

The conditions for compensation and release on parole in the judicial practice of penitentiary judges (2020)

A comprehensive jurisprudence-analysis on the judicial practice of penitentiary judges with particular regard to reintegration custody (2017) has already dealt with the law of enforcement of criminal sanctions, the newly established working group aims at carrying out an investigation related thereto by taking into account that both of the legal instruments currently under research will be modified by the legislator in the foreseeable future, which may make the examination of certain issues devoid of purpose.

As of 1 January 2017, the power of granting a judicial compensation for detention conditions violating fundamental human rights has been vested, as a *sui generis* legal instrument, in penitentiary judges, thus replacing civil court proceedings and applications to be submitted to the European Court of Human Rights. The present examination was proposed, in the Fall of 2019, by the President of the National Office for the Judiciary, six high courts and the Prosecutor General primarily due to the large number of problematic issues and to discrepancies in the judicial practice of penitentiary judges.

The set of conditions of release on parole has been changed as of 1 January 2018. This topic is to be addressed from the point of view of how the modified conditions have been implemented in the practice of penitentiary judges.

These are two fields of law which do not fall within the Curia's ordinary remedy competencies, hence, the working group's investigation primarily has to explore the lower courts' case-law in that regard.

The jurisprudence-analysis will be based on final court decisions and will be open to additional issues beyond those already determined. The stakeholders concerned who raise such additional issues will be expected to deliver solutions, believed by them to be right, thereto.

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