REDUCING OVERCROWDING IN PENITENTIARIES IN SERBIA

Effects of the 2010–2015 Strategy for the Reduction of Overcrowding within the Penitential Facilities in the Republic of Serbia

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Belgrade, 2015

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CONTENT

1. INTRODUCTION

> [...] All the services and activities within a prison will be adversely affected if it is required to cater for more prisoners than it was designed to accommodate; the overall quality of life in the establishment will be lowered, perhaps significantly. Moreover, the level of overcrowding in a prison, or in a particular part of it, might be such as to be in itself inhuman or degrading from a physical standpoint. [...][1]

Due to the increasing problem of overcrowding in penal-correctional institutions, the Government of the Republic of Serbia, on 22 July 2010, adopted the *Strategy for Reducing Overcrowding in Penal Institutions in the Republic of Serbia in the 2010–2015 period* (hereafter: Strategy).[2] The Government adopted the Decision to amend the Strategy on 25 August 2011,[3] and the Action Plan for its implementation[4] on 24 November 2011, so conditions to start implementing the measures envisaged by the Strategy were created only at the beginning of 2012.

The list of measures contained in the Strategy shows that it was conceived from the beginning as a comprehensive document, aimed at efficiently countering the escalating problem of prison population growth. These measures are both normative and organizational in nature, and offer the possibility of creating a different and better penal policy. The duty to implement the Strategy is divided among the judicial offices (judges and prosecutors) on the one hand, and the Penal Sanctions Enforcement Directorate (PSED) of the Ministry of Justice on the other. The success of the implementation of the Strategy depended on the coordination between the Ministry of Justice PSED and courts and prosecutors; but also the legislative activities of the Ministry of Justice – which is authorized to propose legislation dealing with the judiciary and the enforcement of criminal sanctions.

A careful analysis of the measures envisaged by the Strategy leads to the conclusion that the Republic of Serbia was on the right path to face the problem of overcrowding of penal-correctional institutions. Namely, the same measures proved to be suitable for and successful in overcoming the problem of prison

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1 Extract from the Second General Report [CPT/Inf (92) 3], Par. 46, available at: http://www.cpt.coe.int/lang/srp/srp-standards.pdf

2 *Official Gazette of the RS*, 53/10.

3 *Official Gazette of the RS*, 65/11.

4 Conclusion, 05 no: 02-8564/2011, dated 24 November 2011.

overcrowding in other European countries.[5] However, problems came to the surface during the implementation of the Strategy. The Action Plan was adopted two years after the envisaged beginning of the implementation of measures for the reduction of overcrowding in penal-correctional institutions, which indicates that the Ministry of Justice of the RS did not conduct adequate preparations for the enforcement of this important Act.

The Report before you presents a brief overview of the results achieved by the Strategy. It has been structured so as to follow the six most significant normative and organizational activities determined by the Strategy and the Action Plan:

1. alternative sanctions and measures;
2. release on parole and early release;
3. introduction of a judge for the enforcement of criminal sanctions;
4. commissioner and probationary service;
5. increasing accommodation capacity and improving conditions in penal-correctional institutions;
6. amnesty.

5 More on examples of good practice in: *Measures for the Reduction of the Prison Population – Examples of Good Practice*, Belgrade Centre for Human Rights, Belgrade 2014, available at http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Mere-za-smanjenje-zatvorske-populacije.pdf.

2. ALTERNATIVE SANCTIONS AND MEASURES

2.1. Measures to ensure the presence of the defendants and the unobstructed conduct of criminal proceedings

The new Criminal Procedure Code (CPC)[6] came into effect in October 2013, which, at the time, was only applied in proceedings related to war crimes, organised crime and cyber-crime. The new CPC regulated more specifically the measures to ensure the presence of defendants and the unobstructed conduct of criminal proceedings, resulting in the measure prohibition of leaving one's dwelling and place of temporary residence, which had been envisaged by Art. 136 of the 2001 CPC,[7] now being divided into three separate measures: ban on approaching, meeting or communicating with certain persons, and visiting certain locations (Art. 197 of the CPC); ban on leaving place of temporary residence (Art. 199 of the CPC) and the prohibition of leaving the dwelling (Art. 208 of the CPC). In addition, after the 2011 CPC came into effect, the measure of bail bond may also be laid down in cases for which a prison sentence in excess of ten years has been envisaged, that is, a prison sentence in excess of five years for a crime with elements of violence, or if the verdict of the court of first instance pronounced a sentence of over five years' imprisonment or a graver sentence, and the manner of the commission of the crime or gravity of the consequences of the crime have caused a public upheaval, which may jeopardise the unobstructed and just conduct of the criminal proceedings.[8] As envisaged by the Strategy itself, this has broadened the basis for applying bail bond.

The new CPC envisaged a significantly larger number of measures alternative to pre-trial detention than the 2001 CPC. However, the changes to the law contributed only to an extent to the less frequent ordering of the measure of pre-trial detention. This is also shown by the results which the Belgrade Centre for Human Rights collected from basic and high courts in the territory of Serbia.[9] Namely, the measure of pre-trial detention is still used far more than other, equally effective, yet milder measures for the defendant.

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6 *Official Gazette of the RS*, 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

7 *Official Gazette of the FRY,* 70/2001 and 68/2002 and *Official Gazette RS*, 58/2004, 85/2005, 115/2005, 85/2005 – et al., 49/2007, 20/2009 – et al, 72/2009 and 76/2010.

8 Art. 211, Para. 4 of the 2001 CPC.

9 See the statistics on the practice of measures to ensure the presence of defendants and the unobstructed conduct of criminal proceedings in the Annex to the Report.

Following in this part of the Report is a statistical overview of the use of the pre-trial detention measure and other measures for ensuring the presence of the defendant and the unobstructed conduct of criminal proceedings, which the Belgrade Centre for Human Rights collected by seeking access to information of public importance, to which 92% of the courts responded (80% of which submitted all the requested information, which is still an excellent sample for the assessment of the current state of affairs).

Number of detainees per years on 31 December

2010	2011	2012	2013	2014
3.332	3.109	2.532	1.894	c. 1.800[10]

A comparison between the number of persons ordered pre-trial detention and those imposed other measures to ensure the presence of defendants and the unobstructed conduct of criminal proceedings from 2010 to 1 November 2014 [11]

Measures	2010	2011	2012	from 1 October 2013 to 1 November 2014
Pre-trial detention	4.037	3.246	3.317	4.926
Prohibition of leaving the dwelling and place of temporary residence	91	113	145	this measure does not exist as of 1 October 2013
Bail bond	56	38	52	44
Prohibition of leaving the dwelling	this measure did not exist until 1 October 2013			319 (200 of which 200 with electronic surveillance)
Ban on leaving the place of temporary residence	this measure did not exist until 1 October 2013			214
Ban on approaching, meeting and communicating	this measure did not exist until 1 October 2013			104

Several conclusions can be drawn from these tables, but also those in the Annex:

- During 2011 and 2012, the use of the measure of pre-trial detention diminished, but the use of measures alternative to pre-trial detention was negligible; at the annual level, compared to several thousand pre-trial detentions, an average of between 150 and 200 alternative measures was imposed. In the opinion of the Belgrade Centre for Human Rights, the less frequent ordering of pre-trial detention in

10 The final data will be published by the Penal Sanctions Enforcement Directorate in their annual report.

11 The number of persons ordered pre-trial detention is larger by several dozen, given that certain courts gave the number of cases where pre-trial detention has been ordered, and one pre-trial detention case may encompass several persons

this time frame, cannot be brought into connection with the courts' change in the practice of pre-trial detention, but the decline in the total number of criminal proceedings instituted during this time.[12]

- Since the new CPC came into effect (1 October 2013) the use of measures alternative to pre-trial detention increased, but pre-trial detention was also ordered far more frequently. The prohibition of leaving the dwelling with and without electronic surveillance was imposed far more frequently, while bail bond remained a measure laid down in a negligible number of cases (less frequently than in previous years).
- In the Republic of Serbia, there are still courts which, in the previous several years, have not ordered a single measure ensuring the presence of defendants and the unobstructed conduct of criminal proceedings other than pre-trial detention, while a vast majority of courts orders measures alternative to pre-trial detention in a negligible number of cases (less than ten on an annual level).

2.2. Groundless pre-trial detention and compensation of damages for groundless pre-trial detention

The problem of overcrowding in penal-correctional institutions arose at the end of 2005 and the beginning of the 2006. This problem started reflecting on both the prison population and the detention units. The excessive use of pre-trial detention has led in consequence to at least 20.000 groundless pre-trial detention days being ordered in Serbia annually, that is, approximately 55 years of groundless deprivation of liberty. As the state unjustifiably encroached upon the right to liberty of individuals, so did its obligations to compensate the individual by paying out pecuniary and non-pecuniary damages, which s/he sustained during the stay in detention. With respect to groundless pre-trial detention, pecuniary damages refer to all circumstances which resulted in the diminution of property or a lack of expected increase thereof (loss of job, unpaid salaries and earnings, etc.), but also expenses for the treatment of medical problems caused due to detention or similar.[13] On the other hand, non-pecuniary damages refer to violations of dignity, violations of physical and mental integrity, disruption of family life, loss of reputation in society, etc.[14]

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12 More in: *Review of the Results of Measures Conducted in Accordance with the Strategy for Reducing Overcrowding in Penal Institutions in the Republic of Serbia, adopted for the 2010-2015 period*, available at: http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Pregled-mera-sprovedenih-u-skladu-sa-Strategijom-za-smanjenje-prenaseljenosti.pdf.

13 These are only some of the parameters for determining the compensation of damages, which the Belgrade Centre observed in randomly chosen cases obtained from the Republic of Serbia's State Prosecutor's Office.

14 *Ibid.*

In order to exercise his right to compensation of damages, the groundlessly detained person is obliged to address the Ministry of Justice Committee, which the CPC has entrusted with the task of reaching settlement agreements with the groundlessly detained persons. Should the Committee and the injured party (groundlessly detained person) fail to reach an agreement on the amount of compensation for damages, the groundlessly detained person has the right to file a lawsuit, demanding just reparations.

Table showing the work of the Ministry of Justice Committee from 2005 to 1 October 2013[15]

Year	Requests submitted for compensation of damages suffered due to groundless deprivation of liberty	Requests reviewed by the Committee	Number of pre-trial detention days in cases reviewed by the Committee	Number of concluded settlements	Number of days spent deprived of liberty upon the conclusion of settlements	Paid out as per concluded settlements
2005	876	496	/	315	17.461	48.155.980
2006	904	405	24.872	170	12.687	40.016.500
2007	698	455	26.913	206	15,930	62.127.000
2008	452	275	27.535	133	6,924	17.581.000
2009	528	237	13.499	63	2,722	7.644.000
2010	572	217	12.071	53	3.051	7.517.500
2011	574	346	22.076	50	4.149	25.061.400
2012	607	342	21.582	51	2.355	6.424.000
until 1 October 2013	658	408	31.591	45	5.419	25.045.000
				40	6.154	22.528.000
Total	5.896	3.181	180.089	1.126	76.852	262.100.380

The figures above tell the following:

- The total amount paid by the Committee in the stated period of time for groundless pre-trial detention was 262.100.380,00 Dinars, which averages an annual amount of approximately 238.700,00 Euros.
- The average amount which the Committee paid per day of groundless deprivation of liberty is 3.410,00 Dinars.
- Out of the 5.896 requests submitted, the Committee reviewed 3.181, whereas 2.715 requests were never reviewed at all.

15 The data for 2014 will be entered into the Report subsequently. So far it has been established that, in the previous nine years, the Committee paid out approximately 250.000,00 Euros annually.

- The 3.181 requests which the Committee reviewed concern 180.089 days of groundless deprivation of liberty. Should the 2.715 unreviewed requests be taken into account, it can be concluded that the number of days of groundless deprivation of liberty is significantly larger.[16]
- Out of the 3.181 requests reviewed by the Committee, a settlement was concluded in 1.126 cases, concerning 76.852 days.
- The 2.055 requests that were rejected concern 103.237 days.
- At least 103.237 days of groundless deprivation of liberty are the subjects of litigation involving requests for compensation of damages.
- The average amount awarded by courts in lawsuits before 1 October 2013 is difficult to establish; the information available to the public indicates that the courts awarded an average of 8.000,00 to 12.000,00 Dinars per day of groundless pre-trial detention.[17] After 1 October 2013, these amounts were cut to an average of 5.000,00 Dinars per day of groundless pre-trial detention (see the following Table).

Table showing the practices of state prosecutors' offices in proceedings for the compensation of damages for groundless pre-trial detention from 1 October 2013 to 1 November 2014

City	Total number of cases	Number of days of groundless pre-trial detention	Awarded amounts
Belgrade	104	19.739	114.917.500,00
Leskovac	19	896	3.545.600,00
Zaječar	17	2.561	12.242.000,00
Zrenjanin	8	191 (one judgement did not establish the number of days)	1.445.000,00
Kraljevo	13	596	2.523.000,00
Kragujevac	13	1.259	7.563.000,00
Valjevo	10	211	1.124.000,00
Niš	2	127	1.160.000,00
Novi Sad (did not act in accordance with the request seeking access to information of public importance)			
Požarevac	4	106	1.690.000,00
Subotica	8	1.016	2.558.000,00
Užice	3	44	440.000,00
Total	204	30.149	149.208.100,00

16 However, it stands to reason that a certain number of requests was rejected, or was not taken into consideration, as unfounded or expired.

17 http://www.danas.rs/danasrs/drustvo/zbog_nezakonitih_hapsenja_drzava_placa_godisnje_i_do_dva_miliona_evra_.55.html?news_ .

Several conclusions can be drawn from the above Table:

- 204 persons spent 30.149 days in groundless pre-trial detention, for which the competent court paid approximately 5.000 Dinars per day.
- The total amount of money paid out to groundlessly detained persons from 1 October 2013 to 1 November 2014 is 149.208.100,00 Dinars, that is, approximately 1.223.000,00 Euros.
- Adding to the amount of approximately 1.223.000,00 Euros the average amount paid out by the Ministry of Justice Committee annually in the course of the previous nine years (c. 238.700,00 Euros), as well as the information on the amount awarded in lawsuits in which the interests of the Republic of Serbia were represented by the Novi Sad State Prosecutor's Office (which this Prosecutor's Office did not submit to the Belgrade Centre for Human Rights),[18] it is clear that this amount exceeds 1.500.000,00 Euros.
- In the given period of time, the longest groundless pre-trial detention lasted 1.273 days, while other long pre-trial detention cases include those in which the defendants spent as many as 910, 794, 758, 709 and 636 days in detention.
- In addition to the infrequent use of measures alternative to pre-trial detention, the pre-trial detention measure was laid down without grounds in a large number of cases. The result of this practice is the increasingly frequent violation of the right to liberty and security (Arts. 27–31 of the RS Constitution and Art. 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms), grave consequences to persons groundlessly deprived of liberty and compensations of damages to the tune of millions, which are paid from the budget of the Republic of Serbia. Naturally, it is not difficult to conclude that this practice also contributes to the overcrowding of penal-correctional institutions in the RS.

2.3. Alternative sanctions

In order to gain clear insight into Serbia's penal policy and the manner in which it contributes to the overcrowding of penal-correctional institutions, we

18 The Belgrade Centre for Human Rights will institute proceedings before the Commissioner for Information of Public Importance and Personal Data Protection against the Novi Sad State Prosecutor's Office in order to establish the exact amount paid out in damages compensation from 1 October 2013 to 1 November 2014.

will briefly review the legal solutions governing alternative sanctions (determined by the Strategy as measures which ought to contribute to a reduction in the prison population), but also suspended sentences and suspended sentences with protective supervision, which are also alternatives to incarceration. This section will also present statistics referring to the frequency with which alternative sanctions and suspended sentences are imposed, on the one hand, and short-term prison sentences (from 1 month to 3 years), on the other. Alternative sanctions here include community service and prison sentences served on the premises where the convict lives (hereafter: house arrest).

The Strategy envisaged the prescription of a special, simplified procedure for imposing alternative sanctions. However, by the time this Report was concluded, the necessary legal amendments had not been enacted.[19]

The conditions for imposing a sentence of house arrest are prescribed by Article 45, Para. 6 of the Criminal Code:

> "When pronouncing to a perpetrator of a criminal offence a sentence of up to one year of imprisonment, the court may concurrently order its enforcement on the premises wherein he/she lives if in respect to the personality of the perpetrator, his/her previous lifestyle, his/her conduct after commission of the offence, degree of guilt and other circumstances under which the offence was perpetrated, it may be expected that in this manner the purpose of punishment will also be achieved."

The conditions for imposing a sentence of community service are prescribed by Article 52, Para 1 of the Criminal Code:

> "Community service may be imposed for criminal offences punishable by imprisonment of up to three years or a fine."

The cited legal provisions show that house arrest my be imposed in all cases in which the court pronounced a sentence of up to one year of imprisonment for the criminal offence, while community service may be imposed for all criminal offences with a possible prison sentence of up to three years. Nevertheless, although these legal solutions have been part of the Criminal Code for the past several years, (community service since 2006 and house arrest since 2009), the data collected attests to the discouraging practice of the judicial bodies which, in the largest number of cases, still opts for imposing short-term prison sentences.

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19 According to the Action Plan, this measure, with delayed beginning of implementation, was to be conducted at the end of 2011.

Statistics on pronounced sentences to one month to three years of imprisonment in the period from 2010 to 2013[20]

Length of sentence	2010	2011	2012	2013	Total
Up to one month	-	-	-	-	-[21]
One to three months	1.155	1.483	1.907	1.947	6.492
Three to six months	1.344	2.002	2.701	3.003	9.050
Six months to one year	1.202	1.779	2.225	2.728	7.934
One to two years	1.026	1.268	1.485	1.536	5.315
Two to three years	556	744	850	993	3.143
Total	5.283	7.276	9.168	10.207	31.934

Statistics on the number of persons sentenced to between one month and three years imprisonment, who were admitted to institutions for the enforcement of criminal sanctions from 2010 to 2013[22]

Sentence duration	2010	2011	2012	2013	Total
Up to one month	476	452	539	-[23]	1.467
One to three months	896	760	756	1.350	3.762
Three to six months	1.529	1.806	1.330	1.505	6.170
Six months to one year	1.517	1.486	1.370	1.233	5.606
One to two years	1.328	1.436	1.440	1.051	5.255
Two to three years	802	783	785	754	3.124
Total	6.548	6.723	6.220	5.893	25.384

The tables clearly show that, in the period from 2010 to 2013, the number of persons sentenced to one month to three-year prison terms is larger by c. 5.000 than the number of persons who were admitted to serve sentences in all institutions for the enforcement of criminal sanctions in Serbia.

Table of imposed sentences of community service in the 2007 – 2014 period

Year	2007	2008	2009	2010	2011	2012	2013	2014	Total
Imposed sentences	48	35	51	71	357	365	348	-[24]	1.275
Executed verdicts	-	-	17	17	90	209	253	351	937

20 The data was obtained from the internet page of the Republican Statistics Bureau: http://webrzs.stat.gov.rs/WebSite/Public/PageView.aspx?pKey=145

21 The data was not available.

22 The data was obtained from the annual report of the Penal Sanctions Enforcement Directorate, available at: http://www.uiks.mpravde.gov.rs/cr/articles/izvestaji-i-statistika/

23 The figure was not available.

24 The data was not available.

Table of imposed sentences of house arrest between 2011 and 2014

Year	2011	2012	2013	2014 (until 2 December)	Total
Number of sentences	88	610	725	627	2.050

Compared to 31.934 short-term prison sentences pronounced from 2010 to 2013, in the period from 2010 to the end of 2014, the courts in Serbia imposed 3.325 alternative sanctions – 1.275 community service sentences and 2.050 house arrest sentences. Considering that house arrest alone could have been imposed in over 70% of the cases,[25] it becomes apparent that the judicial bodies almost always opt for the gravest punishment envisaged by criminal law – that of imprisonment, and not alternative sanctions, which are milder for the convicted person yet can be equally effective.

Table of suspended sentences pronounced from 2010 to 2013

Year	2010	2011	2012	2013
Number of suspended sentences	12.833	18.110	17.169	17.152

Table of suspended sentences with protective supervision pronounced from 2010 to 2014

Year	2010	2011	2012	2013	2014	Total
Number of suspended sentences with protective supervision	3	21	11	14	29	78

Although both suspended sentences and suspended sentences with protective supervision are envisaged as measures that should contribute to a reduction in the number of convicts, it is important to note that suspended sentence is a measure most frequently imposed in Serbia. In other words, it is a practice established far earlier than when the problem of overcrowding of penal-correctional institutions arose.[26] The Belgrade Centre maintains that suspended sentences with protective supervision in place of suspended sentences ought to the imposed more frequently, as this sanction imposes an additional obligation on the accused/convicted, which should be such as to remove the causes of the perpetrated criminal offence. The imposition and fulfilment of various obligations established by law, which deter from repeat criminal offences, is necessary in the situation in which Serbia's penal policy finds itself. Although

25 Seventy percent of the short-term sentences imposed were up to one year in length. The Criminal Code has stipulated that sentences of this length may be served on the premises where the convicted person lives.

26 The problem of overcrowding in penal-correctional institutions arose at the end of 2005 and the beginning of the 2006.

there is no exact statistical data, it is presumed that there are approximately 70% repeat offenders in penitentiaries in the Republic of Serbia.

Protective supervision must entail one or more of the following obligations:

1) reporting to the organ in charge of conducting protective supervision within the deadlines established by said organ;
2) training the perpetrator for a particular vocation;
3) accepting employment that suits the perpetrator's capabilities;
4) meeting obligations to support the family, taking care of and bringing up the children, and other family obligations;
5) refraining from visiting specific places, locales or manifestations, if they could present an opportunity or give rise to repeat criminal offences;
6) prompt reporting of change of place of residence, address or job;
7) refraining from drug and alcohol consumption;
8) medical treatment at an appropriate medical institution;
9) paying visits to specific professional counsellors and other institutions and acting in accordance with their instructions;
10) eliminating or alleviating the damage caused by the perpetration of the criminal offence, in particular, reconciliation with the victim of the perpetrated crime.[27]

The current penal policy of the Serbian judicial bodies must change if the competent organs wish to solve the problem of overcrowding in penal-correctional institutions. To wit, in countries in which this problem has been solved, short-term prison sentences are replaced by alternative sanctions whenever this is possible. A wider implementation of alternative sanctions is a characteristic of countries in which the right to liberty and security, but also absolute prohibition of ill-treatment, are respected. Nowhere has a strict penal policy contributed to a decline in the crime rate[28] but it has contributed to excessive restrictions to the right to liberty and the violation of the prohibition of ill-treatment, whose milder forms – inhuman and degrading treatment – arise in overcrowded penitentiaries. In addition to this, according to the data obtained from the Enforcement of Criminal Sanctions Directorate, one day costs the state around 15 Euros per prisoner. Contrary to this, in 2013 alone, local self-government companies in which community service sentences are being served saved 12.730.960,00 Dinars.

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27 Art. 73 of the Criminal Code, *Official Gazette RS*, 85/2005, 88/2005 - amended, 107/2005 - amended, 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014).

28 See the example of The Netherlands in: *Measures for the Reduction of the Prison Population – Examples of Good Practice,* Belgrade Centre for Human Rights, Belgrade 2014, available at: http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Mere-za-smanjenje-zatvorske-populacije.pdf.

3. RELEASE ON PAROLE AND EARLY RELEASE

Both release on parole and early release represent measures that can influence a decline in the prison population. However, the statistics presented herein show that they were not used sufficiently during the period of the implementation of the Strategy and the accompanying Action Plan.

The reasons for the scant ordering of release on parole can be found in the fact that the number of treatment officers working in penal-correctional institutions is insufficient to work adequately on the resocialisation of a significantly larger convict population. During a two-year research, the Belgrade Centre on several occasions visited the largest penal-correctional institutions in Serbia (in Niš, Požarevac and Sremska Mitrovica). In each of the institutions, the deficit of employees in the treatment service created a situation in which one treatment officer worked on the resocialisation of several dozen or as many as a hundred convicts. Under such circumstances, conditions for ordering release on parole practically do no exist, because the courts deciding on requests for release on parole take as one of the key criteria the report of the treatment service, which contains an assessment of the success of the convict's resocialisation and a projection of his conduct upon leaving the institution. Unless the treatment officer presents a positive view of the convict, the court will reject his/her request for release on parole.

Due to the mentioned disproportion in the number of treatment officers and convicts in the three largest institutions, which house approximately 60% of the prison population, the treatment officers, due to the impossibility of conducting adequate individual treatments, often hesitate to submit to the competent court a positive report on the resocialisation of a person.

Table showing releases on parole ordered from 2008 to 2013

2008	2009	2010	2011	2012	2013
1.423	1.674	1.646	936	581	1.036

Table showing decisions on early releases from 2009 to 2013

2008	2009	2010	2011	2012	2013
0	36	38	244	213	41

The Belgrade Centre believes that as long as a balance between the number of convicts and the number of staff (especially in the treatment service) is not established in the largest penal-correctional institutions, it will not be possible to practice release on parole in a satisfactory manner. In other words, the practice of rare authorization of release on parole will continue to permeate the system of enforcement of criminal sanctions.

It is also important to note that the provisions of release on parole from the Criminal Code have remained unchanged; that is to say, the changes envisaged by the Strategy did not take place. The changes concerned the possibility of a right of convicts sentenced to up to three years imprisonment to submit requests for release on parole after having served one half of the pronounced sentence.[29]

With the Law on the Enforcement of Non-Institutional Sanctions and Measures[30] coming into effect, it has been envisaged that the fulfilment of obligations that can be imposed through release on parole (release on parole with protective supervision) be overseen by the Commissioner Service of the Penal Sanctions Enforcement Directorate (PSED).

29 It is still necessary for the convict to have served two-thirds of the sentence, not to have been disciplined two or more while serving the sentence, and to have received a positive assessment from the treatment service.

30 *Official Gazette of the RS*, 55/2014.

4. PENAL SANCTIONS ENFORCEMENT JUDGE

Although it was the Criminal Procedure Code of 2011 that established the judge for the enforcement of penal sanctions, it was only as of 1 September 2014 (when the new Penal Sanctions Enforcement Act started being implemented)[31] that the work of this instance was regulated in detail. The Penal Sanctions Enforcement Judge has been imagined as a third-degree instance for the review of prisoners' complaints about the violation of any of their special right (Art. 76 to Art. 131 of the PSEA), but also an instance which the prisoners may address directly with a request for court protection, if their physical integrity or life is in danger (Art. 37, Para. 4 of the PSEA). Also, detainees who have thus far addressed complaints to the president of the high court may file, orally for the record or in writing, a complaint to the penal sanctions enforcement judge (Art. 37 of the PSEA). The enforcement judge may hold a hearing at the court or institution premises with regard to the request for court protection/complaint, at which the participants in the proceedings may make an oral statement about the facts and evidence pertinent to the rendering of the court decision (Art. 38 of the PSEA). If the detainee or prisoner has an authorized agent, the authorized agent shall also be summoned to the hearing (Art. 38, Para 3 of the PSEA). During the proceedings, the enforcement judge may, in witness capacity, hear the institution staff, other prisoners, obtain or review the documents of the institution and other state organs, visit the institution premises and establish facts in other ways (Art. 38, Para. 5 of the PSEA). The judge will render a decision, and should he find that the prisoner's complaint or request for court protection is founded, he will instruct the institution to eliminate the established illegality and to inform him of the measures taken to eliminate the illegality. Should the elimination of the illegality prove impossible, the enforcement judge shall determine the irregularity and ban its repetition (Art. 39 of the PSEA).

An appeal against the decision of the enforcement judge on the prisoner's complaint may be filed with the extra-procedural chamber of the court through the enforcement judge who issued the first-instance ruling within three days of receipt of the decision. The extra-procedural chamber is under obligation to render a decision within eight days (Art. 41 of the PSEA).

31 *Official Gazette of the RS*, 55/2014.

The office of penal sanctions enforcement judge has been established at the level of all high courts.

Given that the work of this instance started only recently, the Belgrade Centre for Human Rights believes that it is too early to make any assessments as to its efficiency and effectiveness as an instrument for the protection of the rights of prisoners and detainees.

5. COMMISSIONER SERVICE

Just like the Penal Sanctions Enforcement Act, the new Enforcement of Extra-Institutional Sanctions and Measures Act (EESMA)[32] came into effect on 1 September 2014. This Act regulated in the detail the competences of the Commissioner Service within the Department for Treatment and Alternative Sanctions of the Penal Sanctions Enforcement Directorate.

Pursuant to Art. 5 of the EESMA, the Commissioner Service conducts the following work: monitors the fulfilment of obligations pursuant to the public prosecutor's decision, when criminal prosecution of the accused is postponed, as well as the fulfilment of obligations stemming from a verdict pronounced on the basis of a guilty plea; monitors the enforcement of the prohibition of leaving the dwelling (hereafter: house arrest) and the ban on approaching, meeting and communicating with certain persons; organizes, implements and monitors the enforcement of the prison sentence on the premises where the convicted person lives (house arrest); organises, implements and monitors the enforcement of the community service sentence and protective supervision in cases of suspended sentences; monitors the persons released on parole and supports the person in adhering to the restrictions imposed by the court; counselling and support and assistance to persons who have served their sentence to avert them from repeat criminal offences; other jobs of importance for enforcement work.

It is obvious from the listed competences that the scope of work of the Commissioner Service is exceptionally wide. In order for the named Act to be applied in practice, it is necessary to strengthen substantially the capacities of the Commissioner Service, which currently has 25 offices and 42 commissioners. Out of this number, 23 commissioners are simultaneously treatment officers in penal– correctional institutions, which certainly makes the performance of their (extra-)institutional duties more difficult. In addition, the jobs of post-penal admission, which has been reintroduced into the penal sanctions enforcement system, require the mobilization of a much larger number of people since, according to already presented data, the number of repeat offenders in penal-correctional institutions is approximately 70% of the entire prison population. Post-penal support is one of the most important measures aimed at contributing to a decline in the rate of recidivism, which would indirectly lead to a decline in the prison population.

32 *Official Gazette of the RS*, 55/2014.

The results the Commissioner Service achieved while implementing this Strategy can be assessed as good, especially bearing in mind the resources it had available. The Belgrade Centre for Human Rights believes that the key to solving the problem of overcrowding in penal-correctional lies in the development of the Commissioner Service whose staff should see to the implementation of alternative sanctions and measures alternative to pre-trial detention, but also in obligations imposed on the accused and convicts through the principle of opportuneness, suspended sentences with protective supervision and release on parole with protective supervision. The successful fulfilment of the listed obligations, alongside the development of a post-penal support system, will contribute to a decline in recidivism, and consequently a reduced number of persons deprived of liberty in penal sanction enforcement institutions.

The capacities of the Commissioner Service at present are not such as to be able to follow an increase in the imposition of alternative sanctions. A comparison of the pronounced and enforced community service sentences clearly shows that the Commissioner Service did not manage to enforce all the imposed sentences. Although gradually broadening, the network of commissioner offices is still under staffed. It is our belief that in the areas of a large number of courts, this form of punishment was not considered a possibility because the courts did not favour the imposition of community service sentences or house arrest sentences, when their enforcement would have been practically impossible due to the non-existence of commissioner offices.

6. INCREASING ACCOMMODATION CAPACITY AND IMPROVING CONDITIONS IN PENITENTIARIES

The Belgrade Centre for Human Rights visited the largest penal-correctional institutions in Serbia during a two-year research. The problem of overcrowding still exists in the three the largest institutions in Požarevac, Niš and Sremska Mitrovica.

The opening of the new penal-correctional institution in Padinska Skela in Belgrade has increased the prison capacities by approximately 450 places, but this has not contributed to significantly unburdening the named institutions. According to information received from the Penal Sanctions Enforcement Directorate, the project to build an institution in Medveđa has been abandoned, while the construction of new institutions in Kragujevac and Pančevo has been postponed (although the Strategy envisaged that the construction of all three institutions be finished completed by the end of 2014).

The Belgrade Centre for Human Rights supports the building of new institutions in order to create new capacities that will meet international standards pertaining to the exercise and protection of the rights of persons deprived of liberty, but also reminds of one of the standards of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), which reads as follows:

> "To address the problem of overcrowding, some countries have taken the route of increasing the number of prison places. For its part, the CPT is far from convinced that providing additional accommodation will alone offer a lasting solution. Indeed, a number of European States have embarked on extensive programmes of prison building, only to find their prison populations rising in tandem with the increased capacity acquired by their prison estates. By contrast, the existence of policies to limit or modulate the number of persons being sent to prison has in certain States made an important contribution to maintaining the prison population at a manageable level."[33]

The Belgrade Centre reiterates its caution[34] that particularly poor conditions were observed at the Belgrade District Court in which, in the

33 Extract from the 7th General Report [CPT/Inf (97) 10], para. 14.

34 More on the previous visits to the named institutions at: http://www.bgcentar.org.rs/sprecavanje-i-kaznjavanje-torture-od-usvajanja-pravnih-standarda-do-unapredivanja-prakse/.

majority of the prison wings, premises do not have windows and subsequently lack adequate natural light and fresh air. The case is the same at the Special Prison Hospital.[35] Poor conditions were also observed in the VII Pavilion of the Požarevac KPZ (Penal-Correctional Institution) and the IV Pavilion in Sremska Mitrovica. These pavilions are in extremely poor shape and accommodation in them, with the current state of overcrowding, may reach the threshold of inhuman and degrading treatment. The completed reconstruction of the C Pavilion and II Pavilion in Niš, as well as several prison wings of the District Prison in Belgrade and the Special Prison Hospital are highly commendable.

35 Irregularities observed during visits in the course of 2013.

7. AMNESTY

The Amnesty Law was adopted at the end of 2012, with effects felt very quickly, especially in the open and semi-open parts of the penal sanctions enforcement institutions, while all district prisons were noticeably unburdened. Implementing the Amnesty Law, 1.228 persons were released in 2002 and the number of released in 2013 was 1.221.

Nonetheless, the largest penal-correctional institutions (accommodating over 60% of the prison population), and primarily their closed parts, did not feel a significant unburdening of accommodation capacities. In other words, where the problem of overcrowding is most prominent, the effects of amnesty went practically unnoticed and, in the assessment of the Belgrade Centre for Human Rights, were short-term and negligible. This impression persisted even after visits to these institutions during 2013 and 2014.

8. CONCLUSION

Taking into consideration the number of persons in penal sanction enforcement institutions in the period from 2010 to 2014, we can see that measures envisaged by the Strategy did not yield the expected results. To wit, the number of persons (10.795) in penal sanction enforcement institutions on 31 December 2009 has not been substantially reduced – on 26 January 2014 this number was approximately 10.600. Even if the number of prisoners were to be reduced substantially, the Belgrade Centre maintains that this would not be the result of the wider implementation of measures envisaged by the Strategy.[36]

Excessive imposition of short-term prison sentences (ranging from one month to three years in length) but also excessive use of the pre-trial detention measure (as opposed to alternative sanctions and measures) are still a reality in the judicial practice in Serbia. A range of risks are a consequence, the greatest of which are undoubtedly those pertaining to the violation of the right to liberty and security. That is to say that it is regular practice to impose incarceration measures, whereas the use of other, milder measures, which encroach less upon an individual's freedom, is far more infrequent. This is exactly what led to overcrowding in penal-correctional institutions in the Republic of Serbia.

Overcrowding in penitentiaries is ripe ground for the violation of human rights, the absolute prohibition of ill-treatment in particular. There are still penal-correctional institutions in Serbia in which material conditions, the regime and overcrowding may lead to inhuman and degrading treatment.

Through a two-year comprehensive research, the Belgrade Centre for Human Rights established that the extant strict penal policy, which is founded on the imposition of prison sentences as the primary sanction, has not accomplished the goals of the Strategy for Reducing Overcrowding. To the contrary, the failure of the Strategy is reflected in the insufficient encouragement to judicial bodies to steer their work and penal policy towards alternative incarceration. The hitherto practice has been proven unsuccessful, and its failure, in addition to the mentioned violations of human rights, is reflected also in the high rate of recidivism, great financial expenditure resulting from a large number of days

36 Of all the measures envisaged by the Strategy, only the measures alternative to pre-trial detention were implemented somewhat more widely, if still insufficiently, which partly contributed to reducing the prison population.

of groundless pre-trial detention, and also the overuse of short-term prisons sentences.[37]

The Belgrade Centre for Human Rights will continue monitoring the implementation of all the measures envisaged by the Strategy for Reducing Overcrowding in Penal Institutions, laying emphasis on lending support to judicial bodies to steer their practice towards existing alternatives to incarceration. Only in this way will the Republic of Serbia meet the undertaken international obligations in the domain of exercise and protection of the rights of persons deprived of liberty.

Table with the number of persons in penal-correctional institutions in the Republic of Serbia on 31 December in the years 2009 to 2014

Year	2009	2010	2011	2012	2013	2014
Convicted persons	7.463	7.167	7.322	6.952	7.330	
Detainees	2.601	3.332	3.109	2.532	1.894	
Health care measures	234	242	208	232	213	
Juvenile prison	41	36	29	22	24	
Corrective measures	217	213	218	210	215	
Misdemeanours	239	221	208	278	355	
Total	10.795	11.211	11.094	10.226	10.031	c. 10.600[38]

37 One day in prison costs 15 Euros, while local self-government companies in which community service sentences are being served saved 12.730.960,00 Dinars or 104.352,00 Euros in the course of 2013.

38 The data was given by the Director of the Penal Sanctions Enforcement Directorate at an international conference organized by the Belgrade Centre for Human Rights on 26 January 2014 titled "Alternatives to Incarceration – the Towards Reduction of Overpopulation of Penitentiary Institutions".

ANNEXES
Monitoring the Implementation of the 2010–2015 Strategy for the Reduction of Overcrowding within the Penitential Facilities in the Republic of Serbia

Basic Courts, 2010[39]

No.	Basic Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Bail bond	Prohibition of leaving dwelling and place of temporary residence
1	Belgrade I	7.619	617	5	17
2	Belgrade II		191	3	5
3	Bor	291*[39]	26	0	0
4	Čačak	1.539*	33	0	0
5	Jagodina				
6	Kikinda	1172	5	0	0
7	Kragujevac	2.414*	174	3	6
8	Kraljevo	1.240	70	8	0
9	Kruševac	1.627	70	0	1
10	Leskovac				
11	Loznica	1.130*	18	0	0
12	Negotin	851	39		
13	Niš	9.138*	272	0	0
14	Novi Pazar	2.655	132	2	0
15	Novi Sad	3.015*	695	1	0
16	Pančevo	1.682	106		0
17	Paraćin	1.141	46	0	0
18	Pirot	909	27	1	2
19	Požarevac	3.068*	54*		
20	Požega	933	8	2	1
21	Prijepolje	598	4	3	0
22	Prokuplje				
23	Smederevo	2.633	55	1	0
24	Sombor	1.372*	166*		
25	S. Mitrovica	7.098	61	0	9
26	Subotica	1.704*	84	1	
27	Šabac				
28	Užice	1.096	26	0	0
29	Valjevo	1.354	70	0	0
30	Vranje	1.506	30	12	0
31	Vršac	712	29	0	0
32	Zaječar	1.560	44	0	12
33	Zrenjanin	882	45	0	0
Total			2.977	42	53

39 An asterisk (*) marks the data provided by the courts to the Belgrade Centre for Human Rights concerning the total number of instigated criminal proceedings and not the total number of persons against whom criminal proceedings have been instigated (a single criminal proceeding may involve more than one person).

Basic Courts, 2011

No.	Basic Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Bail bond	Prohibition of leaving dwelling and place of temporary residence
1	Belgrade I	8.059	452	5	25
2	Belgrade II		163	1	0
3	Bor	489*	42	0	0
4	Čačak	1.233*	27	0	2
5	Jagodina				
6	Kikinda	1.076	15	0	0
7	Kragujevac	2.765*	144	2	3
8	Kraljevo	1.353	114	1	4
9	Kruševac	1.784	82	2	2
10	Leskovac				
11	Loznica	1.160*	20	0	0
12	Negotin	766	31		
13	Niš	3.895*	190	0	0
14	Novi Pazar	2.602	82	1	0
15	Novi Sad	3.829*	232	0	0
16	Pančevo	2.094	83	0	0
17	Paraćin	1.318	65	0	1
18	Pirot	1.068	37	0	13
19	Požarevac	1.431*	70*		
20	Požega	846	7	0	3
21	Prijepolje	451	9	1	0
22	Prokuplje				
23	Smederevo	1.921	61	0	5
24	Sombor	1.251*	194*		
25	S. Mitrovica	8.427	195	0	8
26	Subotica	2.040*	109	0	
27	Šabac				
28	Užice	948	24	0	4
29	Valjevo	1.533	83	0	0
30	Vranje	1.441	89	8	0
31	Vršac	1.113	22	0	0
32	Zaječar	960	28	0	5
33	Zrenjanin	1.197	47	0	0
Total			2.453	21	75

Basic Courts, 2012

No.	Basic Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Bail bond	Prohibition of leaving dwelling and place of temporary residence
1	Belgrade I	10.246	450	1	14
2	Belgrade II		181	0	20
3	Bor	652*	40	0	0
4	Čačak	1.115*	17	0	0
5	Jagodina				
6	Kikinda	962	10	0	0
7	Kragujevac	2.911*	77	3	1
8	Kraljevo	8	1	3	2
9	Kruševac	1.843	218	3	2
10	Leskovac				
11	Loznica	931	21	1	1
12	Negotin	857	27		
13	Niš	3.338*	212	0	0
14	Novi Pazar	2.756	110	1	0
15	Novi Sad	3.554*	270	0	0
16	Pančevo	1.764	67		0
17	Paraćin	827	34	2	2
18	Pirot	940	45	0	23
19	Požarevac	1.459*	106*		
20	Požega	776	4	0	2
21	Prijepolje	477	11	0	0
22	Prokuplje				
23	Smederevo	1.409	58	2	2
24	Sombor	1.607*	117*		
25	S. Mitrovica	7.998	129	0	11
26	Subotica	1.854*	82	0	
27	Šabac				
28	Užice	789	39	1	15
29	Valjevo	1.773	66	2	4
30	Vranje	1.380	100	10	0
31	Vršac	1.030	22	0	0
32	Zaječar	1.090	55	0	7
33	Zrenjanin	1.530	36	0	0
Total			2.382	29	107

Basic courts, 1 October 2013 – 1 November 2014

No.	Basic Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Ban on approaching, meeting and communicating	Prohibition of leaving the place of temporary residence	Bail bond	Prohibition of leaving the dwelling	Prohibition of leaving the dwelling with electronic monitoring
1	Aleksinac	386	65	0	0	0	21	21
2	Aranđelovac	272	42	7	5	0	0	1
3	Bačka Palanka	167	6	0	0	0	0	0
4	Bečej	240	37	0	1	0	0	0
5	Belgrade I	2.268	319			0		
6	Belgrade II		154			0		
7	Belgrade III	573	99			1		
8	Bor							
9	Brus	243	4	0	0	0	1	3
10	Bujanovac	300	72	1	2	0	0	1
11	Čačak (omission)							
12	Despotovac	128	1	0	1	0	0	0
13	Dimitrovgrad	79	7	0	26	0	0	0
14	G. Milanovac	267	9	0	0	0	1	0
15	Ivanjica	248	5	0	0	0	0	1
16	Jagodina		42		3	0	2	0
17	Kikinda	769	11	5	0	0	1	17
18	Knjaževac	211	21	0	2	0	0	0
19	Kragujevac	3.342	282	12	0	2	0	0
20	Kraljevo	521	131	1	1	4	1	2
21	Kruševac							
22	Krušumlija	252	32	1	1	1	0	0
23	Lazarevac							
24	Lebane	290	13	0	0	0	1	0
25	Leskovac	8	0	0	0	0	0	0
26	Loznica	673	9	1	5			
27	Majdanpek	79	0	0	0	0	2	0
28	Mionica	308	10	0	5	0	0	0
29	Mladenovac	429	30				44	0
30	Negotin	585	30	1	1	0	0	0
31	Niš	3.958	288	15	5	0	0	0
32	Novi Pazar	636	58	0	0	3	6	5
33	Novi Sad	2.421	165	0	0	0	0	0
34	Obrenovac	255*	49					
35	Pančevo	3.368	443					
36	Paraćin		44					1
37	Petrovac na Mlavi	213	16	13	0	0	0	0
38	Pirot	625	46	0	20	0	0	2
39	Požarevac	616	43	1	4	0	1	32
40	Požega		17	1	2	0	3	12

No.	Basic Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Ban on approaching, meeting and communicating	Prohibition of leaving the place of temporary residence	Bail bond	Prohibition of leaving the dwelling	Prohibition of leaving the dwelling with electronic monitoring
41	Priboj							
42	Prijepolje	334	1	0	0	0	0	0
43	Prokuplje	1.281	74	1	2	0	0	0
44	Raška	194	3	0	0	0	3	0
45	Ruma	224	12	0	1	0	0	0
46	Senta							
47	Sjenica	161	11	0	0	0	0	0
48	Smederevo							
49	Sombor	1.266	81	3	0			
50	S. Mitrovica	488	29	0	2	2	2	0
51	Stara Pazova	275	81	0	7	0	0	0
52	Subotica	3.852	285					
53	Surdulica	192	21	0	2	2	0	0
54	Šabac	883	40	1	6	0	0	0
55	Šid	128	36	2	4	6	0	0
56	Trstenik	160	16	1	1	0	0	8
57	Ub	137	10	0	0	0	1	0
58	Užice	1.013	73	0	24	0	1	0
59	Valjevo							
60	Velika Plana	157	7	0	1	0	0	0
61	Veliko Gradište	231	5	0	0	0	0	0
62	Vranje		36*					
63	Vrbas							
64	Vršac	1.128*	52*	3	1	1	1	0
65	Zaječar	1.829	302	0	32	0	0	0
66	Zrenjanin	1.846	137	0	3	0	0	0
Total			3.824	70	170	22	92	106

High Courts, 2010

No.	High Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Bail bond	Prohibition of leaving the dwelling and place of temporary residence
1	Belgrade	4.107	618*[40]	2	20
2	Čačak	225	48	1	0
3	Jagodina				
4	Kragujevac				
5	Kraljevo	479	22	0	3
6	Kruševac	163	47	1	0
7	Leskovac	314	109	0	0
8	Negotin	109	19	0	0
9	Niš	907	137	3	1
10	Novi Pazar	121*	59*	1	0
11	Novi Sad	734*	107*	3	1
12	Pančevo	223	61	0	0
13	Pirot	258	21	0	0
14	Požarevac	219	51	0	0
15	Prokuplje	71*	23	0	0
16	S. Mitrovica	342	146	2	0
17	Smederevo	241	95	1	2
18	Sombor	374	62	0	0
19	Subotica	165	81	0	4
20	Šabac	176*	64*	0	0
21	Užice	304	59	0	4
22	Valjevo	60	27	0	1
23	Vranje				
24	Zaječar	311	52	0	0
25	Zrenjanin	286*	0	0	0
Total				14	38

40 An asterisk (*) marks the data provided by the courts to the Belgrade Centre for Human Rights concerning the total number of detention cases i.e. instigated criminal proceedings and not the total number of persons against whom the proceedings have been instigated (a single case/criminal proceeding may involve more than one person).

High Courts, 2011

No.	High Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Bail bond	Prohibition of leaving the dwelling and place of temporary residence
1	Belgrade	4.359	552*	5	23
2	Čačak	193	31	0	0
3	Jagodina				
4	Kragujevac				
5	Kraljevo	382	38	1	1
6	Kruševac	165	72	0	0
7	Leskovac	203	59	0	0
8	Negotin	87	11	0	0
9	Niš	412	109	0	3
10	Novi Pazar	104*	49*	2	0
11	Novi Sad	714*	134*	5	1
12	Pančevo	186	41	0	14
13	Pirot	86	24	1	3
14	Požarevac	135	21	0	0
15	Prokuplje	58*	26	0	2
16	S. Mitrovica	195	90	2	3
17	Smederevo	283	45	0	0
18	Sombor	165	53	0	0
19	Subotica	167	58	1	6
20	Šabac	147*	56*	0	0
21	Užice	187	44	0	3
22	Valjevo	109	41	0	1
23	Vranje				
24	Zaječar	334	30	0	6
25	Zrenjanin	286		0	0
Total				17	66

High Courts, 2012

No.	High Court	Number of persons against whom the criminal proceedings have been instigated	Number of detained persons	Bail bond	Prohibition of leaving the dwelling and place of temporary residence
1	Belgrade	4.575	522*	6	11
2	Čačak	139	19	0	0
3	Jagodina				
4	Kragujevac				
5	Kraljevo	228	30	0	2
6	Kruševac	167	44	0	3
7	Leskovac	204	59	0	0
8	Negotin	84	21	1	1
9	Niš	461	109	0	4
10	Novi Pazar	76*	49*	1	0
11	Novi Sad	796*	139	3	13
12	Pančevo	210	65	2	17
13	Pirot	84	21	1	2
14	Požarevac	129	33	1	0
15	Prokuplje	69	16	2	2
16	S. Mitrovica	160	62	0	4
17	Smederevo	610	95	0	1
18	Sombor	229	52	1	2
19	Subotica	144	55	2	9
20	Šabac	140*	33*	0	0
21	Užice	175	43	0	1
22	Valjevo	146	24	2	2
23	Vranje				
24	Zaječar	250	48	1	2
25	Zrenjanin	238		0	0
Total			935	23	76

High Courts, 1 October 2013 – 1 November 2014

No.	High Court	Number of detained persons	Ban on approaching, meeting and communicating	Bail bond	Prohibition of leaving the place of temporary residence	Prohibition of leaving the dwelling	Prohibition of leaving the dwellingt with electronic monitoring
1	Belgrade						
2	Čačak	16	0	0	0	0	8
3	Jagodina	36	0	5	2	2	10
4	Kragujevac	105				0	5
5	Kraljevo	58	6	1	2	0	0
6	Kruševac	27	0	0	0	0	0
7	Leskovac	36	4	0	5	0	4
8	Negotin	7	4	0	1	1	6
9	Niš	205	0	3	0	2	4
10	Novi Pazar	17	0	3	0	3	0
11	Novi Sad	83	0	2	4	13	20
12	Pančevo	21	0	1	3	0	3
13	Pirot	14	0	0	0	0	0
14	Požarevac	12	0	1	1	1	0
15	Prokuplje	34	1	2	0	0	0
16	S. Mitrovica	129	11	2	3	1	1
17	Smederevo	47	0	0	2	1	1
18	Sombor	32	2	0	1	3	1
19	Subotica	35	0	1	6	0	1
20	Šabac	20	0	1	1	0	1
21	Užice	17	4	0	0	0	0
22	Valjevo	26	0	0	0	0	0
23	Vranje	19	0		0	0	16
24	Zaječar	90	2	0	11	0	4
25	Zrenjanin	16	0	0	2	0	9
Total		1.102	34	22	44	27	94

Groundless detention, 1 October 2013 – 1 November 2014

City	Total number of cases	Number of days of groundless detention	Amount awarded for groundless detention (Dinars)
Belgrade	104	19.739	114.917.500,00
Leskovac	19	896	3.545.600,00
Zaječar	17	2.561	12.242 000,00
Zrenjanin	8	191 (in one judgment, number of days has not been determined)	1.445.000,00
Kraljevo	13	596	2.523.000,00
Kragujevac	13	1.259	7.563.000,00
Valjevo	10	211	1.124.000,00
Niš	2	127	1.160.000,00
Novi Sad (data has not being provided for)			
Požarevac	4	106	1.690.000,00
Subotica	8	1.016	2.558.000,00
Užice	3	44	440.000,00