

Conclusion

This is an ongoing research and it is too early to come up with a final conclusion. Now the ICC is about to celebrate its eighth birthday. So far, the Court has not given a final judgment over any case before it. Many powerful commanders, ministers and even a Head of a State have been prosecuted by the ICC and are issued with arrest warrants, but they do remain at large. A number of States have extended their solidarity towards these alleged offenders and query the legitimacy the Court. However, the ICC highly relies on State cooperation in its investigations and prosecutions of cases, and seems to be failed in winning good will of many States. Up to now there are 114 States parties⁶³ to the Rome Statute and Sri Lanka is neither signed nor ratified the ICC Statute. Recently Bangladesh became a member to the World Court and marked the first State party in the South Asia. However, a number of powerful States, including China, India, Russia and USA are critical of the Court and have not joined. The Crime of Aggression was agreed to be defined after 10 years from its inception but has not been done yet. Though it is premature to assess the absolute outcome of the ICC, maintaining its credibility has become a fundamental concern for the World Court in order to ensure its sustainability.

Alternatives to Imprisonment: From Institutional Based Corrections to Community Based Corrections as a Means of Prevention of Reconviction and Recidivism in Sri Lankan Context

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Background of the study /Introduction to the study

Controlling the reconviction and recidivism is one of the important aspects of crime prevention or crime controlling process. Reduce the opportunities for commission of crimes by adjusting the environmental settings and strengthen the criminal justice system especially the punishment system are equally important in selection and determination of crime prevention methods for a recidivist or a reconvicted person. Since the offenders are considered as an unwanted group in terms of their social status and as the persons perhaps

⁶³ <http://www.icc-cpi.int>

vulnerable, they need more support services or treatment for their rehabilitation and reintegration into the society as law abiding citizens. Therefore, the penal system in a country should look at all three approaches of punishment namely punitive, preventive and therapeutic approaches in the infliction of wrongdoers. Imprisonment, the commonest mode of punishment represents all the above said three approaches.

However, many countries in the world are faced with an ever-increasing number of offenders being held in overcrowded prisons today. The majority of offenders are people who have committed relatively minor offences. It is also widely identified that prisons have failed in their task of intervening in the vicious circle of offending and reoffending resulting in most prisoners becoming recidivists. Sri Lanka is not an exception to this situation. This condition reduces the likelihood of reintegration the offenders into society and deprives using the available correctional resources in prisons to treat the offenders in fruitful manner. Among the other persuasive factors this situation leads to increase the reconviction and the recidivism rate and further leads to the violation of the rights of the offenders. In order to overcome this serious issue, there have been new modes of punishments that have been introduced as options to offended accused such as probation, conditional discharge, imposition of a suspended sentence and community based correction aiming at rehabilitating the offender in a novel manner.

Objectives of the research

Therefore the study mainly attempts is to discuss whether the community based correction is a better crime prevention strategy over the institutional based correction which could be successfully used to reduce the recidivism rate highlighting the salient provisions in the alternative sentencing laws in the country. The paper will further attempt to examine other counter measures to overcrowding in the prisons which also relate to the reduction of the reconviction and recidivism. To achieve the above said goals, theories of punishment with special reference to rehabilitation, international standards relating to community based corrections, imprisonment over community based correctional measures including their merits and demerits, the procedural steps taken by the Department of Prisons that enables the prisoners to spend the time away from the prisons temporally or otherwise and the constitutional provisions provides for the grant of remissions of punishment and pardons will be discussed.

Main research problem

Is the community based corrections a better solution to reduce reconviction and recidivism rate?

Hypothesis

The judicial system dose not appear to have adequate confidence in alternative sentencing methods and community based corrections are not utilized in successful manner.

Method

This research is basically based on both library and fields research. The library research is based on reviewing of publications such as books written on penal theories and prison studies with special reference to correction and reintegration, by experts in the fields of Criminal Justice and criminology and research articles published in journals written by the scholars in the same disciplines. Reports on the same area are also critically evaluated under literature review. Further, the information gathered from the internet is used to complete this article.

Field research includes interviews and discussions with Prison Officials, Magistrates and Inmates (prisoners). This further includes the participant's observations which means observe the field and interpret what researcher observed. It is also important to note that some of the information that the writer gathered is from a previous research study in the area of criminal justice which the author has submitted and discussed at another forum.

Research findings

*Imprisonment is the commonest mode of punishment other than imposition of fines in Sri Lanka.

*About 90 percent of the convicted prisoners are sentenced with short term imprisonment which is for a period of less than two years.

*Many of them who have committed minor offences and default of payment of a fine are sentenced with short term imprisonment.

*These prisoners are not provided sufficient time to learn a skill or other vocational training and they are put into the cleaning group (party) or kitchen group.

*A parole or work release system is not available to them.

*From the year 2000 the reconvicted and recidivism rate has been gradually increased and from 2007 the number of the direct admission of reconvicted prisoners and recidivists is higher than first offenders.

*These reconvicted offenders and recidivists commit minor offences and sentenced with short term imprisonment.

*Community Based Correction is ideal for the offenders who have committed minor offences at first time and it is not a successful crime prevention method or a mode of punishment for hard core criminals and for grave crimes.

*Poor implementation of laws and the reluctance of the courts to consider the community based corrections in first and imprisonment as the last resort in the imposition of punishment.

*Community based corrections are not imposed on women offenders.

Conclusion

Since the prison system also plays a vital role in the criminal justice system, an effective function of this institution is essential for both crime prevention and crime control and for successful criminal justice system. Although, the prison system in Sri Lanka was introduced and put into practice, several rehabilitation techniques which aimed at contributing to the maintenance of a safe and just society by reducing the level of repeated offences, the goals could not be achieved yet due to some problems including the overcrowding of the prisons. Therefore as a solution, with imprisonment as the last resort, imposing alternative sentencing such as community service, probation, conditional discharge of the offenders, suspended sentencing could be used more often than imprisonment could be recommended.