

DISCIPLINARY PUNISHMENT OF CONVICTED PERSONS – CONCURRENCE OF NATIONAL AND INTERNATIONAL NORMATIVE STANDARDS –

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Abstract: The beginning of the execution of a prison sentence in a penitentiary institution for a convicted person means the application of special rules - the prison rules. Strict rules of conduct in prisons according to which convicted persons must behave are regulated in the Republic of Serbia by the Law on Execution of Criminal Sanctions and numerous bylaws. Failure to comply with prison regulations entails disciplinary liability of the convict. A convicted person may be punished for a disciplinary offense only if it was, in advance, prescribed as an offense. Disciplinary offenses are divided into two categories: serious and minor. If it is suspected that the convict has committed a disciplinary offense, disciplinary proceedings will be initiated in the penitentiary. Who will conduct the disciplinary procedure depends on whether the convict committed a serious or minor disciplinary offense. A convict who has committed a disciplinary offense will be punished by disciplinary measures, at the same time, other consequences may occur regarding his position in the penitentiary: classification in a group with smaller scope of rights compared to his previous position in the institution, i. e. disciplinary punishment may be an obstacle to conditional release. The aim of this paper is to present the disciplinary responsibility of convicted persons in the criminal executive law of the Republic of Serbia and to determine the concurrence of national standards for the protection of convicted persons in disciplinary proceedings in relation to the standards prescribed by basic international acts in this area, above all, Nelson Mandela Rules and European Prison Rules.

Keywords: convicted, prison, disciplinary liability of convicted person, disciplinary proceedings and measures

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INTRODUCTION

The procedure of referring a perpetrator of a criminal offense sentenced to imprisonment begins, as a rule, after the verdict becomes final and enforceable, and takes place according to the procedure and rules prescribed by the law (Law on Execution of Criminal Sanctions - ZIKS, Official Gazette RS 55/14 and 35/19) and bylaws. Although the verdict has become final, that does not mean that the convict will be sent to serve his prison sentence on the same day. The rules of referral differ primarily depending on whether the convict is in custody or awaiting a sentence to serve at liberty, but also on several other circumstances such as available places in prisons, the type of crime committed, the sentence, obsolescence of the execution of a sentence, form of guilt, residence, citizenship, etc., which is regulated in the Republic of Serbia by a special act (See: Rulebook on sending convicted, misdemeanor convicted and detained persons to penitentiaries, Official Gazette RS 31/15).

Serving a prison sentence, as well as a life imprisonment (Grujić, 2019: 1109), which was introduced into the Serbian system of criminal sanctions in 2019 by the amendments to the Criminal Code – KZ (Official Gazette RS 85/05, 88/05 - corr., 107/05 corr., 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19), implies deprivation of liberty of a convicted person and stay in a penitentiary institution for the duration of the sentence, as well as deprivation and restriction of a significant corpus of rights of a convicted person. Unlike e.g. house arrest (Grujić, 2020; Grujić, 2017: 354), which basically implies prohibition or restriction of the convicted person's right of movement and minimal restriction of other basic rights of the convict, institutional serving of imprisonment and life imprisonment implies, in addition to complete deprivation of freedom, the deprivation of most of the basic rights that the convict had as a free person, i.e. the restriction of basic rights to the level prescribed by the Constitution, laws and bylaws in the field of execution of criminal sanctions.

NORMATIVE REGULATION OF BASIC RIGHTS AND OBLIGATIONS OF CONVICTED PERSONS

The introduction of imprisonment in the penitentiary system and the first prison institutions (Ignjatović, 2018: 172-174), as well as the development of the cellular system of execution of imprisonment (Konstantinović-Vilić, Kostić, 2011: 138-141), is characterized by complete deprivation (or high level of restrictions) of all convicts' rights. However, from the middle of the 19th century, the experiment in the form of a "mark system" applied by Alexander Maconichie, the introduction of a combined "progressive" system of execution of imprisonment, developed the idea of correlating the corps and the scope of rights of convicted persons in relation to his conduct and respect for prison rules.

Modern system of execution of prison sentence, developed on the principles of resocialization, individualization and humane treatment of convicted persons (Ignjatović, 2018: 178-181) is based on prescribing the rights and duties of convicted persons in a prison and is organized on the idea of individualization and progression in the execution. Respect for the prison rules and the realization of the program of treatment implies a higher level of rights of the convicted person and a more favourable position in the institution, up to the limits of conditional or early release to serve the remaining part of the sentence. On the contrary, non-compliance with prison rules and failure to implement the program of treatment implies degradation of the scope of the convict's rights and a less favourable position in the penitentiary institution.



Normative regulation of the basic (and extended) rights of convicted persons, as well as the obligations and responsibilities of convicts, certainly implies the existence of a national legal framework in the field of execution. In addition to the national, normative regulation of the position, the scope of basic rights and obligations, minimum standards in the field of treatment of persons deprived of their liberty has also been performed at the international level. The most important international acts in the field of rights and positions of persons deprived of their liberty, which establish minimum standards regarding the position of convicted persons in penitentiary institutions, are the Standard Minimum Rules of the United Nations on the treatment prisoners - Nelson Mandela's rules (United Nations General Assembly A/RES/70/175 adopted on 17 December 2015)³ and the European Prison Rules of the Council of Europe (Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules).⁴

Thus, by serving a prison sentence in a penitentiary, the convict is transferred to an artificial (prison) community, in which (in addition to informal) formal rules of conduct are strictly normatively regulated. During the serving of the sentence, convicted persons have a certain corpus of basic rights (which derive from the basic rights of a man and citizen) which cannot be taken away from him under any circumstances. In relation to the determined capacities of the convicted person, his needs, the degree of risk and individual program of actions, he is assigned to a certain department and group with a strictly defined scope of rights and possibilities of exercising special rights or benefits of the convict. Depending on the behaviour of the convict, respect for prison rules and the implementation of the program of individual treatment, the position of the convicted person may be changed. And progressively, by switching to a group with a larger scope of rights and regressively, by allocating to a group with a lower scope of rights and opportunities to exercise benefits (See: Articles 18, 19 and 20 of the Rulebook on the treatment, treatment program, classification and subsequent classification of convicted persons, Official Gazette RS 66/2015).

If the convicted person does not respect or does not behave according to strict formal prison rules, or if his behaviour endangers the security in the prison institution, his responsibility must be determined. In the event that the behaviour is previously defined as a (graver or minor) disciplinary offense, the convicted person may be disciplined in a special, disciplinary, procedure, and disciplinary measures shall be imposed. The imposition of disciplinary measures may degrade the level of realized rights or benefits of the convicted person, in other words, disciplinary responsibility significantly affects the position of the convicted person in the penitentiary institution. The authors devoted the paper to the issues of concurrence of the national normative framework in the field of disciplinary responsibility of convicts with international minimum standards in this field provided in the Nelson Mandela Rules and the European Prison Rules.

3 Originally adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, they constitute the universally acknowledged minimum standards for the management of prison facilities and the treatment of prisoners, and have been of tremendous value and influence in the development of prison laws, policies and practices in Member States all over the world. Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

4 Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies. First version of European Prison rules, Council of Europe Committee of Ministers Recommendation No. R(87)3, was adopted by Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies.



The first problem: knowledge and availability of “prison regulations”

Bearing in mind that convicted persons must be governed by the so-called prison rules, there is a need to be acquainted with the applicable regulations in the field of execution immediately after serving the prison sentence. According to the ZIKS, upon entering the institution, the convict is acquainted with the rights and obligations he has while serving his sentence. Also, the text of the ZIKS and the rules of prison institution are available to the convict throughout the time of serving the sentence, in the language used in the institution, in accordance with the law governing the official use of language and script. Such a solution seems justified in view of the fact that the convict has the opportunity to read and become acquainted with the prison rules.

The legislator also provided for a special rule if the convict is illiterate, cannot read or is deaf or does not know the language, because, in that case, he will be informed about his rights and obligations orally or with the help of an interpreter or translator. In this way, it is significantly more difficult for convicted persons to get acquainted with the regulations, because, as a rule, they will have this right on the first day when they start serving their sentence or a few days after admission to the admission department. In other words, the convict will not have the opportunity to ask someone to acquaint him with the regulations every day, even in the part related to disciplinary punishment (Milić, Dimovski, 2016: 219-231; Drakić, Milić, 2016: 475-491).

Certainly, the knowledge of regulations of all categories of convicted persons, not only the provisions related to the rights in the institution but also the provisions related to the obligations and responsibilities of the convicts are the basis for determining disciplinary responsibility and applying disciplinary measures. Bearing in mind that not such a small number of convicts spend a large number of years serving a prison sentence, the knowledge of regulations concerning the rights and obligations of this category of convicts is not a problem, primarily in the part related to disciplinary punishment.

NON-COMPLIANCE WITH PRISON RULES: DISCIPLINARY RESPONSIBILITY AND DISCIPLINARY OFFENSES

In accordance with the principle of legality, a convicted person can be disciplined only if he has committed a disciplinary offense that was prescribed at the time of its commission. Disciplinary offenses are prescribed by the ZIKS, and not by lower legal acts. This solution is justified because disciplinary punishment is an important issue for convicted persons, which should be regulated by the National Assembly, and not by the competent minister or the director of the penitentiary. We emphasize this for the reason that earlier in the Republic of Serbia minor disciplinary offenses were prescribed by the rulebook on house rules issued by the minister of justice.

ZIKS prescribes a total of twenty-three graver disciplinary offenses.⁵ Although they are qualified as graver, this does not mean that there is no essential gradation in the severity of the injury between

5 Graver disciplinary offences shall be: 1) escape or attempted escape from a penitentiary institution; 2) instigating a mutiny or an escape; 3) preparation of a mutiny or an escape; 4) unauthorized leaving of a penitentiary institution;

5) violence against another person, physical or psychological harassment of another person; 6) manufacturing, possession or use of a dangerous object or a means for remote communication; 7) manufacturing or bringing into a penitentiary institution a means suitable for attack, escape or committing of a criminal offence; 8) prevention of access to any part of the penitentiary institution to an officer or a person duly authorized to be in the



them. It seems indisputable that the most serious disciplinary offense is escape from the penitentiary, which, at the same time, is a special criminal offense (Milić, 2017: 813-823).

On the other hand, ZIKS prescribes twenty-one minor disciplinary offenses.⁶ Also, among the minor disciplinary offenses, there is an essential (though not formal) gradation in terms of violation of regulations. It seems that the disciplinary offense is smoking outside the space that is determined to be the easiest.

Regarding the regulation of disciplinary offenses, it can be noticed that there is an inaccuracy in prescribing, because it is not clear what can be classified for a particular offense. Thus, it is problematic that as the act of the offense is not explicitly prescribed, so many actions can qualify if the offense. For example, “unruly, rude and aggressive behaviour that is obstructing life and work in the penitentiary institution” is envisaged as a minor disciplinary offense. “Everything and anything” can really be classified as such an offense. Such inaccuracy is especially problematic for the convict, because it is difficult for him to know what is forbidden in this case. It is also problematic for the one who decides whether to file a disciplinary report to interpret such a provision. Finally, the body conducting the disciplinary proceedings must make a final “judgment” on the matter.

Nelson Mandela’s Rules concerning disciplinary responsibility and offenses in Articles 36, 37 (a), 38.1 and 39.1 and 39.2 anticipate:

”36. Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.

penitentiary institution; 9) jeopardizing, damaging or destruction of property of a larger scale; 10) refusal to carry out a legitimate order of an authorized person due to which a graver harmful consequence has occurred or could have occurred; 11) jeopardizing of another person’s health committed on purpose or through gross negligence; 12) manufacturing, possession or consumption of narcotic drugs or psychoactive substances; 13) gross negligence of personal hygiene unless where such gross negligence of personal hygiene has occurred due to a physical or mental illness; 14) pursuit of chance games; 15) resistance to a medical check-up or measures aimed at prevention of threat of contagion; 16) instigation of a person deprived of liberty to commit a graver disciplinary offence; 17) neglecting an obligation to work that has caused or could have caused a graver harmful consequence; 18) training on a method of committing a criminal offence based on the personal or other person’s experience; 19) a graver abuse of granted extended rights and privileges; 20) improper, violent or offensive behavior towards an employee; 21) illegal taking possession of other persons’ movable property; 22) repeating of at least three minor disciplinary offences over a period of three months; 23) refusal by a convicted person to undergo a test in case of reasonable doubt as to taking narcotic drugs or psychoactive substances.

6 Minor disciplinary offence shall be: 1) jeopardizing and interfering with carrying out of work and leisure activities by an-other convicted person; 2) leaving the premises of the penitentiary institution or the work site and workshop of the penitentiary institution without permission; 3) carrying the tools and other material means out of the workplace; 4) mutual buying and selling clothes, footwear, medicines and other objects; 5) gambling; 6) preparation of meals, beverages or food outside of the space intended for such purposes; 7) putting tattoos on and body piercing of own or another person’s body in the penitentiary institution; 8) jeopardizing and damaging of property; 9) impairing the appearance of the penitentiary institution; 10) unauthorized use of and entering in premises for official use; 11) minor abuse of the special rights granted; 12) possession of objects that a convicted person must not possess on them; 13) unruly, rude and aggressive behavior that is obstructing life and work in the penitentiary institution; 14) unauthorized manufacturing of objects; 15) smoking outside of the spaces designated for that purpose; 16) neglecting of obligation to work; 17) refusal to carry out a legitimate order of an authorized person; 18) unauthorized use of objects; 19) enabling access to the penitentiary institution space to the unauthorized persons; 20) offensive behavior towards another person on the grounds of any personal characteristic; 21) provision of false information on the facts of relevance for exercising of a right.



37. The following shall always be subject to authorization by law or by the regulation of the competent administrative authority: (a) Conduct constituting a disciplinary offence;

38.1. Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.

39.1. No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence.

39.2. Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established, and shall keep a proper record of all disciplinary sanctions imposed.”

Also, in a similar way, the European Prison Rules in Articles 56 and 57 prescribe:

”56.1 Disciplinary procedures shall be mechanisms of last resort.

56.2 Whenever possible, prison authorities shall use mechanisms of restoration and mediation to resolve disputes with and among prisoners.

57.1 Only conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence.

57.2 National law shall determine: a. the acts or omissions by prisoners that constitute disciplinary offences; b. the procedures to be followed at disciplinary hearings; c. the types and duration of punishment that may be imposed; d. the authority competent to impose such punishment; and e. access to and the authority of the appellate process.”

Having in mind the international regulations, it can be determined that the national regulations are in full compliance with international standards in the part that refers to the manner of prescribing and defining disciplinary offenses.

DISCIPLINARY PROCEDURE

A convicted person can be punished only if he is proven guilty of a disciplinary offense in a disciplinary procedure. Disciplinary proceedings are regulated by the ZIKS and the Rulebook on disciplinary proceedings against convicted persons (Official Gazette RS, 79/14).

In this part of the paper, we will mention only a few aspects of the disciplinary procedure. Namely, every employee in the institution is obliged to report a disciplinary offense committed by a convicted person immediately upon learning about it. A convicted person who has been harmed by a disciplinary offense may file a report in writing and orally in the minutes to the submitter of the proposal for initiating disciplinary proceedings. Second, the proposal for initiating disciplinary proceedings is submitted by the head of the organizational unit of the institution or a person designated by him, within 48 hours of learning of the committed crime. For more serious disciplinary offenses, a proposal to initiate proceedings may also be submitted by the director of the institution or a person designated by him. Thirdly, the procedure for serious disciplinary offenses is conducted by the disciplinary commission and for minor disciplinary offenses by the director of the institution or a person designated



by him, provided that the person or a member of the commission cannot be the submitter of the proposal for initiating disciplinary proceedings. And fourthly, the convict may file an appeal against the decision with the enforcement judge in charge of the seat of the institution within three days from the day of receipt of the decision.

Nelson Mandela's rules in Articles 37 (c) and 41 (1-4) provide:

"37. The following shall always be subject to authorization by law or by the regulation of the competent administrative authority: ... (c) The authority competent to impose such sanctions;

41.1. Any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.

41. 2. Prisoners shall be informed, without delay and in a language that they understand, of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defence.

41.3. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. If the prisoners do not understand or speak the language used at a disciplinary hearing, they shall be assisted by a competent interpreter free of charge.

41.4. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them."

The European Prison Rules, in a similar way, in Articles 57.2 (b), 58 and 59 provide:

"57.2. National law shall determine: b. the procedures to be followed at disciplinary hearings;

58. Any allegation of infringement of the disciplinary rules by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.

59. Prisoners charged with disciplinary offences shall: a. be informed promptly, in a language which they understand and in detail, of the nature of the accusations against them; b. have adequate time and facilities for the preparation of their defence; c. be allowed to defend themselves in person or through legal assistance when the interests of justice so require; d. be allowed to request the attendance of witnesses and to examine them or to have them examined on their behalf; and e. have the free assistance of an interpreter if they cannot understand or speak the language used at the hearing."

After the analysis of the international normative framework, it can be confirmed that the national regulations are in full compliance with international standards in the part related to the conduct of disciplinary proceedings against convicted persons.

DISCIPLINARY MEASURES

Disciplinary measures are repressive measures imposed on a convicted person. Although the ZIKS does not determine the purpose of imposing disciplinary measures, it can justifiably be said that it is primarily similar to the purpose of imposing criminal sanctions. We are of the opinion that it would be justified to regulate the purpose of punishment by the ZIKS. In accordance with the principle of legality, only those disciplinary measures prescribed by the ZIKS can be imposed on a convict.



Disciplinary measures are: 1) the reprimand; 2) restriction or prohibition of the receipt of packages for up to three months; 3) withdrawal of granted extended rights and privileges referred to in Article 129, paragraphs 1 and 2 of this Law for up to three months; 4) restriction or prohibition of the disposal of money in the penitentiary institution for up to three months; 5) referral to solitary confinement during free time or during the entire day and night.

If we look at the order in which they are prescribed, the mildest disciplinary measure is reprimand and the most severe solitary confinement. And indeed, it seems justified to accept that this is the view from the point of view of the majority of convicts. But there are certainly a number of exceptions. There are also convicts whose solitary confinement is not the most difficult disciplinary measure, because it is almost the only way when a convict can be alone - separated from other convicts. Namely, in the Republic, the right to "joint imprisonment" applies, with the exception that there are special categories of convicted persons (Milić, 2020: 330), and ZIKS does not determine how many convicts can be in one room, but only prescribes that the dormitory must be so spacious that each convict has at least eight cubic meters and four square meters of space.

According to the provisions of the ZIKS, the disciplinary measure of solitary confinement is imposed exceptionally, only for more serious disciplinary offenses and cannot last longer than 15 days, except for the acquisition of disciplinary offenses when it can last up to 30 days. The room in which the measure is executed must have at least four square meters and ten cubic meters of space, must be airy, lighted and equipped with a bed, bedding, a chair and a table, while access to water and sanitary facilities for the convicted person is unlimited. The convict has the right to stay outside the room in the fresh air for at least one hour a day. During the execution of the measure, the medical examination of the convict is obligatory every day for both the director and the educator at least once in seven days. If the doctor determines that the solitary confinement affects the worsening of the convict's health condition, the execution of the measure will be terminated and will continue after the cessation of health reasons. The law limits the total stay of a convict in a room where a disciplinary measure is carried out to six months during one calendar year.

Nelson Mandela's rules in the part relating to disciplinary measures and disciplinary punishment in Articles 37 (b, d), 39 (2), 43 (1) and 45 (1) prescribe:

"37. The following shall always be subject to authorization by law or by the regulation of the competent administrative authority: ... (b) The types and duration of sanctions that may be imposed; (d) Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation.

39. 2. Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established, and shall keep a proper record of all disciplinary sanctions imposed.

43. 1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited: (a) Indefinite solitary confinement; (b) Prolonged solitary confinement; (c) Placement of a prisoner in a dark or constantly lit cell; (d) Corporal punishment or the reduction of a prisoner's diet or drinking water; (e) Collective punishment.



45. 1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.

European Prison Rules, in a very similar way, in Articles 57.2 (c), 58 and 59 prescribe the manner of defining disciplinary measures and the manner of their execution:

"57.2 National law shall determine: ... c. the types and duration of punishment that may be imposed;

60.1 Any punishment imposed after conviction of a disciplinary offence shall be in accordance with national law.

60.2 The severity of any punishment shall be proportionate to the offence.

60.3 Collective punishments and corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman or degrading punishment shall be prohibited.

60.4 Punishment shall not include a total prohibition on family contact.

60.5 Solitary confinement shall be imposed as a punishment only in exceptional cases and for a specified period of time, which shall be as short as possible.

In the part related to disciplinary measures and the manner of their execution, it can be stated that there is an obvious harmonization of the domestic legal framework with the minimum international standards.

Consequences of imposing disciplinary measures and deletion from the records

A convict who has been disciplined is considered an undisciplined convict. This means that in addition to the disciplinary measure imposed on him, he can or must suffer other legal consequences, such as those related to his position in the penitentiary and the rights he could exercise according to the KZ. The convict is subsequently classified in the group with a lower degree of extended rights and benefits on the basis of the imposed disciplinary punishment for a more serious disciplinary offense. The convict may subsequently be classified in the group with a lower degree of extended rights and benefits on the basis of the imposed disciplinary punishment for a minor disciplinary offense. According to the Criminal Code, there is one unfavourable solution for convicts, and it concerns conditional release. Namely, the law stipulates that a convict who has been punished twice for serious disciplinary offenses while serving his sentence and whose benefits have been taken away cannot be released on parole. Such a solution can have a multiple negative impact on the behaviour of the convicted person after disciplinary punishment.

However, a disciplined convicted person cannot always be considered punished, as this can only be the case if he or she is entered in the records of disciplinary measures. A disciplinary measure shall be deleted from the records of disciplinary measures if a new disciplinary measure is not imposed on the convict within one year from the day of the imposed disciplinary measure for minor offenses, and within three years from the date of the imposed disciplinary measure for more serious disciplinary offenses. Such a decision is completely justified and it can be said that in a certain way it reminds of the rehabilitation of convicted persons, which refers to the deletion from the criminal records. In this case,



the convicts are deleted from the records of disciplinary measures *ex officio*, so there is no possibility that the convict himself requests to be deleted from it earlier.

CONCLUSION

The authors dedicated the paper to the issue of concurrence of the national normative framework of the Republic of Serbia with the international minimum standards contained in the Nelson Mandela's Rules and the European Prison Rules in the field of disciplinary responsibility of convicted persons. Based on the analysis of the national framework in the part related to the basic rights and duties of convicted persons, as well as determining their position in penitentiary institutions determined by the scope of fundamental rights and the possibility of using extended rights (benefits), the provisions of Serbian criminal executive law and minimum international standards relating to disciplinary liability, disciplinary offenses, disciplinary proceedings and disciplinary measures are comparatively analysed and presented. The application of the normative and comparative method established the undoubted harmonization of the national and international normative framework in this area, but due to the scope of this paper, the part related to the practice of disciplinary punishment of convicted persons in the Serbian penitentiary system was missing and will be part of the author's next analysis.

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