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IS THE NEW ACT ON PREVENTION OF DOMESTIC
VIOLENCE MANIFESTATION OF
SO CALLED SECURITY LAW?

SUMMARY

The paper is devoted to a critical examination of the effects and scope of the new Act on Prevention of Domestic Violence. Placing it in the framework he refers to as the specialisation of criminal law in Serbia, the author undertakes to present criminal policy arguments against the underlying premise of the Act. By arguing the lack of justification for its introduction into the legal system, on the ground that it was not preceded by any extensive research into the state of this socio-pathological phenomenon, the author simultaneously identifies, by way of a brief genealogical analysis, the extreme dogma of the women's rights movement as both a source of value on which the Act rests, and a source of all of its adverse effects on the legal system in general. The value source from which the Act's solutions derive is one-sided, plain and prejudiced view of the relations between genders rather than care for the state of affairs in a family in the Serbian society. In fact, what this Act concerns itself

with is overstating the human rights of women in relationships with men, where women are the alleged victims of gender-based violence, rather than preventing the adverse effects of aggressive tendencies on harmonious and balanced family relationships. The means by which it does so is extremely questionable and doubtful, as it introduces the categories of possible perpetrator of violence, who is in fact the future criminal offender, domestic violence risk assessment, which is a kind of prediction that someone will commit a criminal offence, responsibility that shifts back, which means before the criminal prosecution takes place or before anyone is even suspected, which thus represents some kind of criminal procedure for the offence yet to be committed in the future or, better yet, a future criminal procedure. On the whole, in drafting this Act, the lawmaker sailed into what would law consider *uncharted waters* – those that very few, even from the science fiction, ever ventured in, and even they with difficulty. Evidently, this venture is another embodiment in science of a legislative phenomenon described as the so-called security law. But, it would still, at least in Serbia, be its worst face. The one conceived to undermine the most important institution of any society – the family.

Key words: domestic violence, family, crime suppression policy, feminist movement, victim, woman, criminal law

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THE ROLE OF FORENSICS IN DIGITAL IMAGE FORGERY DETECTION

SUMMARY

Considering that the development of information technology has completely changed the way of accessing, processing and sharing of information, and that nowadays, thanks to the Internet, the vast amount of information is literally at our fingertips, negative consequences of this phenomenon increasingly come to the fore, especially when it comes to multimedia data. Thanks to the sophisticated softwares, it has become relatively easy to preform manipulation of the image, audio or video material in order to undermine their integrity and authenticity without leaving any trace that man can visually notice.

This paper analyses the current problem of manipulation of the digital image which role may be to hide, emphasize or to completely change some specific information in the image, with consequences ranged from trivial to catastrophic ones. Moreover, the focus of this paper is the role of digital forensics in detecting and proving performed manipulations.

Regarding to this, the paper briefly describes the most common manipulations that can be performed on the image, copy-move or cloning and splicing or photomontage. Copy-move manipulation is achieved by copying a specified region of the original image and pasting it to another part of the same image in order to conceal useful information, while splicing manipulation is achieved by combining parts of two different images into one, final image. This paper also presents concrete examples of copy-move manipulations done in Corel Photo Paint X5 program, as well as changes in the image histograms caused by the manipulation, which proves that the image has undergone some changes. However, every manipulation of the image leads to disrupting of certain regularities that each image owns and which originate from the natural environment, the camera and the image itself. It is exactly these regularities and their deviations that detection techniques are based on. Accordingly, we distinguish detection techniques based on statistics, geometry and physics, then detection techniques based on sensor and noise of the camera that is used, and lastly detection techniques based on the format and quality of the image, compression and so on.

The paper also discusses the active and passive approach of digital forensics in accordance with ability to modify the process of generating images itself by inserting specific identification marks such as watermark or digital signature. At the end, the process of forensic technique based on the image format, so-called double JPEG, is described. It is shown how the double compression, which is almost inevitable in the process of manipulation, introduces some specific effects that do not exist in the single compressed image.

The aim of this paper is to highlight the need and importance to preserve the identity and authenticity of digital images, as well as to point to the possibilities of manipulation of the image, and finally, if the manipulation has been performed, to reveal it and irrefutably prove it, and digital forensics certainly plays the main role in it.

Key words: digital image, forgery, double JPEG, digital forensics

UDK 342.726:343.261-052; 343.85:343.412

PREGLEDNI NAUČNI RAD

Prihvaćen: 8.3.2017.

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NATIONAL MECHANISMS FOR THE PREVENTION OF TORTURE WITHIN THE WIDE MANDATE INSTITUTIONS – FOCUS ON THE INDEPENDENCE

Abstract: The prohibition of torture is prescribed in numerous relevant international instruments, starting with the Universal Declaration on Human Rights. Today, the main document is the Convention against torture, which gives the universally accepted definition of torture. States obligation is to criminalize torture on the national levels. Barring in mind the necessity of the prevention of torture, numerous States became State parties of the Optional Protocol on the Convention against Torture and established or designated national mechanisms for the prevention of torture (NPM) – places of detention visiting bodies. The fundamental issue of the NPM is establishing and preserving their independency, which should be guaranteed by the State. Particular problem is independency of wide mandate institution designated as NPM, as well as the autonomy in performing NPM activities within that institution. Full organizational, functional and financial autonomy of special organizational unit or department inside the wide mandate institution should be established, in order to have the efficient, independent NPM. In this article, basic principles for the achievement of independency of the NPM within the wide mandate institution are elaborated in detail.

Key words: NPM, OPCAT, National Preventive Mechanism, Prevention of Torture, Ombudsman, NHRI, Independence, Autonomy.

NPM aktivnosti u okviru te institucije. Neophodno je obezbediti punu organizacionu, funkcionalnu i finansijsku anotonomiju posebne organizacione jedinice ili odeljenja u okviru institucije širokog mandata, kako bi NPM mogao da bude efikasan i nezavisan. U ovom članku, detaljno su elaborirani osnovni principi za postizanje nezavisnosti NPM-a u okviru institucija širokog mandata.

Ključne reči: NPM, OPCAT, Nacionalni preventivni mehanizam, Prevencija torture, Ombudsman, NHRI, Nezavisnost, Autonomija.

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LEGAL DIFFICULTIES IN THE DELIMITATION OF THE CRIME AND MISDEMEANOR

SUMMARY

The paper deals with the issue of demarcation of the misdemeanor and criminal responsibility. The issue of demarcation is more difficult due to the fact that there are a number of misdemeanor and criminal offences dealing with the same issues. This problem is particularly pronounced in case acts that combine characteristics of the criminal and misdemeanor offenses, such as domestic violence, traffic accidents, endangering the life or safety of another person, drug abuses, unlawful carrying and possession of weapons and ammunition and similar crimes. Thus, for example Production and Sale of Narcotic Drugs Law of the Republic of Srpska in Article 4, paragraph 1, prohibits the manufacture,

sale and possession of narcotic drugs, and the same actions are incriminated as a criminal offense in the Criminal Code of the Republic of Srpska in Article 224. In this situation, Minor Offences Law of the Republic of Srpska in Article 8, paragraph 3 gives priority to the criminal prosecution. In these cases, police should file criminal charges with the competent prosecutor's office, without starting misdemeanor proceedings by submitting a request to initiate misdemeanor proceeding.

Key words: crime, a misdemeanor offense, legal difficulties, the distinction between criminal and misdemeanor offenses, domestic violence, drug abuse.

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COMMAND RESPONSIBILITY IN CASE
OF IVANA MATSUI

SUMMARY

Command responsibility as a special form of the responsibility creates some issues in the process of evaluating its elements. The practice of the International Criminal Tribunal for the Far East indicated the problems that have arisen as a result of arbitrary interpretation of the content of command responsibility and attempt of creating a unified indictment. The specific case noted that certain elements of command responsibility of the individual who has effective control over his subordinates, were not enough, if at the same time imperium over him had his prime minister or official responsible for the operation of the Ministry of War and, as such, did not take the necessary measures in his jurisdiction. In this way, there are difficulties in starting criminal proceedings, because the holder of command responsibility could not be easily determined.

Key words: Tokio process, command responsibility, guilt.