THE CONDITIONAL RELEASE: IMPLEMENTATION IN COURT PRACTICE AND MEDIA REPORTING IN THE REPUBLIC OF SERBIA IN THE PERIOD FROM 2011 TO 2015*

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The topic of this paper is analysis of implementation of the institute of conditional release in practice of the courts of the Republic of Serbia in the period from 2011 to 2015, based on the population of persons released on parole from the penal-correctional institutions in Sremska Mitrovica, Požarevac and Niš, on one hand, and the analysis of media reporting on this institute, based on electronic issues of daily newspapers Politika, Večernje novosti and Blic, on the other hand. The first part of the paper consists of a general statistical analysis of implementation of parole at the level of penal-correctional institutions, as well as the level of courts. The second part of the paper reviews current court practice, where special emphasis was put to court decisions which could be characterized as examples of good or bad practice. The third part of the paper deals with media reporting on conditional release, with a special review of differentiation of the news which are directly linked with the general purpose and implementation of this institute in practice from the news which are more linked with persons who in given cases submitted applications for parole. Finally, the last part of the paper offers general standpoints on implementation of conditional release in the practice of courts and media reporting in the Republic of Serbia.

KEYWORDS: conditional release / parole / media / court practice / quantitative analysis

INTRODUCTION

The rights of inmates serving time in prisons in modern criminal legislatures could almost not be imagined without existence and implementation of the institute of a parole. This right, whose origin we refer to Alexander Maconochie and his "mark system" (Ignjatovic, 2016: 177), is often in practice viewed as a privilege of its kind, i.e., as granting

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privileges to persons who committed crimes, because of which they were given social-ethical reprehension in the form of serving time in prison, and in this sense there is a certain resistance against implementation of this institute in court practice. As in many situations, here too understanding is necessary.

For understanding of parole it is important to see the fact that the complex nature of parole, because of its firm functional link with imprisonment, and thus with big issues of the penal concept, penal policy, which results in parole release, keeping the same normative basis, often significantly alters its purpose, and consequently alters its effect on realization of the purpose of punishment and outcome of the penal policy. Although parole release of convicted persons is a generally accepted institute with a long tradition, numerous disputable issues and dilemmas still accompany legislative decisions and practice of parole (Soković, 2014: 35). In contrast to advocators of broader implementation of this institute, claims still persevere on justifiability of abrogation of early parole, which emphasize that it is illogical, counterproductive, unjust with regard to victims of crimes, and that it potentially threatens safety of citizens (Soković, 2016: 388).

These two confronted attitudes prompted the idea to concentrate on the analysis of data on implementation of parole by courts in the Republic of Serbia[1], on one hand, and on media reporting (more precisely: reporting by daily newspapers, both in printed and electronic form) in the period from 2011 to 2015, starting from the hypothesis that resistance against implementation of this institute (we could stress - "this inmates` right") exists both at the level of courts and with regard to positive reporting/valuation of this concept by the media.

For implementation of the institute of parole in practice in the observed period, the following regulations are significant: (1) Criminal Code, *Official Gazette of RS*, no. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013, and 108/2014 (*hereinafter*: CC); (2) Criminal Procedure Code, *Official Gazette of RS*, no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, and 55/2014 (*from hereinafter*: CPC), and (3) Law on Execution of Criminal Sanctions, *Official Gazette of RS*, no. 55/2014 (*hereinafter*: LECS).[2]

Sample of the examined population consisted of validly convicted males who in the period from 2011 to 2015 served imprisonment in penal-corrective institutions in Sremska Mitrovica, Požarevac and Niš, and who were released on parole in that period. Out of the 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

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[1] For analysis of implementation of parole in practice some data were used from the research no. 2400658 from May 24, 2016 - "Implementation of the institute of parole in practice of courts of the Republic of Serbia in the period from 2011 to 2015", done by the Institute of Criminological and Sociological Research, in cooperation with OSCE Serbia. See publication: Vujičić, N., Stevanović, Z., Ilijić, Lj. (2017). *Primena instituta uslovnog otpusta od strane sudova u Republici Srbiji*. Beograd: Oebs i Institut za kriminološka i sociološka istraživanja.

[2] Here it is important to point to the fact that each of these regulations was amended in the period from 2011 to 2015, among other things also in the part relating to parole release. We may state that the first significant amendment was made in 2012, with regard to material criminal legislature, while the second amendment relates to the Law on Execution of Criminal Sanctions, which was significantly amended in 2014, which should contribute to broader implementation of parole release in practice (up till then the one valid was the Law on Execution of Criminal Sanctions, *Official Gazette of RS,* no. 85/2005, 72/2009, and 31/2011). In this period, we could say, there was a disbalance between the provisions of material, procedural and executive criminal legislature. It seems that these attempts of the legislator, although implemented inconsistently, are also visible in the last amendments of the Criminal Code, which come into effect on June 1, 2017. It seems that the disbalance also exists if we look at these three regulations in 2017.

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 contents of decisions on parole release, were collected from personal files of convicts, valid decisions on parole release, and other general records maintained in each penal-corrective institution.

Media reporting on parole release - this part of the paper is based on the analysis of contents of newspaper articles on parole release, those published in electronic issues of the daily newspapers *Politika*, *Večernje novosti*, and *Blic*. Apart from analysis of newspaper articles, readers` comments were also analyzed, where the principal goal was to see the general attitude of readers (i.e., those who commented the news) concerning early release of convicts from imprisonment. These media were chosen primarily because they have been in place for several decades now, because of their serious contents, and because of their circulation (i.e., number of views for electronic issues).

Processing of collected data consisted primarily of scoring and entering into IBM SPSS statistic vers. 19 database. Through descriptive statistics comparisons were made and crisscrossing of observed research variables. In processing of data, methods of descriptive statistics were used: frequencies, percentages, arithmetic means, standard deviations, and other statistical methods.

1. IMPLEMENTATION OF PAROLE RELEASE IN PENAL-CORRECTIVE INSTITUTIONS IN SREMSKA MITROVICA, NIŠ AND POŽAREVAC - COURT PROCEDURE

1.1. Data on submitted applications for parole release

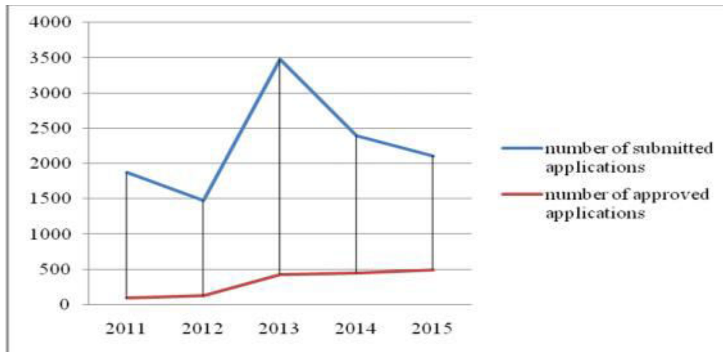
In the period from 2011 to 2015, inmates submitted 11,349 applications for parole release, of which 1,583 were approved (13.95%).

The biggest number of submitted applications for parole release, as well as the biggest number of persons released on parole, was in PCI Sremska Mitrovica (ratio of submitted applications and persons released on parole - 4,931:640), then in PCI Niš (ratio of submitted applications and persons released on parole - 3,349:549), and finally in PCI Požarevac (ratio of submitted applications and persons released on parole - 3,069:394). Viewed in percentages, the biggest number of persons released on parole, in comparison to the number of submitted applications was in the Penal-Corrective Institution in Niš - 16.39%, then in Penal-Corrective Institution in Sremska Mitrovica - 12.98%, and finally in Penal-Corrective Institution in Požarevac - 12.84%.

Viewed by years, increase is recorded in implementation of the institute of parole release by courts. Thus, for instance, in 2011 only 4.68% of the total number of submitted applications were approved, while in 2015 the percentage of approved applications was as much as five times larger in comparison to 2011, i.e., a total of 23.48% applications for parole release were approved. Thus, there is a trend of increase in implementation of this institute in practice.

The ratio of the total number of submitted and the number of approved applications for parole 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%). Schematic and numerical review of the ratio of submitted versus approved applications for parole release is given in Graph 1.



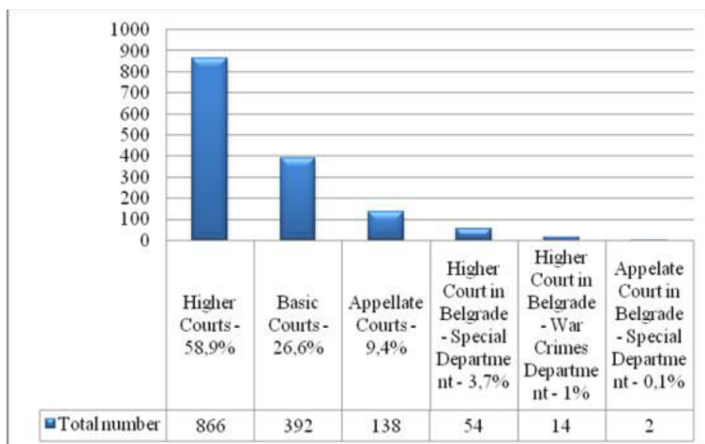
Graph 1. Data on the number of submitted and approved applications in the period from 2011 to 2015

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 adoption and implementation of the Law on Amnesty, *Official Gazette of RS*, no. 107/2012. By freeing from execution of a part of the penalty, in the observed population mostly 25% of imprisonment, a certain number of inmates satisfied the early formal requirement for submitting of applications for parole release, which is reflected in 2/3 of served time in prison (Article 46, page 1 of the Criminal Code).

1.2. Court procedure - data on implementation of the institute of parole release per courts

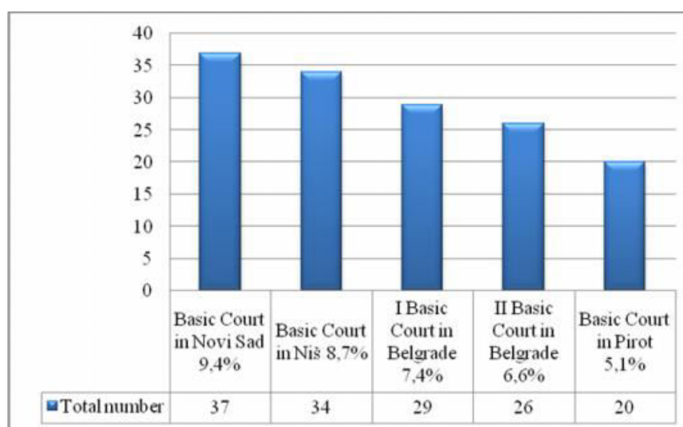
Court type - general data[3] - in the observed population, in the period from 2011 to 2015, decisions on parole release were most often passed by: higher courts, in 866 cases (58.9%), basic courts, in 392 cases (26.6%), and finally courts of appeal, in 138 cases. In this structure, with the individual participation below 5%, are special divisions of the Higher Court in Belgrade, as well as special divisions of the Court of Appeal in Belgrade (Graph 2).

[3] The review of courts` participation offers only numerical and percentual data on persons released on parole, who had served imprisonment in the Penal-Corrective Institutions in Sremska Mitrovica, Niš and Požarevac, in relation to the total number of submitted applications in all institutions. Since the research was made only within institutions, not within courts who passed the decisions, future research should take into consideration court records as well, should collect data on the total number of submitted applications in all courts, and on decisions passed, in order to make a conclusion on the ratio of submitted and approved applications in each court.



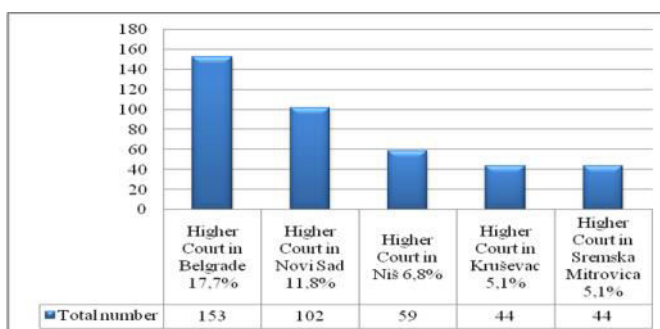
Graph 2. Number of parole releases with regard to the court type

Basic courts - in this type of courts, individually viewed, decision on parole release were most frequently made by: Basic Court in Novi Sad, in 37 cases (9.4%), Basic Court in Niš, in 34 cases (8.7%), and the I Basic Court in Belgrade, in 29 cases (7.4%), II Basic Court in Belgrade, in 26 cases (6.6%), and the Basic Court in Pirot, in 20 cases (5.1%). Schematic review of basic courts who most frequently approved applications for parole release is given in Graph 3.



Graph 3. Basic courts which most frequently approved applications for parole release

Higher courts - in the largest number of cases, procedures concerning applications for parole release were most frequently led before higher courts, and in this sense it is not surprising that, if we consider types of courts, the largest number of approved applications was in some higher courts in the Republic of Serbia. As for higher courts, approvals of applications for parole release were mostly granted by the following courts: Higher Court in Belgrade, in 153 cases (17.7%), Higher Court in Novi Sad, in 102 cases (11.8%), Higher Court in Niš, in 59 cases (6.8%), Higher Court in Kruševac, in 44 cases (5.1%), and Higher Court in Sremska Mitrovica, also in 44 cases (5.1%) - see Graph 4.



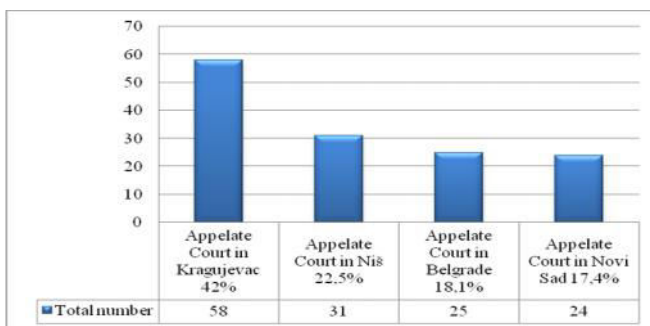
Graph 4. Higher courts which most frequently approved applications for parole release

Courts of Appeal - play a very important role in implementation of the institute of parole release because of two main reasons: first - they always act as the final instance, i.e., in situations when persons serving imprisonment file complaints against first-instance decisions by higher courts, and thus it is upon them if the first-instance decision shall be confirmed, changed in favor of convicted persons, or abrogated and cases returned to first-instance courts for new decisions; second - on explanations of courts of appeals` decisions, and taking some, provisionally, general attitudes concerning implementation of this institute, depend harmonization of practice at the level of higher courts, within the competence of given courts of appeal.

As said earlier, courts of appeal had in 65.7% cases changed decisions to reject applications for parole release in favor of persons serving imprisonment, while in 34.3% cases they passed decisions to abrogate first-instance decisions and return cases for new decisions by first-instance courts.

Although abrogation of first-instance decisions and returning for new decisions by first-instance courts does not in any way violate the law, we are of the opinion that, although decisions are formally made, and thus there is no limitation concerning the number of abrogation of decisions and returning to first-instance courts, such practice should be avoided. The reason for this opinion is primarily in the sense of essence of the institute of parole release, but also the urgency of this type of procedure. Because, if a procedure lasts longer than three months (sometimes even up to one year), the question should be raised of what is then the purpose of the institute of parole release if a person serving imprisonment shall be released on parole only several days or weeks before expiry of his/her due imprisonment, and such cases did happen in practice, though not in a large number.

As for appeal processes ending with decisions which change first-instance decisions in favor of convicted persons (*in other words, decisions of courts of appeal based on which persons serving imprisonment are released on parole*), the structure of participation of courts of appeal in relation to the number of such decisions is as follows: Court of Appeal in Kragujevac - 58 cases (42%), Court of Appeal in Niš - 31 casea (22.5%), Court of Appeal in Belgrade - 25 cases (18.1%), and Court of Appeal in Novi Sad - 24 cases (17.4%). Schematic review of these data is given in Graph 5.



Graph 5. Courts of Appeal - the number of decisions based on which inmates were released on parole

1.3. Review of court practice

If we look at court practice, a significant step forward is visible between the first and the last observed year (we may say a "positive step forward"). Still, it seems that it is very important to point to examples of good practice, as well as examples which we could be depicted as "bad", in the sense that courts, making decisions on rejecting of applications for parole releases, had in fact considered circumstances from Article 54 of the CC, i.e., circumstances characteristic for ponderation of penalties for committed crimes (Stojanović, 2015: 301-308) not circumstances indicated by the law with regard to parole release of persons serving imprisonment.

"In accordance with the previously stated, and bearing in mind the seriousness of the committed crime, the degree of guilt of the sentenced person and the sentenced penalty, the council of the Higher Court in Požarevac has come to the conclusion that the process of resocialization of the convicted person is still not finalized in full."

Decision of the Higher Court in Požarevac, File no. KUO 61/14, from 20.11.2014.

True, we should recognize that circumstances from Article 54 of the CC (e.g., the degree of guilt, circumstances under which the crime was committed, previous life of the perpetrator), and which were not established by a valid decision, based on which the convict was sentenced to imprisonment, were much more frequently referred to by persecutors, when explaining their opinions concerning applications for parole release. However, apart from referring to these circumstances, which in a certain period had become a usual practice (here we stress - not a proper practice), it is interesting to emphasize the following example:

"Deputy of the Higher Public Persecutor in Novi Sad does not agree with parole release of the inmate, because he believes that his parole release would not help achieve the purpose of the punishment provided by Article 42 of the CC, and general prevention would not have been achieved, because the convict was sentenced to the necessary minimum penalty provided for this crime. In addition, because already with implementation of the Law on Amnesty he was released of a part of the penalty."

Decision of the Higher Court in Novi Sad, File no. KUO-83/14, from 15.5.2014.

Thus, this decision especially stresses two facts: first, the persecutor is of the opinion that early release on parole would not help realize the purpose of punishment which is reflected in general prevention; second, the persecutor, referring to the Law on Amnesty, in

fact poses the following question: "Shall the convict, in the given case be released on parole after 2/3 of served sentence, or earlier, since this law has already resulted in reducing of the sentence?" Although this is primarily the attitude of the persecutor, not the court, it is interesting that the court had approved the application without taking into consideration the second attitude of the persecutor, which in a broader context could be considered as a good argument.

Further, on, a special problem is not understanding of reports which penal-corrective institutions submit to courts. In certain decisions the attitudes were that processes of resocialization have not been finalized if convicts were not classified in the treatment groups "A1" or "A2", regardless of the fact that in given cases convicts use and do not abuse the rights and privileges granted within the "B1" group.

"It is an undoubtful fact that the convict is in the correctional B-1 group, with a greater degree of special rights, which is at the same time the maximum degree of advancement of the convict, with regard to the established degree of risk. The stated, together with the fact that a medium degree of risk was established for the convict through the questionnaire, and that the convict has realized the maximum degree of advancement with regard to the established degree of risk, points to circumstances which contribute to the decision that application for release on parole should be rejected as unfounded. (..) Maximum advancement in treatment of the convict and his position, by granting the rights belonging to the B-1 group, indicate that the process of resocialization has not been finalized in full, and that the risk of repeated committing of crimes is not fully eliminated. (..) The very existence of the possibility of classification into groups "A-1" and "A-2", which ensure more favorable special rights, and which the convict cannot realize... indicate that the impression is not that the convict has been corrected during serving of the sentence so much that we may justifiably expect him to behave well if released".

Decision of the Higher Court in Sremska Mitrovica, File no. KUO-31/14, from 10.4.2014.

However, in such and similar decisions, courts do not take into account a very important fact, that the questionnaire for risk assessment was formed so that it is almost impossible to reduce a certain part of the "score" (e.g., a person who was unemployed before beginning of serving of imprisonment, according to this principle, shall have negative marks until the end of the imprisonment, i.e., it is impossible for him/her to realize a positive step forward in this respect), and in that sense we cannot expect someone to be allocated exclusively to "A1" or "A2" group, in order to believe that requirements are satisfied from Article 46 of the CC. Courts should, in accordance with the said observation, demand from penal institutions to submit in their reports data on the score at the beginning of serving of imprisonment, and the score at the time of submitting of the application for parole release. Such more sophisticated type of reports could be an additional indicator, together with all other mandatory elements of the report (data on disciplinary punishments, work engagement within the institution, etc.) on advancement and justifiability of release on parole.

A special problem observed in practice is that some courts rejected applications for parole release to foreign citizens, since at the time of submitting of applications they were allocated into closed departments (groups "V1" or "V2"), not in open departments (groups "A1" or "A2"). Thus one decision states:

"Although from the report submitted by PCI Sremska Mitrovica it is understood that the convict was not ordered disciplinary measures, that he behaved according to rules of the formal system, and that he has a correct relation toward the institution`s employees and

within the convicts` collective, it is also understood from the same report that the convict was assessed a medium statistical degree of risk, and medium clinical probability for repeating of the crime, as well as medium clinical probability for risky behavior, and that he was subsequently classified into group "V1". The process of resocialization of the convict has still not been fully finalized (..), and it is still necessary to implement penal treatment over him, and it is still necessary to work with him within the framework of the plan and program, in order to realize his further advancement which implies classification into "A" group of the open department".

Decision of the Higher Court in Požarevac, file no. KUO 33/14, from 29.7.2014.

In the given situation the court did not take into account the fact that this was a foreign citizen, who, according to valid regulations, cannot be allocated into a semi-open or open department, and thus can only be classified into the "V1" or "V2" group within the framework of the closed department. In other words, it is not possible for a foreign citizen to be classified into the "A" group, which the court wrongly requires when making the decision on rejecting the application for parole release.

As for decisions in favor of convicted persons, they, more or less, do not differ with regard to explanations, i.e., in such situations courts mostly take into consideration all circumstances which are directly advised by the legislator in Article 46 of the CC (objective requirement, reflected in 2/3 of served imprisonment, behavior during serving of imprisonment, execution of work obligations, with regard to convicts` work abilities, as well as other circumstances which show that the purpose of punishment has been achieved). Thus, for instance:

"Bearing in mind that the convict has served more than two thirds of the penalty, that during that time he behaved well, that he was not disciplinary punished, that he did not abuse the granted rights, that he was engaged in work and that he had an adequate relation toward work tasks, because of which he was rewarded twice, and was once rewarded by taking a leave, the fact that he advanced in treatment to the B1 group, that he was assessed with a low degree of risk, that he had not been convicted before, and that there are no other criminal procedures in process against him (..), and bearing in mind the time he spent in the institution, and that his penalty is to end soon, the council has found that the purpose of the punishment has been achieved with regard to the convict".

Decision of the Higher Court in Belgrade - Special Department, File no. Kuo-Po1, no. 29/13, from 12.2.2013.

Although in the given case the person was released on parole, a part of the explanation should be subjected to criticism. In fact, earlier conviction cannot be the reason for the court to take into consideration when making a decision on parole release (not even when it is positively assessed, as in the given example). This circumstance is assessed when a court decides on the penalty. On the other hand, the practice to allow parole release only to persons whose imprisonment "is to end soon"' is also not good and brings into question the purpose of this institute. One of decisions which would present an example of good practice and good explanation, in the sense of knowing the essence of this institute, is the following decision:

"In this sense, the council of this court finds that in the given case all requirements have been satisfied which are regulated by Article 46 of the CC, for releasing of the convict on parole from serving imprisonment (..), since parole release, in fact, is a reward to a convict for his/her good behavior, whose sense would not exist if the issue of achieving of general prevention would be exclusively linked with regular expiry of the penalty in each given case,

in which sense the institute of parole release would not have any sense, which anyway was not the intention of the legislator".

Decision of the Higher Court in Šabac, File no. KUO - 18/13, from 1.2.2013.

In practice, as a problem also appeared the issue of collision of Article 5 of the CC (the issue of duration of criminal legislature) and Article 46 of the CC (parole release). This issue is very important, because at the time of validity of the Criminal Code of the Federal Republic of Yugoslavia it was regulated that a convict who had served a half of his penalty may be released on parole, while the new adopted CC is stricter in this respect, and regulates this objective requirement to 2/3 of served imprisonment. In this respect, court practice has been diverse, and some believed that Article 5 of the CC should have priority. Thus, for instance:

"Bearing in mind that provision from Article 38, paragraph 5, of the Criminal Code of the Federal Republic of Yugoslavia, which was applied to the convict`s case, and which was in effect at the time of committing of the crime, which is at the same time the mildest of all up to now, regulates that the convict who has served a half of the sentenced imprisonment may be released providing that he does not commit a new crime until the expiry of the sentenced penalty, the council finds that requirements have been satisfied with regard to the duration of the penalty which the convict was to serve, so that in the given case this institute can be applied, since the records show that he has served more than a half of the sentenced imprisonment".

Decision of the Higher Court in Belgrade - War Crimes Department, File no. Kuo. Po 2-16/13, from 22.11.2013.

Another procedure, held before the Special Department of the Higher Court in Belgrade, ended with the Decision File no. Kuo.Po1-125/14, from 7.7.2014, which rejected the application, since the objective requirement of having served 2/3 of the sentenced imprisonment was not satisfied, which is regulated by the provision from Article 46 of the CC (i.e., in this case the court did not give priority to the provision from Article 5 of the CC). Deciding on the complaint against the stated decision, the Court of Appeal in Belgrade - Special Department, rejected the same, with the Decision File no. Kž2.Po1-288/14, from 23.07.2014, believing it unfounded, and confirmed the first-instance decision. Finally, a requirement for protection of legality was instigated against these decisions, and the Supreme Cassation Court, deciding upon the instigated requirement, took the following stance:

"Since the given case concerns the procedure for implementation of the punishment, stated in the valid decision, provisions on implementation of the milder law from Article 5 of the CC cannot be applied to the convict, because the milder law is mandatorily applied up to the validity of the sentence, and after validity of the sentence only if with an extraordinary legal means the valid sentence is abrogated, i.e., until a repeated trial. For the stated reasons, the Supreme Cassation Court concludes that in the given case the first-instance court, when deciding on parole release of the convict, from serving the stated unique penalty of imprisonment, as well as the second-instance court, in the procedure upon the complaint, had correctly implemented the provision from Article 46, paragraph 1, of the CC, which has been implemented since 01.01.2013".

Verdict of the Supreme Cassation Court of Serbia, File no. Kzz.OK-22/14, from 14.10.2014.

Thus, although practice in this respect was wandering, it seems that after this decision of the Supreme Cassation Court it is undoubtful that provision from Article 5 of the CC is

implemented up to the validity of the decision, and after that only if with an extraordinary legal means the valid sentence is abrogated, i.e., until a repeated trial. In other words, we could say that the stance is that the institute of parole release is viewed as a phase in implementation of an imprisonment penalty, and that objective requirement concerning a part of the served penalty is viewed exclusively through the provision from Article 46 of the CC in effect. In this respect, it seems that the issue of legal nature of a parole release has been justifiably brought into attention in scientific and professional circles (Škulić, 2016: 364-366).

2. MEDIA REPORTING ON PAROLE RELEASE

The institute of release on parole is the topic which does not attract special attention in domestic media. For the needs of this paper, all news on parole release were analyzed from the following internet pages: *Politika* (www.politika.rs), *Večernje novosti* (www.novosti.rs) and *Blic* (www.blic.rs). These media were chosen for two main reasons: first, all three papers exist for a long time and deal, among other things, with topics which are of importance for a broad social community; second, all three newspapers have a lot of readers (i.e., viewers on the Internet).

Search according to the key words "parole release" provided data that in the period from 2011 to 2015 there were in total 139 news concerning this topic at these pages (57 - Večernje novosti, 52 - Blic, and 30 - Politika). A detailed review and analysis of contents established that this number is even smaller and is, in fact, 36 news - reporting on parole release in all three newspapers. In fact, the analysis established that in almost 103 reports "parole release" was mentioned in the context of persons who were not citizens of the Republic of Serbia, i.e., persons from the world of politics, sport, or entertainment, but who were not directly linked with the Republic of Serbia. In other words, the topic in these reports was not "parole release" in the sense it is discussed in this paper.

Out of the mentioned 36 news, only in 8 cases the news related to a concrete analysis of the institute of parole release (of which six were of informative character, in the sense of giving information on planned amendments/supplements to the regulations, and two texts were by professionals in this field, who tried to explain the significance and implications of the institute of a parole release). The remaining 28 news related to applications for parole release submitted by persons well-known to broad public (e.g., members of well-known organized criminal groups).

News relating to amendments/supplements to the regulations regulating the criminal field in the broadest sense did not trigger a large number of comments by readers of these three portals. For six news, which we designated as "the news of informative character", the readers posted just 14 comments, and none of the comments by readers was not in favor of the proposed amendments, mostly referring to examples of perpetrators of the heaviest crimes. As for the remaining two news, which we designated as "texts by professionals", 6 comments were posted (and here there was a balance between positive and negative comments of readers).

If we consider these data, it seems that parole release, with regard to media reporting, does not contain the eight professional imperatives which serve as a tacit guide for construction of news stories, which are as follows: directness, dramatization, personalization, simplification, provocation, conventionality, structural approach, and

novelty (Chibnall, according to Kidd-Hewitt, 2009: 419). These imperatives were present exclusively concerning submitting of applications for parole release by members of organized criminal groups (in the reviewed period this was exclusively the application submitted by the witness-collaborator - Ljubiša Buha Čume).

CONCLUSION

Based on the analyzed data on courts` practices, we can conclude the following: *first*, in the observed period, from 2011 to 2015, there was an increase in implementation of the institute of parole release in practice, where a five-year average was about 14% of approved applications, in comparison to the total number of submitted applications in the penal-correctional institutions in Sremska Mitrovica, Požarevac and Niš; *second*, with regard to the first and the last observed year, a five-fold increase was recorded in implementation of parole release; *third*, reasons for the sudden increase in implementation in practice since 2013 should, among other things, be looked for in adoption of the Law on Amnesty, based on which a large number of convicts got an early opportunity to submit applications for parole release; *fourth*, if we compare the four courts of appeals, the Appellate Court in Kragujevac approved the largest number of applications for parole release of convicts (42%), while for other courts - lower instance courts, based on the research, concrete stances in this respect could not be found; *fifth*, we could criticize courts` practices because, when assessing whether requirements were satisfied for release on parole, they also take into consideration the criteria which are relevant exclusively for the trial phase in the narrow sense, i.e., they take into consideration mitigating circumstances from Article 54 of the CC, especially emphasizing the degree of guilt and previous convictions of the perpetrator; *sixth,* the courts that approved applications for parole release mostly explained their decisions in accordance with the criteria set in Article 46 of the CC; *seventh*, the issue of the relation of duration of the criminal legislature with provisions which regulate parole release, according to the Supreme Cassation Court, was decided upon in favor of the latter, since the procedure itself regarding submitted applications for parole release is viewed as a procedure for implementation of the punishment.

As for media reporting on parole release in the period from 2011 to 2015, based on the analysis of contents of electronic issues of daily newspapers Politika, Večernje novosti and Blic, we may state that these media in the observed period were not interested in reporting on parole release. Out of the total of 139 news per the set criterion "parole release", only 36 really related to this institute, and only in 8 cases the news related to a concrete analyses of the institute of parole release. In the remaining 28 cases, the news related to applications for parole release submitted by persons well known to the public (e.g., members of well-known organized criminal groups).

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10. Law on Execution of Criminal Sanctions, *Official Gazette of RS*, no. 55/2014.

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11. Decision of the Higher Court in Požarevac, File no. KUO 61/14, from 20.11.2014.
12. Decision of the Higher Court in Novi Sad, File no. KUO-83/14, from 15.5.2014.
13. Decision of the Higher Court in Sremska Mitrovica, File no. KUO-31/14, from 10.4.2014.
14. Decision of the Higher Court in Požarevac, File no. KUO 33/14, from 29.7.2014.
15. Decision of the Higher Court in Belgrade - Special Department, File no. Kuo-Po1, no. 29/13, from 12.2.2013.
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USLOVNI OTPUST: PRIMENA U PRAKSI SUDOVA I IZVEŠTAVANJE MEDIJA U REPUBLICI SRBIJI U PERIODU OD 2011. DO 2015. GODINE

Predmet ovog rada je analiza primene instituta uslovnog otpusta u praksi sudova Republike Srbije u periodu od 2011. do 2015. godine, a na osnovu populacije uslovno otpuštenih lica u Kazneno-popravnim zavodima u Sremskoj Mitrovici, Požarevcu i Nišu, sa jedne strane, kao i analiza izveštavanja medija o ovom institutu, na osnovu elektronskih izdanja dnevnih listova Politika, Večernje novosti i Blic, sa druge strane. Prvi deo rada, sastoji se iz opšte statističke analize primene uslovnog otpusta na nivou kazneno-popravnih zavoda, kao i na nivou sudova. U drugom delom rada, sagledana je aktuelna sudska praksa, pri čemu je poseban naglasak stavljen na one sudske odluke koje mogu biti okarakterisane kao primeri dobre ili loše prakse. Treći deo rada se bavi izveštavanjem medija o uslovnom otpustu, uz poseban osvrt na razgraničenje onih vesti koje su direktno vezane za opštu svrhu i primenu ovog instituta u praksi od onih vesti koje su više vezane za lice koje u konkretnom slučaju podnosi molbu za uslovni otpust. Najzad, u poslednjem delu rada su izneti opšti stavovi o primeni uslovnog otpusta u praksi sudova i izveštavanja medija u Republici Srbiji.

KLJUČNE REČI: uslovni otpust / mediji / sudska praksa / kvantitativna analiza