted before the ICC.

This research explores legal and social preconditions under which serious economic offences may be characterized as crimes under international criminal law. It searches for answers as to why such crimes have been left out of the focus of mainstream international criminal law development since the end of WWII.

The study connects international criminal law with discourses of international human rights law, security studies, (supranational) criminology, political sciences, transitional justice and (economic) criminal law

in order to find arguments as to why it is necessary to start prosecuting serious (transitional) economic offences as crimes under international law and why they should find their place in the ICC Statute. The research explains why Art. 7(1)(k) of the ICC Statute is the most plausible means to do so without violating the principle of legality.



ISBN: 978-3-86113-264-6 (MPI), 978-953-270-100-5 (Zagreb Faculty of Law) Berlin 2017, 546 pages.

The book will be available in January 2018 and can be ordered through the Max Planck Institute for Foreign and International Criminal Law (verlag-kriminologie@mpicc.de), the University of Zagreb’s Faculty of Law bookstore (tel./fax: +385 (01) 4597 586), or any other bookstore.

“A very valuable scientific work on a highly innovative topic. [It] offers a new theoretic frame in which international economic crimes committed as crimes of the powerful by private corporate economic actors can be related to mechanisms to prevent and punish impunity, such as the ICC.”

Prof. Dr. John A.E. Vervaele
Utrecht Law School, President of AIDP

“A serious and thought-provoking study. The topic is original and of great importance. In her approach the [author] mixes passion with erudition. I could not agree more with her conclusion that the time has come to consider some of the most serious, systematic and widespread economic crimes, breaching economic, social and cultural rights, as crimes under international law.”

Prof.dr.sc. Ksenija Turković,
Judge, European Court of Human Rights, Strasbourg

“A very courageous and intelligent piece of work.”

Prof. Dr. Dr. h.c. Walter Perron
Albert Ludwigs University, Freiburg i.Br.

□ DISCUSSION

Assessing, Addressing and Repairing the Harms of State Crime: Bearers' and Stakeholders' Perceptions and Processes in Kosovo

Furtuna Sheremeti

Regardless of the definition of state crime one adopts, there is no doubt that serious and persistent state crime has occurred during the wars that burst out of the dissolution of the former Yugoslavia. Bosnia-Herzegovina and the neighbouring regions suffered the most harmful war (1992–1995), but over 13,000 people were also killed and more than 590,000 displaced during the war in Kosovo, which lasted from February 1998 through June 1999 (Independent International Commission on Kosovo, 2000).

The international community has tried to identify and bring to justice those responsible for state crimes in the region, through the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Special chambers under the official name of “The Kosovo Specialist Chambers (KSC) and Specialist Prosecutor’s Office (SPO)” have also been recently instituted.

Much less has been done so far at the local, regional, or international level to assess the harms generated by state crime and to understand victims’ perceptions of such harms and their needs. A few years ago even Robinson (2011), the ICTY President, admitted: “the Tribunal cannot, through the

rendering of its judgments alone, bring peace and reconciliation to the region. Other remedies should complement the criminal trials if lasting peace is to be achieved.”

That is why, in my PhD project – by using the war in Kosovo and its aftermath (January 1998 – December 2000) as a case study we intend for the first time:

1. To map “bearers” and other stakeholders’ perceptions of state crimes and the related harms, including the bearers’ and stakeholders’ assessment of the crime types and the harms severity, overall incidence, and causes;
2. to review what has been done to address and repair the harms of state crime;
3. to map bearers’ needs and bearers’ and other stakeholders’ suggestions to address and repair harms, and
4. to draw policy recommendations.

Three main concepts of the upcoming research include state crime, harm, and reparations.

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Prof. Stephan Parmentier*

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IMPRINT

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