

Rule of Law - South East Europe

Press Review January 2020

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Regional

Poor Progress for Human Rights in the Balkans, HRW Report

<https://balkaninsight.com/2018/01/18/balkan-countries-still-facing-old-human-rights-issues-01-18-2018/>

January 18, 2020 – BIRN, Belgrade, Maja Zivanovic

Attacks on journalists, discrimination against minorities, poor protection of refugees and lack of political will to prosecute war crimes remain problems in most Balkan countries in 2017, Human Rights Watch's World Report 2018 said.

Human Rights Watch, HRW, in a new report published on Thursday said that countries in the Balkans still face old human rights problems, such as attacks on journalists, discrimination against minorities, poor protection of refugees and lack of political will to prosecute war crimes. "The past year showed the importance of pushing back against the threat posed by demagogues and their abusive policies," HRW Executive Director Kenneth Roth said in the introduction. The report said that political leaders willing to fight for human rights principles showed that they could limit authoritarian populist agendas. World Report 2018 summarizes key human rights issues in more than 90 countries and territories worldwide.

Bosnia

In its report, HRW said that there was little visible progress on human rights during 2017 in Bosnia. "Authorities failed yet again to end structural and political discrimination against Jews, Roma, and other minorities," it said.

The report noted only limited progress towards accountability for war crimes in Bosnia's courts. The goal, to finish the most complex cases in the War Crimes Chamber of the State Court by the end of 2015, has not been reached. It added that LGBT people face hate speech and threats. It underlined also that more than 98,000 people remain displaced from their original homes, despite the fact that the 1992-5 conflict ended more than 20 years ago.

Croatia

HRW pointed out that during last, Croatia forced back asylum seekers and migrants who entered the country from Serbia without examining their asylum claims. The report recalled that in July, the CJEU ruled that Croatia breached EU law by allowing asylum seekers and migrants to cross into Slovenia and Austria without first examining their asylum claims.

"Asylum seekers and refugees continued to face social isolation and difficulties in accessing language classes, education, and employment," the report said and added that unaccompanied migrant and asylum children continued to be placed in residential institutions for children without adequate arrangements for their protection and care. "Out of 30 registered unaccompanied children, only one had been enrolled in school for the academic year of 2017/2018," it said.

HRW noted discrimination against people with disabilities and members of national minorities. It also added that the Croatian judiciary continued to make only slow progress on war crimes accountability.

Kosovo

HRW said slow progress on human rights in Kosovo was accentuated by a political deadlock following early general elections in June, with a government only formed in September. It noted that the new special court established to try serious war crimes committed during the 1998-1999 Kosovo war was now operational and expected to file its first indictments. The report added that tensions between the country's ethnic Serbian minority and majority Kosovo Albanians continued, particularly in the north. It also noted that Roma, Ashkali, and Egyptian communities continue to face discrimination and that the process of normalizing Kosovo's relations with Belgrade had made limited progress.

Serbia

HRW noted limited progress in closing the gap between Serbia's human rights obligations and its practice. The report said that reception conditions for asylum seekers remained poor and the asylum system was flawed, despite the numbers of persons seeking protection falling. The report added that progress on war crimes prosecutions also remained slow. "War crimes prosecutions were hampered due to lack of political support, insufficient staff, and other resources at the Office of the War Crimes Prosecutor, and weak witness support mechanisms," the report read.

It noted that few high ranking officials implicated in serious wartime abuses had been held to account in Serbian courts. HRW said slow progress on human rights in Kosovo was accentuated by a political deadlock following early general elections in June, with a government only formed in September. It noted that the new special court established to try serious war crimes committed during the 1998-1999 Kosovo war was now operational and expected to file its first indictments.

Corruption Fight Faltering in Balkans, Central Europe, Transparency Says

<https://balkaninsight.com/2020/01/23/corruption-fight-faltering-in-balkans-central-europe-transparency-says/>

January 23, 2020 – BIRN, Belgrade, Milica Stojanovic

The watchdog's latest Corruption Perceptions Index for 2019 suggests that countries in Southeast and Central Europe are either making no progress in the fight against graft – or going backwards. The rankings of most Southeast and Central European countries declined in the latest Global Perceptions Corruption Index, which the watchdog organisation Transparency International published on Thursday.

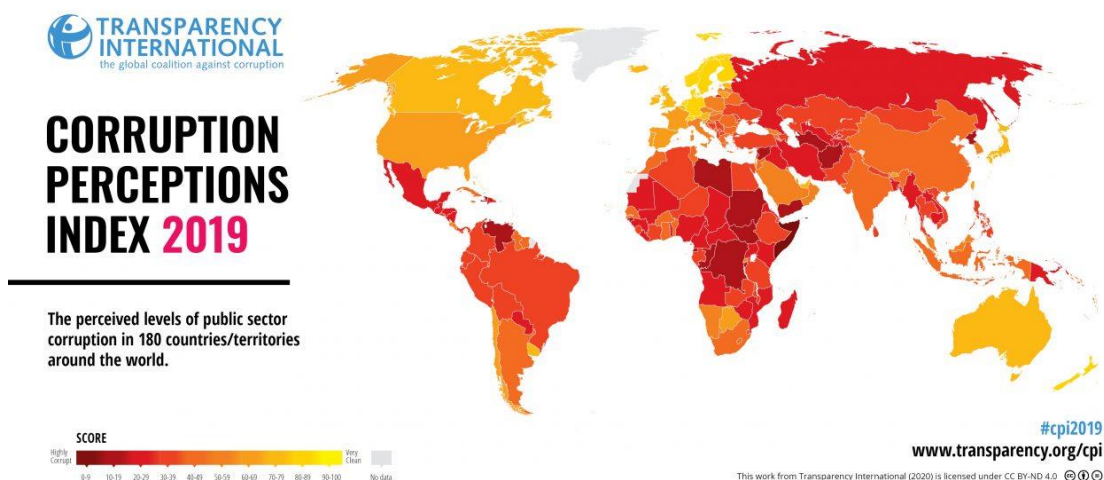
Bosnia and Herzegovina and North Macedonia scored worst in the Western Balkan region with 36 and 35 points respectively, which put them in 101st and 106th place on a list of 180 countries. Both declined from last year, when Bosnia was ranked in 89th place, with 38 points, and North Macedonia came in 93rd place, with 37 points. Bosnia shares its 106th place with Albania, which also declined in the rankings. It came in 99th place last year. Bosnia's western neighbour, EU

member Croatia, fell from 60th place last year to 63rd place in 2019, its score declining from 48 to 47 points.

The scores for its eastern and southern neighbours, Serbia and Montenegro, did not change. Serbia, however, fell in the rankings from 87th to 91st place, while Montenegro slightly improved its position, moving up from 67th place in 2018 to 66th place in the 2019 list. Moldova scored worst in the whole of Southeast and Central Europe. With 33 points, it ranked in 120th place on the list.

Greece, on the other hand, saw the biggest improvement in Southeast Europe, scoring 48 points and ranking in 60th place. This year's Transparency International report also compared the latest results with those from 2012. In that context, in the Balkans, Bosnia's result again appeared concerning, revealing a consistent decline. "With a score of 36, Bosnia and Herzegovina significantly declined by six points on the CPI since 2012," the report noted.

Turning to Bosnia's specific problems, it noted: "The country also suffers from weak enforcement of campaign finance regulations. During the 2018 elections, political parties and civil society organizations raised concerns over voting irregularities, threats against voters, the misuse of public resources and unequal access to the media."



Global Corruption Perception Index for 2019. Photo: Transparency International

The organisation divides all countries into six geographical groups: Americas, Western Europe and the EU, Eastern Europe and Central Asia, Middle East and North Africa, Sub-Saharan Africa and Asia Pacific. It then measures perceived levels of corruption in each state and awards points from 0 to 100. A score of 100 points means "very clean" and 0 means "highly corrupted". Based on the score, TI then compiles a ranking list.

Lidija Prokic, from Transparency International, told BIRN that the scores were in some ways more important than the ranking. "Rank is good in the sense that it gives us a picture of where a particular country stands in the wider and regional environment," she explained. "But when we look at what is happening at a level of the country, it is more important for us to look at the score, because then we can see if there is any notable improvement or decline," she said. Prokic told BIRN that, on average, the group of countries containing the Balkans scored higher only than the African countries.

Looking at these countries as a whole, she said TI detected an overall declining trend. “We see a lot of effort to weaken the regulations that require disclosure of party campaigns [expenses],” she told BIRN. Efforts could also be seen to “bring money from unknown sources to political life”, she added. “What certainly influenced the score is governments’ efforts to limit the space for civil society, limit the possibility for independent control and silence critical voices,” she added. EU countries in Central Europe ranked higher than countries in the Balkans. Poland was ranked in 41st place, the Czech Republic in 44th place and Slovakia in 59th place.

But some EU member countries in Central Europe and the Balkans lagged far behind. Hungary and Romania both came in 70th place and Bulgaria was even lower down, in 74th place. As for the winners, there were few surprises. Eight of the top ten places on the list went to EU countries in Western Europe, namely Denmark, Finland, Sweden, Netherlands, Germany and Luxembourg and also Switzerland and Norway. The only two from outside the region were New Zealand and Singapore. All of them scored 80 to 87 points. Prokic said that in the field of regulation and institutional integrity, those countries were still in a better position than many non-EU states, but the trends were worrying.

Albania

Albania deports first Gullenist supporter to Turkey

<http://www.tiranatimes.com/?p=143812>

January 3, 2020 – Tirana Times

Albania ordered the first deportation of a member of the Gulen movement to Erdogan's Turkey on Wednesday evening, January 1, 2020, raising concerns about violations of fundamental human rights.

State police said they deported Harun Celik, 42 years old, a teacher by profession, who was arrested five months ago in an attempt to flee to Canada. Social networks reacted on Wednesday on the news of Celik being sent to Rinas Airport while an hour later, State Police spokesman Gentjan Mullai confirmed to regional media that the person in question was "expelled from the country."

"The person was in jail after being apprehended by the Rinas border police with false documents. Pursuant to the 'aliens' law, he will be expelled," Mullai said. The office of Prime Minister Edi Rama said when asked by BIRN that "sentencing is a matter of legal proceedings not related to the prime minister." Through this act, Albania joined a small number of states that obey Turkish President Recep Tayyip Erdogan's request to send to Turkey any person linked to the Gulen global movement, which he accuses of being the mastermind of the 2016 failed state coup. (...)

A lawyer for Celik told the Voice Of America that actions against his client were in violation of the law and that the prosecution should investigate these unlawful acts. According to lawyer Alban Bengasi had told his legal representative that he had left Turkey as a supporter of the Gülen movement because of threats to his life. According to Bengasi, he was caught at Rinas airport with fake documents traveling to Canada and he spent several months in detention in Albania. The lawyer said that "Celik asked for political asylum officials but this was rejected by the prison police authorities."

Police spokesman Gent Mullaj told Voice of America that the Turkish citizen "was convicted and released from prison on Wednesday ...under the law on aliens, legal procedures for leaving Albania have been undertaken." Asked by Voice of America if Celik had sought protection from Albania as an endangered political activist in his country, the spokesman replied that "there was no further information." Lawyer Bengasi said it is unusual for a person detained for falsifying documents to be held in custody for so long while adding his client's further fate, after deportation, is unclear. (...)

Albania Opposition Claims New Justice Inspector is 'PM's Servant'

<https://balkaninsight.com/2020/01/21/albania-opposition-cry-foul-over-election-of-sp-connected-person-as-justice-inspector/>

January 21, 2020 – BIRN, Tirana, Gjergj Erebara

Albania's two main opposition parties protested the Socialist-controlled parliament's appointment of Artur Metani as High Inspector of Justice, claiming that it shows that the ruling administration controls the justice system.



Artur Metani, Albania's High Inspector of Justice, at parliament on January 20. Photo: Malton Dibra/LSA

The Democratic Party and the Socialist Movement for Integration, Albania's two main opposition parties, expressed anger after the Socialist Party-controlled parliament on Monday voted to appoint Artur Metani, a former State Attorney and brother of a Socialist Party MP, as High Inspector of Justice. Metani, 46, has had a career in state administration, including stints working for the cabinet of Socialist Prime Minister Edi Rama. He has also previously served as adviser to two presidents and is the brother of Socialist MP Eglantina Gjermeni.

As High Inspector of Justice, he will be responsible for probing administrative breaches by judges and prosecutors. Calling his election illegal and a party appointment, the Democratic Party said his appointment represents "clinical death" for the country's justice reform package, which aims to create a more professional and politically independent justice system in the country, which aspires to EU membership. "Dependent on [Prime Minister Edi] Rama for several years now, Artur Metani will not serve independent justice," the Democratic Party claimed in a statement following the vote. (...)

Albania is currently filling vacancies in several crucial institutions, including the Constitutional Court and High Court. It was intended that the posts would be filled by mutual agreement between parties in parliament, but the opposition withdrew from the legislature in protest a year ago. Metani has not spoken publicly about his appointment so far.

Venice Commission to Probe Albania's Media Laws

<https://balkaninsight.com/2020/01/23/venice-commission-to-judge-over-albania-controversial-media-law/>

January 23, 2020 – BIRN, Tirana, Gjergj Erebara

Pressure is growing on the Albanian government over its “anti-defamation” laws, after the Parliamentary Assembly of the Council of Europe, CoE, said it had asked its advisory body, the Venice Commission, for its opinion.

“The Monitoring Committee of the Parliamentary Assembly requested an opinion of the Venice Commission concerning the Albanian Law no. 97/2013 ‘on Audiovisual Media Service,’” the committee announced on its website on Wednesday. On Tuesday, Ana Pisonero, the European Commission spokesperson, repeated Brussels’ concerns about the laws to the Albanian media – noting also that the Albanian President shared those concerns.

“The European Union supports the European Council recommendations on this law. We see the fact that the President of Albania turned the law for further discussions in the Parliament as a possibility to address such concerns,” Pisonero told ABC News.

Unbowed by criticism, Taulant Balla, head of the ruling Socialist Party’s parliamentary group, announced on Facebook that the party would move forward with the two laws and over-ride the presidential veto. “We will dismiss the decrees of the President,” Balla wrote on Facebook. The laws create a Complaints Commission within the Albania Media Authority with the power to review the content of online media outlets and levy heavy fines if online media refuse to remove content that the commission deems questionable.

The laws were approved despite bitter protests from local and international rights organisations last December. But President Ilir Meta said he was concerned the laws were anti-constitutional and returned them to parliament. However, a simple majority in parliament, which Socialists have, allows them to over-ride Meta’s objections. After that, the laws will come into force. A vote against the presidential decree is scheduled for 30 January.

Transparency Questions over Albanian Effort to Rid Courts of Corruption

<https://balkaninsight.com/2020/01/24/transparency-questions-over-albanian-effort-to-rid-courts-of-corruption/>

Datum & Autor/Institution

Albania is vetting its judges and prosecutors to weed out those suspected of graft. But when an Italian expert hired to provide oversight objected to a prosecutor’s dismissal, his opinion was suppressed.

In late April 2019, judges of the Albanian Constitutional Court’s Special Appeal Chamber convened at short notice to consider a request by an Italian judge – hired to help oversee a vetting program to weed out corrupt judges and prosecutors – to make public his opposition to a decision by the Chamber to confirm the dismissal of a senior prosecutor called Antoneta Sevdari. The vetting program is the cornerstone of a major justice reform implemented by the

Socialist government of Prime Minister Edi Rama under pressure from the European Union and United States to tackle endemic graft in Albania, a NATO member and EU candidate country.

It is conducted by the Independent Qualification Commission, IQC, supported by an international team of career judges and prosecutors on the International Monitoring Operation, IMO, and who have the right to file dissenting opinions. Appeals against IQC decisions go to the specially-created Special Appeal Chamber, which on February 28, 2019 upheld an appeal by Albania's Public Commission against an IQC decision to keep Sevdari in office. The Chamber argued she had failed to provide full disclosure of her income – a red flag for corruption.

For the first time, however, the IMO observer assigned to the case – Italian judge Ferdinando Buatier de Mongeot – objected, and asked that his dissenting opinion be published alongside the Chamber's decision. Huddled in conference, the Chamber's judges voted 6-1 against the request, according to documents obtained by BIRN via a freedom of information request. The decision set a precedent for the handling of all future dissenting opinions from the IOM, and raises questions about the transparency of a vetting process intended to encourage public trust in the Albanian judicial system.

Buatier de Mongeot's opinion was eventually published in July 2019 on the webpage of the EU Delegation in Tirana but for Albania it remains officially under lock and key. Sevdari said she had been rebuffed when she asked the Special Appeals Chamber to see the document. (...)

Insufficient grounds for dismissal

Sevdari's dismissal was backed by four of five judges of the Special Appeals Chamber. The one dissenter, Ina Rama, argued that the prosecutor had indeed provided evidence of the source of her income and that of her husband but not that taxes had been paid on it. This, Rama argued, was not sufficient grounds for her dismissal. (...)

He asked that his opinion be published alongside the Chamber's verdict, in Albanian and English, according to a written request on April 25 from one of the Chamber's judges for the Chamber to consider the question, seen by BIRN. The call for the meeting specified that neither the law nor the Chamber's own internal rules regulated how such requests should be handled. (...)

Full disclosure 'not in public's best interest'

The Chamber ruled that IMO opinions cannot be published alongside the Chamber's final decisions nor be part of the case docket, according to documents provided to BIRN by the Chamber. The Chamber, however, refused a request by BIRN for the minutes of the meeting, agreeing only later to disclose the initial request for the meeting and the result of the vote. In response to a freedom of information request, the Chamber initially cited obstacles to the publication of the minutes under laws applying to privacy, trade secrets and patents, as well as the risk of "clear and serious harm to the administration of the vetting process."

When BIRN complained to Albania's Commissioner for the Right to Information, the Chamber's chairwoman, Natasha Mulaj, dismissed the previous citation of the law on freedom of information but affirmed the threat to the vetting process posed by publication of the minutes.

Publication, she wrote, "is not in the best interests of the public and could even result in misinformation." The decision taken and the initial request for the Chamber to meet were "sufficiently informative," Mulaj argued, and even a summary of the minutes would not in the public's interest.

The IMO did not respond directly to BIRN questions regarding whether the Chamber had tried to censor its team and how the case might affect its future work, but it did say that dissenting opinions would continue to be published on the website of the EU delegation.

"This practice will be maintained to give due public visibility to the stances of IMO International Observers," it said.

Bosnia and Herzegovina

Mothers of Srebrenica' File Euro Court Complaint Against Netherlands

<https://balkaninsight.com/2020/01/21/mothers-of-srebrenica-file-european-court-complaint-against-netherlands/>

January 21, 2020 - Dzana Brkanic, Sarajevo, BIRN

The Mothers of Srebrenica war victims' association filed a complaint against the Netherlands at the European Court for Human Rights, claiming that Dutch UN peacekeepers failed to protect Bosniaks who were killed in the 1995 massacres. The Mothers of Srebrenica association, representing more than 6,000 family members of Srebrenica genocide victims, has filed a complaint against the Netherlands to the European Court for Human Rights in Strasbourg, Dutch law firm Van Diepen Van der Kroef announced on Monday.

The association alleges that a Dutch battalion of UN peacekeepers failed to protect Bosniaks from Bosnian Serb forces in Srebrenica, which had been declared a 'safe zone' by the UN. Some 8,000 Bosniaks were subsequently killed. "The complaint against the Dutch state is that in July 1995 the Netherlands failed to take the measures within its powers to protect the men and boys in the safe area Srebrenica," Van Diepen Van der Kroef said in a statement.

The Dutch Supreme Court ruled in July 2019 that the Netherlands acted unlawfully because the Dutch battalion sent 350 Bosniaks out of the UN compound near Srebrenica despite the fact there was a danger that they would be killed. The court however ruled that the Netherlands had limited liability because there was a high chance that the Bosniaks would have been killed anyway even if they had stayed in the compound.

"However, there has been no factual debate in court about the men's chances. The Supreme Court's decision in this respect is entirely arbitrary," said the statement from Van Diepen Van der Kroef. The law firm argued that this constitutes a violation of the article in the European Convention on Human Rights guaranteeing the right to a fair trial.

Following the Supreme Court's decision, the Dutch government admitted responsibility. "Despite that, the state of the Netherlands has so far not expressed readiness to discuss a solution that would be in line with the Supreme Court's judgement, but the Mothers of Srebrenica association will continue its battle for justice," said Van Diepen Van der Kroef.

Bosnian Ex-Chief Prosecutor Tried for Abuse of Office

<https://balkaninsight.com/2020/01/28/bosnian-ex-chief-prosecutor-tried-for-abuse-of-office/>

January 28, 2020 – BIRN, Sarajevo, Haris Rovcanin

The abuse of office trial of Bosnia and Herzegovina's former chief state prosecutor, Goran Salihovic, opened in Sarajevo with the defendant describing the case against him as a "witch hunt".



Goran Salihovic. Photo: BIRN

The trial of Goran Salihovic opened at the Cantonal Court in Sarajevo on Tuesday, with the former chief prosecutor accused of spending around 41,000 euros of money that were earmarked for exhumations, interviews with witnesses and court experts in restaurants in Bosnia and on trips abroad. He is alleged to have committed the offence from early February 2013 to September 28, 2016.

A second count alleges that on April 29, 2015, he travelled with his associates and a companion from the Directorate for Coordination of Police Bodies to a counter-terrorism conference in Paris in order to take a sightseeing tour of the city. Despite warnings, they were late and missed their flight, for which they had return tickets. This resulted in the purchase of new tickets, which Salihovic paid for with his own money, but on his return, he told his employers to refund around 1,980 euros to him, the indictment claims. Salihovic rejected the indictment as “unclear” and said he did not abuse his position. “There was no breaching of limits or budget... These facts came out from an audit report, as well as from experts’ findings,” he said.

Prosecutor Amra Mehmedic insisted however that witnesses would “speak about the defendant’s arbitrariness and arrogance in doing his job and his arbitrary disregard for warnings from employees”. Denying the charges, Salihovic said he did not intentionally miss his flight back from Paris, but was delayed by a security check on his bodyguard. “This is a witch hunt. It is shameful that a chief prosecutor is treated in this way,” he said. (...)

Bulgaria

New phase in investigation into alleged defrauding of EU funds for guest houses in Bulgaria

<https://sofiaglobe.com/2020/01/07/new-phase-in-investigation-into-alleged-defrauding-of-eu-funds-for-guest-houses-in-bulgaria/>

January 7, 2020 - The Sofia Globe staff

Bulgaria's Prosecutor-General Ivan Geshev has ordered the prosecutor's offices in five cities to assume special oversight of 23 pre-trial proceedings in connection with alleged crimes involving fraudulent applications for European Union funds for guest houses, the Prosecutor's Office said on January 7. The directive was handed to the prosecutor's offices in Sofia, Plovdiv, Varna, Bourgas and Veliko Turnovo.

Geshev ordered that each office designate a specific supervising prosecutor to provide "enhanced methodological and organisational assistance" to prosecutors dealing with the cases at first instance. The Prosecutor's Office began an investigation into alleged fraud involving EU funds for guest houses in April 2019. A total of 746 EU-funded guest house projects in Bulgaria have been inspected. Twenty-three pre-trial proceedings have resulted, while in other cases, inspections are continuing.

The statement said that Geshev would continue to monitor announcements by the prosecutor's offices and would order special supervision of any new pre-trial proceedings in connection with fraud involving EU funding for guest houses.

Minister arrested following investigative report by EURACTIV Bulgaria

<https://www.euractiv.com/section/justice-home-affairs/news/minister-arrested-following-investigative-report-by-euractiv-bulgaria/>

January 10, 2020 – EURACTIV Bulgaria, Krassen Nikolov



A handout picture of the Bulgarian chief prosecutor's office shows minister Neno Dimov taken for interrogation.

Bulgaria's minister for environment and water resources, Neno Dimov, was placed in 24-hour custody, the office of the Prosecutor General said on Thursday (9 January). The development

took place after an investigative report by EURACTIV Bulgaria exposed mismanagement that left the city of Pernik without drinking water.

Earlier on Thursday, Dimov was questioned for several hours by the specialised prosecutor's office about the water crisis in Pernik and the import of garbage in Bulgaria, mainly from Italy. Italian authorities are investigating a mafia scheme under which Bulgaria imports garbage from Italy, reportedly to be burnt in power plants. At the same time, Bulgaria is experiencing a catastrophic situation with air pollution.

By the time of publishing this article, Dimov has not been indicted, nor has he made any public statement. He represents the nationalist grouping "United Patriots", a junior coalition party to Boyko Borissov's GERB party, which is affiliated to the European People's Party (EPP). On Wednesday, EURACTIV.bg published an investigation by journalist Valia Ahchieva titled "The water of Pernik – lies filmed by satellite". The report, accompanied by a 20-minute video, is based on satellite pictures under the EU Copernicus project, which reveal that the water of Studena dam near Pernik had already reached alarming lows in August 2019, but the authorities did not react to the threat.

Other documents illustrate the inadequate reactions by Dimov, whose role by law is to manage the use of water in Bulgaria's dams. In this case, several months of inactivity of the authorities led to the water crisis in the Pernik region and brought the city on the verge of a humanitarian crisis. Earlier on Thursday police removed Dimov from his ministerial cabinet, initially only for questioning, but then decided that he should spend the night in police custody.

At the same time, the authorities also carried other actions in Pernik. The former district governor of the city, Irena Sokolova, who is now the leader of the Women GERB faction, was arrested. A former head of the water supply services of Pernik, Ivan Vitanov, was also detained. Pernik's municipal dam is practically empty and the city of 80,000 inhabitants is being supplied from mobile water cisterns. This entails a serious risk to human health. Dimov gained international prominence during the Bulgarian Presidency of the Council of the EU in the first half of 2018, when it became public that a climate change denier was chairing the EU's Environment Council.

Pernik water crisis: Bulgarian prosecutors charge two more people

<https://sofiaglobe.com/2020/01/27/pernik-water-crisis-bulgarian-prosecutors-charge-two-more-people/>

January 27, 2020 -The Sofia Globe staff

Bulgaria's prosecutor's office said on January 27 that it pressed charges of mismanagement against two officials in the ongoing investigation into the events that resulted in the ongoing water shortage in the town of Pernik. The prosecution statement did not identify the officials, using instead their job titles – these were former head of Pernik's water utility Ivan Vitanov and the former caretaker mayor of Pernik, Sevdalina Kovacheva, public broadcaster Bulgarian National Radio reported.

Kovacheva is accused of failing to carry out her duties, which would have required her to introduce water rationing after being informed that water levels the Studena reservoir were low.

The statement did not specify when exactly the water rationing proposal was put to Kovacheva. Vitanov is accused of entering into unfavourable contracts and exercising insufficient oversight of maintenance and repair operations. The prosecutors alleged that Vitanov's mismanagement was intentional and caused damages worth 11.7 million leva. Prosecutors also said that the evidence collected so far indicated that the mismanagement by the two officials would not have caused – on their own, without the alleged mismanagement by Environment Minister Neno Dimov, arrested earlier this month – significant damages that would have resulted in the current water shortage in Pernik.

Both Vitanov and Kovacheva were detained for 72 hours, the prosecutor's office said. Meanwhile, police detained two participants in a protest outside Bulgaria's Regional Development Ministry, organised by a minor political party, against the government's handling of the crisis. The protesters attempted to break through the police line to enter the ministry's building, prompting law enforcement to use pepper spray, Bulgarian National Television reported. Thirty people required medical treatment, the report said.

Also on January 27, a joint sitting of three committees of Sofia Municipal Council was discussing the proposal to divert part of the capital city's water supply, 300 liters/second, towards Pernik. The full municipal council was due to discuss and vote on the proposal on January 28. Sofiyska Voda, the city's water utility, said that it could divert that amount to Pernik without any risk to Sofia's own water supply. The assurances were given during a visit by Sofia mayor Yordanka Fandukova to the company's control centre on January 27, Bulgarian National Radio reported.

Bulgaria President Condemns Prosecution's Crime Suspicions

<https://balkaninsight.com/2020/01/29/bulgaria-president-shrugs-off-prosecutions-crime-suspicions/>

January 29, 2020 – BIRN, Sofia, Svetoslav Todorov

President Radev accused the state prosecution - led by a man whose appointment he opposed - of devaluing the law and pursuing him and his family 'regardless of the means', after it claimed he may have committed a crime.



Bulgarian President Rumen Radev. Photo: EPA-EFE/CHRISTIAN BRUNA

Bulgaria's President, Rumen Radev, on Wednesday condemned prosecution claims that he may have committed a crime related to conflicts of interest, accusing it devaluing important legal

concepts and of “sensationalism”. It comes after the state prosecution led by Ivan Geshev on January 28 said it had evidence that a crime may have occurred.

“The prosecution devalues two important concepts for the protection of statehood – ‘treason’ and ‘violation of the constitution’ by using them as a sensation. The attacks against me and my family are already taking on an ugly dimension and are being carried out regardless of the means,” Radev said.

He also highlighted the need to make changes to the constitution so that the independence of the prosecution can be guaranteed. The probe into the president’s affairs looks unlikely to go further, meanwhile, as the prosecution announcement also included a ruling suspending any potential criminal proceedings because of restrictions imposed by the constitution, namely the presidential immunity from prosecution.

Despite that, it was still the first time in the country’s recent history that the prosecution has expressed suspicion that the head of state has committed a crime. The alleged conflict of interest concerns Rumen’s wife, Desislava, and her appointment as a public relations official for the air force in 2011. She later married Radev in 2016. The prosecution announcement included three recordings made in April 2019, two of which feature air force general Stoyko Tzankov, and one of which features a voice like Radev’s, discussing an earlier probe into Desislava’s appointment.

An earlier conflict-of-interest inspection into Radev and his wife wound up in January. After that probe finished this month, Prosecutor General Geshev, Rumen’s political foe, on Monday asked the Constitutional Court to clarify whether the president could still be investigated for his actions. The court will now have to rule on this. “The press secretariat of the head of state cannot comment on the contents of the recordings made through special intelligence and distributed by the prosecutor’s office, nor confirm the claims about the nature of the talks, their authenticity or credibility,” Radev’s press office commented earlier.

Lawyers in Bulgaria also expressed concern over the way the prosecution announced the news. “Investigation materials may be disclosed with the permission of the prosecutor, but not when their disclosure constitutes a crime,” lawyer Daniela Dokovska told Dnevnik.bg. Prosecutor Geshev is a controversial figure. The sole candidate for the post in the autumn of 2019, President Radev vetoed his election, despite which Geshev later took office after a re-election. His seven-year mandate, which started this January, sparked protests in Sofia as well as statements from NGOs, liberal parties and judges and lawyers’ associations, expressing concern. (...)

Bulgarian prosecutors press charges after Gambling Commission raid

<https://sofiaglobe.com/2020/01/29/bulgarian-prosecutors-press-charges-after-gambling-commission-raid/>

January 29, 2020 - The Sofia Globe staff

Bulgarian prosecutors raided the Gambling Commission on January 29, detaining its head Alexander Georgiev for questioning, reports in Bulgaria media said. This was the second time prosecutors raided the commission in the space of two weeks.

According to Bulgarian National Radio, 18 of the commission's employees were also taken in for questioning, but it was not clear if any of them were detained. Separately, prosecutors raided the Sofia offices of Nove Holding, the company owned by controversial Bulgarian businessman Vassil Bozhkov. Nove Holding has diversified interests and owns several of Bulgaria's largest bookmakers and lottery operators.

After the raid, prosecutors said that Bozhkov was facing seven separate charges, but gave no further details. According to reports in Bulgarian media, these included leading an organised crime group, extortion and attempted bribery. Prosecutor-General Ivan Geshev said that Bozhkov was not in Bulgaria and would be the subject of a European arrest warrant. Bozhkov gave several media interviews throughout the day, saying that no one got in touch with him and was not aware of any charges against him. He said that he was prepared to present himself if subpoenaed.

The Gambling Commission raid comes just weeks after a bill was tabled in Parliament that proposed to ban private lottery games. Media reports have claimed that some of those private operators did not pay their taxes and fees in full, with the shortfall estimated to be in the hundreds of millions of leva range.

Croatia

Is the new EU Presidency a Russian Trojan horse? Croatia's trial of the decade suggests it is

<https://www.euronews.com/2020/01/15/is-the-new-eu-presidency-a-russian-trojan-horse-croatia-s-trial-of-the-decade-suggests-it>

January 15, 2020 – euronews, Dr. Theodore Karasik

In February 2019, I warned in an op-ed for Euronews that Croatia's biggest trial of the decade could hand Russia the keys to Europe. Less than a year later, Russia may well have those keys – and might be on the brink of using them to unlock Putin's longstanding plans to destabilise the EU.

The pivotal event comes in the form of Croatia's ascension to the Presidency of the Council of the European Union, which could pose a grave threat to the integrity of the EU system and trans-Atlantic alliance. Just days before Croatia took its position in charge of the EU, the country's biggest trial came to an abrupt conclusion with the announcement of the court ruling against head of Hungarian energy group MOL, Zsolt Hernadi, who was found guilty of bribing former Croatian Prime Minister Ivo Sanader to allow MOL to take control of Croatian state energy firm INA.

The problem is that two renowned legal experts, appointed as independent Trial Monitors in the decade-long legal battle, have accused Croatian state prosecutors of "bias," breaching EU fair trial standards and violating the rights of the defendants – apparently to cover-up a covert Russian lobbying operation to control a gas transshipment route to Europe. (...)

The first point to note is that the Trial Monitors who wrote the report hail from the top echelons of judicial expertise in Europe; namely Judge Kai Ambos, chair of criminal law at the Georg-August-University Göttingen in Germany, a judge at the Kosovo Specialist Chambers in The Hague and Counsel at the International Criminal Court, alongside Lord David Anderson QC, a Judge of the Courts of Appeal of Guernsey & Jersey, where he is also the Investigatory Powers Commissioner and previously the UK government-appointed Independent Reviewer of Terrorism Legislation. Ambos and Anderson were appointed to audit the fairness of the criminal proceedings under explicit instructions to act independently of any of the parties in the case. Their conclusions raise stark questions about the corruption of Croatian institutions under the influence of Russian interests.

The Trial Monitors accuse the Croatian court of "bias" in favour of Croatian "national interests" and breaching internationally-recognised fair trial standards, "including violating Article 6(1) of the European Convention on Human Rights (ECHR)." Their report lists a litany of procedural irregularities, described as violating the "fair trial rights" of the defendants. These include not allowing the defence sufficient preparation time, excluding the public from key points in the trial without record in the court minutes, and imposing an 'ex officio' lawyer unilaterally appointed by the court and thereby breaching the right to choose legal representation, to name just a few problems.

In themselves, these grave irregularities beg the question as to how a country whose judiciary is believed by top legal experts to operate with no respect for EU fair trial standards could end up holding the very EU presidency itself. But the trial monitors' report goes further, alluding to the geopolitical backdrop of Russia's efforts to co-opt Croatia as an entry-point into EU energy markets.

The report points out that the prosecution relied on questionable witnesses involved in money laundering and under criminal investigation. The Croatian state anti-corruption agency USKOK is accused of systematically failing to investigate the star witness for the prosecution, Robert Ježić as well as his business partner Swiss lawyer, Stephan Hürlimann. As the report notes, "Mr Hürlimann's role in the laundering of the alleged bribe proceeds does not appear to have been fully scrutinised... USKOK has failed to investigate pertinent areas of enquiry regarding Mr Ježić's credibility and its conduct of the investigation raises issues of impartiality. Mr Ježić's credibility is put in issue by his status as an accomplice, his benefit of €5 million and his personal interest in Mr Hernádi's conviction." (...)

Like me, Judges Ambos and Anderson were shocked that none of these issues were properly investigated by USKOK nor given serious consideration at the trial. Ježić himself admitted to the court that he used the sum to benefit his own companies and never even passed any of it to Sanader. And he failed to return the money to the court. The Trial Monitors note these facts, then criticise USKOK's "failure to investigate the evidence given by Mr Fazakas and Mr Gutseriev to establish whether what Mr Fazakas had said about the money could be proved or disproved."

In short, the report provides alarming documentary evidence of Croatian judicial corruption under the abiding influence of Russia. It also suggests that Croatia's EU Presidency could pose a serious risk to European security. The Council of the European Union is already viewed as lacking accountability due to excessive secrecy. The EU must ensure that Russia does not leverage its influence in Croatia to exploit its EU presidency as a proxy for Russian energy interests.

EU Court Denies Jurisdiction Over Slovenia-Croatia Border Dispute

<https://balkaninsight.com/2020/01/31/eu-court-denies-jurisdiction-over-slovenia-croatia-border-dispute/>

January 31, 2020 – BIRN, Zagreb, Anja Vladislavljevic

In a blow to Slovenia, the Grand Chamber of the European Court of Justice, ECJ, on Friday said that it had no jurisdiction to rule on Slovenian claims that Croatia had violated European law by failing to implement a border arbitration ruling. The decision is final and there is no appeal. The court said its lack of jurisdiction did not affect the obligations of either party in the dispute. "The Court stated that its lack of jurisdiction is without prejudice to any obligation arising – for each of those two Member States, both in their reciprocal relations and vis-à-vis the European Union and the other Member States – to strive sincerely to bring about a definitive legal solution consistent with international law, in order to ensure the effective and unhindered application of EU law in the areas concerned," it said.

Slovenia submitted a letter of complaint against neighbouring Croatia to the European Commission in March 2018 after Zagreb refused to abide by an arbitration court ruling in their dispute over territorial waters in the Adriatic Sea. After the European Commission refused to get

involved, declaring neutrality, in July 2018 Slovenia brought an action before the European Court of Justice.

Under Article 259 of the Treaty on the Functioning of the European Union, it asked the court to establish whether Croatia had breached articles of the treaty on respect for the rule of law and cooperation between member states. Slovenia also accused Croatia of violating the Common Fisheries Policy by sending police escorts to guard its fishing boats in contested waters, and preventing Slovenian inspectors from boarding the vessels.

The two former Yugoslav republics had long been at odds over coastal waters in the northern Adriatic. In 2017, the Permanent Court of Arbitration in The Hague ruled in favour of the Slovenian claim. The Croatian Prime Minister, Andrej Plenkovic, hailed the ECJ ruling on Twitter as “a victory of Croatian arguments that we have highlighted”, adding: “I again call on Slovenia for dialogue and bilateral negotiations in order to arrive at a mutually acceptable and lasting solution to the border issue”.

But Slovenia said it had no intention of backing down. Miro Cerar, the Foreign Minister, said: “Slovenia is moving forward! The EU Court of Justice declared that it had no jurisdiction but also made it clear that the states in the arbitration agreement must take the necessary steps to comply with the arbitral award. “This is a clear signal that arbitration should be implemented on both sides,” Cerar wrote on Twitter.

But Croatia had by then withdrawn from the process, saying it had been compromised by leaks of telephone conversations in July 2015 between a Slovenian judge on the Court and Slovenia’s official representative to the Court.

Kosovo

Kosovo President May Seek Court Advice Over Political Stalemate

<https://balkaninsight.com/2020/01/13/kosovo-president-may-seek-court-advice-over-political-stalemate/>

January 13, 2020 – BIRN, Pristina, Xhorxhina Bami

As frustration continues to mount in Kosovo over the slow pace of forming a government, President Hashim Thaci has said he may call on the country's top court to set out the options.



Vetevendosje leader Albin Kurti. Photo: EPA-EFE/VALDRIN XHEMAJ

After Albin Kurti, leader of the winning Vetevendosje party, in the October 2019 snap elections again refused to name a possible prime minister, President Hashim Thaci has written back that he might ask the Constitutional Court of Kosovo to clarify the constitutional and legal position. "The constitutional responsibility of the President is to make the institutions functional ... and he is obliged to take all necessary steps to fulfill this obligation, not excluding requests addressed to the Constitutional Court to clarify any constitutional and legal ambiguities, in order to enable the functionalization of new institutions as soon as possible," Thaci's office said on Monday.

Referring to Thaci's letter on January 10, again seeking a prime ministerial nomination, Kurti accused President Thaci of threatening him. His message "constitutes interference and prejudice to institution building and [is] a threatening warning, in this case to the winning subject [of the elections]", Kurti declared. The Vetevendosje leader urged Thaci not to put more pressure on the negotiating process, and stressed that an agreement with the second biggest party, the Democratic League of Kosovo, LDK, was "at the stage of finalizing". (...)

Exactly three months have now passed since the snap October 6 general election. On January 6, Thaci suggested he might impose a 48-hour deadline for Vetevendosje to nominate a PM candidate. The Vetevendosje leader then pledged to submit a nomination in written form, but has so far not done so, despite various meetings between the party chiefs. (...)

Outgoing Kosovo Govt Adopts Magnitsky Act

<https://balkaninsight.com/2020/01/29/kosovo-to-adapt-magnitsky-act/>

January 29, 2020 – BIRN, Pristina, Xhorxhina Bami

Kosovo's outgoing government on Wednesday adopted the Magnitsky Act, the pioneering law first adopted in the US, which is designed to penalise human rights abusers anywhere in the world.



Kosovo outgoing minister of external affairs, Behgjet Pacolli. Photo: Valdrin Xhemaj, EPA-EFE

The outgoing government of Kosovo on Wednesday adopted the Magnitsky Act, designed to penalise egregious human rights abusers. Outgoing Foreign Minister Behgjet Pacolli announced the establishment of the act on Twitter, shortly after outgoing PM Ramush Haradinaj declared it during a government meeting. "I'm proud today that the government of Kosovo has established the Kosovo Magnitsky Act, sanctioning foreign government officials implicated in human rights abuses anywhere in the world," Pacolli wrote.

His adviser, Jetlir Zyberaj, told BIRN before the government meeting that it was an important step in aligning Kosovo's foreign policy with that of its Western partners. "Kosovo is joining the United States, European countries and Canada in adopting the Magnitsky Act, which is an important step in aligning Kosovo's foreign policy with our Western partners and taking a stand in support of liberal values," he said.

The act, formally known as the Sergei Magnitsky Rule of Law Accountability Act, was firstly signed into US law by former US President Barack Obama in December 2012.

It banned 18 Russian government officials and businessmen from entering the US and using the banking system. Their assets were frozen as well. Later, in 2016, the law was expanded to apply to more than 40 alleged violators of human rights across the world.

The law is named after Sergei Magnitsky, a Russian lawyer and auditor who died in a Russian prison after being held in inhumane conditions. In 2008, Magnitsky had untangled a dense web of tax fraud and graft involving 23 companies and a total of \$230 million linked to individuals close to the Russian government. The act was initiated by Bill Browder, an American hedge fund manager, who had been Magnitsky's employer in the corruption investigation. Kosovo awaits the formation of a new government following general elections held last autumn.

Moldova

Documents on judicial reform in Moldova were to be sent to the Council of Europe

<https://www.moldova.org/en/documents-on-judicial-reform-in-moldova-were-to-be-sent-to-the-council-of-europe/>

January 4, 2020 - Maria Dulgher

The Government announced that, on January 3rd, a set of documents reporting the progress of the judicial reform in the Republic of Moldova were to be sent for an expertise to the Council of Europe. This was announced by Prime Minister Ion Chicu at the meeting of the cabinet of ministers, as IPN reported.

The set of documents includes three elements: the strategy for ensuring the independence and integrity of the judiciary for the period 2020-2023, the action plan for implementing the strategy and the draft law on the evaluation of judges. "Our promise was that we will submit these fundamental documents for the judicial reform by January 5th, so that the expert group, offered to us by the Council of Europe, will come to the Moldova by January 20 and assist us in implementing this reform," noted the prime minister.

The commission that will evaluate the integrity and professionalism of the judges will be made up of ten people, five of whom will be foreign experts, recommended by the European Union and other envelopment partners. The other five will be appointed by Parliament. "The reform provides for the elimination of political involvement in the Superior Council of Magistracy affairs, by excluding the Minister of Justice from this structure, and limits the immunity of judges only to the area of their functional responsibility," specified Chicu.

The PM had also a meeting with Peter Michalko, the head of the EU delegation to the Republic of Moldova. A particular topic of their discussions, as a Government's press release stated, was the progress of the judicial reform implementation and the set of documents regarding the judicial reform to be submitted for examination to the Council of Europe. The Minister of Justice, Fadei Nagacevski, said that the strategy for ensuring the independence and integrity of the judiciary had been formulated for several years, taking into consideration previous proposals of the Council of Europe. The minister hopes that these documents will be presented in the Parliament for approval during the period February-March 2020. As he stated, the strategy also provides for the amendment of the Constitution, namely the provisions referring to the Superior Council of Magistracy and the way of judges' appointment.

On the other hand, former Minister of Justice Olesia Stamate criticised the Chicu Government for its declarations of transmitting documents to the Council of Europe. She mentioned that no document aimed at reforming judiciary was published on the Ministry of Justice website. "Usually, such documents are first published for citizens, then transmitted to international organisations for expertise. If this is a preliminary, technical expertise, then why do we talk so much about it? The documents just have to be sent. The problem is that this government has nothing to present, it achieved nothing, while proudly announcing about transmitting some "secret" documents to the Council of Europe," Stamate wrote on social media.

Later on, the documents were published on the official website of the Ministry of Justice.

Constitution to be amended under justice sector reform strategy for 2020-2023

https://www.ipn.md/en/constitution-to-be-amended-under-justice-sector-reform-strategy-for-7967_1070672.html

January 6, 2020

The strategy for ensuring the independence and integrity of the justice sector for 2020-2023 that was remitted to the Council of Europe provides for the amendment of the Constitution's provisions concerning the ensuring of the independence of judges and the functioning of the Superior Council of Magistracy, IPN reports.

The action plan for implementing the strategy stipulates the amendment of the Constitution's provisions regarding the initial appointment of the judge up to the retirement age by excluding the five-year period. Seniority as judge of at least ten years for occupying the post of judge of the Supreme Court of Justice and the appointment of the presidents and vice presidents of courts of law by Moldova's President are also to be excluded.

Prime Minister Ion Chicu earlier stated that a group of experts of the Council of Europe will come to Chisinau on January 20 to provide assistance in finalizing the documents related to the justice sector reform. "Our goal is to have this crucial reform for the country adopted in Parliament and implemented during the winter-summer session of the legislature," he said.

Judges with negative assessment results to be removed from system

https://www.ipn.md/en/judges-with-negative-assessment-results-to-be-removed-from-system-7967_1070674.html

January 6, 2020 - IPN

The over 400 judges working in the system could have their integrity and qualifications checked starting with this summer already. The members of the Superior Council of Magistracy will be the first to undergo such an assessment. The judges with negative assessment results will be removed from the system. It is estimated that the assessment of all the judges will last for about five years. A similar approach will also be applied to prosecutors in the future, IPN reports.

The draft law that was remitted to the Council of Europe for appraisal provides that the judges will be assessed by a college consisting of ten members – six judges of courts of law of all levels, three representatives of civil society designated by Parliament and a representative of the National Institute of Justice. The college members will be chosen by a monitoring commission that will also consist of ten persons – five experts fielded by Parliament and five foreign experts recommended by the development partners.

According to Minister of Justice Fadei Nagachevski, the assessors will also make sure that the property of judges matches the declared incomes. Investigations will be ordered if inconsistencies are discovered. If the judges cannot prove the legal origin of their incomes or if it's determined that these passed judgments in conflicts of interests, a negative appraisal report will be produced. The college's decision will be remitted to the Superior Council of Magistracy, which will make a decision. The decision taken by the college could be challenged in another specialized panel at the Appeals Court.

All the judges will be assessed at random. The authorities plan to launch the assessment process in June-July. After the bill is appraised by the Council of Europe, this will be sent to the Venice Commission for evaluation so that an expert opinion is presented in March and the bill could be submitted to Parliament in April.

Inspectors from the anticorruption prosecution

<https://anticoruptie.md/en/investigations/justice/inspectors-from-the-anticorruption-prosecution>

January 10, 2020 - Julieta Savițchi

Most of the 21 state inspectors appointed by the general prosecutor Alexandr Stoianoglo to verify the activity of the Anticorruption Prosecutor's Office for the past 4 years have integrity problems themselves. Some of the inspectors even have connections or interests with pending cases at the institution subjected to control.

The general prosecutor Alexandr Stoianoglo signed the order to carry out the controls at the Anti-corruption Prosecution and the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS) on Monday morning, December 9, 10 days after President Igor Dodon appointed him to the position and the third day after the deputy prosecutors were appointed. The same morning, Stoianoglo signed the order regarding the delegation of the head of the Anticorruption Prosecution Viorel Morari for the seat of prosecutor in the Unification of practice in the field of representing the accusation in the courts unit. By another order, Dorin Coman is suspended from the seat of interim head of PCCOCS.

The first hour of the day, Morari and Coman were invited to the General Prosecutor's Office to inform them about Stoianoglo's orders, and after that groups of inspectors formed overnight performed raids. Two control groups were set up to raid the Anti-Corruption Prosecution. 13 prosecutors were included in the first group in charge with criminal prosecution, led by Deputy General Prosecutor Ruslan Popov while 6 prosecutors were included on the judicial segment and was headed by Deputy General prosecutor Mircea Roșioru.

New debates on judicial reform – a CoE working group pays a visit to Moldova these days

<https://www.moldova.org/en/new-debates-on-judicial-reform-a-coe-working-group-pays-a-visit-to-moldova-these-days/>

January 20, 2020 - Maria Dulgher

A working group created by the Council of Europe (CoE) pays a visit to Chișinău, on December 20-21, for conducting discussions regarding the implementation of judicial reform in Moldova. Prime Minister Ion Chicu had a meeting with members of the working group, led by Christos Giakoumopoulos, Director General of Human Rights and Rule of Law of the Council of Europe. The working group was created by the Council of Europe to support the Republic of Moldova in the implementation of judicial reform, according to an official statement issued by the Government of the Republic of Moldova.

During the meeting, the head of the CoE delegation highlighted the need for the active involvement of all stakeholders in the drafting of the law on judicial reform. “We are here to help, to minimise risks. We will be partners in this process. We are ready to provide the necessary support to the Republic of Moldova, in terms of consultancy, but also technical assistance for the successful implementation of the judicial reform,” said the official.

Besides, discussions on previously sent to the Council of Europe set of documents reporting the progress of the judicial reform were held, including the strategy for ensuring the independence and integrity of the judiciary for the period 2020-2023, the action plan for implementing the strategy and the draft law on the evaluation of judges. At the same time, the experts of the Council of Europe recommended to the Government of the Republic of Moldova to ensure a real process of public discussions of the draft law on the evaluation of judges with all the interested parties, including the judiciary and civil society representatives. Only afterwards, the project can be submitted to the Venice Commission for expertise.

The CoE representatives mentioned that it would be unacceptable to speed up the drafting process only to be able to submit it for examination to the Venice Commission during the March plenary session. It was recommended to submit the draft law on the evaluation of judges rather at the June 2020 plenary session. The agenda of the CoE delegation includes meetings with the Prime Minister of the Republic of Moldova, the President of the Parliament, the Minister of Justice, the Minister of Foreign Affairs and European Integration, the Prosecutor General, the Superior Council of Magistrates representatives, the Superior Council of Prosecutors representatives, the Director of the National Institute of Justice, as well as representatives of civil society and other officials from judicial and diplomatic areas.

Also today, the leader of the Party of Action and Solidarity (PAS), Maia Sandu, and the member of the Parliament, Sergiu Litvinenco, declared, in a press conference, that the new judges’ evaluation process is a disappointment, blaming the socialists and its unofficial leader Igor Dodon of attempting to take control of the judiciary.

“The current Government completely discredits the judicial reform. It tries to subordinate the judiciary to political interests. The proposals of the Government, as they appear in the draft law that was made public, present a major deviation from the judicial reform, promoted by us,” declared the PAS leader. In the opinion of Maia Sandu, judges and prosecutors from Moldovan judiciary have to be evaluated by independent experts from outside the country.

“The proposed mechanism is very dangerous. It is clear that no external evaluation of judges is foreseen. [...] It could happen that honest judges are excluded from the system, while those who have integrity problems may remain,” added Sergiu Litvinenco. Yet, Minister of Justice, Fadei Nagacevschi, denied the presence of political interest in judiciary and reminded that the evaluation process is to be monitored by a commission formed of 5 international experts and 5 national experts, the latter being elected by a Parliament’s special designated commission. (...)

Viorel Morari remains under arrest

https://www.ipn.md/en/viorel-morari-remains-under-arrest-7967_1071141.html

January 29, 2020 - IPN



Suspended chief of the Anticorruption Prosecutor's Office Viorel Morari, IPN, Elena Covalenco

The suspended chief of the Anticorruption Prosecutor's Office Viorel Morari will stay under arrest for another 20 days. The Ciocana branch of the Chisinau City Court partially accepted the prosecutor's request to extend the remand detention, IPN reports.

The prosecutors asked to extend the warrant for his arrest for another 30 days, but the judge ordered only 20 days more in remand detention. Earlier this week, Viorel Morari was indicted on three counts. Besides the two counts formulated earlier – abuse of power and falsification of public documents, he was also charged with interference in prosecution. Viorel Morari was arrested on January 10. He is held on remand at Penitentiary No. 13. He pleads not guilty.

The Escape of the Oligarch

<https://anticoruptie.md/en/investigations/justice/the-escape-of-the-oligarch?fbclid=IwAR0p-VkSZBFG13nwlwITE5pFKLbDYKKi9X1lhzcTw9dMXq2nJ11WgbLc-l4>

January 14, 2020 - Mădălin Necșuțu, Ilie Gulca

An exclusive document obtained by the Center for Investigative Journalism in Moldova (CIJM) reveals that the former leader of the Democratic Party of Moldova (PDM) readied his early leave from Moldova and the exit with his family to the West. Plahotniuc and his family are declared undesirable persons in the US. The former leader of the Democratic Party of Moldova is in the list of ineligible persons for receiving visas published by the US State Department because of "significant corruption actions" in Moldova. Also, pleading the same cause, the US authorities declared the entire Plahotniuc family "ineligible" for visas to the US.

„In his official capacity, Plahotniuc was involved in corrupt acts that undermined the rule of law and severely compromised the independence of democratic institutions in Moldova”, reads the of the US State Department, issued on January 13. „In addition to Plahotniuc, I am designating his wife, Oxana Childescu; his son, Timofei Plahotniuc; and his minor child”, reports American diplomacy. „Today's action (January 13 current year) sends a strong signal the United States does

not tolerate corruption and stands with the people of Moldova in their fight against it. The Department will continue to use these authorities to promote accountability for corrupt actors in this region and globally”, concluded the US Department of State.

Chronicle of the exit

Vladimir Plahotniuc fled Moldova on the afternoon of Friday, June 14, after the fall of the Democratic Party administration and after a week of confrontations with the newly established majority, PSRM-ACUM. The Democrats' decision was made following Plahotniuc's meeting with the US Ambassador to Moldova Derek J. Hogan.

The US official made public the details of this meeting in the show "In Profunzime", broadcast in June 2019 by Pro TV Chisinau. The US diplomat said that "no agreement was made between the US and Plahotniuc". He added that the discussion with Vladimir Plahotniuc lasted over 15 minutes and focused on the democratic transmission of power. The ambassador said the discussion was also influenced by the possibility of protests organized by ACUM and PSRM: "We wanted to make sure that everyone knows what our position is and what our level of readiness is to work with the new government."

(To read the entire article and the chronicle in full follow the abovementioned link)

Montenegro

Montenegrin Law on Religious Freedom: Polarization that benefits the government(s)?

<https://europeanwesternbalkans.com/2020/01/13/montenegrin-law-on-religious-freedom-polarization-that-benefits-the-governments/>

January 13, 2020 – European Western Balkans, Sandra Maksimović



Protest of Serbian Orthodox Church supporters in Podgorica; Photo: Twitter / SavaJanjić

Tensions surrounding the new Montenegrin law on Religious Freedom have been high for more than two weeks since the law was passed in the Montenegrin parliament at the end of December, directly affecting the property of the Serbian Orthodox Church. The issue also led to tensions between Montenegro and Serbia.

Although the countries separated in 2006, many of Montenegro's citizens declare themselves as followers of Serbian Orthodox Church. Authorities in Podgorica and some members of the opposition supported the law, while the remaining opposition, including the pro-Serb Democratic Front (DF), strongly opposed it. The day the law was being voted on, an incident occurred in the Montenegro's Parliament and 24 people including 18 MP's from the Democratic Front were detained. Since then, there have been daily protests by citizens in Montenegro, largely by those who declare themselves Serbs, expressing dissatisfaction with the law. Despite disagreements, the law came into force January 8. According to the disputed Article 62, religious communities in Montenegro need to prove property ownership before 1918, otherwise the property will belong to the state of Montenegro. That means that Serbian Orthodox Church must prove ownership of the property including medieval monasteries and churches, meaning everything built before December 1, 1918, when Montenegro became a part of Kingdom of Serbs, Croats and Slovenes (Yugoslavia).

Serbian Orthodox Church in Montenegro pointed out that the law is "discriminatory and unconstitutional," and accused the Montenegrin authorities of "inciting divisions and hatred", while Bishop Amfilohije even said a civil war could ensue. The Montenegrin Government stated

that Serbian Orthodox Church would still be able to use its property but that it should be known what state property is, and also warned that Serbian Orthodox Church is undermining the statehood of the state of Montenegro.

Divided opinions on the constitutionality of the law

Belgrade attorneys Milenko and Momir Radić filed an initiative last week to evaluate the constitutionality of the law with the Montenegrin Constitution and international treaties. Montenegrin analyst Boris Marić points out that there is a whole set of contentious issues in the law. “First, the legal text itself contains a number of legal illogicalities, vagueness and conflicts of law. This is especially true when it comes to the issue of registration of religious communities, where no clear answer has been given and any discretionary decision has been removed as to who is obliged to register and who does not have that obligation”, said Marić.

Marić pointed out that the part which is placed in the transitional and final provisions, which currently concerns the Montenegrin, regional and international public at the most, and relates to the obligation to prove entry in the country's property register, is in conflict with the legal system of the country, and therefore with the Constitution.

“Namely, the legal system of Montenegro is not insufficient in this part and it was not necessary to address it with the norms of the Law on Religious Freedom, and to produce the effect of re-regulation. In a situation where this law would be considered in practice as a *lex specialis*, it would, as written, produce a retroactive effect. In order for a legal text to have norms prescribing retroactivity, it must be enacted in a special procedure that would justify the public interest in introducing such norms into the country's legal system”, stated Marić and added that if anyone wants to correct “historical injustice” there has to be a consensus in the society which can only be achieved through dialogue in democratic conditions.

Assistant professor at the Faculty of Political Sciences in Belgrade Milan Krstić has a similar opinion stating that the initiative to review the constitutionality of the law is good and he hopes that the Constitutional Court of Montenegro will be able to make a decision impartially and without pressure from the executive branch. “I believe that this law violates some of the fundamental principles of constitutionality of Montenegro without a dilemma. First of all, it is a property right, which is also guaranteed by international agreements signed and ratified by Montenegro, such as the European Convention on Human Rights and the Stabilization and Association Agreement. A simple transfer of church property built before 1918 into state ownership, made possible by this law, effectively nationalizes property that is not state property outside ordinary court proceedings, contrary to the opinion of the Venice Commission”, said Krstić.

Krstić highlighted that the burden of subsequently proving ownership is shifted to religious communities. More specifically, this applies only to the Serbian Orthodox Church, since other religious communities are protected by special treaties signed with Montenegro. Krstić explained that by comparison, it is as if you considered someone a priori guilty in the criminal process and then shift the burden of proving the innocence to the person. “However, what is important to note is that the essential intent of this law and its proponents virtually negates another fundamental principle of the constitutionality of Montenegro, as well as all contemporary states – namely the separation of religious communities from the state. In this context, I find it unacceptable that top state officials publicly state as their goal the status of

autocephalousness of the Montenegrin Orthodox Church, which is a par excellence ecclesiastical issue into which a secular state should absolutely not interfere”, Krstić concluded.

Incitement of divisions?

Amid tensions in Montenegro, Serbian President Aleksandar Vučić cancelled his visit to Montenegro which was planned for Christmas Eve on 6 January. The decision was made after Vučić met with Patriarch of Serbian Orthodox Church Irinej for fear that “the Montenegrin authorities would use his visit to say it was an attack on independence and a constitutional order of Montenegro”.

The meeting between Vučić and Irinej came after Serbian Ambassador to Montenegro Vladimir Božović, following instructions from the Ministry of Foreign Affairs, refused to receive a protest note from the Montenegrin Ministry of Foreign Affairs. Concurrently, the same reaction came from a Montenegro’s Ambassador to Serbia who also refused to receive a note from the Serbian Ministry of Foreign Affairs. Nonetheless, speculations that the incident with the law was deliberately made ahead of the elections in both Montenegro and Serbia could be found in the media. Executive Director of the Politikon Network, a think tank based in Podgorica Jovana Marović thinks that this scenario could easily be true.

“The ruling Democratic Party of Socialists of Montenegro is running out of materials for rhetorical acrobatics and explaining that reform processes are successful, that the state is making progress in the EU integration process, and that the economic situation is getting better and better. For these reasons, this party often resorted to the tried and tested recipe for further division of society. Therefore, it would not be strange to do so now, maintaining the differences from the time of the referendum [held in Montenegro on whether the country should separate from Serbia] or even from 1918, instead of reducing differences by working on the concept of a civic and multi-ethnic state, which is advocated, but only on paper”, says Marović for EWB.

She added that this law can also be interpreted as part of a strategy to strengthen the pillars of the Montenegrin nation, which the President announced in his inaugural speech. Regardless of whether such motives exist, Marović concluded that the sharpened rhetoric suits the political elites in both countries in an election year. Milan Krstić believes that the political scientist Vladimir Pavićević, the President of the Montenegrin Party, is right in pointing out that the adoption of this law was done, among other things, with the intention of further fostering identity divisions in Montenegro in order to draw public attention from issues of democracy and free elections in Montenegro right before holding regular elections.

“Such a mechanism is not unusual for both the Podgorica and the Belgrade authorities, which have repeatedly used the raised tensions over pressing issues (especially in the context of Kosovo) to draw attention from a particular affair or democratic deficit. An extremely large number of Montenegrin citizens of all nationalities, who through peaceful walks try to defend the civil rights and constitutional values of Montenegro, are an excellent indicator of citizens’ attitude to this law”, said Krstić. (...)

Montenegro Govt, Serbian Church, Seek Dialogue on Religion Law

<https://balkaninsight.com/2020/01/23/montenegro-govt-serbian-church-seek-dialogue-on-religion-law/>

January 23, 2020 – BIRN, Podgorica, Samir Kajosevic



Protest in Podgorica, Montenegro. Photo: Milos Vujovic

As protests continue in Montenegro over the recently adopted freedom of religion law, the government and Serbian Orthodox Church have both called for talks on resolving the dispute. The bishops' council of the Church said it was ready for talks that fully respected both sides' views. "If the Montenegrin authorities want to impose solutions on their own and call for talks only on implementation of the law, we will consider it a fake dialogue," the bishops said in a statement. But they added that the Serbian Orthodox Church, SPC, remained "interested in Montenegro having best possible law about religious communities in its legal system". (...)

While both sides have held fast to their standpoints, Prime Minister Dusko Markovic on Wednesday said that by the end of this week he will formally seek talks on the law with the Church's senior bishop in Montenegro, Metropolitan Amfilohije. Markovic said that it was impossible to withdraw the existing law, which came into effect on January 8, but amendments were an option. "The SPC can appeal to the Constitutional Court [and] they can propose amendments to the law, or repeal the law and pass a new one. But it has to be in parliamentary procedure," he told the public broadcaster.

The presidents of Montenegro and Serbia, Milo Djukanovic and Aleksandar Vucic, have meanwhile reportedly discussed the law at the World Forum on the Holocaust in Jerusalem. Djukanovic said that although he and Vucic remained far apart, both sides should do their best to ease tensions between the two countries created by the dispute. "The positions of the two presidents on this matter are very distant, which does not mean that we should not continue discussions on this topic, as well as on all other issues that are important for mutual relations," Djukanovic's office cited him on Thursday as saying. Vucic meanwhile told the Serbian daily Blic that he had had a tough talk with Djukanovic, and that it was necessary to continue talks as soon as possible, to further lower the tensions. He agreed that the two leaders currently remained far apart on the law, and on the position of the large Serbian community in Montenegro in general. "We had a long talk about the position of the Serbs and the recently adopted Religious Freedom law, and agreed that our positions are very distant," Vucic said on Wednesday.

North Macedonia

North Macedonia Top Official Charged With Helping Fraud

<https://balkaninsight.com/2020/01/03/north-macedonia-top-official-charged-with-helping-fraud/>

January 3, 2020 – BIRN, Skopje, Sinisa Jakov Marusic

North Macedonia's prosecution on Friday charged the vice-president of parliament, Frosina Remenski, with assisting fraud in a fresh case linked to the ongoing, high-profile "Extortion" trial. In a case that the local media in North Macedonia have already nicknamed "Extortion 2", the vice-president of parliament, Frosina Remenski, has been named as the third accused and charged with helping to commit fraud. She had previously insisted she was innocent.

The new case is practically an expansion and extension of the ongoing "Extortion" case, which is already in a trial phase, which has rocked the government and implicated a senior prosecutor since last summer. As with the original case, the first accused in the new case is the showman-turned-businessman Bojan Jovanovski. The new case focuses on the dealings of his humanitarian charity, the International Alliance, with which Remenski was linked. According to the new charges pressed by the Prosecution for Organised Crime, Jovanovski, as head of the charity, between July 2017 and April 2018 duped two businessmen into giving him almost one million euros that they thought were intended for a centre for the elderly. He did so by falsely persuading them that he would acquire a state building lot, as well as state subsidies, to build the centre.

The charges say that Remenski, a former honorary president of Jovanovski's charity, helped Jovanovski to persuade the businessmen to hand over the cash, using her authority. "The third accused, with her reputation and authority, supported the first accused during the meetings [with the businessmen], giving him advice and instructions, so that the plaintiffs would gain confidence in the alleged project, pay a certain amount of money and sign the contracts," the prosecution said in a press statement on Friday. The prosecution added that it had filed charges against five people in the case, all linked to the same charity.

Dismissing the charges against her, Remenski on Friday told reporters in parliament that she was the victim of an attempt to achieve her "political elimination". "Obviously, the orders for political elimination, using the harshest means possible, are still functioning," she said, without pinpointing whom she saw as responsible for this campaign. During her grilling in relation to the case in October, Remenski, an MP for main ruling Social Democrats, told the media that there was no evidence against her, and that her role in the charity had merely been an honorary one.

Remenski is the first and only top politician to be entangled in the new extortion affair. Citing the principle of presumption of innocence, the now outgoing Prime Minister and Social Democrat leader, Zoran Zaev, in October said he would wait to see if Remenski was pronounced guilty or not before commenting on her deeds.

North Macedonia Ex-Speaker Faces Trial Over Parliament Rampage

<https://balkaninsight.com/2020/01/10/north-macedonia-ex-speaker-faces-trial-over-parliament-rampage/>

January 10, 2020 – BIRN, Skopje, Sinisa Jakov Marusic

Former speaker Trajko Veljanoski and three others face trial for organising the April 2017 storming of parliament in which about 100 people were injured.



Trajko Veljanoski was speaker of parliament from 2008 until 2017. Archive photo: EPA/CLAUDIO ONORATI

The former speaker of parliament in North Macedonia, Trajko Veljanoski, faces trial together with former transport minister Mile Janakieski, former education minister Spiro Risteski and former secret police chief Vladimir Atanasovski, after the Skopje Criminal Court on Thursday said it had accepted the charges pressed against them. The Organised Crime Prosecution charged them with taking a leading part in the April 27 2017 storming of parliament, which injured more than 100 people, including MP's and journalists.

Asked to comment on the charges, Veljanoski briefly responded to a local TV station on Thursday, via SMS, that he saw them as "political charges for political purposes".

Veljanoski and the others, all members of the former ruling VMRO DPMNE party, are accused of "terrorist endangerment of constitutional order", as organisers of the event locally known as "bloody Thursday". Veljanoski, who was in office from 2008 until 2017, will be the first speaker of parliament in North Macedonia since its independence in the early 1990s to face trial.

The investigation into who organised the mob attack included former prime minister and former VMRO DPMNE leader Nikola Gruevski and former intelligence officer Nikola Boskoski.

However, the court decided that they will not be put on trial because they are not in the country. Gruevski fled a two-and-a-half-year prison term for corruption in October 2018, and was granted asylum in Hungary.

As prime minister from 2006 until 2016, he was widely accused of authoritarianism and of fostering corruption. He was brought down following revelations of illegal mass wiretapping.

Boskovski fled to Greece in July 2017 and has since obtained asylum there, after a court ordered his arrest in relation to the high-profile illegal wiretapping affair. The trial in this case, named "Target-Fortress", is ongoing. (...)

Jury Resignation Stops Gruevski Trial in North Macedonia

<https://balkaninsight.com/2020/01/13/jury-resignation-stops-gruevski-trial-in-north-macedonia/>

January 13, 2020 – BIRN, Skopje, Sinisa Jakov Marusic

The sudden resignation of a jury member has rendered the trial of the former prime minister for misuse of office null and void.



Ex-premier Nikola Gruevski (left) arrives at court in Skopje in 2018, before he fled the country. Archive photo: EPA-EFE/GEORGI LICOVSKI

Dealing a death blow to a trial of the fugitive former prime minister, Nikola Gruevski, the main judge in the case codenamed TNT, Ognen Stavrev, on Monday said jury member Lijana Ivanovska Kockovska had resigned, rendering the entire process null and void. Stavrev scheduled a new start for the trial on Tuesday, warning defence lawyers not to try to stall the case any further.

In a press release, the Skopje Criminal Court, where the trial is taking place, said its previous stated concerns “about possible pressures and threats as well as attempts to stall the procedure” had now come to pass. The resignation came as a surprise to the court, which was trying to wrap up the case before jury judge Ivanovska Kockovska retired. While she met the criteria for a pension at the end of December 2019, the court still thought it had time to finish the case, which was nearing its end, before January 27, when the Judicial Council, the governing body of judges, was due to decide on her retirement.

During December and into January, the trial of Gruevski, being held in absentia, together with six other defendants, had seen much tension both in and outside the courtroom. In December, the defence lawyers insisted that the trial should stop because the jury member was retiring. Meanwhile on several occasions, they or their clients failed to appear at scheduled court sessions, citing various excuses. In January, some of the defence lawyers then demanded the immediate retirement of the jury member, warning both the jury member and the Judicial Council that they risked breaking the law.

The court responded by saying it suspected that these acts by the defence were a form of pressure against them, designed to stall the whole process. According to the charges, Gruevski, after the 2011 general elections, ordered the demolition of a residential building owned by Fiat Canovski, who was then an MP and leader of a small party. Gruevski allegedly acted out of revenge because Canovski’s party had quit the ruling alliance led by the right-wing VMRO DPMNE

party. Gruevski is being tried in absentia because he fled North Macedonia at the end of 2018, escaping from serving his two-year jail term in another high-profile case, in which he was found guilty of the illicit purchase of a luxury limousine. He sought and was granted asylum in Hungary. The second accused in the case is the former transport minister in Gruevski's government, Mile Janakieski, while the third is the former mayor of the Skopje municipality of Gazi Baba, Toni Trajkovski.

The charges say the destruction of the building was coordinated by Janakieski, using a false pretext that the construction of the building did not follow regulations. He was helped logistically by Skopje's Gazi Baba municipality, which Trajkovski then led. Several other former office-holders are also on trial in the same case. All the defendants have pleaded not guilty. The public first heard about the affair through published wiretap recordings in 2015.

North Macedonia Opposition Plays Hardball on Prosecution Law

<https://balkaninsight.com/2020/01/23/north-macedonia-opposition-plays-hardball-on-prosecution-law/>

January 23, 2020 – BIRN, Skopje, Sinisa Jakov Marusic

Unless the VMRO DPMNE party suddenly relents, last-ditch efforts to pass the EU-sought Law on the Prosecution look doomed to fail – potentially damaging the country's EU prospects. Less than a month before parliament in North Macedonia dissolves for the April 12 early general elections, the main ruling Social Democrats, SDSM, are making a final, third push to pass a much delayed, EU-sought, Law on the Prosecution.

Originally intended to extend the life of the Special Prosecution Office, SJO, a body set up on EU prompting to lead the fight against official corruption, it now focuses on boosting the powers of the regular Prosecution for Organised Crime. But while the focus of the law has altered, resistance to it from the main opposition VMRO DPMNE party has not. With the clock ticking, and elections around the corner, doubts are growing that the two parties can agree in time on a law that could affect the country's chances of finally getting a start date for EU accession talks in May.

Weakest Link' – Lay Judges Jeopardise North Macedonia Justice

<https://balkaninsight.com/2020/01/27/weakest-link-lay-judges-jeopardise-north-macedonia-justice/>

January 27, 2020 – BIRN, Skopje, Vasko Magleshev

Appointed to foster public confidence in the courts, poorly paid lay judges in North Macedonia have become targets for bribery and intimidation, according to a BIRN investigation.

When Liljana Ivanovska Kockovska resigned this month, it rendered null and void one of the most high-profile trial to date in North Macedonia. But more than send the abuse-of-office trial of fugitive former Prime Minister Nikola Gruevski back to the beginning, Kockovska's decision to

quit threw the spotlight on what legal experts say is the weakest link in the country's much-maligned judicial system – lay judges.

The system – in which ordinary members of society are selected to sit alongside professional judges – has long been a source of concern in North Macedonia legal circles, according to a BIRN investigation. Professional judges interviewed by BIRN have recounted numerous cases calling into question the impartiality and integrity of lay judges.

In one case, a lay judge failed to declare that she was the sister of the defence lawyer. The resignation or retirement of a lay judge, by law, returns the trial to the beginning, costing often months or even years of court time. Recently, lay judges have been at the heart of procedural complications in several high-profile cases involving Gruevski, his former secret police chief Sasho Mijalkov and former Transport Minister Mile Janakieski – all brought by a now-defunct Special Prosecution Office created in 2016 to pursue high-level corruption but brought down by its own graft scandal. Paid very little but often wielding power equal to that of the professional judges, lay judges are susceptible to bribery and pressure, experts warn.

"A few years ago, in one of my trials, two lay judges had literally been bought," said a judge who spoke on condition of anonymity.

Ivan Djolev, chairman of Skopje's Criminal Court, told BIRN: "Lay judges are indeed one of the weakest links in our judiciary. They are chosen by the Judicial Council and then appointed to the courts, and there's almost never any discussion of their responsibilities." (...)

Alarm bells

Lay judge resignations have set alarm bells ringing recently, as courts in North Macedonia try a spate of high-profile corruption cases involving the former right-wing VMRO-DPMNE-led government of PM Gruevski and stemming from a mountain of wiretaps published by the then opposition Social Democrats. Dobrila Kacarska, a professional judge in the so-called 'Tank' case against Gruevski, former Interior Minister Gordana Jankulovska and assistant minister Gjoko Popovski, told BIRN she had to convince a lay judge not to step down for health reasons given it would return the trial to the beginning and result in the charges against one of the defendants being dropped due to the statute of limitations.

"The lay judge stayed to the end of the trial and never mentioned his health condition again", Kacarska said. Found guilty of rigging the purchase of a 580,000 euro Mercedes, Gruevski was sentenced to two years in jail, Popovski to six-and-a-half reduced to four-and-a-half on appeal and Jankulovska to six years in the first instance. Judge Aleksandra Risteska was not so fortunate when a lay judge in the so-called 'Torture' case – in which Mijalkov and six members of a special policy unit are accused of torturing the leader of a small political party during his arrest in 2011 – resigned citing family reasons. The trial had to restart from the beginning.

In a bribery case involving professors of Skopje's Faculty of Economics, one of the lay judges announced he had received a German visa and decided to emigrate. He left seven days later and the then four-year-old trial started anew. Then, on January 13, the so-called TNT case against Gruevski, Janakieski and the former mayor of Skopje's Gazi Baba municipality, Toni Trajkovski, on accusations they illegally demolished a house belonging to the leader of a small political party was derailed by the resignation of lay judge Kockovska.

Kockovska became eligible for retirement at the end of December 2019, but the court believed it would manage to wrap up the case before the Judicial Council, the governing body of judges, was due to decide on her retirement. The court, the Skopje Criminal Court, said its previous stated concerns “about possible pressures and threats as well as attempts to stall the procedure” had come to pass.

“A lay judge can announce his resignation before the trial or during the trial, and the court can do nothing about it,” said Djolev of Skopje’s First Court. The Judicial Council, which is responsible for the appointment or dismissal of lay judges, has no authority to look into the motives behind their resignation. The problem could be addressed if backup lay judges were appointed from the start of each trial. But a general shortage of lay judges means there are often no available replacements.

Two-day training

Previously, lay judges had to have finished higher education, but this requirement was scrapped due to a shortage of candidates. Lay judges now have to have finished secondary school, have no criminal record, be under 60 years of age and of good reputation. There are currently some 1,100 across the country. Obligatory psychological and ‘integrity’ tests, which cost each candidate roughly 100 euros, were scrapped to encourage more applicants. The tests were replaced by a two-day legal training course, without examination.

“The training serves to better prepare the lay judges for implementing the process and material laws and for a professional, ethical and unbiased service”, the Academy for Judges and Public Prosecutors, which conducts the training, told BIRN. Successful candidates are paid 600 denars [just under 10 euros] per day spent in court plus 75 denars travel expenses if they live more than 2.5 kilometres from the court. Before 2018, the pay was just 125 denars.

Experts say the poor rates of pay account for the lack of applicants. “It is more rewarding for people who want to be lay judges to work for a company. They’d be better paid,” Kiro Zdravev, president of the Judicial Council, told BIRN. Djolev, however, alluded to other avenues for lay judges to make their positions pay. “I believe that if we investigate the material well-being of lay judges, some of them will appear to be in a better situation than me,” he said.

Romania

Romania Probes Mayor for Demanding Checks on Roma Parents

<https://balkaninsight.com/2020/01/14/romania-probes-mayor-for-demanding-checks-on-roma-parents/>

January 14, 2020 – BIRN, Bucharest, Marcel Gascón Barberá

The state anti-discrimination watchdog body is investigating a Romanian mayor who called for the authorities to take custody of children born to Roma parents with incomes and education levels below a certain limit.



Ethnic Roma people in Sibiu, Romania, in May 2019. Archive photo: EPA-EFE/ROBERT GHEMENT.

The National Council Against Discrimination, a state watchdog, said on Tuesday that it is investigating Dorin Florea, the mayor of the northern city of Targu Mures, after he called for Roma parents to have their income and education checked before they have a child.

The council is considering whether to launch a case against Florea for discrimination and hate speech after he advocated the measures in a Facebook post.

Florea also told a journalist from the Hotnews website that the measures would spread “fear” across Roma communities in the country. “Gypsies are a serious problem in Romania and we pretend not to see it,” the mayor said in the interview with Hotnews. He also declared that Roma people “have remained the same” since they were freed from slavery in 1864 by Romanian ruler Alexandru Ioan Cuza.

Florea alleged that Roma parents have children with the “sole aim” of “having a source of income”, and criticised the state for “encouraging” them not to work.

“[This] generates increased crime, abandonment [of children], lack of education, etc.,” he wrote on Facebook. Asztalos Csaba, chief of the National Council Against Discrimination, said the mayor’s comments could constitute a case of discrimination and hate speech. “We haven’t taken a decision yet as we haven’t conducted the necessary hearings,” Csaba said. Verbal attacks on the Roma population are not uncommon in Romania, where politicians and other public figures often claim they are involved in stealing, promoting the prostitution of family members, or child exploitation and trafficking.

Another Romanian mayor, Catalin Chereches of the city of Baia Mare in the far north of the country, made international headlines in 2012 when he forced several Roma families out of the illegal buildings in which they lived and moved them into a former chemical plant where the air was said to be highly polluted.

Chereches was at the centre of another controversy in 2011 after he built a wall to separate state-built apartment blocks where Roma families lived from the rest of the city. According to European Commission estimations, Romanians of Roma origin are three times more likely to suffer poverty and social exclusion than their fellow citizens from other ethnic groups. The last national census conducted by the Romanian government in 2011 put the number of Roma in the country at 665,000, although other institutions estimate the Roma population to be much higher. According to the Council of Europe, Romanians of Roma origin total 1.85 million, which represents more than eight per cent of the population.

Mayoral elections in two rounds in Romania

https://www.rrr.ro/en_gb/mayoral_elections_in_two_rounds_in_romania-2610445

January 17, 2020 – Radio Romania International, Bucharest, Roxana Vasile

The Liberal Government in Bucharest wants to assume responsibility for the election of mayors in two rounds. The Liberal Government in Bucharest has made a decision that might completely change the political circumstances of a year in which local and parliamentary elections are due in Romania. Thursday's decision to take responsibility for the election of mayors in two rounds was explained by prime-minister Ludovic Orban with the need to render mayors more legitimate, in order for them to be able to implement development plans in the communities they represent.

Ludovic Orban: "We must take this risk, because the Government has the obligation to intervene there where things are not functioning properly and to improve all democratic mechanisms." What is curious is that mayoral elections in just one round was something that the very Liberals wanted back in 2011, while the Social - Democrats opposed the idea, and now no longer want to go back to the two-round electoral system. So, the Social Democratic Party, now in opposition, has announced it counts on the support of the Democratic Union of Ethnic Hungarians in Romania to file a motion of no-confidence. Paradoxically, the fall of the Liberal Government might benefit the very National Liberal Party, who would like to organize early parliamentary elections in spring. (...)

The Social Democratic Party has stressed the fact that there are rulings by the Constitutional Court and recommendations made by the Venice Commission, according to which electoral legislation must not be changed six months prior to elections. Also, at the request of the Social Democratic Party, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe has approved the procedure of investigating Romania with regard to the observance of democratic norms in relation to the Orban Government assuming responsibility for amending the legislation on local elections.

The People's Movement Party has stated that assuming responsibility for the election of mayors in two rounds is a brave endeavor, which it will support in Parliament, and the Save Romania Union has too hailed Ludovic Orban's decision. The Alliance of Liberals and Democrats supports mayoral elections in two rounds, but has drawn attention to the fact that, by assuming

responsibility for that, the Government actually pushes for early elections, which would affect Romania's stability.

Romania Demands Justice Monitoring System for Whole EU

<https://balkaninsight.com/2020/01/27/romania-demands-justice-monitoring-system-for-whole-eu/>

January 27, 2020 – BIRN, Bucharest, Marcel Gascón Barberá



Romanian Justice minister Catalin Marian Predoiu. Archive photo: 06 February 2012. EPA/MIHAI BARBU

Romania has signalled its growing frustration with the CVM – a system of checks on its adherence to the rule of law – by demanding that similar monitoring be extended to the rest of the European Union. Justice Minister Catalin Predoiu on Sunday said it was time to consider “an evaluation mechanism of [the] justice [system] and the rule of law for all [EU] member states”. He added: “A single standard is needed for everyone.”

The European Commission imposed the Cooperation and Verification Mechanism, CVM, on Romania and Bulgaria when they joined the EU in 2007 in response to concerns from some member states that they were not ready for membership. It was designed to assess the two countries’ progress on administrative and judicial matters in order to help them remedy “shortcomings” and has remained in place ever since.

Romanian and Bulgarian leaders have repeatedly demanded an end to the CVM, calling it discriminatory. But while the latest CVM progress report, released last October, praised Bulgaria’s record in improving the justice system and the fight against corruption and organised crime, it did not say the same for Romania. (...)

“It would be good that all EU state members fight corruption as Romania does, including in the field of European funds,” Predoiu declared. “Otherwise, we will have double standards”. Romania’s former Social Democratic Party government was repeatedly criticized by the European Commission for allegedly weakening anti-corruption laws and judicial independence. Undoing their predecessors’ changes to the justice system is one of the declared priorities of the now ruling National Liberal Party, which came to power last November after a successful no-confidence vote in Viorica Dancila’s cabinet.

Serbia

Serbia's Progressives Look to Protect Legitimacy from Opposition Boycott

<https://balkaninsight.com/2020/01/17/serbias-progressives-look-to-protect-legitimacy-from-opposition-boycott/>

January 17, 2020 – BIRN, Belgrade, Maja Zivanovic

An opposition boycott in Serbia will raise serious questions about the legitimacy of the next parliament and government, analysts say, so the country's ruling party wants to open the door to others. In the wake of a decision by an alliance of opposition parties to boycott Serbia's 2020 parliamentary election, the government has raised the possibility of lowering the vote threshold for parties to enter the assembly.

On January 15, Serbian President Aleksandar Vucic, whose ruling Progressive Party is comfortably ahead in all opinion polls, confirmed an earlier report in the Politika daily that the threshold may be cut from five per cent to three per cent for the upcoming spring election.

The idea is not yet official policy, but the Progressives argue it is a gesture of magnanimity that will advance democracy. Some analysts, however, say it is little more than attempt to defend the legitimacy of the election and the government that the Progressives are almost certain to form after the vote. Opponents of the Progressives say the party wants to fill seats with small, nominally opposition parties that are in fact loyal to the government. The move, analysts say, risks opening the door to far-right fringe parties and giving them a national platform. (...)

Democratic 'step forward' or cynical ploy?

Since 1992, parties or blocs in Serbia must secure at least five per cent of the national vote in order to enter parliament, with the exception of parties representing national minorities. Cutting the threshold to three per cent amounts to cutting the number of votes needed by 40,000, said Boban Stojanovic, assistant lecturer at Belgrade's Faculty for Political Sciences. "It would for sure make it easier for all those who couldn't meet the threshold in previous elections to become political parties," Stojanovic told BIRN.

At the last election in 2016, only six parties or blocs – otherwise known as electoral lists – passed the threshold. The Alliance for Serbia, a collection of small parties from the liberal end of the Serbian political spectrum to the firmly right-wing, is refusing to take part, accusing the Progressives of controlling the media, exploiting state resources for party-political ends and buying votes with public sector jobs to such a degree that the upcoming election will be neither free nor fair.

Under the current circumstances, with the Alliance boycotting the five per cent threshold in place, only Vucic's Progressives, their coalition allies in the Socialist Party and small satellites of both parties will enter parliament, exposing the assembly and the next government to questions of democratic legitimacy.

Vucic justified the idea, telling reporters: "I believe that lowering the threshold is a democratic measure that will contribute to a more representative parliament and no one can dispute that."

Vladimir Djukanovic, a prominent Progressive MP, said the move was magnanimous. "We are harming ourselves because we will have fewer seats, but this is a democratic step forward – not a favour – so that the people can have as many representatives as possible," he told TV Prva.

European Parliament concern

The League Social Democrats of Vojvodina, which sits on the opposition benches in the national parliament but is in power with the Progressives in Serbia's second city of Novi Sad, welcomed the idea. But Nikola Jovanovic, deputy leader of the centre-right People's Party – a member of the opposition Alliance – accused the Progressives of planning to "replace the real opposition with a fake one."

Slovenian MEP Tanja Fajon, who was part of a European Parliament effort to find common ground between the government and opposition and avert a boycott, told the daily Blic on January 13 that she was "surprised and concerned by the idea" and that it was dangerous to radically change electoral rules so close to an election. The European Parliament's rapporteur for Serbia, Slovak MEP Vladimir Bilcik, told Politika that such a move would raise questions about the fairness of the electoral process.

Stojanovic questioned whether the Progressives were ready to ignore the voices of concern in Brussels. "This is too significant a chance and at the end of the day I'm not sure they will officially launch it," he said. But CRTA's Nedeljkov said the Progressives would have no qualms in pressing ahead. "It is very certain they will push for this idea in spite of the warnings."

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