

BC RESEARCH NEWS

Basic Analysis of the Use of Parole in the Republic of Serbia

Nikola Vujičić

Modern criminal legislation on the rights of inmates serving time in prisons can almost not be imagined without the instrument of parole, and rules on its application. Not only in the greater public but also amongst practitioners this right, originally developed by Alexander Maconochie and his “mark system” (Ignjatović, 2016: 177), is often viewed as a kind of privilege, i.e., a benefit for persons who committed crimes for which they have to face social-ethical reprehension in the form of spending some (life) time in prison. This explains the fact that there is a certain resistance against the implementation of this instrument in court practice. As in many situations, here too understanding is necessary. Practical problems in applying conditional release, in the context of “for” and “against” (Soković, 2016: 388), were the starting point of an empirical research project on its use in court practice in the Republic of Serbia. This research was carried out by the research team of the Institute of Criminological and Sociological Research in Belgrade, with the support of the OSCE Mission in Serbia.¹

Sample

The sample of the study includes all finally convicted males who in the period from 2011 to 2015 served a prison sentence in penal-correctional institutions in Sremska Mitrovica, Požarevac and Niš, and who were released on parole in that period. Out of the total of 1,583 persons released on parole from all three institutions, the researchers had access to the records (files) of 1,470 convicts (92.9% of the total number). The number of records of inmates covered by the research is representative, which is also confirmed by the fact that the sample covered by the research makes around 60% of the total number of persons released on parole in the Republic of Serbia in the observed period. Data on the number of submitted applications, court decisions, and the reasoning (contents) of the decisions on early re-

lease, were collected from the personal files of the convicts, the final release decisions, and other general records maintained in each penal-correctional institution.

Basic research findings

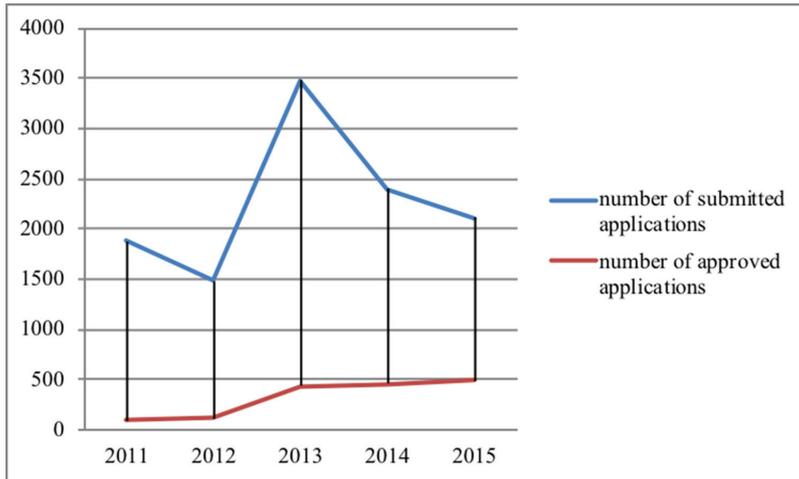
Number of submitted and accepted requests

In the period from 2011 to 2015, inmates submitted a total number of 11,349 applications for release on parole, of which 1,583 were approved by the courts (13.95%). Viewed by years, an increase can be seen in the number of approvals. In 2011 only 4.68% of applications were approved, while in 2015 the percentage of approved applications was as much as five times higher in comparison to 2011, and reached a total of 23.48% of applications that were approved. The ratio of the total number of submitted and approved applications for early release is as follows: in 2011 – 1,880:88 (4.68%), in 2012 – 1,479:117 (7.91%), in 2013 – 3,480:430 (12.36%), in 2014 – 2,402:453 (18.86%), and in 2015 – 2,108:495 (23.48%). This is visualized in the graph on page 2.

As we can see, in 2013 a much larger number of submitted applications was recorded in comparison to other observed years, which is the consequence of the adoption and implementation of the Amnesty Law of 2012.² With this piece of legislation all sentences from the past (except in cases of most serious criminal offenses, multiple recidivists, etc.) were automatically reduced by 25%. Through this

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Applications submitted and approved (absolute numbers) in the period from 2011 to 2015

Conclusions

Based on the analyzed data, we can conclude the following:

First, in the observed period of time, from 2011 to 2015, there was an increase in the application of release on parole in court practice, with a five-year average of about 14% of approved applications, in comparison to the total number of submitted applications from prisoners of the penal-correctional institutions in Sremska Mitrovica, Požarevac and Niš.

Second, when comparing the first and the last year of the observed period, an increase of positive released decisions of 500% was recorded.

Third, reasons for the extraordinary increase in the number of applications in 2013 can, among other reasons, be explained by the adoption of the amnesty law, based on which a large number of convicts got an early opportunity to submit applications for early release.

Fourth, in 2/3 of the cases, those who committed non-violent crimes have been paroled.

Fifth, the average length of parole points to the fact that the mandatory conditional release in practice does not exist essentially. Whereas the Serbian Criminal Code allows for conditional release after 2/3 of the prison term (Art. 46 SCC), the average prisoner is conditionally released only after 9/10 of his or her term served. Although progress in the application of early release is noticeable, it is still necessary to work on its improvement in practice.

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retrospective reduction a greater number of prisoners became formally eligible for submitting an application for early release, which is the case when in 2/3 of a prison term have been served (Article 46, para 1 of the Criminal Code).

Related offenses

Courts in the Republic of Serbia have paroled most often prisoners who were serving a sentence for unlawful production and circulation of narcotics according to Art. 246 SCC (37,2%), followed by robbery (Art. 206 SCC – 14,9%), aggravated/compound larceny (Art. 204 SCC – 10,7%), murder (Art. 113 SCC – 7,1%) and serious offences against traffic safety (Art. 297 KZ – 5,7%).

Length of parole

According to Serbian law the parolees are under probation until the regular end of the prison sentence as originally imposed by the court, i.e., the effective reduction of time spent in prison. In our sample the parole term was 4 months and 21 days on average, with a minimum being just 1 day (a decision of the Higher Court in Sremska Mitrovica) and a maximum of 4 years 9 months and 27 days (a decision of the Special Division of the Higher Court in Belgrade).

Notes

- 1 The full report about this research project is available in Serbian language at: www.iksi.ac.rs/izdanja/primena_instituta_uslovnog_otpusta_od_strane_sudova_u_rs.pdf.
- 2 Law on Amnesty, Official Gazette of RS, no. 107/2012.

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- Soković, S. (2016) Uslovni otpust – penološki aspekti. In: Stevanović, I. & Batrićević, A. (eds.) *Krivične i prekršajne sankcije i mere: izricanje, izvršenje i uslovni otpust*. Belgrade: Institute of Criminological and Sociological Research, pp. 387-400.
- Vujičić, N., Stevanović, Z., Ilijić, Lj. (2017) *Primena instituta uslovnog otpusta od strane sudova u Republici Srbiji*, Belgrade: Institute of Criminological and Sociological Research.

Meeting of the Network of national correspondents of the project “Linking International Criminal Statistics (LINCS): SPACE and the European Sourcebook”

Andra-Roxana Trandafir & Reana Bezić

The Network of national correspondents taking part in LINCS (Linking International Criminal Statistics: SPACE and the European Sourcebook) held a meeting in the Palais de l’Europe, the main building of the Council of Europe, in Strasbourg from 16th to 17th April 2018. The project aims at linking European prison statistics to the criminal justice systems in order to analyse the state of the prisons as well as the crime situation in the European countries in its relevant greater context. The overall goal of the project is to provide policy makers, the media and the greater public in Europe with contextual information. Such information is needed as a basis for accurate interpretation of criminal justice and prison statistics that goes beyond past practices of simple rankings of European countries and the searches for “who is doing worst”.

The purpose of this meeting was to identify, discuss and find solutions for some methodological challenges of the project. The meeting was opened by Ivan Koedjickov, Head of the ‘Action Against Crime’ Department, Directorate General of Human Rights and Rule of Law of the Council of Europe. Second speaker was Marcelo Aebi, professor at the Faculty of Criminal Sciences of the University of Lausanne, Switzerland, co-coordinator of the European Sourcebook, and executive secretary of the European Society of Criminology.

During the meeting, particular emphasis was put on the details of the questionnaire as well as on the type and quantity of data and metadata to be collected. Moderated working group meetings were held in or-



der to discuss country-related particularities differences, e.g. in regard to the legal definition of offences, and to develop strategies for avoiding ambiguities in the data. In addition, strategies for the preparation

and the carrying-out of the fieldwork were discussed. Several members of the Max Planck Partner Group for Balkan Criminology and the Balkan Criminology Network were appointed as national experts for this project:

Assoc. Prof. Evisa Kambellari (Albania), Prof. Almir Maljević (Bosnia and Hercegovina), Reana Bezić (Croatia), Prof. Gordana Lažetić (The Former Yugoslav Republic of Macedonia), Prof. Velimir Rakočević (Montenegro), Assoc. Prof. Andra-Roxana Trandafir

(Romania) and Prof. Gorazd Meško (Slovenia). Regional coordinator is Assoc. Prof. Anna-Maria Getoș Kalac.

*Assist. Prof. Dr. Andra-Roxana Trandafir
Vice Dean of the Faculty of Law,
University of Bucharest*

*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
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Hungary participates in the PoMigra project

Eszter Sárk & Szilveszter Póczik

“PoMigra – Politically motivated crime in the light of current migration flows” is a separate project group of the European Expert Network on Terrorism Issues (EENeT)¹, which is a European expert community dedicated to multidisciplinary and multi-agency analysis and research providing comprehensive insights into the phenomenon of ‘terrorism’. The PoMigra research project is an international cooperation project, funded by the International Security Fund (ISF) of the Terrorism/Extremism Research Unit at the German Federal Criminal Police Office (BKA)²; BKA is also responsible for the project management.

PoMigra intends to support activities for the prevention of extremism and for de-radicalization, as well as to improve the protection of the people from politically motivated crime. Eight countries are participating in PoMigra: Austria, Belgium, the Czech Republic, Germany, Greece, Hungary, Italy and the Netherlands. These countries are represented by various institutions of research and practice. Hungary is represented by the National Institute of Criminology (OKRI), the research unit of the General Prosecutor’s Office. OKRI was represented by the authors of this article.

The project has its focus on the following research tasks: (1.) comparative analysis of immigration and emigration, (2.) migration-oriented concepts of the political parties, (3.) interpretation of migration by public and social media and d) comparative examination of migration related criminal data.

The most complicated and challenging task of the PoMigra project was to extend the criminal data in relation to migration-related information. In the project outline, the situational background was formulated as follows: “Politically biased crime is the most extreme form of societal conflicts and occurs in democratic communities when the established mechanisms of conflict resolution fail. Since 2015, the law enforcement authorities in several EU countries observed a sharp increase in crime with political and ideological bias. The nexus between both phenomena – increase of migrants/asylum seekers flow and increase of politically and/or ideological driven crime – is not compulsory but in some areas rather likely. In some cases, the correlation is distinct as it is the case with the sudden increase of attacks on facilities for asylum seekers in Germany since 2015. But apart from a few obvious phenomena, a possible link between migration influxes and politically/ideological biased crime is rather difficult to establish.”³

Against this background, PoMigra intended to seek out the correlation between migration and the crimes with political motives in an international perspective. As a starting point for a comprehensive comparison, the categories provided by the German crime statistics were taken as a starting point. The German statistics collect data on four phenomena of crimes with a political/ideological bias: crimes committed by Salafists/islamists, crimes committed against migrants/asylum seekers, inter-migrant crimes with a political/ideological bias, and confrontation crimes between extremists of different political convictions. The project members were provided with the German list of crimes, which might be used as a blueprint for the further classification. However, it turned out that certain data groups were not comparable for most of the countries, except for Austria. Therefore, the project members finally decided to make an exercise to establish a common matrix, which was reduced to two types of crimes: terrorism-related crimes⁴ and xenophobic offences⁵ in order to enable the group to develop a valid comparison. For establishing a

general picture of the relevant crimes, the participating countries got the opportunity to analyze the data with independent methods, relying on their own databases.

The Hungarian group decided to conduct a content analysis, in which data on five crime categories from the Aggregated Police and Prosecution Statistics⁶ were examined. The content analysis was the only way to find information about such a complex phenomenon like the politically motivated crimes in the light of migration. Some categories of cases were rather easy to identify whereas in other cases the relation to migration or to political motivation could only be traced by adding some criminalist specifications from the statistics. Such specifications include the motives or the location of the act (crime scene). The examined crime categories were: (1.) hate crimes; (2.) crimes (potentially) committed against migrants by representatives of official authorities; (3.) crimes (potentially) committed by migrants; (4.) terrorism-related crimes and crimes against the state; (5.) crimes which were committed in order to eventually stop the migration flow. This latter fifth category has only occurred in the Hungarian classification.

Based on the data examination the following findings have been formulated:

- [1] No significant increase in politically motivated crimes connected to the migration crises could be identified for Hungary.
- [2] There were a few exceptions in particular areas of crime, such as batteries and desecration, but the cause of the increase cannot be established on the basis of the available data.
- [3] A significant increase can only be seen for those crimes that were committed with the intention to hinder migration. This particular kind of codification is ‘unique’ in European terms.
- [4] There are problems in the Hungarian codification in regard to hate crimes. The fact that “racist motivation” is not provided as an explicitly defined qualifying circumstance made the evaluation difficult. This legal vacuum was also criticized by the *European Commission against Racism and Intolerance*. Notwithstanding this statutory loophole, the related crimes could be identified based on a hidden criminalist specification.

- [5] The main target group of violent hate crimes in Hungary is still the Roma people. Hate speeches against migrants are hardly ever considered as criminal acts.
- [6] Terrorism as such is not a prevalent phenomenon in Hungary. The official police statistics count only a few incidents each year, but most of them are not qualified as terrorist attacks by the court. There was only one case of relevance in our context, that was a call for joining the Islamic State.

Our statistical analysis has proved that there was only group of crimes in Hungary with a significant increase: those that were committed with the intention to hinder migration. In conclusion, it can be said that the Criminal Statistics alone is not sufficiently able to provide insight into the complex picture of the evaluated crime phenomena. The links between migration and criminality can only be measured with in-depth methods of analysis.

Other research chapters have analyzed the available statistical data on the volume and trends of in-, trans- and out-migration, and information on governmental actions and regulations, political party programs, NGOs' contribution to charity work for migrants, etc., in order to draw a comprehensive picture on the migration management as well as the social and political circumstances in Hungary.

A further part of the research which aimed to find recognizable parallelisms between the real social trends and the media coverage – in both, public and social media – unfortunately has not brought the expected results, mainly due to methodological weaknesses that could not be recognized in advance.

The Hungarian part of the PoMigra project is now almost finished, and the preparations of the editorial works for the international summary have already started.

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at the National Institute of Criminology, Hungary*

Notes

- 1 www.bka.de/EENeT/EN/Home/home_node.html.
- 2 We would like to say thanks to Jörg Gebhard and Uwe Kemmesies for their work and huge contribution in the project management.
- 3 The aims and initiatives of the PoMigra Project edited by Joerg Gebhard.
- 4 The term 'terrorism' refers to crimes which are registered by the official crime statistics in accordance with the definitions provided in the national criminal codes. Though the character of cases may differ from member state to member state, the data would provide sufficient information to reflect the tendencies of terrorism within the past five years.
- 5 Xenophobic crimes are rarely registered as a separate category in most of the national criminal codes; they rather put an umbrella above certain crimes, similarly to the so-called hate crimes. The group has agreed on using the term of xenophobic crimes rather than hate crime, as hate crime definitions are often broader, including other categories of crime such crimes against the group of LGBTQ.
- 6 Egységes Nyomozhatósági és Ügyészégi Statisztika [Hungary's Unified Police and Prosecutions Criminal Statistics].

BC PUBLICATIONS

Public book promotion of Volume 2 of the Balkan Criminology Series

On March 1st 2018, the new publication in the book series of the MPPG for Balkan Criminology was presented during a public book promotion in the auditorium at the University of Zagreb's Faculty of Law. Sunčana Roksandić Vidlička's study **Prosecuting Serious Economic Crimes as International Crimes: A New Mandate for the ICC?** received enormous attention. Speakers and reviewers attending included the dean of the Faculty of Law, Prof. dr.sc. Igor Gliha, Prof.dr.sc. Davor Derenčinović, head of the Department of Criminal Law, Prof.dr.sc. Ksenija Turković, judge at the European Court of Human Rights, Assoc. Prof. Dr. Anna-Maria Getoš Kalac, head of Max Planck Partner Group Balkan Criminology, and Prof.dr.sc. Davor Babić, head of publishing department. Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht, director at the Max Planck Institute for Foreign and International Criminal Law, delivered a video address from his office in Freiburg.

Sunčana Roksandić Vidlička:
Prosecuting Serious Economic Crimes as International Crimes: A New Mandate for the ICC?
 Berlin 2017, 546 pages.
 ISBN: 978-3-86113-264-6 (MPI), 978-953-270-100-5 (Zagreb Faculty of Law).
 The book can be ordered through the Max Planck Institute for Foreign and International Criminal Law, the University of Zagreb's Faculty of Law bookstore, or any other bookstore.



lished in the Balkan Criminology book series, a cooperation of the Zagreb Faculty of Law and the Max Planck Institute in Freiburg with the publishing house Duncker & Humblot in Berlin, is not just a formal, 'quasi-automatic' step but rather the result of the high quality of the work accomplished. She further underlined the importance of the book series for the international visibility of the scientific work of the members of the Balkan Criminology Network. Further important titles are already in preparation.

In his short review Davor Derenčinović praised the author's diverse conceptual approach considering the perspectives of sociology, penology, criminol-

In her function as the head of Max Planck Partner Group Balkan Criminology and general editor of the Balkan Criminology book series, Anna-Maria Getoš Kalac emphasized the MPPG's satisfaction with the publication. The privilege of being pub-

ogy, and the special interest for the relationship between business and human rights. He explicitly praised the book's clear and concise style and the fact that arguments have been illustrated by many examples, from Nuremberg to the case *Sanader*.

Judge Turković highlighted the pioneering character of the study. When Roksandić Vidlička started researching the topic no literature on this subject was available, nor were many people aware of the possibility to treat economic crimes as international crimes. She underlined the need to stop neglecting serious economic crimes and violations of economic, social and cultural rights in criminal proceedings. In her book, Roksandić Vidlička presents convincing arguments in favor for the need to start treating them as crimes under international law.



Author and general editor



In his very nice video address Hans-Jörg Albrecht claimed that the impact of large-scale economic crime on societies and their citizens – those individuals who suffer from such crimes directly and indirectly – has been neglected for far too long. This is particularly true in the case of crimes within the global financial sector, like the ones witnessed before and during the world financial crisis of the last decade, and crimes that most often occur in post-conflict and transitional societies. In the past adequate criminal processing of these crimes and the immense damages they have caused has been the exception rather than the rule. He expressed his ex-

pectation that the book will become a standard reference work which will significantly fuel to the ongoing controversial discussion of the issue amongst academics and policy makers at a national, regional and international level. These and the subsequent personal closing remarks delivered in his role as one of the mentors were very inspiring for the entire audience – right before the event was concluded with drinks and finger food.

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BALKAN CRIMINOLOGY NEWS

All issues, current and previous, are permanently provided at

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

BC EVENTS PREVIEW

Crime and Criminology in the Balkans: One-Week International Intensive Course, Dubrovnik/Croatia, 21-26 October 2018

The course, held at the Inter University Centre since 2014, provides participants with in-depth and up-to-date knowledge about the state of crime research in the Balkans. The main focus is on criminological methodology, phenomenology, and etiology. It is part of the overall scientific programme of the Max Planck Partner Group for Balkan Criminology.

The programme offers 4 ECTS credits via the attendance certificate issued by the course director and IUC Dubrovnik, which are recognized by the Zagreb Faculty of Law. Precondition is the regular attendance of the course and the delivery of a participant presentation in oral and written form.

The programme includes key note lectures, students' presentations, academic writing and further soft skills trainings, and extensive exchange and discussion. Special feature: based on participant input and interest in the field, they will have the opportunity

to discuss about it one on one with the renowned experts.

The course fee for participants is 150 € which includes enrolment, participation in the lectures and student materials. The participants are expected to make their own travel and accommodation arrangements and cover these costs – formal invitation letters and scholarship application forms may be sent to dedicated participants upon request. The fee must be paid in advance by wire transfer. Further information on the payment of the fee will be sent with the registration confirmation. In addition to the course fee, all participants are required to pay an additional 50 € fee directly to the IUC Dubrovnik after their arrival.

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



□ **DISCUSSION**

A study tour in the Balkans by three Japanese criminologists

Mitsuaki Ueda

In September 2017, a group of criminology researchers was established in Japan for the carrying out of the International Self-Report Delinquency Study (ISRD) Japan project. The group is funded by the Criminology Research Center of Ryukoku University, Kyoto, Japan. In preparation of participation in this third ISRD study, which will commence in 2019, the team decided to undertake a practical investigation into the administration of such a survey and any potential risks or difficulties that may arise by meeting and interviewing those previously involved in ISRD projects. The ISRD steering committee strongly recommended that we should visit the Balkans for that purpose. After contacting Ms. Reana Bezić from the University of Zagreb in Croatia and Prof. Dr. Almir Maljević from the University of Sarajevo in Bosnia and Herzegovina, we were welcomed to their institutions in February, 2018. Three members of our group were sent as delegates: Dr. Seiichiro Sakuta, Associate Prof. at Bukkyo University; Dr. Ikuo Aizawa, researcher at Ritsumeikan University; and myself (Mitsuaki Ueda, Assistant Professor at Doshisha University).



In front of the BC head office:
Dr. Aizawa (left) and
Prof. Dr. Sakuta (right)

We were staying in the Balkan region from the 11th to the 17th of February. We first visited the Balkan Criminology head office in Zagreb and met with Ms. Bezić who provided useful information on the technical and practical aspects of the survey such as the questionnaire design, how to make school contacts and how to reach consent of the parents of the probands (pupils). Afterwards we further traveled to Sarajevo to meet and speak with Prof. Maljević at the University of Sarajevo. Here we also succeeded to collect more useful information. Of most importance were the discussions regarding the online survey technique, which to date lacks behind international development in Japan.



At the University of Sarajevo:
Prof. Maljevic, Prof. Sakuta, Dr. Aizawa,
and myself from right

Our visit was extremely productive and we became encouraged and motivated to successfully conduct ISRD-3 in Japan. I hope to maintain our friendship and serve as a gateway to Asia through continuing academic exchanges and mutual visits between our country and the Balkans.

Assist. Prof. Dr. Mitsuaki Ueda, Institute of Advanced Research and Education, Doshisha University, Japan

IMPRINT

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