

## BC RESEARCH NEWS

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

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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.<sup>1</sup>

#### 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

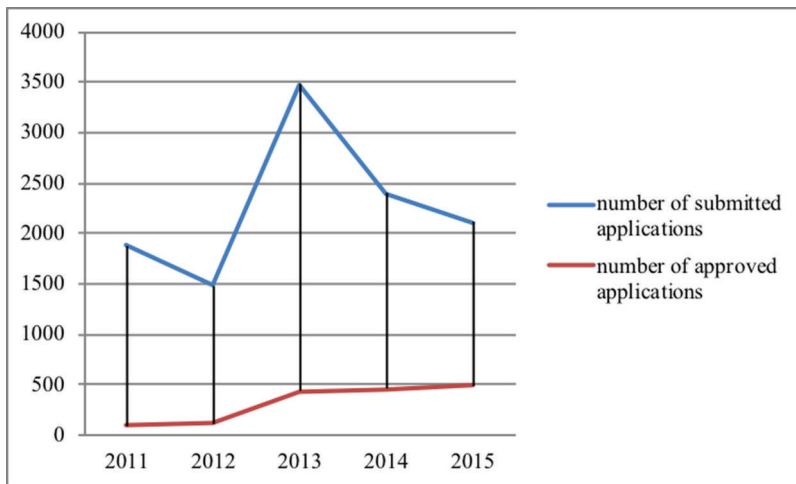
##### *Number of submitted and accepted requests*

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.<sup>2</sup> 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

#### CONTENTS

BC RESEARCH NEWS .....	1
BC PUBLICATIONS .....	7
BC EVENTS PREVIEW .....	9
DISCUSSION.....	10
IMPRINT .....	10



**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](http://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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- 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”

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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 Koedjnikov, 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