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Regional

Rule of Law Key to Balkans' Progress – Germany's Schutz

https://balkaninsight.com/2020/08/10/rule-of-law-key-to-balkans-progress-germanys-schutz/?utm_source=Balkan+Insight+Newsletters&utm_campaign=f4082e62cd-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-f4082e62cd-319834862

August 10, 2020 - Marija Ristic, Berlin, BIRN

The Western Balkans Director at the German Federal Foreign Office says the region will be high on the agenda during Berlin's EU Council Presidency – but countries seeking integration must do their part.

The Western Balkans are high on the agenda of the German EU Council Presidency, but the concrete progress of states towards EU integration – from opening negotiations and chapters– depends on their own commitment to the rule of law and media freedom, Susanne Schutz, director for the region at the German foreign office, told BIRN.

Germany took over the six-month presidency of the European Union this July and Schutz says it wants to see “renewed momentum” in relations between the bloc and the West Balkans.

This follows the EU decision to open accession talks with Albania and North Macedonia, and the substantive solidarity package of 3.3 billion euros agreed for the region, to mitigate the consequences of the coronavirus pandemic.

“We want to maintain this positive dynamic. This means first and foremost continuing to lay the groundwork for accession talks with Albania and North Macedonia by finalising the negotiating frameworks. We aim to hold the first intergovernmental conference with North Macedonia and, if conditions are met, also with Albania during our Council Presidency,” Schutz explained.

In her interview for BIRN, the experienced diplomat, who served in Israel, Ukraine, Russia and Albania before becoming the Western Balkans Director in Berlin, said Germany hopes to continue accession talks with Serbia and Montenegro, further implement EU priorities for Bosnia and Herzegovina and resume the stalled Kosovo-Serbia dialogue.

“Thanks to the facilitation efforts by EU Special Representative Miroslav Lajcak, and the support of Germany and France, the EU-led dialogue [between Belgrade and Pristina] finally resumed on July 12, after its interruption 20 months ago,” she recalled.



Susanne Schutz, The Western Balkans Director at the German Federal Foreign Office

"We see an urgent need for progress in the dialogue as the unresolved situation is holding both countries back and hampering much needed regional cooperation in the entire Western Balkans," she added.

"A comprehensive agreement that allows for the realization of the EU perspective is in the interest of both Kosovo and Serbia, as well as the region as a whole. This agreement should also bring greater stability to the region. As is well known, we do not believe that new borders or land swaps would contribute to such a sustainable solution," Schutz explained, referencing Germany's known opposition to territorial exchanges as part of a final settlement.

Berlin, often seen in the region as the key decision maker when it comes to the EU aspirations of the so called "Western Balkans Six", also plans to focus in the months ahead on demographics and migration.

In the search for better employment, nationals from the Balkans are heading to Germany increasingly every year. The latest data from the German statistical office says that last year 237,755 Serbian nationals, 232,075 from Kosovo and 203,265 from Bosnia and Herzegovina were living in Germany. Many find jobs in the German health sector.

But Schutz says this movement is also problematic. "Although Germany and other countries are gaining well-trained professionals as a result, permanent gaps remain at home – not only in the health sector," she pointed out.

"The reasons for leaving are not only economic: They concern also persisting deficits in the rule-of-law area, non-meritocratic appointments, and corruption. Since most people from the region emigrate to EU countries, we think it is important to look for concepts that can mitigate the negative effects and make use of 'win-win' aspects for both the Western Balkans and the EU. "To that end, we plan to hold a conference with the Western Balkan countries during our Council Presidency," Schutz announced.

Progress for Serbia, Kosovo, depends on them



Traffic sign at the entrance of the ethnically divided northern town of Mitrovica, Kosovo. Photo: EPA/VALDRIN XHEMAJ

Both Kosovo and Serbia are looking to Berlin in the coming months, as Berlin chairs the European Union. But Schutz remains firm that there will be no watering down of conditions linked with the rule of law. “We are aware of the great frustration in Kosovo caused by the fact that visa liberalisation is still pending,” she said.

“We see the need to achieve progress on this important issue, which is very relevant for the EU-Kosovo relations and also for the Kosovo economy. However, to convince the remaining sceptics in the EU it will be very important that the Kosovo government does its part. This means first and foremost a clear commitment to fighting corruption and organised crime and to strengthening the rule of law,” she explained.

Its northern neighbour, Serbia has not opened any new EU chapters, which many see as a reflection of Serbia’s poor progress on reform and increasingly authoritarian tendencies. Germany welcomes Serbia’s strategic choice of EU membership, but still expects reforms, Schutz said. “On its path towards the EU, Serbia has already made important progress and opened more than half of all negotiation chapters, namely 18 out of 35,” she noted.

“However, we attribute a pivotal role to progress in the key area of rule of law – dealt with in Chapters 23 and 24 – as well as to normalization with Kosovo. The European Commission’s June non-paper on the state of play regarding Chapters 23 and 24 for Serbia clearly describes deficits and identified areas where significant progress still has to be made: we need a stronger political commitment to the rule of law, especially independence of the judiciary, as well as to the freedom of media,” she said. “It is important that Serbia accelerates the fight against corruption, particularly at the high level. To open further chapters, there must be progress in these areas,” Schutz added.

Responding to claims that the June parliamentary elections in Serbia were not free – as the majority of opposition parties boycotted them – Schutz said “the EU stands ready to provide appropriate assistance” on the issue of complaints. But she said mediation “only makes sense if the opposition and government are both willing to play an active part in coming to a solution agreeable to both sides”.

Judicial reforms at the core of Albania's enlargement process



Microphones of some Albanian media. Photo: BIRN

Reforms of the justice system as well as electoral law reform have been identified as priorities for Albania by Germany and the EU, she said. "Since the constitutional changes in 2016, we have seen that judicial reform, including the vetting of all judges and prosecutors, is very challenging," she added.

"It is a long and complicated process, which has temporarily also led to a partial dysfunctionality of the judiciary. However, we are convinced that there is no alternative to this crucial process. Once completed, the rule of law will be strengthened in Albania to the benefit of the Albanian people," she continued.

Germany is also watching electoral reforms in the country, as well as developments around new media legislation that the government sees as a way to regulate the online space, but which critics also see as an attempt to curb media freedom.

"Media freedom is a very important topic for the German government in general and of course during our Council Presidency," Schutz said. "A free and independent media is the backbone of any living democracy. This is why press and media freedom is also very important in the accession process. "The new media bill in Albania does not yet reflect best international standards and practices," she warned.

"We see the recent opinion by the Venice Commission as an adequate guideline for the ongoing work within the Albanian parliament to improve the bill, in particular regarding the definition of its scope, the proportionality of fines and the independence of AMA bodies [the Audio-Visual Media Authority tasked with monitoring the planned changes].

"The last interim report by the European Commission rightly called out the bill as lacking in certain areas and as not fully compatible with EU standards and best practices regarding freedom of the press and media. Improving the law in these aspects would be an encouraging step on Albania's path towards the EU," she said.

"The accession process provides guidance: Chapter 23 on the judiciary and fundamental rights, which includes freedom of the media, is an important pillar of this

process. As one of the two fundamental chapters, it will determine the pace at which the countries of the Western Balkans move closer to the EU," Schutz concluded.

Berlin is keeping a close eye on Bosnia



Migrants at the former military barracks in Blazuj, a suburb of Sarajevo, Bosnia and Herzegovina, 2020. Photo: EPA-EFE/FEHIM DEMIR

Reforms of elections and the rule of law are also a task for neighbouring Bosnia and Herzegovina, which does not yet have EU candidate country status.

"Special attention needs to be paid to the new law on the High Judicial and Prosecutorial Council, as this institution plays a crucial role for the entire judicial system in Bosnia and Herzegovina," she said.

"The public's trust in this institution needs to be restored without any further delay and all necessary measures should be carried out. As the rule of law is at the core of the EU accession process, Germany together with the EU Delegation to Bosnia and Herzegovina and other like-minded states will continue to support the country on its reform path.

"Another very important aspect of the 14 key priorities the European Commission outlined in its Opinion on Bosnia and Herzegovina's membership application is the holding of elections. We welcome the fact that local elections can finally take place in Mostar. We expect that political forces will do everything necessary for elections to take place as planned, and welcome in that context that the state budget has finally been agreed on. This is essential to Bosnia and Herzegovina's path towards the EU and the realization of the public's legitimate aspirations to become part of the Union.

"Apart from that, politicians should start to implement the pending rulings by the European Court of Human Rights (e.g. Sejdić and Finci v. Bosnia and Herzegovina) and to address the recommendations made by ODIHR and the Venice Commission in order to bring election law into line with European standards," she added. [ODIHR is the OSCE's Office for Democratic Institutions and Human Rights.]

According to Schutz, another area needing improvement is refugee and asylum policy. Bosnia has been struggling with the number of people, mostly from Middle East and

Africa, transiting through the country towards the European Union. Many live in poor conditions in overcrowded camps with limited access to legal assistance.

“It is necessary that all relevant actors in Bosnia and Herzegovina take responsibility for decisive action to alleviate the circumstances of refugees and migrants, thus improving the situation for all parts of society,” she said.

Bosnia should “professionalize its asylum system, so that those eligible for protection can easily file an application and receive the necessary status. At the same time, it is important for BiH and the other Western Balkan countries to steps up efforts to conclude readmission agreements with countries of origin.

“The latest EU Council conclusions on enhancing cooperation with Western Balkan partners in the field of migration and security is a good basis to further develop our joint efforts and manage the common challenge of migratory influxes more efficiently,” she said.

Support for vital reconciliation processes



Flag of Kosovo Liberation Army (KLA) during a protest against the Specialist Prosecutor's Office (SPO) Indictments for the Court's consideration, charging Kosovo President Thaci and other former KLA fighters, Pristina, Kosovo, 2020. Photo: EPA-EFE/STR

Reconciliation remains an important task for the region and a cornerstone for positive development and progress on the path towards the EU, underlined Schutz.

The German government will continue to support such efforts, especially the RECOM initiative, the regional commission tasked with establishing facts about all victims of war crimes and Other serious rights violations committed in the former Yugoslavia.

It will also demand cooperation from the Kosovo authorities with The Hague-based Kosovo Specialist Chambers, set up specifically to try members of the Kosovo Liberation Army, KLA, over alleged abuses and war crimes committed in the independence war from Serbia.

“Investigating war crimes and crimes against humanity is part and parcel of Kosovo’s commitment to the rule of law. There can be no lasting peace in a society without justice,” she said, firmly.

“Germany firmly believes that fighting impunity through national and international criminal courts is part of a responsible legal and foreign policy. Together with the EU, Kosovo has taken this important step towards that end with the creation of the Kosovo Specialist Chambers, under Kosovar law, whose work Germany supports as part of the general effort to address the crimes committed during the conflicts in former Yugoslavia.”

Addressing complaints often made in Kosovo, that the Specialist Chambers are putting an entire nation on trial, she added: “The Specialist Chambers only investigate alleged crimes of individuals and do not prejudge an entire country or its people.”

Her country is also supportive of the EU rule-of-law body, EULEX, which Schutz says critically enables the work of the Specialist Chambers. “Since 2008, the mission has supported the establishment of police, customs and border control units. This means real improvement for Kosovar citizens as a necessary prerequisite for sustainable stability. EULEX also contributes to international efforts to provide security as a ‘second responder’ with its police units,” she said.

Montenegro encouraged to resolve crisis with Church



Serbian Orthodox Church members in Montenegro take part in a protest rally in Podgorica, Montenegro, 2020. Photo: EPA-EFE/BORIS PEJOVIC

Speaking about Montenegro, the smallest but the most advanced country in the region in terms of its EU accession process, but which is currently going through the internal crisis in relations with its largest religious community, the Serbian Orthodox Church, SOC, Schutz said Germany hopes the two sides will reach consensus on a hotly disputed law on religion.

“We welcome the fact that the Montenegrin government and the Serbian Orthodox Church have started a dialogue about the Law on Religious Freedom and we hope that – after the talks had to be delayed for some time due to the COVID-19 pandemic – they will now reach consensus soon on how to proceed,” she said.

She said she regretted that the Church was not willing to meet the Montenegrin government’s latest proposals.

"We encourage the Serbian Orthodox Church and the Montenegrin government to return to the negotiation table in order to find a solution for the above-mentioned issue as well as for a proper registration of the SOC in Montenegro. Both sides have to contribute to such a solution. Otherwise, a recourse to legal action might be a feasible option, with the European Court of Human Rights serving as the final court of appeal," she added.

The remaining disputes in the region, including between North Macedonia and Bulgaria that hampers the latter's EU prospects, should be resolved in the spirit of good neighbourly relations, according to Schutz.

"The draft negotiating framework proposed by the European Commission on 1 July emphasises the commitment to good neighbourly relations and closer regional cooperation, as well as the importance of achieving tangible results and implementing bilateral agreements in good faith, including the Prespa Agreement with Greece and the Treaty on Good Neighbourly Relations with Bulgaria.

"Regarding the treaty with Bulgaria, I think that the formula agreed by Prime Ministers [Zoran] Zaev and [Boyko] Borisov, according to which history should be left to historians, remains valid. Both countries should resolve open questions within the framework of the bilateral agreement, e.g. the commission of historians," she said.

"Furthermore, the co-chairmanship of the Berlin Process this year is a very good opportunity to bridge bilateral differences, further deepen cooperation within the Western Balkans region and strengthen and expand bilateral trust."

Germany aims to finalise the negotiating frameworks and hold the first intergovernmental conference with North Macedonia and, if conditions are met, also with Albania during its Council Presidency.

"We will work hard with our partners in the EU and with North Macedonia and Albania towards achieving this goal," Schutz concluded.

SEE Digital Rights Network Established

https://balkaninsight.com/2020/08/14/see-digital-rights-network-established/?utm_source=Balkan+Insight+Newsletters&utm_campaign=6e4be2b807-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-6e4be2b807-319834862

August 14, 2020 – BIRN, Belgrade, BIRN

Facing a rise in digital rights violations, more than a dozen rights organisations have agreed to work together to protect individuals and societies in Southeast Europe.

Nineteen organisations from Southeast Europe have joined forces in a newly-established network that aims to advance the protection of digital rights and address the growing challenges posed by the widespread use of advanced technologies in society. Initiated by Balkan Investigative Reporting Network, BIRN, and SHARE Foundation, the SEE Digital Rights Network is the first network of its kind focused on the digital environment and challenges to digital rights in Southeast Europe.

The network brings together 19 member organisations – from Albania, Bosnia and Herzegovina, Croatia, Greece, Kosovo, Montenegro, North Macedonia and Serbia – dedicated to the protection and promotion of human rights, both online and offline. Each is committed to advancing their work on issues of digital rights abuses, lack of transparency, expanded use of invasive tech solutions and breaches of privacy.

Since the onset of the COVID-19 pandemic, Central and Southeast Europe has seen a dramatic rise in the rate of digital rights violations, in countries where democratic values are already imperilled.

“This endeavour comes at a moment when we are seeing greater interference by state and commercial actors that contribute to the already shrinking space for debate while the exercise of basic human rights is continuously being limited,” said BIRN regional director Marija Ristic. “The Internet has strong potential to serve the needs of the people and internet access has proved to be indispensable in times of crisis such as the COVID-19 pandemic. Our societies are becoming more digital, which presents a powerful incentive to increase the capacity of organisations dealing with digital developments and regulations in our region.”



Illustration: BIRN

During a first joint meeting, the members of the network agreed that the challenges posed by the fast-evolving tech solutions used by states have led to infringements of basic rights and freedoms, while false and unverified information is flourishing online and shaping the lives of people around the region.

The online sphere has already become a hostile environment for outspoken individuals and especially marginalised groups such as minorities, LGBTIQ+ community, refugees and women.

“Digital technology is profoundly changing our societies as it becomes an important part of all spheres of our lives, so we see the diversity of organisations that joined this network as one of its biggest strengths,” said Danilo Krivokapic, director of the SHARE Foundation.

“We can learn so much from each other’s experience, as we have similar problems with governments using technology to exert control over society, especially in times of crisis such as the COVID-19 pandemic,” he said. “It is also important that we act together when we are trying to restore the balance between our citizens and big companies (Facebook, Google etc) that hold enormous amounts of our personal data and through this exert significant power over us.”

The network’s aim is to build on the skills, knowledge and experience of its members to achieve common goals such as strengthening democracy in the region and protecting individuals in the digital environment.

While cherishing the values of safety, equality and freedom, the work of the SEE Digital Rights Network will be directed at achieving the following goals: to protect digital rights and internet freedoms, enable people to access accurate information, make the internet a safer place, detect and report hate speech and verbal violence online, especially against women and other vulnerable groups, identify online recruitment, which can lead to exploitation, take control of personal data, work to prevent the implementation of intrusive surveillance systems, hold governments accountable for the use and abuse of technology and improve digital literacy in order to prevent violence and exploitation.

The network will aim to increase the level of understanding of complex and worrying trends and practices, trying to bring them closer to the general public in a language it can understand. By creating a common space for discussion and exchange, organisations and the media will be able to increase the impact of their individual efforts directed towards legislative, political and social changes.

Check our in-depth coverage on these topics on the new [Digital Rights focus page](#). Find out more about the latest digital rights developments, the use of invasive tech solutions, privacy breaches and other online rights violations in the countries of Central and Southeast Europe.

Albania

Constitutional Changes Needed Consensus

<https://albaniandailynews.com/news/constitutional-changes-needed-consensus>

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Constitutional Changes Needed Consensus



GENC MLLOJA SENIOR DIPLOMATIC EDITOR

CURRENT EVENT

MONDAY, AUGUST 17, 2020

Mr. Tobias Ruettershoff, Head of Albanian Office of Konrad Adenauer Foundation, has chosen South of Albania, including Dhermi and Saranda, for summer vacations, and as he said he had “a very relaxing time after the Covid-19 lockdown, and it has reminded me how beautiful the Albanian landscape really is.” After his return to Tirana Albanian Daily News had a conversation with him, and the vast topics discussed show that Mr. Ruettershoff’s summer holidays were a real relaxation time for him. It was an occasion to have his opinions on the latest political developments in Albania, including some constitutional changes and the 5th of August accord, Germany’s commitment to hold the first intergovernmental conference with Albania during the German Presidency of the Council of the European Union, if conditions are met, as he said in the interview which follows:

***Albanian Daily News:* At the outset Mr. Ruttershoff, let me wish that you have had some summer vacations and if you permit what would you say on tourism opportunities offered by Albania, particularly now in the circumstances of COVID-19 pandemic?**

Mr. Tobias Ruettershoff: Thank you. I just spent one week in the South of Albania, including Dhërmi and Sarandë. It was a very relaxing time after the Covid-19 lockdown, and it has reminded me how beautiful the Albanian landscape really is. I hope the tourism sector is not hit too hard by the pandemic and that a lack of foreign visitors can be compensated for by domestic tourism. Yet, it is still a difficult time and, for example, the necessary (re-)closure of night clubs does not make things easier for businesses. In the mid- to long-term, I would hope that the tourism sector can overcome this crisis and grow in a sustainable and eco-friendly way. Many people in Europe have not yet discovered Albania as a tourist destination despite it sharing the same coast as Croatia or Greece. Thus, there is much room for potential.

-Despite the fury of the C19 health crisis Albania's political life has been tough, and foreign diplomats had to mediate a deal between the majority and opposition – the so called June 5 accord on electoral reform. But on July 30 majority adopted unilaterally some constitutional changes on the formats of open election lists and pre-electoral coalitions. Do you think that what happened might bring an end to irregularities in the upcoming parliamentary elections?

-To me it is not quite clear why the constitution had to be changed to achieve the desired outcome of more transparent and fair elections. While the legal powers of the Albanian parliament need to be respected, the question is whether these constitutional changes were also legitimate. During times when a large proportion of the Albanian public is not represented in parliament and we do not have a functioning constitutional court, changing the constitution will always prove difficult.

As far as I am aware, something as profound as constitutional change was always done in a consensual manner in the past, with all political players involved. This is why the conditions of the German Bundestag for opening EU accession negotiations called for an inclusive approach to electoral reform. It was reflected in the agreement of 14 January, where the majority as well as the parliamentary and non-parliamentary opposition agreed upon conducting talks in the Political Council in such an inclusive manner. This ultimately resulted in the June 5th Agreement, which was a giant leap forward. We now need to wait and see what the constitutional changes mean in reality: as in how will they be implemented in the electoral code to assess whether it will lead to more free and fair elections. I am positive that DP and the United Opposition will be open for continuous dialogue on this matter.

I do not know if open lists and the ban of pre-electoral coalitions will fully ensure the end of "irregularities" such as vote-buying and the manipulation of ballot counts. Full open lists certainly could provide some assurance in this regard. Yet, they are not in themselves a miracle cure for the ills of Albanian elections and certainly not in their current form, where only 2/3 of the party lists are open and 1/3 are still decided by the party heads.

-How much efficient has been foreign diplomats' mediation this time? PM Rama did not hide his harsh words on some ambassadors asking them not to interfere in Albanian parliament's decision making...

-The fact that some ambassadors were actively involved in hosting Political Council meetings at the end of May bears testimony to the international community's desire to finally see results in the electoral reform. This international pressure most likely had an impact on realizing the June 5th agreement. However, I would like to see Albanians being able to find compromises amongst themselves and without the need for external mediation in the future. In terms of the criticism by PM Rama: as I said earlier, the legislative rights of the Albanian parliament have to be respected. Yet, it was certainly not disrespectful by the United Opposition and other political actors to question the unilateral move to ban pre-electoral coalitions after we had made good progress towards an inclusive agreement on electoral reform.

- With a lot of 'home works' to be carried out by Albania do you think there might be a start of the accession stage with the EU?

-As you probably read in the interview by the Western Balkans Director in the German Foreign Office, Ambassador Schutz, with BIRN, Germany is committed to holding the first intergovernmental conference with Albania during the German Council Presidency, if conditions are met. This is also the feeling that I get when talking to decision-makers in Berlin. However, we need to be careful that it does not become a case of the tail wagging the dog. In other words, we still need to carefully monitor the fulfillment of conditions laid down by the Bundestag and the EU Council before we agree upon the opening of negotiations. Furthermore, we should not forget that there are 26 other countries in the EU that need to be convinced that the conditions have been fulfilled, including some skeptical ones like France, Denmark or the Netherlands.

I believe that Albania has made some progress in this regard and that the conditions can be met by the end of the year. As you mentioned, though, a lot of "homework" has still to be done. From my perspective, the greatest challenges are in the area of justice reform and particularly in achieving a well-functioning Constitutional and High Court. A democracy relies on a system of checks and balances between the three branches of power. In Albania, one of these branches, the judiciary, is essentially unable to work at the moment, which further exacerbates the current dilemma. Another vital element for a functioning democracy is a free and independent media. As the Venice Commission and other international bodies have commented, the current media bill is not compatible with EU standards and best practices with respect to press and freedom of the media. Hence, we would expect the bill to be improved in line with recommendations given by the Venice Commission.

-As chair of the Council of the European Union during the second half of 2020, how would you assess Germany's role in the current political crisis in Albania and concretely the decision on the opening of the accession talks?

-Just as in previous years, Germany remains committed to supporting Albania on its path towards EU integration. What is more, as the Chair of the EU Presidency in the second half of 2020, it can place the issue higher on the European agenda. In terms of involvement in the current political crisis in Albania, various German actors across the country, including the embassy or political foundations, can offer a helping hand. Nevertheless, the impetus for solving this crisis needs to come from Albanian political players themselves. This cannot be forced by Germany or any other states. I would hope a common ground among the Albanian political elites on crucial issues such as electoral and justice reforms or the media law can be found. This would then enable us to open accession talks by the end of 2020.

-How do you assess the prospects for Western Balkans with regard to the EU integration process when the situation seems burdened with conflicts of different kinds in the region?

- I am a positive person, and so in my case the glass is usually half full rather than half empty. If we look back on the last decades and what we have achieved, then the Western Balkans have witnessed large-scale developments. Since the Balkan Wars of the 1990s, we have now secured relative stability in the region. Nevertheless, we still face enormous challenges, as we can see for example in the ongoing Kosovo-Serbia situation or the ethnic conflicts within Bosnia and Herzegovina. Furthermore, there are other external powers trying to exert their influence in the area. It is, however, my firm belief that the future of the Western Balkans lies within the European Union. If you look around, you can see that we are surrounded by EU member states. This means the region is the courtyard and not the backyard of the EU. That reality is also reflected in the pre-existing interconnectivity of human and business interactions between the EU and the Western Balkans, which needs to be expanded further. Of course, the EU integration process will be an ongoing process for years or even decades, and we will most certainly experience some setbacks. Yet, in my view there is no real alternative to increased integration, both for the EU and the Western Balkan states.

-Let me turn, please, to the latest performance of your Foundation although in the conditions of C19 pandemic. "My Europe: The Challenges towards Integration" was the motto of the 2020 European Summer School organized by the Foundation in July this year. What can you tell our readers on such an event, its agenda and achievements?

-The aim of this project was to raise awareness among young people in Albania about the European Union, its key institutions, and its EU accession process. Even though good work has been done throughout years, we realized that many people in Albania, especially young people, had little awareness about it. In early July, we organized the 2nd European Summer School 2020 at Nehemiah Gateway Campus in Pogradec together with our partner, the European Centre. Both organizations invited crucial experts in the field who explained the path to the EU, the sui generis status of it, the negotiation process and so on.

Participants demonstrated a great deal of interest, they contributed their knowledge to the debate and raised questions on relevant topics during the training days. Of course, we adhered to the Covid-19 situation and the concomitant rules, which only allowed a smaller number of participants as originally envisaged. Still, it was good to get back to work with people in a real-life setting and not just online via videoconferences. Additionally, we designed an informative mobile application as a way to harness the power of the internet for raising awareness among citizens in a quick and efficient manner. Here the aim was to explain the European Union, its institutions, but more specifically the negotiation process of Albania. The app can be downloaded via the Google Play Store.

-Mr. Ruttershoff as you are a keen follower of developments in this Balkan country, please can you tell us why Albania continues to be in 'transition' even after three decades since the establishment of pluralism? In this frame please what can you tell us about your project on the lessons of transition in Albania from 1990 to 2020?

-Transition is a generational task, and experiences from different countries have shown that it can take decades to resolve problems in the wake of Communist rule. In Germany, too, we still face issues associated with the legacy of the former GDR, and that pales in comparison to what people had to endure in Albania. Transition affects nearly all aspects of life, whether that is the restitution of properties, locating missing persons or compensating victims for the financial, physical and psychological damage which they have suffered. A huge additional problem is that many people who benefitted from the Communist system or were even perpetrators, have not yet had to face justice for their actions.

December 2020 marks the 30th anniversary of the multi-party system establishment and the communist system disbandment in Albania. Since 1990, Albania has undergone on a long, complex transformation and reformation process to build a new system underpinned by the rule of law, free market economy, Euro-Atlantic integration, and functional democracy. The debate on transition, its nature and ending is inextricably linked to the debate on transition expectations in the 1990s. Looking at existing research on this topic, we found that for Albanian researchers, this period has been experienced and commented on, as opposed to having been subject to in-depth study. Moreover, for the rest of the world, the insights and the professional information on the 30-year post-communist era developments in Albania have been almost non-existent. Therefore, the Institute for Political Studies and the Konrad-Adenauer-Stiftung have planned to arrange and release a special publication on the 30th anniversary of the multi-party system establishment in Albania, focusing on the balance sheet and challenges over these 30 years of transition. The publication will be issued in English and Albanian, as edited by two co-editors: a history professor expert on post-communist political developments in Albania and a history professor expert on post-communist political developments in Germany.

-I would like to conclude this conversation with an opinion of yours on the thorny issues of the justice reform and rule of law in Albania. Albanians have often heard from some key diplomatic envoys in Tirana that there are people in the political class who do not want that reform. But my question is, Mr. Ruttershoff, why is it taking so long the implementation of this reform and is there truth in some claims that the majority is systematically seizing judicial bodies?

-Ever since Albania reached the status of EU membership candidate in 2014, reforming the justice system has been identified as a key priority for Germany and the EU. Yet, since the constitutional changes in 2016, we have seen that judicial reform, including the vetting of all judges and prosecutors, is a very challenging process. It seems that many more people have been engaged in corrupt or illegal activities than originally anticipated, which only serves to confirm the urgent need to thoroughly cleanse the justice system. Unfortunately, this complicated process has led to a partial dysfunctionality of the judiciary. Any country in the world, including Germany or the United States, would have problems with finding adequate replacements for nearly all judges at both the Constitutional and the High Court in a truly short amount of time. There is no alternative to this crucial process, however.

I believe the intensity of the judicial reform combined with the fact that Albania is a small country with limited legal resources, has also contributed to the claims that judicial bodies are dominated by one political faction. As you know, pretty much all areas of life are politicized in Albania and, in addition, there are many family ties. Hence, if someone has been a judge for several years in a specific area (which is a prerequisite in terms of experience to be selected for higher positions), you can, of course, suspect there to be certain allegiances. Nevertheless, I hope that the vetting institutions are doing their utmost to prevent a political capture of the new judiciary. Having said that, the international community will surely continue to monitor this process as well as how the newly installed judges and prosecutors act, and whether they demonstrate a certain political leaning.

Bosnia and Herzegovina

On Bosnia's Border with Croatia, Tensions Build over Migrants, Refugees

<https://balkaninsight.com/2020/08/19/on-bosnias-border-with-croatia-tensions-build-over-migrants-refugees/>

August 19, 2020 - Danijel Kovacevic, Banja Luka, BIRN

North-western Bosnia has become a bottleneck on the route taken by migrants and refugees trying to reach Western Europe, and tensions are building.

Three consecutive nights this week, residents of the north western Bosnian town of Velika Kladusa gathered to intercept buses approaching their town and check the passengers for migrants and refugees, Bosnian media reported. Those they found were pulled off and sent back in the direction they came.

The police turned up, but only to prevent violence, not stop the vigilante operation.

On Wednesday morning, authorities in the Una-Sana Canton to which Velika Kladusa belongs banned the transport of migrants.

It was just the latest indicator of the deteriorating situation in this region of Bosnia and Herzegovina, a growing bottleneck on the route taken by migrants and refugees trying to cross the external border of the European Union into Croatia and beyond to Western Europe.

The Una-Sana authorities say there are 7,000 migrants and refugees in the canton, but only half are housed in official camps, leading to friction with local residents.

"The situation is getting worse every day," said Silvia Maraone of IPSIA, an Italian NGO providing support for migrants and refugees in Bosnia.

"More and more people sleep outside with no food, no water, no electricity and, of course, they also become a bigger problem for the local population, because they need to go for water or to wash clothes or to take a bath in Una river and creeks, there is a lot of garbage around and unfortunately some people also enter houses and steal," he told BIRN.

"This creates tension with the local population and is harder and harder every day."

Situation 'very tense'

In April, Una Sana Canton issued a decision that all new arrivals, including those pushed back from the border by Croatian police, must go to the newly-created Camp Lipa near the town of Bihac, the seat of the canton some 55 kilometres south of Velika Kladusa, but this camp has limited space and migrants and refugees are reluctant to go there due to its distance from the border and urban amenities, said Maraone.

Instead, migrants and refugees have tried to create their own improvised tent settlements near Velika Kladusa, but authorities move quickly to take them down.

In Bihac, some residents have announced a protest on August 29, calling for migrants and refugees to be removed from the streets.

The local authorities in Bihac blame Bosnia's state-level institutions and the EU for not doing enough to resolve the crisis in Bosnia, which has been growing for three years since the original 'Balkan route' into Hungary was shut down by the right-wing government of Prime Minister Viktor Orban.

Aid groups working on the ground, however, say local authorities also have their own share of the blame.

"The big problem is that we do not see a willingness from the different governments – international, national or local – to make a solution, to sit together with different groups and try to find a way to make the situation less hard for everyone," said Barbara Becares of the NGO 'No Name Kitchen' which helps migrants and refugees in Bosnia and Serbia.

Numbers are growing, she said, but the resources to handle them are not.

"Opening camps and closing borders is not a solution," Becares told BIRN. "It is just a patch."

"So we have people in transit who have nowhere to go, no tents, no blankets... If they try to reach an EU country, it is common that they get pushed back and normally with violence. Camps paid for by EU money are full and renting a house is not allowed. At the same time, locals are exhausted."

Local residents are protesting, not always peacefully, she said, "and now the situation became very tense".

Migrants 'Stranded in Limbo' at Bosnian Checkpoints

<https://balkaninsight.com/2020/08/25/migrants-stranded-in-limbo-at-bosnian-checkpoints/>

August 25, 2020 - Danijel Kovacevic, Banja Luka, BIRN

Several dozen migrants and refugees are stranded at checkpoints between Bosnia and Herzegovina's two entities, Republika Srpska and the Federation, after local authorities imposed strict restrictions on their freedom of movement.

Around 60 migrants and refugees, including families and several minors who have been travelling alone, have become stranded at checkpoints on the roads between the towns of Ribnik and Kljuc and between Novi Grad and Otoka, said the Red Cross of the Federation of Bosnia and Herzegovina.

The migrants were left stranded when the authorities in the Una-Sana Canton imposed strict restrictions on their freedom of movement. They are not allowed to travel by foot, on public transport or in taxis.

Campaign group Amnesty International on Tuesday described the restrictions as "disproportionate and discriminatory".

"This decision to further limit the rights and freedoms of already marginalised people on the move is not only unlawful but potentially reckless," said Amnesty International's Balkans researcher Jelena Sesar.

"The authorities should be working to find solutions to accommodate and support several thousand people outside of official reception centres, rather than targeting them and leaving without protection," Sesar added.

Some of the stranded migrants and refugees are sleeping in an improvised wooden hut by the road between Ribnik and Kljuc, built by the Red Cross with the help of locals.

However, there is not enough room for all of them in the hut. Around 30 of them have makeshift sleeping places next to the hut, while the rest sleep in the open air by the roadside. There are no toilets or washing facilities.

Some of them have been there for a few days and their number has been increasing, according to the Red Cross.

The Una-Sana Canton, in Bosnia and Herzegovina's Federation entity near the border with EU member Croatia, has been hardest hit by the migrant crisis because more migrants have ended up here as they seek to cross over into the EU.

Police checkpoints have been set up on roads at the entrance to the Una-Sana Canton to check vehicles, particularly buses, coming from the neighbouring Republika Srpska entity. All migrants who are found are taken out of the vehicles.

However, they cannot go back to Republika Srpska because a kilometre away, a checkpoint has been set up by the Republika Srpska police to prevent migrants from returning.

Milorad Dodik, the Serb member of Bosnia and Herzegovina's tripartite presidency, said after the Una-Sana Canton introduced the movement ban that Republika Srpska would continue to transport migrants back to the entity's demarcation line.

Shortly afterwards, the Republika Srpska police set up a police patrol on the entity's demarcation line and on Monday afternoon, reinforcements from the Gendarmerie unit arrived at the checkpoint.

Nermina Cemalovic, the health minister in the Una-Sana Canton, claimed at a news conference on Monday afternoon that the number of migrants infected with the coronavirus was rising every day.

"We can't control them because they move in groups of 100. They don't follow any rules or norms and we have to think about protecting citizens," Cemalovic said.

"If we leave them in camps then there will be a viral explosion, and if we let them out, then they will come in contact with citizens and endanger them," she added.

In the absence of a state strategy for dealing with the issue, the main political parties in the country have continued to accuse each other of being to blame for the migrant crisis. Meanwhile, lower levels of government have been left to deal with the problem themselves.

Amnesty International warned that "Bosnia is facing an imminent humanitarian crisis" if the authorities at all levels do not find suitable facilities in all parts of the country to accommodate refugees and migrants.

Bulgaria

Bulgarian police remove anti-government protesters' tent camps

<https://sofiaglobe.com/2020/08/07/bulgarian-police-remove-anti-government-protesters-tent-camps/>

August 07, 2020 by The Sofia Globe staff



Photo of the tent camp outside the municipal headquarters in Bulgaria's Black Sea city of Varna, taken on August 6: Clive Leviev-Sawyer

In an overnight operation, Bulgarian police removed tent camps set up by anti-government protesters in Sofia, Plovdiv, Varna and on the Stara Zagora – Haskovo road, Bulgarian National Radio reported on August 7.

The operation started at about 4am.

In Sofia, 12 people were arrested, and released a few hours later.

In Bulgaria's capital city, there had been tent camps on key roads, including the intersection at Eagle Bridge (Orlov Most), outside Sofia University and the near the Presidency building.

Among those arrested in Sofia was one of the "Poison Trio" organisers Arman Babikyan, who was taken into custody for violating the Road Traffic Act and disobeying police orders. In a Facebook post, he said that the tent camps would be set up again.

On August 7, protests in Bulgaria demanding the resignations of Prime Minister Boiko Borissov's government and Prosecutor-General Ivan Geshev entered their 30th day.

Condemnation after assault of journalist at Bulgaria's ruling party event

<https://sofiaglobe.com/2020/08/06/condemnation-after-assault-of-journalist-at-bulgarias-ruling-party-event/>

August 06, 2020 by The Sofia Globe staff

Bulgaria's broadcast media regulator the Council for Electronic Media (CEM) said on August 6 that it was seriously concerned about the increasing number of attacks on journalists.

"Any physical and verbal aggression against journalists is unacceptable in a democratic society. Especially in an EU member state where respect for human dignity and rights, tolerance and understanding are core values," CEM said.

The statement came a day after Radio Free Europe journalist Polina Paunova was assaulted by unidentified men at a special national conference of Prime Minister Boiko Borissov's GERB party, held in response to continuing large-scale protests demanding the resignation of the government and the Prosecutor-General.

Any encroachment on or obstruction of journalists' work is a direct encroachment on freedom of speech and the achievements of democracy, CEM said.

"The CEM calls on citizens to respect the professional rights of journalists, as well as their freedom and personal dignity."

It said that it believed that the relevant authorities would do their job quickly and professionally to identify the perpetrators.

"CEM once again calls on politicians and the public to be responsible in public speaking and behaviour towards journalists and the media," the statement said.

In a letter to European People's Party president Donald Tusk, Borissov and Prosecutor-General Ivan Geshev, the Association of European Journalists – Bulgaria condemned the attack on Paunova.

"We believe that you are aware that violence towards journalists during an event, organised by Bulgaria's ruling party, is unacceptable," it said in comments addressed to Borissov.

Prosecutors: Man who assaulted reporter at Bulgaria ruling party event arrested

<https://sofiaglobe.com/2020/08/07/prosecutors-man-who-assaulted-reporter-at-bulgaria-ruling-party-event-arrested/>

August 07, 2020 by The Sofia Globe staff



A 20-year-old man was taken into custody on August 7 after two days earlier being filmed at a national conference of Bulgarian Prime Minister's GERB party assaulting a reporter, grabbing her phone and violently hurling it some distance.

An August 7 statement by the Bulgarian Prosecutor-General's office said that the Sofia District Prosecutor's office had instituted pre-trial proceedings under the Penal Code in connection with assaults of citizens, including journalists, at the August 5 GERB event at Sofia Tech Park.

Three people involved in the incidents had been identified so far.

Apart from the 20-year-old, a 22-year-old man who had been present during the assault of Radio Free Europe reporter Polina Paunova had been taken into custody.

A 66-year-old man who was filmed making insulting and obscene remarks to reporters had been questioned, the Prosecutor's Office statement said.

The investigation was continuing, the statement said.

EU's credibility is at stake over Bulgaria, says reformist leader

<https://www.politico.eu/article/bulgaria-hristo-ivanov-eu-credibility-at-stake/>

August 12, 2020 by Christian Oliver

Hristo Ivanov says Germany and the Commission have sold themselves too cheaply to ensure Borissov's loyalty.

The EU's credibility as a custodian of the rule of law is on the line over its failure to respond to a spiralling corruption crisis in Bulgaria, according to a reformist party leader whose anti-graft crusade has helped drive major street protests every night for almost five weeks.

Hristo Ivanov, a former justice minister who now heads the anti-corruption Yes Bulgaria party, insists that Brussels and Berlin have to take responsibility for helping deliver the Bulgarian judiciary and other key institutions into the clutches of an oligarchic mafia.

By going soft on supervision of judicial reforms, while simultaneously stoking the corruption with European funds, the EU has a lot to answer for, he argues.

"If the EU is unable to guarantee minimal standards of rule of law in a member state as weak ... as Bulgaria, what is it good for?" Ivanov asked in an interview with POLITICO.

He added that the European Commission, which is supposed to act as a guarantor of the EU treaties, "wilfully closed its eyes to what is happening in Bulgaria," even though European funds are the mafia's lifeblood.

"This level of state capture in Bulgaria was only made possible by the easy drug of EU funds," he complained.

Bulgaria's mafia has its origins in the Communist-era spy service, and has seized on the powerlessness of EU judicial oversight to extend its reach.

Over the past few months, Ivanov and other campaigners have stitched together an unprecedentedly clear picture of how a cadre of oligarchs has effectively established a parallel state in Bulgaria that exerts power through business, the judiciary, the media, police and security apparatus.

Bulgaria's mafia has its origins in the Communist-era spy service, and has seized on the powerlessness of EU judicial oversight to extend its reach via time-honoured tactics of menaces and kompromat.

European leaders are conspicuously silent about the mounting evidence that an EU country is brazenly flouting the bloc's democratic and legal norms, and have failed to criticize Sofia over police brutality against anti-corruption protesters and attacks on reporters.

Ivanov argued that Brussels and Berlin turn a blind eye to Bulgaria's mafia because Prime Minister Boyko Borissov, whom the protesters see as a facilitator of the abuses, is a crucial ally of the Christian Democrats of German Chancellor Angela Merkel and European Commission President Ursula von der Leyen on the EU stage.

Brussels and Germany also see the burly former bodyguard as dependable in handling relations with Turkey, Ivanov said.

"It's a very typical thing: An empire is at its point of eclipse when it allows its border policy to be handled by local warlords," he said.

"The thing is that the unequivocal support of Germany and the European Commission for Borissov is selling the credibility and political capital of Europe and Germany too cheaply. They could have gained the same level of cooperation without being so unprincipled and without demoralizing the Bulgarian public."

Ivanov stressed that the Bulgarian public's main expectation of Brussels was not EU cash, which Borissov often boasts of securing. Instead, he said people wanted the EU to help rescue the country's hijacked justice system by demanding genuine progress against corruption in return for funds.

Ivanov argued Borissov had, however, charmed Merkel through his unwavering loyalty to her European People's Party, and by acting as the endearing "simpleton" at European Council summits. He quipped that Borissov must remind her of the accommodating attendants that East Germans met on their socialist-era trips to Bulgaria's beaches. "He's obliging as a bellboy, with that specific Balkan charm."

A spokesman for Borissov's political party, GERB, insisted there was "no tolerance for corruption in GERB and the government. Prime Minister Borissov has repeatedly declared that he will not protect anyone accused of corruption."

Indeed, Borissov is keen to cast himself as the clean pair of hands who kept EU funds running after corruption in a Socialist Party government caused them to be cut in 2008. He is particularly proud of the motorways built with EU money during his mandates.

Balkan imbroglio

While Bulgaria's parallel state is a complex web, Ivanov and the protesters are focusing their attention on the role of two prominent behind-the-scenes power brokers from the country's ethnic Turkish party: Ahmed Dogan, the party's former leader, and media mogul Delyan Peevski.

Ivanov triggered the current round of protests — the largest in seven years — through a video stunt that illustrated how Dogan was illegally occupying a stretch of coastline as his headquarters, and was guarded by state security, even though he has no public role.

Since Ivanov's beach landing in a rubber dingy on July 7, Dogan and Peevski have had to give up their bodyguards, and the top general of state security had to resign.



Ivanov triggered the current round of protests through a video stunt | Photo by Yes Bulgaria

Borissov has been reluctant to challenge Dogan and Peevski, and the protesters are calling for his resignation partly because of his ties to the duo. Ivanov describes the power-sharing arrangement of the state as: “Borissov is king by day, Peevski is king by night.” The spokesperson for GERB insisted, however, that the government and the ethnic Turkish party were not working as a coalition.

The biggest single concern is the justice system, as increasing testimony emerges about how the judiciary has been weaponized as a tool for threats, extortion and state takeovers. The tens of thousands of protesters packing the streets of Sofia and other cities are calling not only for Borissov's resignation but also for Chief Prosecutor Ivan Geshev to quit. Both men are making it clear that they are not budging.

Buck stops in Brussels

Ivanov stressed the EU could not pretend that Bulgaria's rule-of-law failings were a domestic concern, especially since the country was in such a mess thanks to the failure of the EU's Cooperation and Verification Mechanism on judicial reform. The Commission has lately given Bulgaria strangely rosy reports, while testimony now suggests a mafia takeover was deepening.

"This is not a domestic question, because the biggest, easiest corruption concerns European funds," Ivanov argued, adding that Bulgaria's unaccountability within the EU had significant ramifications for the single market, particularly when coupled with problems such as smuggling, organized crime and terrorism. "[Bulgaria's corruption] is a matter of financial interest and national security to every European citizen ... You can come on vacation to Bulgaria and become the guest of our lack of rule of law; you can have a business in Bulgaria, and it can be stolen from you."

Ivanov resigned as justice minister in 2015 when his attempts to force through judicial reform in a Borissov government were thwarted, but he also stressed that he received no support from the EU. "My decision to become a minister was not based on the illusion that Borissov wants reform. I wanted to see, if there is a real reformer in the ministry of justice, would there be enough European support for me? My conclusion unequivocally was there was none from Mr. [Frans] Timmermans, who was responsible, as first vice president of the Commission. "We have a lot of experience of trying to draw the attention of the competent institutions to euro-fund abuses, and they are extremely generous with Bulgaria. Somebody in Berlin is making a cynical calculus: a billion more or less, who cares? As long as you buy the good favours of Borissov and you keep him stable ... who cares about some 'tips?'"

Responding to Ivanov's criticism of the Cooperation and Verification Mechanism, the European Commission said Bulgaria had made "sufficient" progress on judicial reform, in line with its commitments upon joining the EU, but still needed "continued" implementation of reforms on "judicial independence and the fight against corruption."

Ivanov is now pushing for another shot at judicial reform through an election, next spring at the latest, which he hopes will centre on a legal shake-up.

In a backdrop to the protests, a full oligarch-versus-oligarch war appears to have erupted. Geshev and the prosecutors portray themselves as taking down corrupt tycoons, while the oligarchs and other businessmen they are targeting are going public with tales of extortion with menaces. In an attempt to undermine the legitimacy of the protest movement, the judiciary camp accuses the moguls they are probing — like the casino baron Vasil "The Skull" Bozhkov — of funding the demonstrators.

To Ivanov, this mud-slinging among the elite is a sign that the oligarchic system is reaching endgame. "The system is reaching a point where it is unravelling."

Bulgaria ruling party tables draft new constitution in Parliament

<https://sofiaglobe.com/2020/08/17/bulgaria-ruling-party-tables-draft-new-constitution-in-parliament/>

August 17, 2020 by The Sofia Globe staff



Photo, of GERB parliamentary group leader Daniela Daritkova and members of the group submitting the draft constitution to Parliament's registry office: gerb.bg

Bulgarian Prime Minister Boiko Borissov's GERB party parliamentary group tabled a draft new constitution of Bulgaria in the National Assembly on August 17, according to a statement by the party's press centre.

The move came on the 40th consecutive day of protests demanding the resignation of Borissov's government and of Prosecutor-General Ivan Geshev, and early parliamentary elections.

Copies of the proposed constitution have been sent to leaders of all parliamentary groups and MPs who are not members of parliamentary groups, with an invitation to talks to reach a broad agreement among MPs on convening a Grand National Assembly, GERB said.

GERB proposes halving the number of members of the National Assembly to 120, cutting the term of office of the Prosecutor-General from the current seven to five years, and splitting the Supreme Judicial Council into two bodies, one for judges and one for prosecutors.

The Judicial Council of Prosecutors would appoint the Prosecutor-General, who would require to report to Parliament every six months.

The draft takes away from the President the right to appoint the top three office-holders in the judiciary.

It abolishes the Grand National Assembly and transfers to the ordinary National Assembly the right to amend the constitution or vote a new one.

The timeframe for considering the proposed changes to the constitution is no earlier than two months and no later than five months after they have been tabled.

Also on August 17, GERB tabled draft amendments to the Electoral Code. These propose the introduction of machine voting in all electoral sections in Bulgaria which have more than 300 voters.

Voters would be given a choice whether to vote using a voting machine or a paper ballot.

GERB also proposes the creation of a new chapter in the code, which regulates the conduct of elections to the Grand National Assembly, introducing a mixed electoral system, with 200 MPs to be elected by proportional representation, and the remaining 200 by majoritarian vote.

GERB's tabling of the new constitution was given short shrift by the anti-government protesters at Eagle Bridge (Orlov Most) in Bulgaria's capital city Sofia, Bulgarian National Radio reported.

The protesters rejected the notion of those in power proposing a new constitution, and reiterated their demand for the government to resign.

One of the protest organisers, Georgi Georgiev of the Boets movement, said: "We don't accept the mafia writing our new constitution, all we want from them is their resignation".

Anti-government protesters have come up with a new tactic, flying blockades of the buildings of various institutions.

In the morning of August 17, the target was the Justice Ministry building, which was blockaded for an hour, with protesters throwing eggs at the windows of the building as the hour ended.

Apart from Eagle Bridge, tent camps blocking intersections outside Sofia University and in Nezavisimost Square remain in place.

Bulgaria's President Rumen Radev: There Is Only One Way Out - Resignation of the Government

<https://www.novinite.com/articles/205728/Bulgaria%27s+President+Rumen+Radev%3A+There+Is+Only+One+Way+Out+-+Resignation+of+the+Government>

August 18, 2020



Bulgaria's President Rumen Radev on August 17 was in Varna, where at 19:00 he met with protesters.

"The Prime Minister obviously is not satisfied with how he has ruined the country for the past 10 years and wants us to give him the opportunity to ruin it more. He wants to take the whole country hostage to his own survival," the President said.

"The only answer to these aspirations is a firm refusal. You see what happens to people for 40 days. Bulgarians in many cities at home and abroad are demanding the government's resignation. The biggest fear of this government is fair elections by machine voting. That is why this procrastination is, this is what this crisis is about, the head of state added. There is only one way out of this crisis and it is the resignation of the government, so that we can get back on track with the rule of law and get out of this crisis, Radev added.

He also commented on the government's proposal to convene a Grand National Assembly:

There should be no comments on these proposals (about changes to the Constitution) made by a Prime Minister who killed parliamentarism. I call on all those who care about the future of Bulgaria not to fall into Borissov's trap. Do not get involved in discussing this "premature", called a draft for a new Constitution. I will by no means table my proposal to this Parliament. Borissov's aim is not a rational new Constitution. His aim is to make us forget corruption, lawlessness and our demands for his resignation. The way out of such a crisis of confidence is not the Grand National Assembly, but resignation - immediate and unconditional, said Rumen Radev./BNT

Upholding the independence of the Bulgarian Prosecutor's Office: National Meeting on Monday

<https://www.novinite.com/articles/category/2/Politics>

August 18, 2020 /Politics » DOMESTIC |



More than 700 prosecutors and investigators from Bulgaria are gathering at a national meeting on Monday.

The topic of the meeting is "Upholding the independence of the Bulgarian Prosecutor's Office in order to prevent the risk of serious violation of the rule of law according to Art. 7 of the Treaty on European Union".

The forum will be open to the media.

Bulgaria's Minister of Justice Resigns

<https://www.novinite.com/articles/205802/Bulgaria%27s+Minister+of+Justice+Resigns>

August 26, 2020, Politics



BTV.bg

Danail Kirilov resigned as Minister of Justice after talks with Prime Minister Boyko Borissov.

The prime minister's decision on whether to accept the resignation will be made after talks with coalition partners, the Council of Ministers said in a statement.

Bulgarian PM's Constitution Changes Test Ruling Coalition's Unity

<https://balkaninsight.com/2020/08/26/bulgarian-pms-constitution-changes-test-ruling-coalitions-unity/>

August 26, 2020 - Svetoslav Todorov, Sofia, BIRN

Prime Minister Boyko Borissov's push for constitutional changes intended to defuse street protests has run into difficulties with his coalition partners' demands, while his government has suffered another setback with the justice minister's resignation.



Bulgaria's Prime Minister Boyko Borissov. Photo: EPA-EFE/JOHANNA GERON.

Boyko Borissov's GERB party has so far secured 104 out of the 120 votes needed to push through amendments to the constitution which the Bulgarian prime minister hopes will take the heat out of street protests fuelled by anger about institutional corruption and abuse of power.

But securing enough backing from lawmakers is proving problematic for Borissov – GERB's coalition partners, the United Patriots alliance, have yet to fully support the draft changes as their demands have not been satisfied, while other parties remain hesitant to back the changes.

So far Borissov has the backing of 95 MPs from GERB and nine from the United Patriots. If he secures 120 votes, he can get the amendments approved on September 2 and give the green light for a Grand National Assembly to cement the new constitution.

But the suggested amendments, which would increase the power of the General Prosecutor, shrinking the responsibilities of the president and the justice minister and reduce the number of MPs from 240 to 120, have been widely criticised by protesters,

opposition figures and law experts for entrenching the status quo stronger rather than offering any kind of reform.

“Apart from mistakes and inaccuracies, the draft contains deviations from the basic principles of constitutional law and unjustified proposals for changes in democratic practices,” the Bulgarian Supreme Bar Council said in a statement on Tuesday.

The Bulgarian Socialist Party, the main opposition to GERB in parliament, has declined to support the changes. The Volya party, which is usually supportive of Borissov’s ideas, has given signs that it will not vote in favour, while the far-right party Ataka and DPS (Movement for Rights and Freedoms), of which controversial oligarch and media mogul Delyan Peevski is a member, have been silent on the subject so far.

Meanwhile, IMRO (Bulgarian National Movement), which is part of the United Patriots alliance, is adamant that it wants mandatory military service to be introduced as a prerequisite for its support. IMRO also wants it to be made mandatory for people to have basic educational qualifications in order to be able to vote in elections, and for the powers of the president to be widened.

On Wednesday, the speaker of the National Assembly Tsveta Karayancheva, called on IMRO to tone down its demands and support the project.

Meanwhile, Borissov’s administration was hit by another setback on Wednesday when Justice Minister Danail Kirilov resigned.

Kirilov, who is notorious for his posts and comments on social media mocking opposition figures, has so far given no reason for his resignation.

Protesters who are demanding the resignation of Borissov’s cabinet and General Prosecutor Ivan Geshev are expected to try to interrupt a speech today by the mayor of Sofia, Yordanka Fandakova, who is opening a new metro line in the capital.

Although the daily protest, which has been going on for a month and a half, have dwindled recently, crowds are expected to return on September 2 when the voting on the constitutional changes is due to take place.

Kosovo

Kosovo MPs Fail to Pass Law to Protect KLA's Values

https://balkaninsight.com/2020/08/13/kosovo-mps-fail-to-pass-law-to-protect-klas-values/?utm_source=Balkan+Insight+Newsletters&utm_campaign=6e4be2b807-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-6e4be2b807-319834862

August 13, 2020 - Valon Fana, Pristina, BIRN

Legislation which was intended to enshrine in law support for the Kosovo Liberation Army's wartime values, but has been accused of threatening freedom of speech, failed to gain enough support in parliament.

The proposed Draft Law on Protection of the Kosovo Liberation Army's Values failed to pass on Thursday after only 35 MPs out of a total of 120 lawmakers in the Kosovo Assembly voted in favour. "A total of 36 deputies participated [in the vote], 35 votes in favour, one against and no abstentions," said Kosovo Assembly speaker Vjosa Osmani. The draft law was intended to enshrine in law an institutional and civic obligation to protect the image of the guerrilla army that fought Serbian forces in the 1990s war.

Concerns have been raised that the law could limit freedom of speech because it obliges "any public official and citizen of the Republic of Kosovo... to respect and protect the war values determined by this law at any time and in circumstances within the country and abroad". The US ambassador to Pristina, Philip Kosnett, wrote on Twitter on July 29, that "the proposed KLA Values Law ... criminalises free speech, intimidates citizens, and is costly".

The law was originally proposed in 2018 but the idea was revived when President Hashim Thaci – who was the KLA's political leader during the war – was interviewed by Hague-based war crime prosecutors for four days in July. Thaci, whose Democratic Party of Kosovo proposed the draft law, has denied any wrongdoing.

Gazmend Bytyqi from the Democratic Party of Kosovo said that the party would amend the legislation to address "concerns of colleagues and international friends" and bring it back to parliament, media reported.

But six Kosovo-based NGOs called on the party to withdraw the legislation altogether.

"The current draft law violates freedom of speech, while undermining the efforts to bring justice for all victims and survivors [of the war] from all ethnic backgrounds," said a statement from the Youth Initiative for Human Rights Kosovo, the Humanitarian Law Centre Kosovo, the Kosovo Rehabilitation Centre for Torture Victims, Integra, the Alternative Dispute Resolution Centre and the New Social Initiative.

Kosovo Political Parties Shun Campaign to Abolish Hague War Court

<https://balkaninsight.com/2020/08/26/kosovo-political-parties-shun-campaign-to-abolish-hague-war-court/>

August 26, 2020 - Serbeze Haxhiaj, Pristina, BIRN

Kosovo Liberation Army veterans are calling for the abolition of the Kosovo Specialist Chambers, a Hague-based war crimes court set up to try former guerrillas - but the country's main political parties refuse to openly back the initiative.

Kosovo President Hashim Thaci posted a video message on Facebook this week urging lawmakers to support the extension of the Kosovo Specialist Chambers' mandate. "Politics should not interfere in justice and justice should not interfere in politics either," Thaci said.

His statement may have appeared unusual because he himself could end up in the dock at The Hague-based war crimes court, which was set up to try wartime and post-war crimes committed by Kosovo Liberation Army, KLA fighters from 1998 to 2000.

Prosecutors announced in June they have filed a ten-count indictment to the Specialist Chambers asking the court to confirm charges against Thaci and nine other KLA ex-guerrillas including former parliament speaker Kadri Veseli.

In the wake of the announcement, Kosovo's War Veterans Organisation has called for the Specialist Chambers to be abolished, repeated the widely-held opinion in the country that the so called 'Special Court' is biased because it is focused on trying ethnic Albanians, not Serbs who committed war crimes in Kosovo.

"We are asking to change the mandate of this court because it is an unjust mechanism against the KLA," Nasim Haradinaj, deputy head of the War Veterans Organisation, told BIRN.

The Special Court is a 'hybrid' institution – it is part of Kosovo's judicial system but based in the Netherlands and staffed by international. It was established abroad because of failures to prosecute KLA fighters in Kosovo itself, and to try to avert problems of witness intimidation.

Kosovo lawmakers voted to set up the Special Court in 2015, under heavy pressure from the US and the EU. Canvassed by BIRN, the country's main political parties did not offer backing for the KLA veterans' demand for it to be abolished – even if they agree that the court is biased.

Rexhep Selimi is head of the parliamentary group at Vetevendosje (Self-Determination), the biggest opposition party in the legislature.

Vetevendosje MPs voted against the establishment of the Special Court but Selimi told BIRN that the veterans' initiative was misplaced because the court can only be abolished by constitutional changes.

"War veterans should bear in mind the court was established by constitutional changes with two-thirds of [MPs'] votes, and after an international agreement," he explained. Bedri Hamza is head of the parliamentary group of the Kosovo Democratic Party, PDK, the party founded by Thaci, whose leader Kadri Veseli is listed in the prosecutors' indictment.

The PDK voted to establish the Special Court but members of the party have said they support the war veterans' initiative to abolish it.

Hamzi declined to say whether the PDK would openly support the initiative, calling it a "hypothetical situation". "At this moment we don't see any initiative in parliament yet. If we have one... we will sit and discuss it. For the moment we cannot declare if we truly support it or not," Hamza told BIRN.

Besa Gaxherri, an MP from the Democratic League of Kosovo, LDK, the main party in the current government, said that the LDK will not support any initiative to abolish the Special Court.

"This court was established and is continuing to work, so I think that such an initiative is unreasonable and does not go in Kosovo's favour. We know that there might be some specific groups which could have an interest in taking this idea forward but we don't think that it is now the time to support any idea to abolish this court," Gaxherri told BIRN.

"We believe that this court and its mandate is not against the KLA and its war because its resistance [to Serbian forces] was supported by NATO itself," she added.

EU warns of threat to rule of law



A Kosovo war veteran at a protest in Pristina in March 2015 against the establishment of the Special Court. Photo: EPA-EFE/Valdrin Xhemaj.

The European Union has warned that there will be consequences for Kosovo if the Specialist Chambers' mandate is changed, saying that such a move would undermine the rule of law in Kosovo.

"The Specialist Chambers and the Specialist Prosecutor's Office are an important demonstration of Kosovo's commitment to the rule of law, which in turn is a core element for Kosovo's progress on the European path and for the EU engagement with the Western Balkans as a whole," an EU spokesperson told BIRN.

"Any attempt to repeal or amend the mandate of the Specialist Chambers would seriously undermine this commitment and would jeopardise the joint [EU-Kosovo] work on the rule of law done over the past years," the spokesperson added.

The Special Court's establishment came in response to serious allegations raised by a Council of Europe report in 2010 written by Swiss senator Dick Marty about crimes allegedly committed by KLA members.

Between 2012 and 2014, a European Union task force looked into Marty's allegations and concluded there was enough evidence for prosecutions for offences like murders, abductions, illegal detentions and sexual violence.

When MPs voted in 2015 to establish the new court, Kosovo's political leaders explained it as a way to clean up Kosovo's image.

But then in December 2017, President Thaci, who initially backed the new court, supported an initiative by more than 40 MPs to abolish it. The initiative fizzled out under pressure from Kosovo's Western backers, however.

The court has however remained deeply unpopular among many Kosovo Albanians because it is seen as an attack on the KLA's righteous struggle, and frustration has continued to grow with what is seen as a biased institution that will only try ethnic Albanians while leaving many wartime crimes by Serbs unprosecuted.

Kosovo's War Veterans Organisation insist that without prosecuting Serb suspects, justice cannot be done.

"Real justice cannot be served by a monoethnic court," argued Haradinaj. But Rexhep Selimi of Vetevendosje argued that it is now too late to do anything to abolish the Special Court.

"War veterans' organisations pretend to be worried now, but they should have been worried at the time when the Special Court was established," he said.

Kosovo Urged Not to Build Road in Serbian Monastery's Protected Area

<https://balkaninsight.com/2020/08/28/kosovo-urged-not-to-build-road-in-serbian-monasterys-protected-area/>

August 28, 2020 - Xhorxhina Bami, Pristina, BIRN

Western ambassadors urged Kosovo to respect its own law on special protected zones after a dispute erupted about the construction of a road through a protected zone around a historic Serbian Orthodox monastery.



The Serbian Orthodox Visoki Decani Monastery in Kosovo, January 2013. Photo: EPA-EFE/Valdrin Xhemaj.

Ambassadors from France, Germany, Italy, Britain and the United States, together with representatives from the EU, NATO's Kosovo mission KFOR and the OSCE, urged the Kosovo authorities on Thursday to respect the country's law on special protected zones, after claims that a new road being built near a Serbian Orthodox monastery would violate the law.

The Western diplomats' statement came after they visited the Decan/Decani area, where the road is being built, and met the local mayor Bashkim Ramosaj and abbot Sava Janjic of the Serbian Orthodox Visoki Decani monastery, who has called for the road's route to be changed to avoid the protected zone.

"We call on parties to strictly adhere to Kosovo's laws, in particular the 2008 law on the Special Protective Zones, and to address any remaining concerns within the framework of the Implementation and Monitoring Council (IMC), prior to taking any action," the statement said.

The Implementation and Monitoring Council was set up to ensure that Kosovo legislation related to the Serbian Orthodox Church is implemented properly. The church is a member of the commission along with EU, OSCE and Kosovo government representatives.

The construction of the road linking the municipality of Decan/Decani with the Plav and Gusinje areas in Montenegro was suspended after a ruling by Kosovo Prime Minister Avdullah Hoti on August 16.

The previous day, Serbian President Aleksandar Vucic had threatened to raise the issue at the EU-mediated Belgrade-Pristina talks to normalise relations.

However, Bashkim Ramosaj, the mayor of Decan/Decani from the junior ruling AAK party, opposes the halting of construction because he says it is important for the economic development of the town.

Albert Kurtulaj, a spokesperson for Hoti's governing LDK party in Decan/Decani municipality, supported the mayor by saying that the monastery should not be an obstacle to the building of the road.

"The asphaltting of the Decan-Plav road should take place in coordination between the municipality and central institutions," Kurtulaj said.

The construction of the road is further complicated by the fact that it runs across the land that the Constitutional Court of Kosovo ruled in 2016 belongs to the Visoki Decani monastery.

However, the Constitutional Court's decision has never been implemented by the municipality.

The Western diplomats' statement urged the Kosovo authorities to implement the Constitutional Court ruling on the land dispute case and "expeditiously resolve the road works issue".

Moldova

Moldovan Court Trims President's Powers to Name PM

<https://balkaninsight.com/2020/08/07/moldovan-court-trims-presidents-powers-to-name-pm/>

August 7, 2020 - Madalin Necsutu, Chisinau, BIRN

Ahead of no-confidence vote expected in September, the Moldovan Constitutional Court has dealt a sharp blow to the President – an ally of the present government – by limiting his powers to nominate the next prime minister.



Moldovan deputies voting in the parliament in Chisinau. Photo EPA/Doru Dumitru

Ahead of a no-confidence vote expected in September against the government of Ion Chicu, the Moldovan Constitutional Court on Thursday issued a landmark ruling obliging the President to nominate a PM-candidate from the opposition if they form a new majority in parliament.

The ruling limits the powers of President Igor Dodon to nominate his own candidate for Prime Minister, effectively forcing him to accept whatever nomination the majority in parliament proposes.

The ruling is highly significant in the current circumstances, as defections from the government mean the opposition now numbers 50 of the 101 deputies in parliament, giving the government a majority of only one.

While the President may still nominate his own candidate if there is no absolute majority in parliament, Dodon cannot refuse a proposal coming from the opposition if

Chicu loses the no-confidence motion that the opposition is preparing for when parliament resumes in September.

The ruling concerned article 98, paragraph 1, of the constitution, which only vaguely says that after consulting the various parties in parliament, “the President nominates a candidate for the position of Prime Minister”. Paragraph 4 then says that, “based on the vote of confidence given by parliament, the President appoints the government”.

The ruling comes after an opposition deputy, Igor Munteanu, filed a complaint on June 25 with the court after Dodon stated that he would not nominate a candidate for Prime Minister proposed by any coalition including so-called defectors – meaning those deputies that had moved from one party to another during this term of parliament.

So far, 15 deputies of the co-ruling Democratic Party have left the party and joined the opposition, raising bribery suspicions.

Dodon has a history of flouting the law and stretching the rules. In the past three years, he has been suspended five times for different reasons, usually related to his refusal to obey the law.

The last no-confidence motion against the present government, held on July 20, narrowly failed when only 46 deputies voted to dismiss the cabinet. But immediately after the vote, the opposition announced that a new motion would be drafted at the new parliamentary session in September.

Venice Commission, ODIHR publish urgent opinion on Moldovan electoral amendments

https://www.ipn.md/en/venice-commission-odihr-publish-urgent-opinion-on-moldovan-electoral-amendments-7967_1075652.html

August 20, 2020



The Venice Commission and the OSCE/ODIHR on Wednesday published their urgent opinion on a set of draft amendments to the Electoral Code, the Contravention Code and the Code of Audio-visual Media Services, in response to a request by the Ministry of Justice.

According to the opinion, the Venice Commission and the ODIHR positively assessed the clearer definitions of “electoral campaign” and clarifications regarding the timeline for campaigning in the second round, additional provisions aimed at preventing the misuse of administrative resources; expanding the range of sanctions that could be applied for violations of campaign rules; the wide definition of the persons entitled to submit complaints or appeals as well of the appealable acts; and reasonably short deadlines, in particular for complaints and appeals.

At the same time, in order to further improve the compliance of the draft amendments with international obligations, human rights standards and OSCE commitments, ODIHR and the Venice Commission made key recommendations concerning restrictions on freedom of expression – regarding participation in campaigning, hate speech and incitement to discrimination – to be drafted and interpreted in conformity with constitutional and international human rights law; an effective enforcement mechanism to prevent the misuse of administrative resources; access of observers to all stages of the electoral process; sanctions related to election observers and the media, which should respect the principles of proportionality and equality and subject to effective judicial review.

The Venice Commission/ODIHR joint opinion also says that the principle of stability of electoral law must be respected.

State is obliged to ensure all conditions for a detained person, lawyers

https://www.ipn.md/en/no-final-and-irrevocable-decision-exists-yet-in-braguta-case-7967_1075782.html

August 26, 2020



When a person is placed in a remand prison or in penitentiary, the state is obliged to ensure all the conditions so that the dignity and human integrity of this person are respected, said the lawyers for the family of Andrei Braguța, who died in prison in 2017.

They regret that a definitive and irrevocable decision in the started cases does not yet exist.

Moreover, the lawyers warn that such cases can repeat as Penitentiary No. 16, where Andrei Braguța was held, does not have the necessary medical accreditation. Given the COVID-19 pandemic, the risks are even higher.

In a news conference at IPN, Promo-LEX lawyer Victoria Gamurari said that two doctors of Penitentiary No. 16 are accused in one of the cases related to the death of Andrei Braguța.

They are accused of violation of the rules and methods of providing medical assistance that led to the young man's death. This is a hospital-type institution that has worked since 2002, but it hasn't yet received the required accreditation.

The lawyer noted that Andrei Braguța, according to the medical examination report of September 2017, died because of purulent bronchopneumonia.

General problems derive from this case amid the COVID-19 pandemic. In a response to an inquiry made by Promo-LEX, the Ministry of Justice said that 19 confirmed cases of COVID-19 were reported in penitentiary institutions by August 20.

All of the infected persons have been treated at Penitentiary No. 16. The penitentiary has only one ventilator, while Penitentiary No. 13 does not have such a machine at all.

The family's lawyer Victor Munteanu said three years have passed since this case, but no concrete actions have been taken to prevent similar cases in the future.

"The family expects not only justice in this case. Justice is not fully done when only the persons found guilty are punished. Justice is when the family has satisfaction that such cases will not repeat. The authorities should implement mechanisms that would maximally exclude situations of the kind. If a person is isolated and the state assumes responsibility for this, it should ensure all the conditions for this person to have his dignity and human integrity respected," he stated.

The conference "Three years of death of Andrei Braguța. Evolutions and (in)actions" forms part of the series of conferences held in the framework of IPN's project "Injustice Revealed through Multimedia".

IPN Agency does not assume the right to decide if the organizers of news conferences are right in the cases about which they will speak as this is the exclusive prerogative of justice, but the exaggeratedly long examination period of these cases, which is much longer than the law allows, can be considered an act of evident unfairness and injustice.

IPN News Agency does not bear responsibility for the public statements made in the public sphere by the organizers of news conferences.

Montenegro

Knežević can't leave the UK waiting for their judiciary to shape his destiny

<https://m.cdm.me/english/knezevic-cant-leave-the-uk-waiting-for-their-judiciary-to-shape-his-destiny/>

August 15, 2020 by Cafe del Montenegro



A businessman at large, Duško Knežević, has become active again threatening to reveal 'some data about Milo Đukanović's regime' during the election campaign. He claims that the Montenegrin govt had a political conflict with him, which was confirmed by Interpol's withdrawal of a warrant.

Mr Knežević skillfully used such Interpol's decision to deceive the public and say 'he's a free man now', avoiding to mention that there's an extradition proceeding against him before the UK court and until the termination of it, he's free to go nowhere.

The London's diplomatic courts have confirmed Dnevne Novine daily that the order of the UK court is still in force, while Mr Knežević is now waiting to see what's going to happen. "Duško Knežević was not arrested in the United Kingdom on the basis of an Interpol warrant, but a British court order issued on the basis of a Montenegrin extradition request. That warrant is still in force. Mr Knežević is on parole waiting for a date when the UK court will consider his case," they noted.

That being said, Mr Knežević cannot leave the UK as he has been waiting for the continuation of proceedings there even though he recently told he planned to go to Washington soon.

Fugitive businessman is wanted for arrest in MNE due to the multimillion spending habits at the expense of the country. For now, he's facing six incitement charges for the following criminal offences – organizing a crime gang, money laundering and abuse of office.

Montenegro Must Escape its Dangerous Dependence on 'Corrosive Capital'

https://balkaninsight.com/2020/08/19/montenegro-must-escape-its-dangerous-dependence-on-corrosive-capital/?utm_source=Balkan+Insight+Newsletters&utm_campaign=d229a4be37-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-d229a4be37-319779405

August 19, 2020 by Milica Kovacevic, Podgorica

The recent history of this Balkan state is a salutary example of how high exposure to capital flowing from an authoritarian state can affect a country's internal stability and foreign policy. The weakening influence of the European Union and the West in the Western Balkans in recent years has created new opportunities for authoritarian states to increase their own influence in the area.

Researchers dealing with this phenomenon used to focus mainly on analysis of political and media influences.

In recent years, however, research has concentrated more on their economic impact and specifically on "corrosive capital". The term was coined by the Washington-based advocacy group Centre for International Private Enterprise, CIPE, to describe "financing which lacks transparency, accountability, and market orientation, coming from authoritarian regimes to new and transitional democracies". This research reveals that the capital that comes from authoritarian states almost never means only "business"; it makes fragile states vulnerable to political influence, endangering their democracy in the process.

Montenegro is no exception, compared to the rest of the Western Balkans. It is far from being the most interesting country for corrosive capital, keeping in mind its small size and limited resources. However, its example serves as an illustration of how, through a couple of wrong moves and the assignment of a few resources, a small economy can jeopardize its sovereignty.

Since the restoration of its independence in 2006, the inflow of Foreign Direct Investment, FDI, has been an important driver of Montenegro's economic growth. This, and its high reliance on tourism, makes the Montenegrin economy extremely vulnerable to external shocks. In recent years, Montenegro has experienced how high exposure to capital from an authoritarian country can affect internal stability and the foreign policy agenda.

Russia has been the largest investor in Montenegro for years, and by 2018, its investments amounted to \$1.27 billion, 13 per cent of all FDI in the country. The largest inflow of Russian capital occurred on the eve of independence, in 2005, when Russian oligarch Oleg Deripaska bought the country's largest company, the aluminium plant Kombinat aluminijuma Podgorica, KAP, which then accounted for about half of Montenegro's exports.



Oleg Deripaska. Photo: EPA/YURI KOCHETKOV

One can only speculate what would have happened if parliament had stopped the sale of key energy resources to Deripaska, and whether Montenegro would then have escaped the Russian zone of economic and political influence.

KAP was followed by many other Russian investments and projects, mostly in tourism and real estate.

When investing in Montenegro, numerous Russian investors took advantage of key management failings, such as the lack of an investment verification mechanism, weak controls on the allocation of state aid to strategic companies, disputed tenders, and the lack of supervision of privatization processes.

In various corrupt deals with local powerbrokers, some of the most grandly announced projects ended up as abandoned construction sites, or as cases with the Prosecutor's Office for Organised Crime.

This economic and political free-for-all lasted until Montenegro decided to join NATO and also joined European sanctions imposed on Russia for its annexation of Crimea, thus articulating its specific foreign policy orientation.

By that time, there was a significant Russian infrastructure in Montenegro in politics, media, and business, which had the strength to stall the achievement of those goals.

This was followed by campaigns to discourage Russian tourists from traveling to Montenegro, by closing the Russian market to some of Montenegro's most important export products, and by supporting individuals who disrupted the country's internal security and political stability.

Russia's corporate presence has declined dramatically since the beginning of the conflict, primarily due to the bankruptcy of KAP and Deripaska's own departure.

However, despite much worsened bilateral relations, Russia is still among the top five investor countries in Montenegro. Further strategic diversification of foreign direct

investment is, therefore, needed to prevent the concentration of capital coming from only a few foreign countries and primarily in one or two economic sectors.

One might naively think Montenegro had learned a thing or two from this dangerous episode with Russia, and that it has since taken measures to ensure it never again enters into such a risky economic dependence on a great power.

However, Montenegro still needs money for development, which can often only be found in Eastern countries with serious deficits in democracy and the rule of law. Western sources of financing have stricter borrowing policies, which the Montenegrin government has been unable to satisfy.

This is how a new player, China, came to the fore in Montenegro, providing the missing funds for infrastructure projects. But it comes at a price. External debt owed to China, obtained to construct the Bar-Boljare highway, will burden Montenegro for years, if not decades.

International financial institutions have warned of the economic and fiscal unsustainability of the highway project, and the IMF stressed that caution was needed in implementing the next phases of the project until feasibility, cost-benefit and financing studies were fully conducted. In the context of the crisis caused by the COVID-19 pandemic, which has seriously affected Montenegro, the highway project is in a new state of uncertainty, and there is no sign of its successful completion.

In the context of minimal financial resources from the wider market, Montenegro must not allow large authoritarian states quick, cheap, and aggressive access to its limited resources.

Economic dependence threatens to create political dependence and thwart desired democratic development. A fragile transitional democracy cannot strengthen itself under the economic and political influence of a society that is essentially undemocratic.

This kind of influence should be countered by strengthening democratic institutions. In addition to its declared determination of belonging to Western political and cultural patterns, Montenegro must accept all the features of these patterns in practice as well – and act in line with the rules of democratic and orderly societies.

Suspicious capital seeks suspicious destinations. Only with the strengthening of democratic institutions will Montenegro be less part of the sphere of interest of those countries from which corrosive capital tends to come.

Milica Kovacevic is the president of the Centre for Democratic Transition (CDT) based in Podgorica.

The opinions expressed are those of the author and do not necessarily reflect the views of BIRN.

North Macedonia

COVID-19 has Worsened Hate Speech in North Macedonia

<https://balkaninsight.com/2020/08/03/covid-19-has-worsened-hate-speech-in-north-macedonia/>

August 3, 2020 - Afrodita Musliu, Skopje, BIRN

The coronavirus is not the only thing spreading in North Macedonia; so are conspiracy theories, suspicion, and ethnic and religious intolerance.

After the COVID-19 pandemic began in North Macedonia, the viral infection wasn't the only thing that began to spread between citizens across the country.

Along with that, fake news, hate speech and general animosity in the nation increased as well. The spread of fake news about COVID-19 began from the earliest days of the virus, in the last days of 2019. This led to the WHO declaring a global "infodemia," referring to all the fake news being spread around the world.

A mass of fake news spread across North Macedonia as well, starting with all kinds of false ways of stopping the spread of the virus as well as alternative medicines that claimed to stop its spread, or cure it. It led to Facebook naming North Macedonia – again – as one of the main countries from which troll factories spread fake news.

The introduction of the curfew during various religious holidays also contributed to an increase in hate speech, along with religious intolerance and inequality. Social media was flooded with conspiracy theories, disbelief in the existence of the virus and hateful talk. Some people went as far to say that COVID-19 was just a stunt devised by governments to scare their populations and capitalize on the subsequent fear.

One notorious example of using religious animosity in this context in North Macedonia came from the former leader of the Islamic Religious Community, Sulejman Rexhepi. He went completely over the limit by pronouncing COVID-19 "dead" during the Eid Mubarak holiday, which ultimately led to his firing from the Islamic Community.

As coronavirus continued to increase, an ideology of ethnic and religious hatred continued to spread as well.

There was the scandalous claim that 64 per cent of the citizens of North Macedonia who were deemed eligible to receive a compensatory voucher from the government were ethnic Albanians, and only 16 per cent were Macedonians – when Albanians make up only a quarter of the country's population. Even though this news was completely fake, it was shared by many Macedonian media outlets, and claims that the government was biased towards other ethnic and religious groups continued to be made all over social media.

The spread of hate speech and negativity towards other groups is still going strong.

A recent case was a tweet written by academic Katica Kjulavkova who wrote on June 6 that “we are paying for cohabitation [with other ethnic groups, presumably] with life.” Meaning the cohabitation with other ethnic groups than Macedonian. This tweet suggested that the steep rise of new COVID cases was directly attributable to citizens of North Macedonia coming from a different ethnic group or religion, specifically Muslim population. At a time when the whole world was fighting the pandemic, and when national equality, the removal of all animosities and cohabitation are of importance in dealing with the virus in the most efficient way, Kjulavkova had managed to find space to justify hate speech. To calm the tirade of negative responses, Kjulavkova insisted that the tweet was personal and was not related to the ethnic situation in North Macedonia. Unfortunately, she was not able to calm her critics, leading her ultimately to delete her Twitter profile.

Another example of such negativity coincides with the 2020 parliamentary elections, and the comments made by an election candidate for the leftist Levica party, Professor Dimitar Apasiev.



A woman casts her vote at a polling station during parliamentary elections in Skopje, North Macedonia, 2020. Photo: EPA-EFE/NAKE BATEV

He claimed that North Macedonia was being completely “Islamicized”, adding that students studying in Arabic countries were also learning “radical Islam.” Many citizens criticized Apasiev’s comments as well. One commenter stated: “In a normal country, he’d have to answer to the law for a statement like this”.

Still, soon after most of the government abolished most of its COVID safety measures, hate speech comments increased further, especially as it became clear that a large amount of the new infections came from areas where mainly lives Muslim population.

Negativity, animosity and hatred towards ethnic and religious groups is never justifiable, but with the spread of COVID-19, that is exactly what has spread among the population of North Macedonia. With the spread of Islamophobia, hatred towards members of that faith community is rising, which could lead to radicalization and violent extremist behaviour in the long term, and a subsequent decrease in public safety.

Afrodita Musliu is the Executive Director and founder of Nexus Civil Concept, based in Skopje, North Macedonia.

COVID-19 Puts Justice in North Macedonia on Standby

<https://balkaninsight.com/2020/08/14/covid-puts-justice-in-north-macedonia-on-standby/>

August 14, 2020 - Vasko Magleshev, Skopje, BIRN

The coronavirus pandemic has exposed and multiplied all the existing problems in the country's judiciary, starting with its outdated equipment and lack of interconnectedness. The paralysis that the coronavirus pandemic has inflicted on society in North Macedonia has not bypassed the justice system.

Long before the usual start of the summer break, the epidemic sent justice on "forced leave". The temporary blockade of the judiciary during the state of emergency means justice is now being distributed at different speeds, and that selectivity in its administration has become the new norm.

Prosecutors have filed thousands of penalty orders against people for violating movement bans and self-isolation measures. However, while the number of defendants remains as high as ever, the courts have not come up with a uniform strategy on what to do with all the scheduled and postponed cases. As usual, it has all come down to the courts' own capabilities and freedom of interpretation.

The virus has decimated judicial staff. The spike in cases has made some courts totally ineffective, and this problem is expected only to deepen.

The pandemic and the state of emergency have, in fact, exposed the reality in which courts operate, with outdated equipment and not interconnected. The fight against crime is on virtual standby, because, except in emergencies, prosecutors have also postponed investigations. The Constitutional Court has been the sole overseer of the government in the face of a dissolved parliament and frozen election deadlines.

A realization that the country needs but does not have a Law on States of Emergency is perhaps the only lesson learned from months of stalemate caused by the coronavirus.

Mass of fines for violating movement curbs

The coronavirus crisis has caused an avalanche of penalty orders – cases for which, without a trial, the court renders a verdict based on a prosecutor's proposal. The number of these offenders exceeds 3,500. Not taking into account the so-called Racketeering Case, which was the most exposed in the media, the justice system in North Macedonia has been largely reduced to daily and monthly reports of these offenders.

The public has been bombarded with statistics on fined citizens who disobeyed the government measures to protect the population from the coronavirus.

However, some people have not been prosecuted for taking part in collective religious and other gatherings, even though they clearly disrespected the health measures, prompting complaints that even the epidemic had not taught the country anything on non-selective justice.

For those against whom the law is enforced, prosecutors file penalty orders following reports from the police. Those who are not prosecuted are saved from paying the fines. But trials and fines are still pending for many others.

On Thursday, July 23, almost two months after the curfew ended, a young man named Martin T, accompanied by a lawyer, appeared before the Criminal Court in Skopje accused of violating the ban on movement. [...] Martin left court with a fine of 500 euros plus court costs. A man named Bashkim N., from Skopje, was sentenced to a much bigger fine of 2,000 euros, plus court costs, for the same offence.

Three times less cases resolved in court

With the government's protective measures against the coronavirus, and above all with the ordinance it adopted in March, the legal deadlines for statutes of limitation of cases ceased to apply. Deadlines for filing an appeal to a lawsuit were also put on hold.

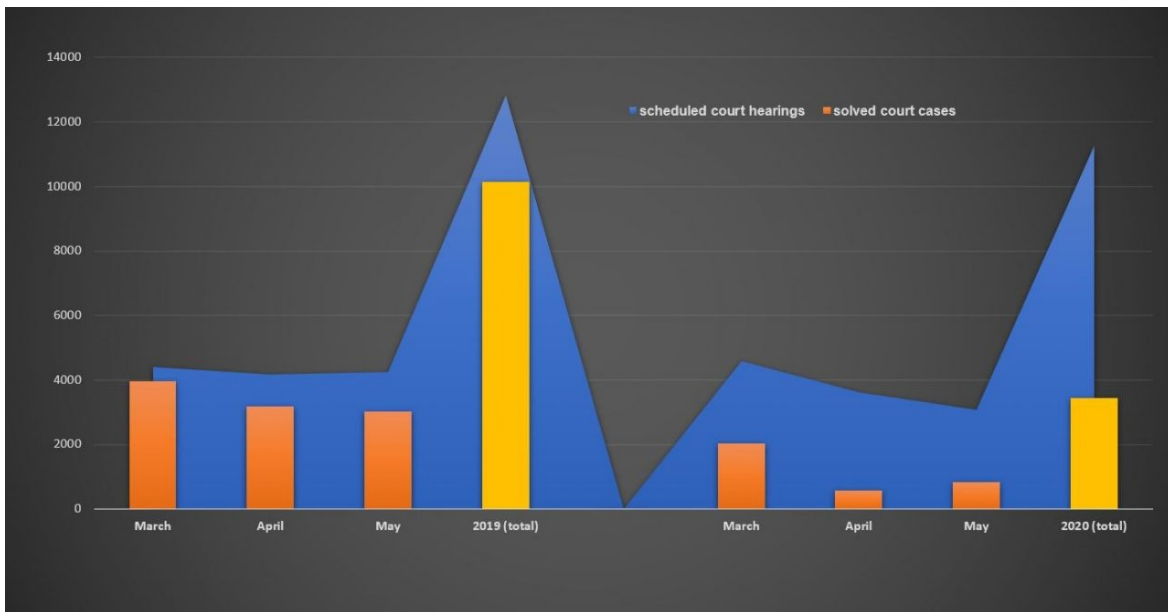
Except for urgent and detention cases, the state of emergency left thousands of court processes pending and suspended all investigations. Witnesses' hearings were cancelled, as well as other investigative actions, except in urgent cases and those requiring detention.

The Prosecutor's Office confirmed that it has since acted on a reduced scale, primarily because even after the end of the state of emergency, the measures were still in place to prevent the spread of the virus.

Most fines for violating the curfew

Most of the over 3,500 persons issued with fines, did not comply with restricted movement orders, i.e. with the curfew. The rest did not adhere to self-isolation measures and those banning serving guests in catering facilities.

The figures received from the Automated Court Case Management Information System, ACCMIS, of the Civil Court in Skopje, the busiest court in terms of cases, reveal the scale of the slowdown.



Data obtained from the Civil Court in Skopje show the slowdown

Last year, from March to May, it scheduled 12,815 hearings and resolved 10,141 cases. This year, 11,266 hearings were scheduled for the same period but only 3,435 cases were resolved – three times less.

The data from the ACCMIS showed that the crisis had less of an effect on the work of the Criminal Court in Skopje.

In March, April and May of this year, not taking into account misdemeanour cases, it postponed only 622 of 2,931 scheduled trials, just over 20 per cent. Over the same time period last year, twice as many trials were postponed – 1,134 of 3,479 scheduled.

Courtroom held in prison

During the state of emergency, the largest courtroom in the country was opened in May, not in a court but in the Idrizovo state prison, with money from EU funds. Trials of detainees may take place there in the future as well.

However, comparative analysis of resolved cases in the same period last year and this year showed that there had been some impact on the operations of the court. While the total number of resolved cases in the three months from March to May last year was 10,718, it was 7,421 for the same period of this year.

BIRN's analysis of delayed trials for high-profile cases in the past period has shown that at least seven hearings in such cases have been cancelled due to the absence of a defendant or defence lawyer, who either were using protective measures or were in self-isolation due to prior contact with infected individuals.

Among the other cases, several trials launched by the Special Prosecutor's Office, SPO, were delayed. They included those codenamed Target-Fortress, TNT, Treasure and Torture – all linked to the mass wiretapping operation of the previous government – as well as the trial of the organisers of the storming of parliament in 2017 and the public session in the Court of Appeals for the same perpetrators.

Some courts less efficient than others

In 2019, the Judicial Council assessed the Skopje Court of Appeals as one of the country's ineffective courts because it had failed to handle an influx of cases. This, among other things, was largely a result of the almost halved number of judges. Until last year, only 37 judges worked there, although the system provides for 52.

Shortly before the coronavirus crisis struck, six more judges were elected to serve the court, but it will still take time to reduce the number of unresolved cases.

The average time to resolve a case in this court as of December of last year was 1,221 days, or three years and three months. By comparison, the Court of Appeals in Stip, which has a much smaller scope and number of judges, takes on average less than four months – 111 days – to resolve a case.

The largest civil court in Skopje has meanwhile said it is still expecting an influx of cases on labour disputes, as well as cases on objections to enforcement of health measures. So far, one judge has handled an average of 400 cases, but due to the crisis and the increase in the number of cases, that number would increase.

The President of the Judicial Council, Kiro Zdravev, told BIRN that many courts had become inefficient due to the coronavirus, but the reason was not only the number of cases. "Some judges have tested positive for the virus. It has not been possible to work as effectively as in previous years," Zdravev said. On three occasions, the judicial Council has issued courts instructions about which cases should be given priority, but Zdravev said they had left it up to court presidents and judges to "assess the risk of handling a particular case".

Reduced budget for judiciary

The budget cuts adopted to deal with the coronavirus have also affected the judiciary. Over 6 million euros have been cut from the judiciary, the Justice Ministry and the Public Prosecutor's office. The Constitutional Court was left short of 50,000 euros.

But this freedom of management has given many lawyers an impression that the courts have not followed a unified strategy. Lawyer Pavlina Zefic said she had the impression that the courts had not coordinated on how to act.

“Some courts reacted quickly, like the Skopje Basic Criminal Court, and took some protective measures, while others waited for specific instructions from the Judicial Council,” she said. She believed the lack of clear, timely instructions from the Judicial Council was partly responsible for the “chaotic situation in the courts at the beginning of the crisis, which is still visible today”.

Disputes over value of online trials

The coronavirus crisis has also shown that courts work with outdated equipment and are not interconnected. One reason why online trials are just an idea for now is that existing laws do not even provide for such an opportunity. When there is no law on a state of emergency, we cannot regulate the actions of the courts online,” Zdravev said, adding that laws governing court proceedings would need to be passed by a two-thirds majority in parliament.

However, he believes the principle of immediacy risks being lost with online trials. “That principle is important because when a judge interrogates a defendant or a witness, he also evaluates his statement and body language,” he noted.

He emphasized that defendant would have to consent to an online trial, and that courts will have to anticipate all possible scenarios in case of technical problems, such as a disconnection of the Internet.

Lawyer Janaki Mitrovski agreed. The idea was an “illegal experiment that must not take roots”, he told BIRN. “How will one of the key principles of the procedure be respected – the principle of publicity?” he asked. “Will the public get involved through Zoom or Skype? I also believe this approach is extremely inappropriate and dangerous for questioning witnesses, for example. How can we be sure that the witness is not just reading [a statement]?” Mitrovski asked.

Despite these dilemmas, one court, in Kavadarci, has taken the first step and held virtual hearings.

Judges show solidarity

In only one month, 405 of 499 judges in 34 courts donated 75,000 euros to the country to help fight the coronavirus, after the Constitutional Court ruled that their wages could not be cut to the minimum.

The judge and the parties wore masks and were online in front of their computers. The trial ended quickly; a five-year prison sentence for robbery was handed down after the defendant pleaded guilty.

The court reported that the online trial was in line within the guidelines of the Council of Europe and the World Health Organization, WHO. The virtual trial was held “due to the increased risk of spread of the coronavirus in detention facilities”.

Nevertheless, most prosecutors are not happy with the introduction of online trials and say that should be an exception, not a rule.

“The basic principle is that evidence is presented immediately before the trial chamber; the courtroom is a place where the parties in the proceedings present the evidence, arguments and skills and where the personal presence of all involved is an important part in building an assessment about the course of the procedure and the court’s decision,” the Prosecution office said.

“Given that the use of technology is not a strong point for the courts and prosecutors, I doubt that we can successfully hold online trials in which the rights of all parties in the proceedings are respected,” Zefic conceded. She admitted there had been some positive examples, which showed that, “if there was willingness of all parties, the challenges could be overcome”, but added: “In those cases ... strict rules and procedures for conducting online trials will be necessary”.

Outdated equipment and few ICT staff

Even if there was more willingness to hold online trials, it would be impossible for this to work everywhere because in many courts the computers and software are outdated or defective. The courts’ Strategy for Information and Communication Technology, issued by the Ministry of Justice for the period 2019-2024 states this.

“The servers in the courts have low capacity, i.e., there are no data storage servers, not even for the ACCMIS database or the FEMIDA audio recording system,” the strategy said. There is also a problem with human resources. Only four people work in the computer centre, i.e., in the database for the judicial information system, ACCMIS.

Skopje’s basic courts have been given equipment to establish connection between courts, but it has never been operational, the same document said.

“We do not have electronic interconnection between the courts either horizontally or vertically,” Zdravev confirmed, noting that the courts were not electronically linked either to each other or to other state bodies. He believed that the ACCMIS itself was outdated and needed upgrading to facilitate the work of the courts. New computers were also needed.

The situation is no different in the Public Prosecutor's Office. The audio and video recordings of investigations in the Prosecutor's Office are stored on local computers and then transferred to a CD.

"If there is a legal obligation or opportunity to improve the software, a new functionality will be established," the Prosecutor's Office said. It also lacks trained ICT staff, so cases are handed over to prosecutors manually.

There are no ICT staff in any of the basic public prosecutor's offices, either, and only one ICT specialist working in the state prosecutor's office. The situation is similar in the prison system, where there also are no ICT technicians.

Constitutional Court buckling under the load

A mass of government ordinances has meanwhile stretched the Constitutional Court, which, in the absence of a parliament that would oversee the government, has been overwhelmed by such initiatives.

This was the only body that oversees the adoption of 215 government ordinances in a state of emergency. In three months, the court ruled on the constitutionality of almost half of them – 128. This was close to the total number of initiatives submitted to this court last year – 167 – and showed that the Constitutional Court can be efficient when required.

Among the ordinances it annulled was the one that caused the biggest revolt, aimed at reducing the salaries of judges, prosecutors and officials. The court ruled that this was contrary to the constitution and the laws, adopted a temporary measure, and later annulled the ordinance altogether. As a result, the judges, prosecutors and all other legal categories covered by the ordinance received their full salaries for the months of April and May.

The speed with which the court's judges decided on this initiative, which also affected their own salaries, contrasted with other cases that have been left unresolved for years, suggesting to many that the judges worked at "different speeds".

Calls for new law on state of emergency

The term "legal gymnastics" has been coined to describe the attempt of the state to bridge the legal gap in which it found itself for the first time in the crisis – with a technical government in power only for organizing the elections, a dissolved parliament and a state of emergency.

All this has contributed to opposing views on whether parliament should have reconvened, the period of validity of the government ordinances and other legal dilemmas.

Although the country does have a Law on Crisis, an undoubted priority for a future government should be a Law on a State of Emergency, which would regulate all these open legal issues and allow the state to function smoothly, instead of wasting energy on “legal interpretations” in TV debates.

The Ministry of Justice told BIRN that so far no details have been discussed but that it would agree in principle to adoption of such a law. A professor at the Faculty of Law in Skopje, Ana Pavlovska-Daneva, told BIRN that such a law was necessary.

Online legal advice

Lawyer Janaki Mitrovski is the first to launch the idea of providing online legal advice, through a platform where those interested can choose a legal field and a lawyer.

“In Western countries, this has been a practice for a long time, and it is being introduced in our country for the first time. It remains to be seen how it will work,” Mitrovski told BIRN.

“The executive power cannot be allowed to suspend the legislature for months, and that law should regulate that it is possible for parliament to convene,” she said.

She said parliament should have been convened immediately, and it should not have been left to a matter of interpretations. “This would have been overcome with the Law on State of Emergency,” Pavlovska-Daneva said.

Noting the legal gaps in the current crisis, she clarified that the dilemma over the legal validity of the ordinances issued by the government was still open.

“Ordinances with legal force cannot be valid after the end of the state of emergency, unless they are verified by parliament,” she insisted.

Changes to the constitution should be also considered, she concluded, as the crisis had revealed serious shortcomings that need to be addressed, including the legal issues related to the state of emergency.

Romania

Liviu Dragnea remains in prison, final ruling

<https://www.romaniajournal.ro/society-people/law-crime/liviu-dragnea-remains-in-prison-final-ruling/>

August 21, 2020 by Romania Journal

Former PSD chairman Liviu Dragnea, sentenced to 3 years and a half in prison in May 2019, remains behind bars, the Bucharest Court of Appeal has ruled on Friday in a final ruling.

The Bucharest Court of Appeal has judged the appeal filed by Liviu Dragnea against the prison sentence. In the appeal, the former Social Democrat leader claimed he is imprisoned illegally, as he is innocent.

During the hearing, Dragnea said he is innocent and claimed that, if he is kept in prison, 'through the brutal violation of human rights', that means that the judiciary in Romania 'is not resilient to political pressures'.

Dragnea's lawyers argue that he is illegally imprisoned, as the three-judge panel from the High Court of Cassation and Justice, which sentenced him to 3 years in jail, was not specialized in judging corruption deeds. The defenders invoke a Constitutional Court's ruling from October 2019 in this respect.

Liviu Dragnea was sentenced to 3 years and a half in prison on May 27, 2019 for instigation to abuse of office in the Teleorman fictitious hiring file.

Romanian Police chief confirms encounter with members of interloper gang, says it was a legal action

<https://www.romaniajournal.ro/society-people/law-crime/romanian-police-chief-confirms-encounter-with-members-of-interloper-gang-says-it-was-a-legal-action/>

August 27, 2020 By Diana Salceanu

The chief of the Romanian Police, Liviu Vasilescu, has confirmed the encounter he had with members of the Duduianu interloper gang before the funeral of the former leader of the crime gang in Bucharest, but claimed it had been a legal action of the Romanian Police.

"I have not negotiated the safety of the citizens ", Vasilescu said in a press conference on Thursday, after President Klaus Iohannis had asked the Police chiefs and the Interior Ministry to "provide public explanations" about the footage recently disclosed by the mass media featuring a night meeting between some Police chiefs and the leaders of Duduianu gang. "It was a legal action that targeted the safety of the citizen. Although it had been disputed, the action was a success, as there were not many people in the street (editor note: at the funeral of Emi Pian, the leader of Duduianu clan, recently murdered by a member of a rival group). For me, the health of the people has weighed a lot than the fact that the action might have been misinterpreted," the Romanian Police chief stated. "We, policemen, have to deal with outlaws. The first weapons are prevention, dialogue and not the gun directly. We have never negotiated the safety of the citizen and the dignity of the policeman ", he added.

In his turn, the secretary of state in the Interior Ministry, Bogdan Despescu explained that the recent events in Bucharest involving the Duduianu case had been permanently monitored by more departments of the ministry. "There were information pointing that 3,000 people were expected at the funeral of August 9. This could have led to spreading the coronavirus and to escalating violence", Despescu argued.

Florin Mototolea, aka Emi Pian, the leader of Duduianu clan in Bucharest died in early August at the University Hospital where he had arrived with serious injuries caused by a row in Giulesti Sarbi district in the Capital. The clan leader was allegedly killed in the Mafia style by the members of a rival criminal group. The main suspect in the murder, Gheorghe Richard Emanuel, member of Rinu gang, was arrested.

Emi Pian's body was held in his family's home for a week, while hundreds of people attended the wake with breaking all sanitary rules in force at that time, while policemen used to monitor the situation from the street instead of applying fines. After that, Elvis Pian, Emi Pian's brother claimed he had a meeting on the night of August 8 to August 9 in a church in Bucharest with the head of the Romanian Police, Liviu Vasilescu, with the chief of district 5 Police, Cătălin Păștin, and with the chief of Bucharest Police, Bogdan Berechet, to negotiate the conditions for the funeral. Later on, Adevărul daily has released photos taken on the meeting that night.

Serbia

Serbian Inmates Hired for a Pittance by Subsidiary of Austrian Construction Giant

<https://balkaninsight.com/2020/08/20/serbian-inmates-hired-for-a-pittance-by-subsidiary-of-austrian-construction-giant/>

August 20, 2020 - Sasa Dragojlo, Belgrade, BIRN

In October 2016, a team of construction workers was making the 40-kilometre journey from the eastern Serbian town of Knjazevac, where they were rebuilding a bridge, to Zajecar when the driver of the Ford van they were in slammed into a concrete culvert. The workers were employed by a local road company owned by one of the biggest construction firms in Europe – Austrian Strabag. But they were not alone in the van.

Nebojsa Budjelan, head of Strabag’s work safety at the time, recalled getting a call from the duty foreman at around 7 p.m. telling him prison inmates were working with the regular company workers on the reconstruction of the bridge in Knjazevac and that some of them were injured in the accident.

“I almost had a heart attack,” Budjelan told BIRN. He said he had no idea prison inmates were working on the site side-by-side with Strabag’s regular, qualified construction workers. And for that the County Prison in Zajecar was being paid an hourly rate of just 120 dinars per inmate, or less than one euro, BIRN can reveal.

Under the law at the time, the inmates were entitled to at least 20 per cent of that sum, or just under 20 euro cents. And because they were inmates, the road company PZP Zajecar, as it was called at the time, did not have to pay taxes or other contributions.

“We sometimes used inmates before, but only in collecting roadside garbage and washing signs,” said Budjelan. “This is the first time they were doing the same as standard construction workers.” “Their only qualification is their price of 1,000 dinars [roughly 10 euros] per day, no matter how many hours they work.”

Strabag confirmed it sometimes hired prison inmates but said the recruitment was carried out in line with Serbian law.

Cut-price labour

Prisons in Serbia are allowed to hire out inmates to private companies and, according to Article 101 of the Law on Execution of Criminal Sanctions, are “entitled to market compensation”.

In the first half of 2016, according to official data, the average salary of a construction worker in Serbia was around 322 euros per month, or roughly two euros an hour.

With taxes and other contributions such as healthcare and pension, the average worker would cost a construction company around 444 euros per month, or 2.77 euros an hour.

However, the Directorate for the Execution of Criminal Sanctions, which is part of the justice ministry, told BIRN: "Not one article of the law obliges a prison to agree compensation for work or the sale of products at market prices."

The prison, it said, is not motivated by profit but by the benefits to the inmate of training and work experience.

What constitutes 'market compensation' is disputed, but experts in the field question the fee paid to the prison.

Milos Jankovic, a former head of the Directorate who worked on the rights of individuals deprived of their liberty as Serbia's deputy ombudsman, said the fee was "in obvious disproportion to the usual price of a working hour."

"The private company," Jankovic told BIRN, "clearly gets the extra money, which is the difference between the minimal and market price of labour."

Human rights lawyer Nikola Kovacevic, an expert in the same field, told BIRN: "Without a doubt the price of 120 dinars per hour is inadequate and unjust and also may indicate some kind of misuse."

In its response, Strabag said it took part in "social projects" across Europe "as we feel obliged to contribute to the healthy development of society as a whole."

In a written statement to BIRN, the construction giant confirmed hiring inmates but stressed that everything was carried out in line with the law.

Annex expanded scope of work

The Directorate denied that the prison inmates were engaged in any construction work that would require a formal level of qualification.

Indeed, the original contract signed on March 15, 2016, stipulated that the prison would provide as many inmates as required for "removal of roadside litter and cleaning of tubular culverts", while PZP Zajecar would take care of health and safety issues and transportation.

In September 2016, however, several days before the Knjazevac bridge reconstruction work began, the two sides signed an annex to the contract expanding the scope of the inmates' work to "transferring work materials in the repair of bridges and roads".

On October 10, 2016, the Independent Road Workers' Union of Serbia sent a letter, seen by BIRN, to Serbia's Ministry of Labour saying that PZP Zajecar's intention to continue and expand the hiring of inmates was "worrying".

"We are both worried for the inmates and for workers who can lose their jobs this way. It is clear PZP Zajecar makes extra profit, but we are of the opinion that the company with this crossed all lines with its activities."

Strabag and the Zajecar Country Prison ceased its cooperation at the end of 2016.

From March to October 2016, a total of 28 inmates were hired, though not all at the same time, according to the Directorate for the Execution of Criminal Sanctions.

Strabag a major player in Serbia

Strabag has worked in Serbia since the 1960s when the country was part of federal Yugoslavia, but it really began growing its presence in the 2000s, when the Austrian company acquired several local road companies and became one of the biggest players in the industry.

It bought formerly state-owned PZP Zajecar in 2005 for close to four million euros, and has picked up a string of lucrative and high-profile contracts from the state.

The company is involved in building a controversial, United Arab Emirates-funded riverside development called Belgrade Waterfront in the Serbian capital.

In September 2018, two workers died after falling from a Belgrade Waterfront building on which Strabag was a contractor.

Strabag at the time said "the human factor is ubiquitous in such activities". Serbia's labour ministry refused media requests to see the labour inspection reports on the incident and prosecutors say the case is still in the "expert phase".

The following year, Serbia's Labour Inspectorate said it had identified 42 people working illegally for Strabag in Belgrade and filed a misdemeanour complaint as Danas daily newspaper previously reported.

Serbia's labour ministry told BIRN it was unable to confirm how many complaints it had filed against Strabag over the last five years.

But it is not only in Serbia that Strabag has had issues with workers' rights.

In 2013, Human Rights Watch reported on the exploitation of migrant workers at the site of the Sochi Winter Olympics in Russia.

The biggest shareholders in Strabag are Hans Peter Haselsteiner, an Austrian industrialist and former politician, Russian oligarch Oleg Deripaska, UNIQA Group and the holding company Raiffeisen-Holding.

The chairman of its supervisory board is former Austrian chancellor Alfred Gusenbauer, who in September 2013 became an adviser to the Serbian government at the invitation of then deputy Prime Minister Aleksandar Vucic, Serbia's current president and head of the ruling Progressive Party.

Serbia's overcrowded prisons a reservoir of cheap labour

Serbia's prisons are among the most overcrowded in Europe, according to a 2018-2019 study by the Council of Europe that said the average number of prisoners per 100,000 people in Serbia was 156.1 compared to a European average of 125.9.

The prison population has increased by 11.6 per cent over the past 10 years to 10,871 inmates in 2019.

Kovacevic, the human rights lawyer, said the main reason was the litany of short-term prison sentences handed out in Serbia.

"It is pretty easy to end up in jail in Serbia given that the practice of judicial authorities is mostly retributive," he told BIRN.

"Many of these short-term imprisonment sentences could be replaced by an alternative sanction, at least under the criminal code."

"The profile of people residing in penitentiary homes is generally of a lower social status," he added. Given the dire employment prospects outside prison and the lack of state support, "they end up in jail over and over again."

This all results in a large pool of potential prison labourers. Kovacevic, however, said it was unclear how developed the system of inmate labour had become "since there's no official data."

BIRN asked the Directorate for the Execution of Criminal Sanctions for data on inmate recruitment for private companies but received no reply.

Ratko Mladic Appeals Against Life Sentence for Genocide

<https://balkaninsight.com/2020/08/25/ratko-mladic-appeals-against-life-sentence-for-genocide/>

August 25, 2020 – BIRN, Sarajevo, BIRN

The former Bosnian Serb military chief is appealing at the UN court in The Hague against the verdict convicting him of genocide of Bosniaks from Srebrenica and other grave crimes during the 1992-95 war in Bosnia and Herzegovina

Ratko Mladic is launching his appeal on Tuesday at the Mechanism for International Criminal Tribunals in The Hague, calling for his conviction and life sentence for some of the worst crimes in Europe since World War II to be overturned, and asking for an acquittal or a retrial.

The UN court sentenced Mladic to life imprisonment in November 2017, finding him guilty of genocide of Bosniaks from Srebrenica in 1995, the persecution of Bosniaks and Croats throughout Bosnia and Herzegovina, terrorising the population of Sarajevo during the siege of the city and taking UN peacekeepers hostage. But he was acquitted of committing genocide against Bosniaks and Croats in 1992 in six other Bosnian municipalities – Foca, Kljuc, Kotor-Varos, Prijedor, Sanski Most and Vlasenica.

Mladic's defence has three hours to present its appeal, and then the prosecution has two hours to respond to the former Bosnian Serb Army commander's lawyers' arguments.

On Wednesday, the Mechanism for International Criminal Tribunals will hear an appeal from the prosecution, calling for Mladic to also be found guilty of genocide in the six other municipalities in 1992. After the defence presents its response to the prosecution's appeal, Mladic himself is expected to address the court.

A date for the final verdict has not yet been set, but the UN Security Council has been told that it will be delayed until 2021.

The presentation of the appeals has been postponed twice, first in March for Mladic to have a colon operation, and then in June because of the coronavirus pandemic. Some of the judges would have found it difficult to travel to The Hague from abroad at that time while strict restrictions on air travel were in place, while Mladic belonged to a 'risk group' because of his health and age.

The former Bosnian Serb Army general, who is now 77, has had several serious medical problems while in detention in the Netherlands and has suffered two strokes and a heart attack. His defence has repeatedly but unsuccessfully called for him to be hospitalised, claiming that his health is deteriorating.

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