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Regional

Mit der Pandemie kam die Infodemie

<https://adz.ro/artikel/artikel/mit-der-pandemie-kam-die-infodemie>

Mittwoch, 03. Juni 2020 - Nina May

Angriffe gegen Demokratie und Pressefreiheit in Südosteuropa



Im Notstand Maulkorb für die Presse? Symbolbild: Pixabay

„Wascht euch die Hände... und schützt euch vor den Medien“. Dies empfiehlt der albanische Ministerpräsident persönlich seinen Bürgern in einer Sprachnachricht vor jedem getätigten Handy-Anruf. Und Politiker in Bulgarien tönen: „Es ist Zeit, dass die Medien jetzt mal die Klappe halten.“ Die Informationshoheit ist zur Zeit des Notstands in der Pandemie in vielen Ländern Südosteuropas wieder fest in staatlicher Hand. Nur keine Fragen stellen... Stattdessen gibt es frontale Briefings, Pressekommunikés, Facebook-Postings und Nachrichten an auserwählte Mitglieder von Whatsapp-Gruppen. Mit der Pandemie brach auch die Infodemie über Südosteuropa herein.

Bekämpft wurde nicht nur der Virus. Sondern auch Fake News, Panikmache und Desinformation. Gleich mehrere Länder stellten die Verbreitung von Falschnachrichten unter Strafe – ohne genauere Definition, was Missbrauch Tür und Tor öffnet. Journalisten, die über mangelnde Schutzausrüstung medizinischen Personals oder die Zustände in den Krankenhäusern berichteten, wurden festgenommen, bedroht, strafverfolgt. In der Studie der Konrad-Adenauer-Stiftung (KAS) „Im Ausnahmezustand: Corona, die Medien und neue Regeln in Südosteuropa“ von Hendrik Sittig und Darija Fabijanic heißt es: „Die Corona-Krise scheint die immer noch vorhandenen Demokratie-Defizite in Südosteuropa zu verstärken. Verschärft wird die Lage durch mangelndes Bewusstsein für Qualitätsjournalismus, oft interessengeleitete, zum Boulevard neigende Medien sowie ein relativ niedriges Vertrauen in journalistische Arbeit und wenig ausgeprägte Medienkompetenz der Bevölkerung.“

Am 8. Mai veranstaltete das Medienprogramm Südosteuropa der KAS zusammen mit dem Zentrum für das Studium der Demokratie (CSD) in Sofia eine Online-Debatte zum Thema „Der schrumpfende Raum für Pressefreiheit in Südosteuropa (Rumänien, Bulgarien, Serbien, Albanien) in der Covid-19 Pandemie und im Ausnahmezustand“. Lageberichte aus ihren Ländern präsentierten Dr. Zef Preci, Exekutivdirektor des albanischen Zentrums für Wirtschaftsforschung (ACER), Irina Nedeva (Vorsitzende der

Vereinigung Europäischer Journalisten (AEJ) in Bulgarien, Elena Calistru, Gründerin und Leiterin von „Funky Citizens“, Rumänien, sowie Dr. Igor Novakovic, Forschungsdirektor am Internationalen Zentrum für Sicherheitsfragen (ISAC) in Serbien. Die Moderation führte Rumena Filipova vom CSD.

Albaniens Premier warnt Bürger vor den Medien

Schon vor der Pandemie war es nicht gut bestellt um die Pressefreiheit in Albanien. Ministerpräsident Edi Rama ließ keine Gelegenheit aus, Journalisten, die er als „Mülleimer“ bezeichnete, zu diskreditieren. In der Corona-Krise warnt er Handynutzer vor jedem Telefonat: „Wascht eure Hände, geht nicht zum Vergnügen aus dem Haus, lüftet so oft es geht und schützt euch vor den Medien.“

Dr. Zef Preci fasst die Probleme in seinem Land zusammen: Die Medien seien in der Hand von drei-vier Familienclans ohne jegliche Erfahrung im Journalismus. Ihr Hintergrund: ein politischer oder die Glücksspiel-Branche. Schon vor dem Ausnahmezustand waren Gewalt und Online-Stalking gegen Journalisten häufig, 2019 gab es zahlreiche physische Angriffe, auch mit Tränengas. Nun seien Drohungen an der Tagesordnung. Die Regierung hält ein eisernes Informationsmonopol: Während des Ausnahmezustands gab es kaum Pressekonferenzen, und wenn doch, waren keine Fragen zugelassen. Medizinisches Personal durfte nicht mit der Presse sprechen. Informiert wurde durch einseitige Regierungsstatements, oft in Form von Videoclips.

Aber auch die albanische Öffentlichkeit misstraut den Medien. Sie seien von Politikern und Lobbyisten finanziert, heißt es, „manchmal zurecht, manchmal nicht“, meint Preci. Im Kampf gegen Desinformationen wurden Inhalte aus Online-Medien gelöscht und Webseiten blockiert. „Die Lage verschlimmerte sich von Jahr zu Jahr und kulminiert nun während der Krise“, fasst Preci zusammen. Umso schlimmer, als während des Notstands in Albanien keine gedruckten Zeitungen erschienen, die Bürger konnten sich nur online informieren. „Doch Internet ist teuer“, so Preci. Nur wenige Bürger könnten sich den Anschluss leisten.

Bulgarien will Knast für Fake News einführen

Nicht viel anders präsentiert sich die Lage in Bulgarien. Auf der Liste zum Pressefreiheitsindex der Organisation „Journalisten ohne Grenzen“ belegt es in diesem Jahr Platz 111, den letzten in Europa, informiert Irina Nedeva. Die Medienlandschaft - gedruckt und online - beherrsche eine Hauptfigur: der Parlamentarier und Oligarch Delyan Peevski. Die Einstellung der Regierung gegenüber der Presse in der Krise? „Es ist Zeit, dass die Medien jetzt mal die Klappe halten“, zitiert Nedeva.

Alarmierend: Am 19. März hatte das Parlament ein Gesetz mit Maßnahmen für den Ausnahmezustand eingereicht, worin unter anderem die Verbreitung von Fake News mit Geldstrafen bis 5000 Euro und bis zu drei Jahren Gefängnis bestraft werden sollte. Der KAS-Länderbericht ergänzt: Gegen diesen Teil des Gesetzes legte Präsident Rumen

Radev, der der Opposition angehört, sein Veto ein. Er begründete dies mit der Gefahr von Zensur und Einschränkung der Meinungsfreiheit, zumal es keine Definition von Fake News beinhaltete. Der Abschnitt wurde daraufhin aus dem Gesetz entfernt. Doch die Idee ist noch lange nicht vom Tisch. Die Regierungspartei kündigte an, es überarbeitet erneut vorlegen zu wollen.

Sollte es denn überhaupt Maßnahmen geben, in der Krise gegen Fake News vorzugehen? Mit dieser Frage wird Nedeva aus dem Publikum konfrontiert. „Es gibt eine ständige Diskussion unter Journalisten darüber“, meint diese und räumt ein: „Fake News können gefährlich sein. Doch in Bulgarien sehen wir keinen Einfluss von außen, keinen Angriff gegen die Demokratie oder die Grundfesten der EU.“ Der Kampf gegen die Verbreitung von Fake News richte sich an interne kritische Stimmen - eine Gefahr für freien Journalismus. Konkrete Beispiele: Zwei Ärzte, die öffentlich über den Mangel an Schutzausrüstung klagten, wurden strafrechtlich verfolgt. Ein ehemaliger Journalist wurde wegen Panikmache und Verbreitung von Falschnachrichten angeklagt, als er die Geschichte seines Vaters auf Facebook postete, der wegen eines Schlaganfalls im Krankenhaus behandelt worden war und sich dort mit Covid-19 infiziert hatte. Er hatte über die Zustände im Krankenhaus berichtet und darüber, dass niemand in der Familie als immerhin engste Kontakte auf Covid-19 getestet wurde.

Auch in Bulgarien reicht das Gebaren der Regierung von frontalen Briefings statt interaktiven Pressekonferenzen bis hin zu Pressecommuniqués, die nur an bestimmte Agenturen gehen. „Der Präsident kommuniziert lieber über Facebook, als mit Journalisten zu sprechen“, klagt Nedeva.

Zum Thema Datenschutz kritisiert sie, dass die Polizei zur Kontrolle der Einhaltung der Quarantäne ohne vorherigen Gerichtsbeschluss auf die Daten der Mobiltelefone zugreifen dürfe, um Personen über ihre Handys zu lokalisieren.

Mangelnde Transparenz auch in Rumänien

Nicht ganz so schlimm präsentierte Elena Calistru die Lage in Rumänien, auch wenn es gewisse Ähnlichkeiten mit anderen Ländern gäbe - die eher frontale Informationspolitik, mangelnde Transparenz, Druck auf Journalisten. „Dabei schadet mangelnde Transparenz nur dem Image der Institutionen“, meint Calistru. Manche Politiker informierten über Whatsapp-Gruppen, deren Mitglieder sie natürlich selbst bestimmen. Whistleblower aus dem Gesundheitswesen, die Mängel offenlegten, würden unter Druck gesetzt. Auch Korruption spiele eine Rolle: Die Aufträge zur Lieferung von Ausrüstung für das Gesundheitswesen gewannen plötzlich Firmen, die zuvor nie mit medizinischen Beschaffungen zu tun hatten, dafür aber Querverbindungen zu den politischen Entscheidungsträgern erkennen ließen.

Beim Vorgehen gegen Fake News werde mit zweierlei Maß gemessen: Während „größere TV-Sender mit viel Geld“ unbehelligt blieben, seien eher unbedeutende

Webseiten blockiert worden, meint Calistru. Und betont: „Wir brauchen andere Instrumente, um Fake News zu bekämpfen: Medienkompetenz, Bildung, Faktenüberprüfung und Qualitätsjournalismus.“ Die gute Nachricht: Gerade weil viele Meinungen „aus dem letzten Jahrhundert zu kommen scheinen, Wissenschaft ist offenbar nicht mehr in Mode“, informierten sich Bürger zunehmend aktiv. Zum ersten Mal würden längere Artikel zur Corona-Krise gelesen und Faktenchecking betrieben. „Wir sehen dies anhand des zunehmenden Verkehrs auf unserer Webseite“ (Anm.: Funky Citizens betreibt eine Faktencheck-Seite), so Calistru. „Die meisten Bürger sind ganz gut im Bilde, was die Krise betrifft.“

Serbien: schwierig, auf Informationen zu vertrauen

Ivan Novakovic präsentiert das Lagebild aus Serbien: Schon vor der Krise war die unabhängige Presse schwach. Regierungsnahe Sender belegen den meisten Platz. Whistleblowers genießen wenig Schutz, Angriffe gegen Journalisten seien häufig. Die Folge: verzerrte Informationen. Dies alles spitzte sich in der Krise weiter zu. Im angeblichen Kampf gegen Fake News wurden über 8000 Twitter-Konten gelöscht. „Wir hatten bei Weitem die meisten solche Fälle im Vergleich mit anderen Ländern!“

Der KAS-Bericht bestätigt die sehr strikten Maßnahmen gegen die Verbreitung von Fake News, die jedoch weniger zur großflächigen Bekämpfung von Desinformation beitrugen, sondern vielmehr die Freiheit einzelner Personen einschränkten. So gab es Festnahmen aufgrund angeblicher Verbreitung von Panik: In Belgrad wurde ein Mann in Gewahrsam genommen, der in einer Messenger-Gruppe geschrieben hatte, dass ab dem nächsten Tag kein Benzin mehr an Privatpersonen verkauft werde. Am 1. April wurde eine Journalistin vom Online-Portal nova.rs wegen angeblicher Verbreitung von Panik arretiert, nachdem sie aus einem Krankenhaus in Novi Sad berichtet hatte, es gebe nicht genug Schutzkleidung und die Organisation sei unkoordiniert. Ein generelles Problem sei die mangelnde Transparenz und Behörden, die Medien bevorzugten, von denen sie wohlwollende Berichterstattung erwarten können.

Zum Thema Datenschutz heißt es im KAS-Länderbericht, Präsident Aleksandar Vucic hätte erklärt, dass Mobiltelefone mit italienischen Nummern geortet und verfolgt würden.

Dabei sieht die serbische Verfassung selbst im Notzustand Datenschutz als Persönlichkeitsrecht vor! Ortungen von mobilen Daten dürfen nur per Gerichtsbeschluss erfolgen.

Für Kritik sorgte auch die Verordnung, nur noch die Premierministerin und der Krisenstab dürften Informationen über die Pandemie veröffentlichen. Der Informationsfluss sollte damit zentralisiert und kontrolliert werden, lokalen Stellen wurde verboten, Journalisten zu informieren. Die Regelung jedoch hatte nur wenige Tage Bestand und wurde auf Initiative von Präsident Vucic wieder zurückgenommen.

„Erstmals in unserer Generation kommt es vor, dass die Demokratie geschwächt wird“, fasst CSD-Leiter Ruslan Stefanov die Probleme zusammen. Und bemerkt: „Es sieht aus, als würden unsere Regierungen alle dieselben Blaupausen benutzen.“ In Südosteuropa fehle die Kapazität, den Herausforderungen der Krise mit geeigneten demokratischen Mitteln zu begegnen. Es sei schwierig, Informationen zu vertrauen.

Faktencheck ist wichtig, vor allem in Zeiten der Krise. „Funky Citizens“ bietet auf www.factual.ro Rumäniens angeblich erste Faktencheck-Seite für politische und sonstige öffentliche Aussagen an.

GLOBAL FOCUS ON POLICE BRUTALITY STRIKES CHORD IN SOUTHEAST EUROPE

<https://balkaninsight.com/2020/06/12/global-focus-on-police-brutality-strikes-chord-in-southeast-europe/>

June 12, 2020 - Srecko Latal, Sinisa Jakov Marusic, Sasa Dragojlo, Madalin Necsutu, Anja Vladislavljevic, Hamdi Firat Buyuk, Claudia Ciobanu, Edit Inotai, Miroslava German Sirotnikova, Xhorxhina Bami, Marcel Gascón Barberá, Nedim Dervisbegovic and Svetoslav Todorov, BIRN

Some three decades after the fall of communist systems, police brutality – linked to political, racial and other issues – remains a problem across the region.



Protesters confronting a police cordon in North Macedonia's capital, Skopje, in April 2016. Archive photo: EPA/Nake Batev

People across Southeast Europe have been following events in the US after unarmed African American George Perry Floyd was killed by police in Minneapolis less than three weeks ago.

Floyd's death and the subsequent protests, which spread across America and the world like wildfire, have reverberated also in this region, which is still plagued by police brutality and the over-extensive use of police powers, which sometimes go unpunished, more than three decades after the fall of communism.

Although all countries in the region have since embraced key human rights and the rule of law, and in some cases have joined the European Union, police violence remains a common feature, although it is no longer seen as acceptable.

"A phenomenon like this was absolutely normal in the 1990s, and now is completely unacceptable," Romania's former anti-communist dissident and human rights activist Gabriel Andreescu told BIRN.

Andreescu, who has written several articles and books on the issue, says police abuse still happens, but “in a completely different proportion” to what was seen in Eastern Europe during communist times.

Reports and experts say police brutality in Southeast Europe in the last decade often targets Roma communities. Yet some countries also saw a worrying number of incidents of police violence used against opposition figures and journalists.

In recent years, the level of this violence has fallen, experts say, linking this to part of the region joining the EU and to the other part aspiring to follow suit. But many say that the culture of impunity among those who violate the laws they are supposed to uphold is almost as bad as police brutality itself.

“Impunity is the biggest problem. A police officer cannot investigate his colleague; it is absurd to expect that, but the prosecution often lets the police to do the investigation,” Vladica Ilic, a lawyer from the Belgrade Centre for Human Rights, told BIRN.

When those who believe they have been victims of police brutality see no legal action undertaken by their local authorities, they often submit their cases to the European Court of Human Rights, ECHR.

A quick search of the ECHR database reveals hundred cases of alleged police brutality from Southeast Europe – some closed, many pending. But this is still only a small part of the story, as many other cases go completely ignored. Most countries in the region have a dozen or so such cases before the ECHR, often concerning injuries. Only a few concern fatalities. Turkey stands out as the regional leader in police violence. [...]

Small country with a big problem

While the rest of South-eastern Europe is no match to Turkey in terms of police brutality, the region has also seen numerous cases of police violence.

The ECHR database shows a surprisingly large number of cases from North Macedonia in the last decade – 16, seemingly inappropriate for a country of just over 2 million inhabitants. A review of these cases shows that foreign nationals as well as citizens from the country’s two main ethnic groups – Macedonians and Albanians – have alleged police misconduct over the years.

The most prominent concerned German national Khaled El-Masri who in 2012 won a case in the ECHR against North Macedonia. El-Masri claimed that he was captured in North Macedonia as part of the CIA’s mistaken rendition programme in 2003. He held North Macedonia responsible for the ordeal he suffered from the local police during his 23 days of detention in a Skopje hotel before he was handed over to the CIA, who took him to a secret detention facility in Afghanistan, where he remained until May 2004.

The ECHR ruled that North Macedonia was responsible for his torture and ill treatment, and ordered it to pay him 60,000 euro in damages. The ECHR also ruled against North Macedonia in 2015 for “degrading treatment, unjustified use of potentially lethal force at the hands of the police during arrests and failure of the authorities to conduct an effective investigation”.

This case was related to an incident from 2009, when police in Skopje opened fire from automatic weapons on 26-year-old Aleksandar Kitanovski, after he previously evaded police control. He was also later beaten by the police. This was the first in a series of cases ruled against the Alfa crime police unit, which was later dismantled, after gaining notoriety for misconduct and brutality.

One case that did not end in Strasbourg, but caused widespread protests at home against police brutality, was the killing of Martin Neskovski. He was beaten to death by a policeman on June 6, 2011. According to subsequently released wiretaps, the authorities at that time tried to cover the case up. This case sparked politically charged protests against the then government, which then triggered violent demonstrations in Skopje in May 2015.

Roma are frequent victims in some countries

In a number of countries, such as Hungary, Slovakia, Bulgaria and Romania, police brutality tends to target ethnic Roma, reports and human rights activist say. The situation seems to have improved since these countries all joined the EU in 2004 and 2007 respectively.

But before then, there were several cases of police brutality, including the killing of a 51-year Roma in Slovakia in 2001 and several other cases of beatings in 2009 and 2010. While the ECHR database shows only two such cases in Slovakia, several others never reached that court.

The Slovak police have a history of conducting violent raids on Roma settlements, dating back to 2004, followed by more in 2013, 2015 and 2017. The most notorious took place in 2013 in the eastern town of Moldava and Bodvou, where a group of 63 police raided a Roma settlement under a vague warrant of searching for “wanted persons and objects” and attacked locals, sending nine to hospital. The authorities insisted the police did not use excessive violence and even charged several people with making false testimonies. In March this year, the first of the Roma men so charged was acquitted by a court in Kosice. The case is currently being investigated by the ECHR.

In Romania, the ECHR in 2018 obliged the country to pay reparations to a high-school student who was removed from class by police and beaten in detention, accused of having committed a robbery that occurred in front of his home.

For Hungary, the ECHR database shows only six cases of police brutality, though some experts and activists claim this just the tip of the iceberg. Two of these cases were taken

to the Strasbourg court by the Hungarian Civil Liberties Union, TASZ, an NGO which sued the government for police violence against two Roma persons in 2014 and 2019. Stefania Kapronczay, the executive director of TASZ, told BIRN it was hard to get such cases into court. "These cases are extremely difficult to prove," she said. "The victims rarely think they could successfully denounce the perpetrators. Even if they do, police officers are usually alone with the victim, and if they stick together, it is hard to prove what really happened. So these cases rarely reach the court," she added. "It is important to add, that the Roma are especially vulnerable to police abuse," she continued.

Recent violence often includes migrants

Lately, Croatian police have been taking the lead in harassing the migrants who travel every year from Asia or the Middle East through the so-called "Balkan corridor" to reach the EU.

For the last two years, as migrants increasingly started using the so-called "southern route" to the EU through Bosnia and Croatia, numerous regional and international media documented acts of Croatian police violence towards migrants, which were all rejected by the government.

Now, for the first time, the Croatian government itself is being taken to the ECHR – the twelfth Croatian police brutality case before the court, of which five are still pending, in the last decade. This happened after the Court on May 25 published a communication on the individual complaints brought by three Syrian refugees. The applicants – one of whom was an unaccompanied minor at the time – claimed they were denied an individual assessment of their case after being summarily expelled from Croatia to Bosnia in October 2018. One submits that, after being apprehended, the Croatian police beat him.

"The Croatian police subject refugees and other migrants to systematic violence that includes violent pushbacks, using batons, guns, punches, violating their human dignity," Ana Cuca, from a human rights NGO, the Center for Peace Studies, told BIRN. "Lack of effective investigation and imposition of adequate and proportionate disciplinary measures towards police officers who abuse their power shows the Croatian political establishment turns a blind eye to such behaviour," she added. "Brutality is not strictly directed towards refugees and other migrants, but also to members of other national minorities such as Roma," Cuca continued, citing several such cases.

No police brutality cases concerning Bosnia and Herzegovina are currently before the ECHR, and over the past few years Bosnia was believed to be treating the growing number of migrants better than Croatia. Nevertheless, the office of Bosnia's state ombudsman for human rights in its recent annual report said it had registered some 300 complaints of alleged police misconduct.

One of the latest incidents involved alleged police brutality against migrants last month, which the Bosnian authorities said they would investigate. Media published a video

showing local police beating a resident at the Miral camp for migrants near the northwestern town of Velika Kladusa. The police at first denied the accusations, saying they had intervened to break up a violent protest by migrants over movement restrictions due to coronavirus pandemic.

Opposition, media and activists are targets

In several countries, such as Moldova, Montenegro, Poland or Serbia, police brutality seems either more random, or is more politically motivated.

[...]

So far, the ECHR adjudicated only one police brutality case against Montenegro, over an incident in which Anton Sinistaj and Pjetar Dedvukaj – who were arrested in 2006 with other 15 people for planning terrorist acts on the day of parliamentary elections – accused the police of extorting statements, torture and ill-treatment. Two other cases are pending before the ECHR against Montenegro, in both cases alleging police brutality during 2015 anti-government protests.

In Moldova, one of the most prominent cases of police abuse, which has occupied public attention for some years, relates to the death of Andrei Braguta. The 32-year-old mentally ill man was arrested on August 15, 2017. Braguta was drunk when detained and attacked two police officers. As a punishment, he was thrown into a cell with violent inmates. Police did not allow his family to bring him the medicine he needed to calm him down, and turned a blind eye when his cellmates beat him to death, although he had screamed for help. Authorities then tried to forge death certificates, declaring that Braguta had died of “respiratory failure.” Two years later, his four cellmates and two police officers were convicted of five years’ jail in a first-instance ruling.

A US State Department report on human rights in Moldova in 2019 warned that the country was failing to investigate most allegations of mistreatment and torture. But the situation is worse in Moldova’s breakaway and Russian-controlled region of Transnistria, where Chisinau has no control over the police. The director of the NGO Promo-LEX, Ion Manole, told BIRN that victims of police brutality there have no means of redress whatever. “There is a totalitarian regime, completely closed and people do not have the opportunity to sue the police for abuse,” he noted.

In Serbia, the most prominent case in the last decade was one in which the ECHR in 2011 ruled in favour of Zoran Stanimirovic. He claimed the police, who had accused him of double murder, had tortured him with baseball bats, electric shocks and suffocation with a plastic bag. Vladica Ilic, from the Belgrade Centre for Human Rights, told BIRN that Serbia has a bad reputation in the ECHR, mostly because local authorities traditionally ignore accusations of police violence.

The case that most recently struck the Serbian public was the death of 28-year-old Milovan Ivic in May 2018. Despite suffering severe bodily injuries, and despite evidence that he was brutally beaten, partly at the police station, the prosecution denied accusations of police torture and insisted he had died of alcohol and drugs. Ilic, a lawyer

on this case, told BIRN that the case showed how the Serbian police deal with accusations of brutality in general. “Although the police and the doctor knew that he was heavily beaten, no one informed the prosecutor. And the camera footage disappeared,” he said. He added that, during the COVID-related state of emergency, he had filed five criminal complaints of police violence towards citizens, and hoped they will conclude before the EHCR.

Albania

Albania Parties Fail to Agree on Flagship Electoral Reform

<https://balkaninsight.com/2020/06/01/albania-parties-fail-to-agree-on-flagship-electoral-reform/>

June 1, 2020 - Gjergj Erebara, Tirana, BIRN

Government and opposition parties on Sunday failed to meet a deadline they had set for themselves to agree on changes to the electoral code – which Brussels has requested before it will open EU membership negotiations.



Socialist Party MP Damian Gjicknuri speaking to journalists after failure to agree on electoral reform on May 31 2020. Photo: LSA

Representatives of Albanian parties meeting on Sunday failed to reach an agreement on electoral reform before a 31 May self-imposed deadline, despite attempted mediation by the US ambassador to Tirana, Yuri Kim. In the end, the parties stated that no agreement was reached – and blamed each other for it.

The Democratic Party representative, Oerd Bylykbashi, said the Socialist-led government of Edi Rama had refused to provide guarantees for free and fair elections, while the Socialist Party representative, Damian Gjicknuri, blamed the negotiating technique of the opposition parties for the failure of the talks. According to him, the opposition added new requests to its original position, having already obtained some concessions from the government. “The opposition cannot give up its request ... for a credible electoral process,” Bylykbashi said. “We almost had a ready framework for reform,” Gjicknuri said. “We also found space to accommodate new requests by the opposition but we cannot continue to accept new requests,” he added.

The next general elections in Albania are scheduled for June 2021 and any change in the electoral code must be agreed at least six months before the elections to be valid. There is, therefore, still time. However, the European Union has requested a deal on the issue before the first conference for membership negotiations between Albania and the EU can be organised. It is one of many conditions that Albania has to fulfil, but is considered a crucial one because it concerns a broad compromise between the government and the opposition. Both sides have promised to continue talking after the deadline expires, however.

Albanian Women Protest in Street Against Sexual Violence

<https://balkaninsight.com/2020/06/04/albanian-women-protest-in-street-against-sexual-violence/>

June 4, 2020 - Gjergj Erebara, Tirana, BIRN

After shocking revelations of the alleged abuse of a teen this week, women took to the streets of the capital Tirana on Thursday to protest against sexual violence and the culture of blaming victims rather than perpetrators.

Several hundred rights activists protested in Tirana on Thursday against sexual violence, after the country was shocked this week when police said they had arrested several teenagers and a 65-year-old school guard for abusing a 15-year-old girl for about two years. News reports showed how, instead of finding comfort, the family of the victim had encountered hostile graffiti written on a wall by unknown persons, allegedly blaming the victim.

Activists organised the protest under the slogans “You are not alone”, “You have many sisters”, and “The government is the rapist”.

The protesters also condemned what they called the culture of silence and lack of empathy shown by wider society in Albania to the victims of sexual violence.



Photo: BIRN



Photo: BIRN



Photo: BIRN

SHISH Ongoing Corruption in Justice System

<https://www.albaniandailynews.com/index.php?idm=43353&mod=2>

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SHISH: Ongoing Corruption in Justice System

Albanian Daily News
Published June 16, 2020



The State Intelligence Service (SHISH) has released its 2019 report listing a number of issues in Albania, where the emphasis is put on corruption, organized crime, the economy and terrorism. SHISH reported that corruption is still prevalent in public administration and the justice system, stressing inter alia that the trials are being delayed or maximum penalties are being given in order to show performance in vetting.

"Elements of the justice system show increased caution to avoid exposure and links to trusted components with direct access to vetting, as well as a desire to demonstrate performance in the trials conducted, through the formulation of charges, delayed proceedings or ruling on maximum penalties provided by law," said the report.

Regarding the political situation and security in the region, SHISH noted that Albania and the Western Balkan countries continue to face a number of threats:

"Fragile internal political developments; influential activities by geopolitical and regional actors to damage, slow or block Euro-Atlantic integration processes; extreme nationalist rhetoric; involvement in corruption of political elites; illegal immigration; poor governance and difficult economic situation, as well as lack of progress in Kosovo-Serbia dialogue, mediated by the EU".

Another concern raised by the State Intelligence Service is the influence of foreign intelligence services, with an 'unfriendly' attitude towards Albania by using 'fake news' as the strongest weapon to achieve their goals.

According to the report, organized crime remains a problem due to a high demand for cannabis and the links of criminal groups to Central Europe for the transport of cocaine and heroin.

"A significant amount of 'dirty' money originates from the criminal activity over the years. Illegal income is invested in pursuing criminal activities, as well as in legitimate businesses. The predominant sectors for money laundering remain the construction business, real estate, hotels and tourism sector," it noted.

Bosnia and Herzegovina

“Ventilators” affair in BiH – fight against corruption or another political quarrel?

<https://europeanwesternbalkans.com/2020/06/05/ventilators-affair-in-bih-fight-against-corruption-or-another-political-quarrel/>

June 05, 2020 - Nikola Cuckić

What do raspberries and medical ventilators have in common?

If you can't think of an answer, we will give you a hint: It's corruption.

How this is possible, hopefully is going to be answered by the prosecution and the judiciary of Bosnia and Herzegovina. A major scandal emerged in the midst of the COVID-19 pandemic, because the entity Government of the Federation of Bosnia and Herzegovina procured lifesaving medical equipment, imported from China, from the company “FH Srebrna malina” that produces raspberries.

The procurement was conducted by the Federal Department for Civilian Protection, the unit within the federal government, which bought 100 medical ventilators for the intensive care units, paying 5,3 million EUR to the agricultural company “FH Srebrna malina” (English: “FH Silver Raspberry”) from Srebrenica.

Things probably could have been suspicious to the public from the beginning because “FH Srebrna malina”, as the name indicates, works in the production and procession of raspberries and naturally does not have experience with the medical equipment.

Now it is up to the prosecution to establish how this company ended up in the medical equipment business or precisely, did it have a licence for trade in medical equipment, how the company acquired it and whether the contract with the Government was legal. Bad news for the taxpayers' money and the health system of BiH is that the ventilators cannot be used in the intensive care units of BiH as they do not meet the necessary standards, the investigation showed.

What raised a lot of dust is the fact that the affair turned into a political scandal, as the main suspect is the Prime Minister of the Entity Government, Fadil Novalić, alongside suspended Director of the Federal Department for Civilian Protection Fahrudin Solak and the CEO and co-owner of the “FH Srebrna malina”, Fikret Hodžić. These three suspects were arrested and put into custody, however they were shortly afterwards released by the decision of the Court with the prohibitive measures, although the Prosecution asked for one-month detention. In the meantime, the Prosecutor filed an appeal on this Court decision.

Officially, they are all under the investigation for associating for the purpose of committing a criminal offense, abuse of office, receiving a reward for trading in influence, money laundering and forgery or destruction of business documents and

trade books. As the Prosecutor told during the Court hearing, the investigation already determined that Prime Minister had been in the communication with the director of the "Silver Raspberry" Mr Hodžić, even before the official offer for ventilators was submitted to the Government and that the Government had also guaranteed the payment to the Chinese manufacturer before the contract was concluded.

The investigation also showed that ventilators procured are not those that have originally been in the contract, and that the contract and offer were changed afterwards. "The least important thing was which respirators would be procured, but only that Fikret Hodžić procures them," said prosecutor Džermin Pasić, and reported by Radio Free Europe.

Corruption scandal as a part of the political game?

As usual for the societies with blurred lines between the politics and the justice system, case was under great political pressure. Bakir Izetbegović, the leader of the Democratic Action Party (SDA) of which Prime Minister Novalić is a member, accused Chief Prosecutor Gordana Tadić that the investigation is based on the grounds of ethnicity, as Novalić is a member of the Bosniak community, while Tadić of the Croat community. Commenting on the Izetbegović's statement, Eldin Karić, Editor in Chief of the anti-corruption portal Žurnal, qualified this statement as populist and modus operandi for SDA and other parties. "The manner of the SDA is to protect its own crime by using the phrase that Bosniaks are endangered. All political parties in Bosnia and Herzegovina have the same model of behaviour", Karić told. According to the Radio Free Europe, Chief Prosecutor and her family have received threats afterwards.

Karić is not an optimist when it comes to the possibility for the case to have an epilogue and represent the beginning of a serious fight against crime and corruption. "So far, every time behind the spectacular arrests was not the determination of the judiciary to deal with the corruption. Again, here we have the politicization of the judiciary, since the goal is to use the judicial system as a tool in the struggle of political actors in Bosnia and Herzegovina", Karić explained.

He referred to the disappointing experience from the last year's major affair "Horseshoeing", which portal Žurnal wrote about, in which President of the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina Milan Tegeltija was filmed taking a bribe using intermediary in exchange for a service in the court process. "Even the video of that, was not a sufficient reason for the Prosecutor's Office of BiH to initiate a case against the first man of justice" he said.

The reason for this affair, Karić sees in taking control over the Central Election Commission of BiH (CIK), where in March this year two members were dismissed, and the two new members were elected against the will of Serb SNSD and Croat HDZ and with the support of the SDA party. "It is obvious that with these dismissals, SNSD and HDZ lost the control over the institutions that manages the process of the elections in Bosnia and Herzegovina", Karić said and added that now SNSD and HDZ are trying, in

all possible ways to nullify the decision and are pressuring the SDA. "This arrestment of Novalić is partly because of the pressure on the SDA", he concluded.

"Ventilators" affair: The consequence of the misused public procurement system

As European Western Balkans wrote previously, public procurement system in the region is a critical corruption zone, not just in times of emergency but in regular times as well, which was apparently exploited in the "Ventilators" affair.

During the pandemic, the Government of Federation allowed the medical facilities to procure equipment and materials without public call i.e. using negotiation procedure and this is how "FH Srebrena malina" was awarded with the contract.

Ivana Korajlić, Executive director of the Transparency International BiH, says for European Western Balkans, that TI BiH warned from the beginning that in this and other cases, exceptions to the application of the law have been abused, invoking Article 10, paragraph b, relating to the "security measure". "In this particular case, they directly contracted a deal with a company that neither had a license to trade in medical equipment at the time nor had any experience in procuring medical equipment, and thus could not give any guarantees for either delivery or quality", she explained.

This eventually led to the delivery of medical ventilators that did not serve their original purpose, Korajlić said and added that if other procedures provided by the Law had been used, at least minimum standards could have been ensured and protection mechanisms and certain guarantees provided. Korajlić also pointed out at the political motivation being crucial for the investigation. "The investigation would not be initiated if there was no background political interest in prosecuting, which was shown in the end by the fact that not everyone involved in decision-making process was prosecuted or suspected" she explained.

Korajlić assumes that there is going to be a simulation of the investigation, and that in other cases, such as the procurement of a field hospital by Republika Srpska entity or other contracts concluded with companies that did not have licenses to trade in medical equipment, there won't be interest to investigate and process.

What is certain is that this affair is the biggest corruption scandal in the Western Balkans since the "Extortion" affair in North Macedonia, where the Chief Special Prosecutor and the star of fight against corruption, Katica Janeva was arrested and put on the trial for abuse of authority and obtaining illegal property gain. This affair is going to be an important test for the prosecution and judiciary of BiH, to prove if they can act independently, in spite of the political pressure and the politization of the fragile inter-ethnic relations by the political elites.

EU is considering suspending support to the BiH judiciary

<https://europeanwesternbalkans.com/2020/06/08/eu-is-considering-denying-support-to-the-bih-judiciary/>

June 08, 2020 - EWB

BRUSSELS – The European Commission has warned the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) that it could suspend further funding of judicial reform in BiH, which it is implementing through that council, Radio Free Europe (RFE) reports.

“Due to the worryingly limited results in achieving the goals of judicial reform in recent years, and especially in the area of integrity, the Commission is currently reviewing its support for the judiciary through the HJPC,” the European Commission Spokesperson’s Office in Brussels confirmed to Radio Free Europe. In a letter to HJPC President Milan Tegeltija this week, they noted that they have been waiting too long for judicial reforms, and that “the state of the judicial system is a cause for concern”.

Special emphasis was placed on the letter of the European Commission dated 11 February 2020, in which the HJPC was called upon to take urgent steps in order to establish a special Integrity Unit within the HJPC Secretariat, which has not yet been formed. The unit should deal with checking the integrity of the holders of judicial institutions.

The President of the HJPC, Milan Tegeltija, told RFE that the establishment of the Unit was interrupted due to the pandemic.

However, the Chairman of the Temporary Commission of Inquiry of the House of Representatives of the Parliamentary Assembly of BiH for determining the situation in the judicial institutions of BiH Damir Arnaut told RFE that there is a very clear position of several European countries that BiH cannot take a single step towards the European Union until it begins to seriously address these problems in the judiciary.

The European Commission also stated that “the rule of law is a key criterion for BiH’s European path”. “The lack of progress in this area also undermines the country’s progress. The European Commission has invested more than 30 million euros over the past 15 years to strengthen the independence, integrity and efficiency of the judiciary in BiH, especially through funds allocated through the HJPC”, it is noted in a written comment by EC for RFE.

Priebe report

Lack of commitment to the rule of law is a fundamental problem of BiH, said Reinhard Priebe in his special report, published in December 2019 in Brussels.

This independent legal expert, a German judge who worked in Albania and North Macedonia to improve the justice system, pointed out worrying shortcomings in a 25-page document.

“The lack of trust in the judiciary is particularly expressed in the High Judicial and Prosecutorial Council (HJPC). Citizens, and even members of the judiciary, often see the HJPC as a center of power without responsibility in the hands of a network of political patrons and influence,” Priebe report states.

BiH judiciary close to politics, far from justice

The Chairman of the Board of Directors of Transparency International BiH Srđan Blagovčanin, says the judiciary has “become so instrumentalized that it has become an extended arm of BiH’s political elites” and as such is an obstacle to justice.

“In the process when Priebe report was prepared, we proposed a kind of vetting, i.e. a detailed review of all judicial office holders, something similar to what happened in Albania. In Albania, it showed somewhat positive results and we think that the situation in the judiciary is so bad in terms of exposure to pressure that just vetting was a good step in the right direction,” Blagovčanin said.

Judicial reform in BiH has been ongoing since 2003, and so far, according to Transparency International BiH, a number of donors, including the EU, have invested about 50 million euros.

Their analysis “Judiciary in BiH: State and Perspectives”, states that “part of the presidents of courts and chief prosecutors are not appointed because of the results achieved and undisputed competencies, but because of loyalty to the structure or under external influence”.

“They are a threat to the election of competent members for the new HJPC and the necessary reforms,” it was stated.

Bosnia Convicts Former State Prosecutor in Embezzlement Case

<https://balkaninsight.com/2020/06/09/bosnia-convicts-former-state-prosecutor-in-embezzlement-case/>

June 9, 2020 - Nedim Dervisbegovic, Sarajevo, BIRN

Former Bosnian state prosecutor Bozo Mihajlovic was sentenced to five years in prison for failing to prevent his assistant and typist from embezzling around 115,000 euros.

Bozo Mihajlovic, who was the head of the Special Department for Organised Crime, Economic Crime and Corruption at the state prosecution from 2010 until 2015, was sentenced on Tuesday to five years in prison for malfeasance in office.

The first-instance verdict found him guilty on ten counts because he failed to properly supervise his assistant and typist who embezzled some 226,000 Bosnian marks (about 115,000 euros), which had been temporarily seized as part of investigations from 2006 until 2015.

Judge Amela Huskic said in the verdict that the typist several times produced requests, without Mihajlovic's knowledge, for assets including money kept by the court or its service for temporarily seized valuables.

The requests were then signed by other prosecutors in Mihajlovic's name.

In some cases, Mihajlovic himself signed the requests but did not carry out any further supervision that could have identified the wrongdoing.

"For establishing the accused's guilt, it is not important who embezzled the money, but who enabled that to happen," the judge said.

Mihajlovic was ordered to compensate for the embezzled funds and to cover court costs, the amount of which will be determined later. He can appeal against the verdict. More than 40 witnesses were heard, including Mihajlovic's fellow prosecutors, in the trial that started in September 2018.

The case against the typist has meanwhile been moved to the Sarajevo Canton Prosecutor's Office.

When the rule of law is defended: Three examples from Bosnia and Herzegovina

<https://europeanwesternbalkans.com/2020/06/10/when-the-rule-of-law-is-defended-three-examples-from-bosnia-and-herzegovina/>

June 10, 2020 – Adnan Cerimagic

Earlier last week I received an email that got me thinking. A person working on the Western Balkans in one of the EU institutions wrote:

“Dear Adj,

as far as I can learn from all the articles, papers and panels, it seems that there is a growing consensus that during this pandemic governments, their institutions and citizens across the Western Balkans managed (for now) to put the spread of the virus under control. This is what you partly argued in the Balkan Insight article from 30 April titled “Nailing the Virus: How One Bosnian Canton Halted a Pandemic”.

At the same time there is a growing consensus as well that the price for this is less democratic, less rule of law based and less liberal Western Balkans. This is what the BiEPAG partly argued in its April 2020 policy brief titled “The Western Balkans in Times of the Global Pandemic”. What I was wondering is if there were any examples where institutions showed resilience and the rule of law was defended, either because of pressure from citizens and public or any other reason. Would you share those with me?

Thank you and all the best,

E.”

As observers or members of the wider public we are, of course, more focused on things that do not work as we think they should. Take my home country, Bosnia and Herzegovina, as an example, where since the pandemic started we have been overwhelmed by how our institutions made one failure after another.

It started with 14 governments struggling to coordinate and harmonise their social distancing measures. We were cynical about the curfew taking place at different hours in different parts of the country. In late March a 52-year-old woman from Sarajevo died before being tested positive. A heart-breaking story, told by her two children, on how she was denied testing and treatment made us all very sad.

Then in early April a respected Sarajevo epidemiologist died. His wife shared their experience of ten days long path through labyrinth of medical institutions while trying to get tested and treated. When wife asked “if this can happen to a respected doctor and community health expert ... what should a pensioner or a simple worker expect?” we were shocked and afraid.

In late April a courageous journalist, Semira Degirmendzić, found out that a raspberry farm got a contract to acquire 100 ventilators. As actors involved in the purchase and documents related to it started to pop up in the public we felt disgusted. In early May,

just before country started to open up, a state-level minister took part in an illegal birthday party. We found out about it by accident via Instagram and we got angry.

This list is longer and includes a 2.2 million euros worth mobile hospital for Banja Luka that seems not to be functional since it was never fully delivered. But also stories of how the virus entered hospitals in Mostar and Banja Luka because patients had political connections and could pass by safety measures unchecked.

So were there any examples where institutions showed resilience and the rule of law was defended? I found three examples in Bosnia and Herzegovina.

First is related to personal data. In mid-March reports about individuals coming from abroad or confirmed cases and their contacts roaming around freely and spreading the virus flooded social and other media. Public was afraid and demanded reaction.

On 22 March, the largest among the ruling political parties in the Bosnian and Herzegovinian entity Federation, the SDA, called for institutions to publish information about all individuals ordered self-isolation. On the same day the prime minister of the Bosnian and Herzegovinian entity Republika Srpska asked for same.

Day later, institutions in both entities announced they would start to publish all data, something several local and cantonal authorities already started to do. Several citizens whose data were published contacted the state-level Personal Data Protection Agency and demanded protection.

On 24 March the Agency responded and decided to ban public disclosure of these data. Since then all institutions complied with the decision.

Second is related to freedom of expression. On 7 April, authorities in the Bosnian and Herzegovinian entity Republika Srpska adopted a measure aimed at preventing spread of the public panic. Legal experts warned that due to the vague wording and high fines this measure could be misused against freedom of expression.

This fear was confirmed couple of days later when Maja Dragojević Stojić, a doctor and opposition politician from Prijedor, was fined with 500 euros for speaking in public on lack of medical protective equipment in hospitals. Journalists, civil society organisations, opposition politicians and international organisations put a pressure on authorities. On 17 April, the measure and all fines issued under this measure were revoked.

Third is related to freedom of movement. On 20 March, authorities in the Bosnian and Herzegovinian entity Federation decided to ban all outdoor activities for those under 18 and over 65 years of age until 30 March.

On 27 March, authorities decided to prolong it indefinitely.

On 30 March a group of citizens led by Lejla Dragnić, a Sarajevo-based opposition politician, took this decision to the constitutional court. In their complain Lejla claimed the measure went beyond what was necessary.

Four weeks later, on 22 April, the Court decided to partly accept their arguments and ordered authorities to change it. On 24 April, authorities first decided to allow citizens younger than 18 and older than 65 years to freely move during specific days and hours during the week. On 14 May, they completely revoked the measure.

This made me think that having solid constitutions, laws and rules matter as much as having people ready to stand up, demand and defend them. It also gave me hope that if more politicians, civil servants, lawyers, journalists, activists and citizens get involved Bosnia and Herzegovina and the Western Balkans could have more of rule of law and democracy.

Commission Denies 'Covering up' Croatia's Failure to Monitor Police

<https://balkaninsight.com/2020/06/15/commission-denies-covering-up-croatias-failure-to-monitor-police/>

June 15, 2020 - Anja Vladisavljevic, Zagreb, BIRN

The European Commission has rejected claims made in a UK newspaper that it whitewashed Croatia's failure to supervise its border police – who are widely suspected of using violence against migrants and asylum seekers.

The European Commission has rejected allegations that its officials tried to cover up the failure by Croatia's government to supervise its border police, after they were repeatedly accused of abusing migrants and refugees on the EU's external borders. "The Commission's intention has always been, and remains, the establishment of a fully independent border monitoring mechanism in Croatia," a European Commission spokesperson told BIRN.

The response comes after the UK Guardian newspaper claimed it was in a possession of internal email correspondence from officials in Brussels, in which, fearing a negative reaction, they allegedly decided not to expose Croatia's lack of commitment to the monitoring mechanism financed by EU money.

In October 2018, the Commission made available 305 million euros in emergency assistance to support migration and border management in Greece, Italy, Cyprus, and Croatia. They gave Zagreb 6.8 million euros.

Within the framework of an emergency assistance grant for staffing re-enforcement of the police at the external border, the monitoring mechanism was established.

In December 2018, it was stated that the mechanism should "ensure that all measures applied at the EU external borders are proportionate and are in full compliance with fundamental rights and EU asylum laws".

But the Guardian claims the Croatian government spent only 102,000 euros on a monitoring mechanism of a total of 300,000 euros intended for that purpose, and that Commission officials discussed "the possibility of intervening in the member state's planned report due to the poor handling of the matter by the Croatian government".

"Seeing how unfortunate [Croatia] is presenting this issue, [Croatia] definitively needs (your?) help in putting some 'final touches' to the report," the Guardian quoted an official in the Commission's migration department as writing to a colleague.

So far, Croatia has not commented on the case, while the Commission assured BIRN it did not alter the content of the Croatian report and merely sought clarifications.

“Given that the report submitted by the Croatian authorities was incomplete, the Commission asked the Croatian authorities for clarifications first in writing and orally regarding outstanding issues,” it said, explaining that the assessment of the final report of an emergency assistance project requires a number of steps.

“Once a final report is received, the Commission has 90 days to assess the report against the grant agreement, excluding the time required for clarifications or submission of additional supporting documents, which could extend significantly the assessment process... Under no circumstances do the beneficiaries receive content-related advice,” it said.

As reported by the EUobserver website on Monday, the European Commission intends to send officials to monitor the Croatian border, following the allegations of torture of migrants and refugees.

For more than two years, human rights groups have documented physical abuse of migrants at the hands of Croatian police. Zagreb denies being heavy-handed.

The international rights watchdog Amnesty International last Thursday reported on “a horrifying escalation of police human rights violations at the Croatian border with Bosnia”. It said that “a group of migrants and asylum seekers was recently bound, brutally beaten and tortured by officers who mocked their injuries and smeared food on their bleeding heads to humiliate them”.

The Croatian Interior Ministry rejected the allegations about police injuring migrants on Thursday evening, suggesting they often injured themselves. It urged “all those who want facts to pay attention to real events – conflicts and fights between migrants in camps in Bosnia... and accidents and injuries that happen to them on the way”.

Amnesty also accused the European Union of being complicit in such abuses, stating that its “silence is allowing, and even encouraging, the perpetrators of this abuse to continue without consequences”.

Bosnia Parties Strike Landmark Deal on Governing Mostar

<https://balkaninsight.com/2020/06/17/bosnia-parties-strike-landmark-deal-on-governing-mostar/>

June 17, 2020 - Nedim Dervisbegovic, Sarajevo, BIRN

A more than decade-long struggle between Croats and Bosniaks over government of the southwestern city of Mostar finally seemed over on Wednesday, after party leaders struck a historic power-sharing agreement.

Bosnia's main Bosniak and Croat parties have finally struck a breakthrough deal on how to rule the ethnically-divided southwestern city of Mostar, paving the way for the first local elections to be held there since 2008.

The Bosniak Party of Democratic Action, SDA, and the Croatian Democratic Union, HDZ, signed a deal on Wednesday on a new statute for Mostar after several weeks of renewed talks.

Mostar has been politically paralysed for years and run by a de facto acting mayor from the HDZ, whose administration has not been able to resolve an ever-rising number of communal problems.

Wednesday's deal was signed by SDA leader Bakir Izetbegovic and his HDZ counterpart, Dragan Covic at a meeting in Mostar attended by UK ambassador Matthew Field and EU delegation chief Johann Sattler.

Covic said after the signing ceremony, carried live on TV, that details of the new statute will be communicated later by local officials who carried out the brunt of negotiations, adding the two sides would now initiate a legislative process to change Bosnia's electoral law as soon as possible.

"What we can say for sure is that the elections in Mostar will take place at the same time as the next local elections," Covic said.

Bosnia will hold its seventh post-war local elections on November 15. The vote was originally scheduled for October 4 but was delayed because the state government could not provide its half of the funds necessary for organizing the vote.

Covic's counterpart, Izetbegovic, said the agreement on the new statute, which will be adopted at the next session of the city council, was a compromise that foresees joint management of the city, adding it is not the best solution but was the only one possible. "Hopefully, new generations will see Mostar getting the statute that it deserves," Izetbegovic said.

The two parties also signed an agreement before the next general elections in 2022 to resolve other issues that have strained the parties' relations, such the election of the

House of Peoples of the parliament in Bosnia's Federation entity, in which they hold power together.

Another issue is the election of the Croat member of Bosnia's three-member Presidency, which the Croats have long complained is often effectively chosen by the numerically stronger Bosniak community.

Bosniaks and Croats fought a fierce war over Mostar, and over other areas, in 1993, a war that ran alongside the main 1992-95 conflict involving the Bosnian Serbs. The US brokered an agreement in 1994 to end the conflict, but neither side was willing up their ambitions to have sole control of the strategic city.

The struggle between the Bosniaks and Croats in Mostar remained unresolved despite a Bosnian Constitutional Court ruling in 2010 that Mostar's power-sharing structure was unconstitutional and needed changing.

Last October, the European Court of Human Rights, ECHR, gave Bosnia six months to change its election law and enable local elections in Mostar, but the state parliament has not done so yet.

Bulgaria

Bulgaria's deputy environment minister, facing criminal charges, dismissed

<https://sofiaglobe.com/2020/06/01/bulgarias-deputy-environment-minister-facing-criminal-charges-dismissed/>

June 01, 2020 - The Sofia Globe staff



Bulgarian Prime Minister Boiko Borissov has fired Deputy Environment Minister Krassimir Zhivkov, the government press service said on June 1, following Zhivkov's arrest on May 28 on criminal charges.

Zhivkov and nine others face charges related to crimes involving hazardous waste imports and management. He has been remanded in custody, along with business person Atanas Bobokov and three others allegedly involved in organised crime. The Prosecutor-General's office said earlier that of those facing charges, seven are accused of being part of an organised crime group, while three face tax evasion charges.

An investigation began in January after a large amount of unseparated waste imported from Italy was found in Bulgaria's town of Pleven. Among the allegations are that Zhivkov pressured subordinates to grant permits to process unseparated waste to companies that did not meet the legal requirements to do so. Prosecutors allege that Environment Ministry staff that were unwilling to comply were forced out of their jobs. Prosecutors also allege that the former head of the environmental inspectorate in Pleven was involved in the scheme.

The government statement said that Slaveya Stoyanova, who has a master's degree in biology from Plovdiv University Paisii Hillendarski, had been appointed Deputy Environment Minister. Stoyanova formerly was an employee of the waste management and soil protection directorate at the ministry, becoming the directorate's head in 2015, the statement said.

Media-Savvy Fugitive Bulgarian Oligarch Hints at Political Ambitions

<https://balkaninsight.com/2020/06/15/media-savvy-fugitive-bulgarian-oligarch-hints-at-political-ambitions/>

June 15, 2020 - Svetoslav Todorov

Evading charges at home in the Gulf, Vassil Bojkov, alias The Skull, is becoming an unlikely opposition voice to Boyko Borissov – using his new-found social media skills to mull his plans to shake up politics and form his own party.

Bulgarian tycoon Vassil Bojkov, who is in exile avoiding charges in the UAE, is busy dropping hints at forming an opposition party to the current ruling GERB and United Patriots parties. Announcing that his party would be called Bulgarian Summer, Bojkov has been posting numerous ideas about its future and purpose.

“Political projects must be made up from positions, not coalitions,” he mulled on Facebook on Friday, giving his stances in bullet points: “Rule of law, independence of the authorities, waiving the immunity of MPs, referendums on important public issues, electronic voting and e-administration, optimization of the state administration, transparent relationship between business and government, personal legal liability to civil servants who have violated the law, prohibition of party subsidies, financial audit of the current management.”

On Thursday, he posted the documents with which he recently warned the Prosecution about how his businesses had been damaged by government actions over the last six years, from tightening gambling laws to signing doubtful contracts.

“Political ties are a web. Politicians are incompetent, unwilling and unable to solve Bulgaria’s problems. The same people take the stage over and over again and just change places – sometimes as part of the government, sometimes in opposition. Their time is up,” the once media-shy tycoon wrote on Facebook on Wednesday.

His anger is targeted mainly towards Finance Minister Vladimir Goranov, Prime Minister Boyko Borissov and the Vice Chairman of parliament, Menda Stoyanova.

According to Bojkov, they are ruining Bulgaria’s business climate and abusing their political power. In a private conversation, he says, Goranov wanted Bojkov to sell his business to an individual he had appointed. After Bojkov declined, Goranov ordered a tax check on his lottery business. In comments over the last months, all the relevant government officials have denied any truth to Bojkov’s claims.

Commission for Combating Corruption Checks Bulgarian Education Minister Valchev for Conflict of Interest

<https://www.novinite.com/articles/204961/Commission+for+Combating+Corruption+Checks+Bulgarian+Education+Minister+Valchev+for+Conflict+of+Interest>

June 17, 2020 - Novinite

The Commission for Combating Corruption and Confiscation of Illegally Acquired Property filed a complaint with the Minister of Education and Science Krassimir Valchev, the Commission announced.

The proceedings for conflict of interest were initiated on the basis of media publications of 12 and 14 June 2020. They contain allegations concerning Krassimir Valchev - Minister of Education and Science, and Dimitar Margaritov - Chairman of the Consumer Protection Commission.

According to the publications, the executive director of the Prosveta Foundation Maria Karabelova-Margaritova is Krassimir Valchev's godmother and at the same time she is a partner with his wife in the consulting company Bonafide Advisors OOD. It is alleged that the main activity of the Foundation is subsidized and dependent on the Ministry of Education and Science, and all new textbooks of the publishing group "Prosveta" for 11th grade for the school year 2020/21 have been approved by the Minister of Education and Science.

It was also reported that the wife of the Minister of Education is the owner of PR and Event Consulting AD, and since Dimitar Margaritov / with whom persons are connected within the meaning of the law / is chairman of the CPC, the budget of this commission has spent about BGN 100,000 for organizing events, media services and making souvenirs for the CPC and the European Consumer Center - Bulgaria.

Facsimiles of a contract worth approximately BGN 35,000 have also been published, as well as a reference containing data on the persons indicated in the signal and the company Bonafide Advisors OOD, the Commission also announced.

Bulgaria court acquits two former Cabinet ministers, businessmen, over privatisation deal

<https://sofiaglobe.com/2020/06/28/bulgaria-court-acquits-two-former-cabinet-ministers-businessmen-over-privatisation-deal/>

June 28, 2020 - The Sofia Globe staff



Bulgaria's Specialised Criminal Court acquitted at first instance on June 28 two former Cabinet ministers and four business people on charges in connection with the 2011 privatisation of a 33 per cent state stake in power utility EVN.

Those acquitted are former finance minister Simeon Dyankov, former economy minister and current mayor of Sofia's Sredets district Traicho Traikov, and business people Ivo Prokopiev, Radoslav Rachev, Lyubomir Evstatiev and Petar Vassilev. Dyankov was finance minister from 2009 to 2013 in Boiko Borissov's first government, in which Traikov held the economy and energy portfolio from 2009 to 2012.

The charges, lodged in 2017, were that Prokopiev had incited Dyankov in connection with the deal, with Dyankov alleging slanting the criteria to benefit Prokopiev's Bulbrokers company, while Traikov was charged with negligence because as the minister, he was responsible for the state shares in the energy distribution companies. Prosecutors alleged that the EVN deal had caused 20 million leva damage to Bulgaria's state coffers. Dyankov joined the June 28 court proceedings by Skype from the United States (arrivals in Bulgaria from the US are currently barred because of the Covid-19 pandemic), asking to be acquitted because, he said, he had committed no crime.

Traikov said that allegations against him were "bankrupt". He asked why, given that shares in the two other power utilities in Bulgaria had been privatised in the same way, no prosecution in connection with them had ensued.

Addressing the court before it pronounced its verdict, Prokopiev said that the state-owned enterprises that had not been privatised were now losing billions. He said that the case had nothing to do with the share deal, but was part of systematic pressure on the media he owns.

Reacting to the acquittals, prosecutors said that they would appeal against them in a court of second instance, and if necessary, appeal to a court of final instance.

Kosovo

Kosovo Parliament Confirms New Govt Under Hoti

<https://balkaninsight.com/2020/06/03/kosovo-parliament-confirms-new-govt-under-hoti/>

June 3, 2020 - Arta Sopi, Taulant Osmani and Xhorxhina Bami, Pristina, BIRN

Four months after MPs voted in a government under Albin Kurti, the same chamber has voted in a fresh administration under Avdullah Hoti.



Kosovo new PM, Avdullah Hoti, during Kosovo elections rally in June 2017, when he was a PM candidate from Democratic league of Kosovo (LDK). Photo: EPA-EFE/ Valdrin Xhemaj

Kosovo's parliament on Wednesday confirmed in office a new government led by Avdullah Hoti, the deputy leader of the Democratic League of Kosovo, LDK, the junior party in the last government that initiated the no-confidence motion in March that toppled it.

MPs voted in the new government exactly four months after voting in Albin Kurti's Vetevendosje-led government on February 3. With only 86 MPs present in the 120-seat chamber, 61 MPs voted for the new cabinet, 1 abstained and 24 voted against.

The session was conducted by the second deputy speaker, Kujtim Shala, from the LDK. The first deputy speaker, from Vetevendosje, Arberie Nagavci, refused to direct the session.

The new government is a coalition between the LDK, which has 28 seats, the Social Democratic Initiative, NISMA, with four seats, the Alliance for the Future of Kosovo, AAK, with 13 seats, and the Belgrade-backed ethnic Serbian party, Srpska Lista, with 10 seats. Nine representatives of other minority communities also voted for the new government.

Only 86 MPs were present in the chamber because MPs from Vetevendosje, the largest party in parliament, did not attend.

The leader of the party's parliamentary group, Rexhep Selimi, who has demanded new elections, dismissed the new government as an "illegal enterprise".

A small group citizens took to the streets of the capital, Pristina, to protest against the holding of a parliamentary session to vote in a new government. Police intervened when some protesters tried to enter the government building. "Thieves in prison!", "We want elections", and "Albin [Kurti], wherever you are, all of Kosovo is there with you", were some of the calls protesters made. A sign read: "I won't allow my vote to be manipulated."

Vetevendosje had said that it would neither organize a public protest nor stop citizens from doing so.

Flutura Zymi, one of the protesters, told the media that the new Hoti government was "not a promise but a manipulation, a theft of votes ... this is vote theft".

The new government took office after the Constitutional Court ruled that President Hashim Thaci did not act unconstitutionally by giving a mandate to Hoti to form a new administration without holding fresh elections.

However, the new government faced criticism from several members of the parties forming the new coalition ahead of the vote. LDK MP Vjosa Osmani publicly opposed the no-confidence motion that toppled Kurti's government, and also opposed the new Hoti-led government. On Tuesday, she told BIRN that "a transitional government with a term of six to nine months, run by a unifying figure and technical ministers" would be the best solution for the country, so that the new government would not need to depend on Srpska Lista. Similarly, another LDK deputy leader, Lutfi Haziri, told BIRN on Tuesday that a "government that I do not trust is being built".

But their party leader disagreed. Isa Mustafa, leader of the LDK, insisted on Tuesday that the new Hoti-led government was not "a transitional government but a government with a full mandate, assuming the tasks that the constitution provides for". Haxhi Shala, an MP from NISMA, told the media he was not sure whether he would vote for the new government even before the vote took place on Wednesday.

Meanwhile the new government said it planned to restart the stalled EU-led dialogue with Serbia by coordinating its activity with the President.

Former PM Kurti had pushed for the government to lead the dialogue, trying to exclude the President from the negotiating table. President Thaci has so far led the talks

together with his Serbian counterpart, President Aleksandar Vucic. Kurti had accused Thaci of rushing to reach an agreement on relations with Vucic in Washington.

Asked by BIRN whether he would be willing to go to Washington with Thaci to negotiate with Serbia, Hoti on Tuesday said only that he “would not hesitate to ... take responsibility for the country, including the dialogue process, and create the necessary institutional cohesion for this process”.

Mustafa told BIRN on Tuesday that he “would not agree for the dialogue to [continue to] be led by the President” – although he also admitted that a previous Constitutional Court decision had ruled that “the government directs foreign policy in consultation with the President”, which he said would be the way the new government would proceed.

Kosovo Specialist Prosecutor Charges Thaci with War Crimes

<https://balkaninsight.com/2020/06/24/kosovo-specialist-prosecutor-charges-thaci-with-war-crimes/>

June 24, 2020 - Marija Ristic, Berlin, BIRN

A ten-count indictment has been filed against Kosovo's President Hashim Thaci charging him with crimes allegedly committed in the independence war of the late-1990s, including murder and torture.



Hashim Thaci in Pristina, Kosovo, 2020. Photo: EPA-EFE/VALDRIN XHEMAJ

The Hague-based Specialist Prosecutor's Office, SPO, according to a press statement on Wednesday, has filed a ten-count indictment with the Kosovo Specialist Chambers, KSC, charging Kosovo President Hashim Thaci, the Kosovo politician Kadri Veseli, and others with a range of crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture.

"The indictment alleges that Hashim Thaci, Kadri Veseli, and the other charged suspects are criminally responsible for nearly 100 murders. The crimes alleged in the indictment involve hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities and include political opponents," the press release said.

A Specialist Chambers Pre-Trial Judge is currently reviewing the indictment to decide on whether to confirm the charges.

According to the press release, the Specialist Prosecutor deemed it necessary to issue this public notice because of repeated efforts by Thaci and Veseli to obstruct and undermine the work of the KSC.

"Mr Thaci and Mr Veseli are believed to have carried out a secret campaign to overturn the law creating the Court and otherwise obstruct the work of the Court in an attempt to ensure that they do not face justice.

“By taking these actions, Mr Thaci and Mr Veseli have put their personal interests ahead of the victims of their crimes, the rule of law, and all people of Kosovo,” the statement reads.

Over the past year, more than 100 people, mostly former members of the Kosovo Liberation Army, KLA, have been summoned for questioning by the Specialist Prosecution as suspects or witnesses in relation to crimes allegedly committed during Kosovo’s war of independence from Serbia between January 1, 1998 and December 31, 1999 in Kosovo.

Those questioned included former KLA guerrilla fighters who have become high-profile politicians, such as Ramush Haradinaj, who resigned as prime minister of Kosovo after being summoned.

The Specialist Chambers will hear cases arising from an EU task force report which said that unnamed KLA officials could face indictments for a “campaign of persecution” against Serbs, Roma and Kosovo Albanians during the war. The alleged crimes include killings, abductions, illegal detentions and sexual violence.

The report was commissioned after the Council of Europe published an inquiry in 2011, which alleged that some senior Kosovo officials, including Thaci, were responsible for various human rights abuses. Thaci has strongly denied the allegations.

The negotiations to establish the court lasted from 2011 until 2015. International judges and prosecutors staff the new court, although it operates under Kosovo’s laws.

Since the Kosovo war ended, the international community has been overseeing the justice system in Kosovo whose results in prosecuting war crimes have been poor – fewer than 20 final verdicts in war crimes cases.

It was believed that the Kosovo prosecution couldn’t handle the political pressure in sensitive cases concerning senior officials, which was one reason why the international community decided to establish the new court.

Two Decades on, Kosovo's Guerrilla Boss Thaci May Finally Face Trial

<https://balkaninsight.com/2020/06/25/two-decades-on-kosovos-guerrilla-boss-thaci-may-finally-face-trial/>

June 25, 2020 - Marija Ristic, Berlin, BIRN

The indictment filed by the Specialist Prosecutor charging Kosovo President Hashim Thaci was a long-awaited move that follows two decades of investigations into alleged wartime wrongdoings.

It was no coincidence for Kosovo President Hashim Thaci, the former guerrilla chief charged with crimes against humanity and other war crimes during and after the war in Kosovo.

On Wednesday he boarded his plane to Washington, flying to the US for a long-anticipated meeting with his Serbian counterpart, Aleksandar Vucic, and the US Special Envoy, Richard Grenell, to discuss Kosovo's future status.

As he prepared his briefing points somewhere in the skies over Europe, the press release from the Kosovo Specialist Prosecutor's Office announced that he was the first person about whom it is publicly known that an indictment has been filed for a range of crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture.

The indictment comes after the veteran warrior-turned-politician, who has maintained a grip on decision-making in Kosovo since the war there ended in 1999, ousted the government of his opponent Albin Kurti after months of struggle, installed a new puppet government in its place and was ready to finalise a "deal of the century" with Serbia and his US allies.

In the past year, Thaci has also tirelessly met with diplomats, powerful friends, politicians and lawyers in order to remove a potential problem overshadowing his agenda for the last five years – the Kosovo Specialist Chambers, a Hague-based hybrid court set up to try former members of the Kosovo Liberation Army, KLA, which Thaci led during the struggle against Serbia's oppressive rule.

The pressure was immense, and the Hague-based prosecutor, who has otherwise remained confidential about who would be put on trial, said he had only issued "this public notice of charges because of repeated efforts by Hashim Thaci to obstruct and undermine the work of the KSC ... in an attempt to ensure that he does not face justice". According to prosecutor Jack Smith, Thaci and his close allies "put their personal interests ahead of the victims of their crimes, the rule of law, and all people of Kosovo". The indictment, filed on Thaci's 52nd birthday, on April 24, alleges that he and others are responsible for nearly 100 murders. The other crimes alleged in the indictment involve hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities, and include Kosovo Albanian political opponents.

The indictment interrupted Thaci's trip and led him to cancel the Washington meeting, but only after a pre-trial judge confirms the April submission from the prosecution can he be put behind bars to await trial.

This may happen tomorrow. Or it might be as late as this autumn. The pre-trial judge has six months from the April 24 date of the filed indictment to confirm it, reject it, or request changes.

History student who wrote Kosovo's history



Fighters of the Kosovo Liberation Army (KLA) sit on a truck in Morina, Kosovo, 1999. Photo: EPA/FEHIM DEMIR

The Kosovo President has established himself as a shrewd tactician able to outmanoeuvre opponents and has dominated Kosovo's politics since the war ended – from being its first prime minister to foreign minister to president. He and his Democratic Party of Kosovo, PDK, have held a grip on almost every aspect of political life in former Serbian province for two decades.

Born in 1968 to a farming family in the central village of Buroja in the Drenica valley, Thaci was the seventh of nine children. He studied history at the University of Pristina and, by the late-1980s, was involved in the underground People's Movement of Kosovo, LPK. This was an illegal political formation in the former Yugoslavia, a one-party state ruled by the League of Communists of Yugoslavia until 1990.

Founded in 1982, the LPK sought to unite Kosovo with neighbouring Albania, then also a communist state. Due to his LPK activities, Thaci fled Yugoslavia in 1993 and obtained political asylum in Switzerland, where he became a founding member of a related organization, the KLA.

He frequently travelled back to Kosovo, crossing the border illegally, to work on organising the KLA's structure on behalf of the LPK. Most senior KLA members came from the now defunct LPK.

By 1997, Thaci was leading the KLA's political arm and so played a pivotal role in articulating the political ambitions of Kosovo Albanians in what was now an armed fight against Belgrade rule.

NATO's intervention in 1999 in the worsening conflict, and a bombing campaign targeting Serbian positions, brought the war in Kosovo to an end, as Serbia withdrew its forces.

With Kosovo now administered by a UN mission, UNMIK, Thaci agreed to disband the provisional government and played a key role in decommissioning and dissolving the KLA as well.

In late 1999, he was elected head of the new Party for Democratic Progress, soon renamed the Democratic Party of Kosovo, PDK. From then on, Thaci became one of the most relevant interlocutors for international diplomats, especially when it came to ensuring that everyone adhered to international policy in Kosovo, including the former KLA factions under Thaci's control or influence.

He was briefly in opposition from 2001 to 2004 but returned as prime minister in January 2008. Soon after, on February 17, 2008, he read out Kosovo's declaration of independence, endorsed by the majority of the Kosovo assembly, so becoming one of the most important figures in Kosovo history.

The PDK went on to win three consecutive elections, in 2007, 2010 and 2014. Thaci served as prime minister twice, between 2008 and 2010 and between 2011 and 2014.

To meet the constitutional rule that stipulates that the head of state cannot hold other public posts, as President, Thaci resigned from the PDK leadership. He was succeeded by his close ally, the former chairman of the assembly, Kadri Veseli, now also indicted for war crimes.

From Ponte's memoirs to organ trafficking allegations



Former ICTY chief prosecutor Carla Del Ponte (R) in The Hague. Photo: EPA PHOTO ANP/ROBIN UTRECHT/vks-BW

Public opinion about Thaci's political achievement is sharply divided. To many Kosovars he is the founder of Europe's youngest state. For others, he is a corrupt politician who

has prevented Kosovo's transformation to democracy. For the international community, he was almost always a trusted partner.

For Serbs, he was always a war criminal, responsible for the persecution of the Serbs in Kosovo, leading to his first war crimes indictment before courts in Serbia.

Serbia's arrest warrant for Thaci issued in early 2000 was never taken seriously internationally, due to Belgrade's obvious bias. After the war ended, the International Criminal Tribunal for former Yugoslavia, ICTY, began releasing indictments against various leaders, army officers, police and soldiers from all the countries of the old joint state. But Thaci got away. His name was never on the lists, despite rumours that he was being investigated.

The failure to investigate KLA leaders only came into focus after the former ICTY chief prosecutor, Carla del Ponte, published her memoirs. In them, she said that "the investigation of the Kosovo Liberation Army fighters appeared to be the most frustrating of all the investigations done by the ICTY". Del Ponte was also the first to openly speak out about the witness intimidation problems that she and her team faced in these cases.

In her book, *Madame Prosecutor*, published in 2009, she wrote: "Witnesses were so afraid and intimidated that they even feared to talk about the KLA presence in some areas, not to mention actual crimes". She added: "Those willing to testify had to be transferred to other countries with their entire families and many states were not willing to accept them."

After the war in 1999, Kosovo lacked a proper police force and the NATO peacekeeping force in Kosovo, KFOR, and the UN mission, UNMIK, couldn't ensure security. "I am convinced that UNMIK and even KFOR officers were afraid for their lives and the lives of their missions' members. I think some of the ICTY judges were afraid that they would become a target for the Albanians," Del Ponte wrote.

On the basis of her memoirs, an enquiry was established led by Swiss rapporteur Dick Marty. January 2011 marked the start of what was probably Thaci's most difficult time in politics, when the Council of Europe adopted Marty's damning report. It accused the KLA leadership, including Thaci, who was then prime minister, of involvement in "organ trafficking, abductions and mistreatment of detainees" during the 1998-99 war in Kosovo.

The report and subsequent EU-led investigations led to the creation of a new court, the Specialist Chambers and Specialist Prosecutor's Office, tasked with dealing with the crimes allegedly committed by the KLA against civilians and alleged collaborators with the former Yugoslav regime.

New prosecutors are following different strategy



The Specialist Chambers building in The Hague. Photo: Europol.

What is clear from the statement issued by prosecutor Smith, in the absence of the full ten-count indictment, is that this prosecution has followed a different strategy to its predecessors at the ICTY.

ICTY prosecutors charged former KLA members mostly for isolated crimes, focusing on certain events and then trying to prove the connections between the indicted and the specific crime. It led to problems with witnesses, especially as they often changed their testimony. Documentation was also poor, considering the guerrilla nature of the KLA. The result was an inability to provide conclusive evidence proving the “command responsibility” of those on trial.

Prosecutor Smith and his team, many of whom are veteran prosecutors from the ICTY, are focusing instead on large-scale campaigns of murder and persecution – and are trying to prove not that as a KLA leader, Thaci was not only responsible for war crimes but also for crimes against humanity.

Crimes against humanity refer to crimes committed in the context of widespread or systematic attacks against civilians or identifiable parts of the civilian population, and can be committed in peace time, not just during conflicts, like war crimes.

The indictment alleges that Thaci, Veseli, and the other charged suspects are criminally responsible for nearly 100 murders. The crimes alleged in the indictment involve hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities and include political opponents. They also include enforced disappearance of persons, persecution, and torture.

The scale of the crimes attributed to the former KLA leadership was initially revealed in 2014 by former prosecutor Clint Williamson. According to his team, certain elements of the KLA intentionally targeted minority populations with acts of persecution. These included killings, expulsions, inhumane treatment, abduction and illegal detention in

camps in Kosovo and Albania, destruction of religious sites and ethnic cleansing of certain areas.

Williamson claimed that there was evidence also showing that in 1998 and 1999, the KLA was engaged in a sustained campaign of violence and intimidation directed at its Kosovo Albanian political opponents, which included extrajudicial killings, intimidation and torture.

Day in court for victims, or political persecution



Destroyed buildings in Djakovica, Kosovo, 1999. Photo: EPA/FEHIM DEMIR

The announcement of the indictment came as a bombshell in a region already troubled by instability and turmoil that have increased during the recent pandemic. The EU and US separately issued statements supporting the work of the prosecution and arguing that such indictments are path towards reconciliation in the region.

But for politicians in Kosovo, the move to indict Thaci was just politics, and was unjust. Former PM Ramush Haradinaj, who was himself summoned by the prosecution last year as a suspect, said: "The KLA conducted a pure war, which resulted in freedom and the establishment of the Republic of Kosovo. We trust in the innocence of President Thaci, Mr Veseli and all other comrades."

PDK head Veseli, the other person named in the indictment, was the first to respond to the announcement by the Specialist Chambers: "The accusations are completely without basis. It is also not true that we threatened the court," he said.

"I'm worried that the true motivations of the prosecutor are political. Having in mind the timing, a couple of days ahead of the White House meeting ... people are right to suspect this was not a coincidence," Veseli added.

International human rights groups like Human Rights Watch said that the indictment of Thaçi and other former KLA leaders would advance justice for war crimes and crimes against humanity committed during and after the 1998-1999 Kosovo war.

But they warned that a key challenge to justice remains witness protection, which has plagued so many war-crimes trials of former KLA members, both in Kosovo and at the ICTY.

“This indictment is a positive step for justice as these alleged crimes have hung over Kosovo for two decades,” Lotte Leicht, European Union director at Human Rights Watch, said. “After years of demanding justice, victims from all ethnic groups may finally get to have their day in court,” she added.

Who at the end will get their day in court remains to be seen. Hopes and stakes are high, both for Kosovo’s already polarized society, which has lurched from one crisis to another in the last five years, but also for the victims both in Kosovo and Serbia. They have been waiting for this for more than 20 years, in anxiety and with high expectations.

Meanwhile, the most spoken-about person in Kosovo today, Thaci, remains silent. He is nowhere to be found. He cancelled his US meeting – but when and how he will return to Kosovo is yet to be confirmed. His office on Wednesday insisted he would be back in Pristina on Thursday, without specifying his location.

Moldova

Fugitive Moldovan Oligarch Sues State Dept Over US Ban

<https://balkaninsight.com/2020/06/11/fugitive-moldovan-oligarch-sues-state-dept-over-us-ban/>

June 11, 2020 - Madalin Necsutu, Chisinau, BIRN

Moldovan tycoon Vlad Plahotniuc has filed a lawsuit against the US State Department after being banned from the US, claiming he is the victim of a Russian plot against him and his family.



The former leader of the Democratic Party in Moldova, Vladimir Plahotniuc, at a rally in Chisinau, June 9, 2019. Photo: EPA/Doru Dumitru

The fugitive Moldovan tycoon Vladimir Plahotniuc, who is now in the US, has filed a lawsuit against the US State Department and Secretary of State Mike Pompeo after being banned from the US on January 13 “due to his involvement in significant corruption”.

The Moldovan media published the complaint filed against the State Department and Pompeo before the United States District Court in New York, where on Friday the lawsuit will be heard.

“This action arises out of an unlawful and unjustified Designation [as undesirable] entered against Vladimir Plahotniuc and his immediate family members by the Department of State,” the opening statement of the document says.

Plahotniuc claims in his 27-page explanation for the lawsuit that he is being punished for standing up to Russian influence in Moldova and fighting Russian propaganda.

In fact, his media empire rebroadcasted Russian TV channels in Moldova. But he lists various threats against him and his family allegedly ordered by Moscow with the help of Albanian hitmen.

The document also notes that Plahotniuc applied for political asylum in the US in September 2019 but was rejected on January 10, 2020, when his visa was revoked. On January 13, he was designated undesirable on US soil.

In Moldova, on Thursday, the Chisinau Court of Appeal rejected an appeal by the Anti-Corruption Prosecutor's Office to seize Plahotniuc's assets in Switzerland, France and Romania, and upheld a previous decision to seize only his assets in Moldova.

Socialist Party deputy Bogdan Tirdea held a press briefing before the court, urging Moldovan justice to act against Plahotniuc and presenting documents regarding Plahotniuc's lawsuit in the US.

Tirdea claimed that to avoid prosecution in Moldova, the mogul was "trying to overthrow the government" now led by Ion Chicu, "and establish another government". Pro-Russian political forces in Chisinau, and their allies in the Democratic Party, risk losing their slender parliamentary majority, having only 51 deputies out of 101. In the last months, many deputies quit the Democratic Party and joined the opposition Pro Moldova faction, led by the ex-speaker of parliament, and Plahotniuc's godson, Andrian Candu.

Domestic aggressors to be monitored electronically

https://www.ipn.md/en/domestic-aggressors-to-be-monitored-electronically-7967_1074114.html

June 11, 2020



Parliament gave a first reading to a bill providing that the domestic aggressors will be monitored electronically by using a hand or ankle bracelet that will be fitted immediately after the judge issues the protective order, IPN reports.

It is proposed obliging the aggressor to temporarily leave the common home or to stay far from the victim's home, regardless of the ownership right over the dwelling. The aggressor will have to stay far from the whereabouts of the victim, at a distance that is safe for the victim, excluding any contact, including telephonic one, by correspondence or another method.

Also, the aggressor will be banned from approaching the victim's workplace, the place of study of children or other places that are attended by the protected person.

The victim or members of the victim's family can also wear an electronic supervision device like a small GSM phone that will enable to see if the aggressors fulfil their obligations, based on written consent.

The bill is to be given a final reading. The new regulations will take effect six months after their publication in the Official Gazette.

Moldova Adopts NGO Law, Releases EU Financial Aid

<https://balkaninsight.com/2020/06/12/moldova-adopts-ngo-law-releases-eu-financial-aid/>

June 12, 2020 - **Madalin Necsutu**, Chisinau, BIRN

After weeks of opposition from pro-Russian political forces, parliament finally adopted legislation on NGOs sought by Brussels, so accessing a much-needed tranche of financial aid from the EU.

After weeks of delays caused by pro-Russian political forces, parliament in Moldova on Thursday adopted an EU -sought law on NGO funding and activities with the support of 95 of 101 deputies.

The law says that during election campaigns, NGOs will not be able to provide any services or offer material support to election candidates, or campaign for them. They may only promote elections, organise electoral debates and monitor elections.

The bill was adopted after the Judiciary Committee of parliament examined almost 100 amendments on the draft submitted by civil society groups and deputies.

Both President Igor Dodon and Prime Minister Ion Chicu earlier spoke out against adoption of the law, arguing that foreign powers should not have the right to mingle in Moldovan internal affairs.

The pro-Moscow Socialist Party and President Dodon are important political beneficiaries of foundations. The "From the Heart" foundation is led by Dodon's wife, Galina while the "I love Moldova" NGO is led by the Socialist deputy Corneliu Furculita, a childhood friend of Dodon's.

The funding of these two entities was never very transparent, Dodon claiming that the money came from unnamed Russian and Moldovan businessmen.

After entering into force, the law also will cut the time and bureaucratic procedures needed to register an NGO in Moldova.

The law was one of a package of laws sought by Brussels in respect of the Association Agreement it signed with Moldova in 2014, before it would release 30 million euros of financial aid to Chisinau.

The government is increasingly short of money owing to an economic downturn linked to the COVID-19 pandemic. A pro-EU MP, Siegfried Muresan, on Thursday reminded parliament that the EU remained ready to provide financial support. "On the basis of the previously agreed conditionalities, [it] expects to see the government adopt the necessary measures as soon as possible, such as the NGO law and the reform of the Superior Council of Magistracy, to receive the second tranche of the EU financial assistance," Muresan said.

Veaceslav Platon set free

https://www.ipn.md/en/veaceslav-platon-set-free-7967_1074201.html

June 15, 2020



Businessman Veaceslav Platon was released from Penitentiary No. 13 after his request to suspend his sentence was accepted. The information was communicated on Facebook by one of his lawyers, Ion Crețu, IPN reports.

“How much effort, but we were ultimately heard, as an innocent person should not be held illegally and those who committed the offense should be brought to justice. Those who are against the release of Platon Veaceslav, stop supporting the real beneficiaries of the bank fraud and do not defend the interests of Plahotniuc Vladimir, by conveying false messages to the people,” the lawyer posted on Facebook.

On May 18, Prosecutor General Alexandr Stoianoglo said the case started against Veaceslav Platon was fully fabricated and a procedure to review the sentence will be initiated. He also said that Vladimir Plahotniuc is one of the main beneficiaries of the bank fraud.

Veaceslav Platon spent four years behind bars. In April 2017, the Chisinau City Court sentenced him to 18 years in jail for swindle and money laundering in very large amounts that caused damage of over 800 million lei to Banca de Economii (Savings Bank). In December 2017, Platon got 12 years behind bars for trying to take sums of money from several insurance firms in which he was a majority shareholder out of Moldova in 2016, when he was under arrest. He allegedly asked for the support of members of the special purpose detachment “Pantera” in this regard. On January 30, this year, the Chisinau City Appeals Court quashed the December 2017 decision by which Platon was given 12 years in jail. The case is to be retried.

Venice Commission welcomes revised draft amendments concerning SCM

https://www.ipn.md/en/venice-commission-welcomes-revised-draft-amendments-concerning-scm-7967_1074351.html

June 22, 2020



In a joint opinion adopted during its 18-19 June plenary session, the Venice Commission and the Council of Europe's Directorate of Human Rights and the Rule of Law (DGI) welcome the revised draft amendments to the law amending and supplementing the Constitution of the Republic of Moldova in respect of the Superior Council of Magistracy (SCM), says a press release of the CoE that is quoted by IPN.

The Venice Commission and the DGI reiterate their previous positive assessment of the draft amendments to the Constitution of the Republic of Moldova that they could improve the independence, accountability and efficiency of the judiciary.

The experts conclude that the revised draft amendments follow to a large extent the previous recommendations of the Venice Commission and DGI concerning the composition of the SCM and the method of election of its lay members. They welcome that the revised amendments indicate the exact number of SCM members at the constitutional level. With the exclusion of the 3 de jure members, the SCM will consist in total of 12 members, half of which will be judges elected by their peers from all court levels, which is in line with international standards.

They also welcome that the revised draft provisions provide for a requirement of a qualified majority of MPs (three-fifths) for the election of the lay members. The Opinion recommends indicating in the Constitution that the organic law will provide for an anti-

deadlock mechanism in case parliament fails to reach a qualified majority of three fifths. It underlines that the current draft provision for a decreased majority after a reflection period of fifteen days might not suffice as an incentive for the first round of voting to be successful and should therefore be carefully reconsidered.

The Commission recommends replacing the provision which states that the members of the SCM cannot be revoked (Article 122(5)), by a clearer provision that only allows for their revocation on the ground of serious disciplinary sanctions or final criminal convictions, or of objective impossibility to exercise their functions as provided in the organic law.

It recommends that the lay composition of the SCM is renewed upon the entry into force of the constitutional amendments, according to the new rules requiring a 3/5 qualified majority in parliament for their election. The Commission and the Directorate do not have any reason to doubt the professional qualifications of the lay members appointed in March 2020. Those members could therefore be given the possibility to apply again and this should be indicated in the transitional provision, says the CoE's press release.

CC partially accepts requisitions concerning law on state of emergency

https://www.ipn.md/en/cc-partially-accepts-requisitions-concerning-law-on-state-of-emergency-7967_1074376.html

June 23, 2020

The Constitutional Court (CC) partially accepted the requests to check the constitutionality of provisions of the law on the state of emergency, siege or war and of the Parliament Decision to declare the state of emergency made by MPs of Pro Moldova and PPPDA MP Kiril Moțpan. The Court declared unconstitutional the provisions by which the court's power to check the proportionality of the measures ordered by the public authority was limited, IPN reports.

The CC noted that until Parliament amends the Administrative Code, if the measures adopted by the authorities responsible for managing the state of emergency are challenged, the courts of law will have to establish if the measure ordered by the public authority is proportional to the situation that determined it. The Court issued a relevant recommendation to Parliament.

The authors of the requisitions consider the legislative amendments made in connection with the declaring of the state of emergency offered unlimited powers to the Commission for Exceptional Stations and this allowed for abuses. The CC held that these provisions are constitutional as the authorities responsible for managing the state of emergency take measures and other actions needed to achieve the goals that laid at the basis of the decision to declare the state of emergency. Parliament can exercise effective control over the given measures.

In a press briefing held after the CC's hearing, the Court's president Domnica Manole said they determined that the use by the lawmakers of such phrases as "and other necessary measures or actions" is something indispensable in this field as the authorities responsible for managing the state of emergency need flexibility to react promptly to different emergencies that can endanger the country.

According to Domnica Manole, even if the lawmakers used more flexible formulations to describe the provisions, this does not offer the executive an absolute margin of discretion. The executive remains limited in the choice of emergency measures as the lawmakers used the word "necessary" that does not imply something else than the adoption of proportional measures.

As regards the allegedly excessive powers given to the executive during a state of emergency, the CC held that the Constitution does not ban Parliament from offering additional powers to the executive for coping with an emergency. To avoid the abuse, guarantees are needed to maintain the balance of powers in the state and the necessity of ensuring state security. The Court's judgment is definitive, cannot be appealed, takes effect when it is adopted and is published in the Official Gazette.

CC pronounces on fines for non-observance of anti-epidemic measures

https://www.ipn.md/en/cc-pronounces-on-fines-for-non-observance-of-anti-epidemic-7967_1074541.html

June 30, 2020

The lowest limit of the fines imposed on private individuals for non-observance of the pandemic disease prophylaxis, prevention or combating measures, if this fact endangered public health (22,500 lei or 450 conventional units), was declared unconstitutional. The Constitutional Court passed its judgment following the examination of three applications on the issue, IPN reports.

According to the Court, before the modification of the legal framework, the fine imposed on private individuals for the non-observance of the pandemic disease prophylaxis, prevention or combating measures, if this fact endangered public health, was set from the lowest limit of one conventional unit to the highest one of 500 conventional units. The ascertaining agents and courts of law set the fine depending on the concrete circumstances of the case.

In a press briefing, CC president Domnica Manole said the Court examined Article 76 1 par. (1) of the Contravention Code from the angle of the observance of requirements concerning the quality of laws and the principle of individualization of the penalty. As regards the first aspect, the Court noted that the article stipulates that the endangering of public health is an essential element of the offense. The absence of a danger to public health means absence of an objective reason as a constitutive element of an offense. The ascertaining agents should prove and the courts of law should verify in each case apart what actions and omissions of the person endangered public health.

As regards the second aspect, the Court held that the difference between the lowest limit of the fine of 450 conventional units and the highest limit of 500 conventional units in the case of private individuals does not offer the court of law the possibility of assessing the proportionality of the imposed fine against the offense and the circumstance of the case.

On the other hand, in the case of legal entities the lowest and highest limits of the fine are 1,000 and 1,500 conventional units. The difference between limits is of 500 conventional units and the court can individualize the fine depending on the committed offense.

The control of the constitutionality of Article 76 1 par. (1) of the Contravention Code, which stipulates the punishments for legal entities and private individuals for non-observance of the anti-epidemic measures was requested by MPs Octavian Țicu and Vasile-Andrei Năstase and also by a legal entity fined for not respecting these measures. The applicants said the fine is disproportional to the average official salary and challenged the entity that imposes the fine, which should be a judge, and the actions for which the fine is imposed.

According to statistics presented in the Court's meeting, 2,998 fines have been imposed so far for the non-observance of the imposed anti-epidemic measures. Of these, 2,806 were imposed on private individuals. Of the total fines, 360 were challenged and 43 were annulled.

Montenegro

Montenegro Urged to Return Expropriated Olive Groves to Owners

<https://balkaninsight.com/2020/06/02/montenegro-urged-to-return-expropriated-olive-groves-to-owners/>

June 2, 2020 - **Samir Kajosevic**, BIRN, Podgorica

Ethnic Albanian political parties in Montenegro asked the government to give back olive groves that were expropriated by the Yugoslav authorities for the military's use in the 1970s to their former owners.

A legislative proposal to return groves with more than 18,000 olive trees to their previous owners without any compensation was handed over to parliament on Monday by Genci Nimanbegu of the Albanci Odlucno (Albanians Decisively) coalition of political parties, who is also the parliamentary vice-president. Nimanbegu said that the government has an obligation to give back the groves in the former Valdanos military resort. "For years we have been fighting for a just solution in the Valdanos case. Now we are demanding their return without a government obligation to compensate for any damage. We just want those olive groves back," Nimanbegu told daily newspaper Vijesti.

The return of the groves is a part of a coalition deal between the ruling Democratic Party of Socialists and the Albanci Odlucno coalition.

In 1978, the Federal Secretariat for the National Defence of Yugoslavia expropriated the land near the coastal town of Ulcinj from local residents for military purposes. But in 1980, the Yugoslav military decided to use Valdanos as a holiday resort for members of its forces instead. Plans were drawn up for a resort featuring two private villas, 29 duplex homes, camping grounds, trailers and prefabricated houses on the hills with breathtaking views of Valdanos Bay. The military resort also had a supermarket, a pastry shop and a restaurant offering a 270-degree view across the bay. The restaurant had a spiral staircase which led down to the water.

As Yugoslavia collapsed, the military resort was left to decay. In 1993, the Yugoslav Navy assumed control of Valdanos with revived plans to convert the resort into a military base, but the Supreme Court failed to authorise the project. People who had lost their land and property had taken their cases to the Supreme Court, arguing that the authorities had never used Valdanos for their stated original intended purpose of building a military base.

Since 2011, the Montenegrin government has tried to find investors to rebuild the resort, but there has been no interest so far.

Montenegro Accused of Violating Soldiers' Rights Over Protest Ban

<https://balkaninsight.com/2020/06/03/montenegro-accused-of-violating-soldiers-rights-over-protest-ban/>

June 3, 2020 - **Samir Kajosevic**, Podgorica, BIRN

Ombudsperson says the Montenegrin army is violating people's rights to peaceful assembly by banning officers and soldiers from joining Serbian Orthodox Church protests.



Montenegrin Army Chief General Dragutin Dakic and Minister of Defense Predrag Boskovic in the military camp Danilovgrad. Photo: Montenegrin Ministry of Defense

Montenegro's Ombudsperson has accused the armed forces of violating people's rights to peaceful assembly by banning army officers and soldiers from participating in protests held on behalf of the Serbian Orthodox Church. On Wednesday, Sinisa Bjekovic said freedom of speech and religion was a constitutional right. "Participation in Church protests can only be banned if officers or soldiers wear [military] uniform during the protests," Bjekovic said.

On March 11, the Defence Ministry suspended an army officer for joining the protests over the new religion law that the Serbian Church – the largest faith group in the country – says could strip it of its property.

It said Darko Mrvaljevic had broken the law. On February 20, army chief General Dragutin Dakic warned that any soldiers taking part in the protests risked being forced out, as there was no place in the military for those who place the Church above the law.

General Dakic said soldiers had a duty to defend the state in accordance with its laws and the constitution and cannot take part in political manifestations.

On TV station Vijesti, the general stressed that it was especially unacceptable for officers to participate in protests with visible political implications and where the flags of another state, referencing Serbia, were on display.

In response to the Ombudsperson, the Ministry of Defence stood by its ban, saying the protests were political and off-limits for army personnel.

“There were political messages and members of political parties at the protests. They publicly insulted people who declared themselves as Montenegrins and the state of Montenegro,” the ministry said.

From December to March this year, tens of thousands of Serbian Orthodox Church clergy, believers and supporters held protests twice a week demanding the withdrawal of the law that the country’s parliament passed in December 2019. Protests paused during the coronavirus pandemic.

The disputed law mandates the creation of a list of religious sites in the country, and says faith groups that cannot prove their rights to these properties risk having them taken into public ownership.

The Serbian Orthodox Church, whose relations with the government are poor, claims the list could be used to strip it of its assets. Opposition pro-Russian and pro-Serbian political movements have been regular participants at the rallies and marches.

Montenegro Police Accused of Breaching Powers in Budva Arrests

<https://balkaninsight.com/2020/06/18/montenegro-police-accused-of-breaching-powers-in-budva-arrests/>

June 18, 2020 - Samir Kajosevic, Podgorica, BIRN

Civil activists and opposition parties have accused the police of using excessive force when they moved in on Wednesday to arrest a mayor and several councillors in the town of Budva



Police officers arresting Mikijelj in Budva. Photo: Facebook screenshot/Iva Bajkovic

Montenegrin civil activist and opposition parties on Thursday accused the police of breaching their powers during the arrest of an opposition mayor and councillors in the town of Budva.

On Thursday, the Council for Civic Control of the Police, an independent body tasked to oversee police forces, warned that some officers had exceeded their powers.

“Police officers used physical force to exceed their authority during the arrest of the Secretary for Investments of the Municipality of Budva, Mladen Mikijelj. They should have ceased use of physical force and concrete intervention as soon as Mikijelj ceased to resist,” the council said.

On Wednesday, police arrested the mayor of the resort of Budva, Marko Carevic, the chief of the local assembly, Krsto Radovic, and several others, after they refused to hand over power.

Heavily armed police surrounded the municipal building and arrested the town management, using force and tear gas to disperse protesters around the building.

Civil society organizations and opposition parties demanded the resignation of police chief Veselin Veljovic after media published a video of an officer kneeling on Mikijelj's neck while he was lying on the ground, handcuffed. They also alleged that the police had behaved brutally on the orders of the government in Podgorica.

On Wednesday, the US ambassador, Judy Rising Reineke, called on all parties avoid violence or use of force. British ambassador Alison Kemp said human rights and respect for the law were the basis of democracy. "We cannot apply these rights and laws selectively. I would especially call for refraining from violence and the use of force," Kemp wrote on Twitter.

The arrests came after weeks of tension in the wealthy tourist hot spot between the local authorities, represented by the main opposition parties at the national level, and the Democratic Party of Socialists, DPS, which has run Montenegro for almost three decades.

The ruling coalition that won the elections in Budva in 2016, led by the opposition Democratic Front and the Democrats, had refused to hand over power after one of its councillors switched sides to support the DPS, which is headed by Montenegro's veteran leader, Milo Djukanovic. As a result of this move, the opposition-run local government lost the majority in the assembly.

On June 11, the new DPS-led majority dismissed Carevic and Radovic and elected a new mayor and chief of the local assembly.

Carevic accused them of forming a new majority through political corruption, and on June 12, Radovic refused to allow the new management to take power in the town. Although Montenegro says it upholds human rights and the rule of law, police violence remains a common feature, even it is no longer seen as acceptable.

So far, the European Court for Human Rights has ruled on one police brutality case against Montenegro, while two other cases are pending before the court against Montenegro, both alleging police brutality during 2015 anti-government protests.

Montenegro Police Grill Serbian Clerics Over Church Rallies

<https://balkaninsight.com/2020/06/22/montenegro-police-grill-serbian-clerics-over-church-rallies/>

June 22, 2020 - Samir Kajosevic, Podgorica, BIRN

Montenegrin police have continued questioning Serbian Orthodox Church clergy for organising big protests against the religion law adopted last year – defying government restrictions on public gatherings related to the coronavirus.



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

Montenegrin police have continued to question leaders of the Serbian Orthodox Church in the country about staging large public protests in defiance of government restrictions related to the coronavirus.

On Monday, the top Serbian Orthodox bishop in Montenegro, Metropolitan Amfilohije, was questioned in the capital Podgorica for organising protests despite a ban on more than 200 people attending public gatherings.

On Sunday, police questioned priests from the towns of Bar, Pljevlja and Zabljak after thousands of people were seen attending local protests.

Metropolitan Amfilohije on Sunday told a rally he did not blame the police officers, who were just acting on orders. "It's not the fault of the police officers but of those who ordered them," he said.

He repeated that the protesters merely wanted the government to abandon its contested Freedom of Religion Law, which the Serbian Church says could be used to strip it of its property.

Before the coronavirus interrupted things, tens of thousands of supporters of the Church held protests twice a week demanding the withdrawal of the law passed in December 2019.

The law mandates the creation of a list of religious sites in the country, and says faith groups that cannot prove their rights to these properties risk having them taken into public ownership.

On June 14, police arrested priests from towns of Budva, Berane, and Pljevlja. Two priests from Podgorica and Danilovgrad, Mirceta Sljivancanin and Zeljko Calic, were detained for 72 hours, accused of violating health measures.

On June 18, police ordered another priest, Fr Sasa Janjic, from Pljevlja, to leave Montenegro, as he is a citizen of Bosnia and Herzegovina and has no residence rights in Montenegro.

The Church insists that none of the main pro-Serbian and pro-Russian opposition parties is behind the protests. On Sunday, speakers said the Church was also not trying to interfere in politics, despite the accusations of the authorities.

“No political party or coalition organizes or manages the protest walks, or the life of the Church in Montenegro. Politicians and party members have the right to participate in the protests, but they will never influence their organization and our requests,” Church representatives told the gathering on Sunday in Podgorica. However, opposition pro-Russian and pro-Serbian political movements have been regular participants at the rallies.

On Sunday, the chief of police, Veselin Veljovic, said the protests posed a threat to the security of the region. He accused the Church of spreading religious radicalism and hate speech. “The alleged defence of endangered Orthodoxy and attacks on the constitutional order of Montenegro as a civil state are serious security threats to the region,” Veljovic told MINA agency.

During the coronavirus epidemic, police have filed criminal charges several times against Serbian Orthodox clergy for violating government bans. On March 19, they summoned a leading priest, Momcilo Krivokapic, and his son, Nemanja, for holding a service at a church in the town of Kotor. On March 20, a priest in Budva was put in custody for 72 hours for violating measures to prevent the spread of COVID-19.

On April 29, Metropolitan Amfilohije was grilled in the state prosecutor’s office for leading a funeral service; he insisted he had respected the government’s health measures.

On May 8, police filed a criminal complaint against four Serbian Orthodox priests for holding a liturgy on the streets in the town of Berane, on St George’s Day. On May 13, Bishop Joanikije of Niksic and seven other priests were placed in custody for 72 hours for violating the ban on public gatherings during the celebration of St Vasilije’s Day with thousands of believers.

Montenegro Bans Public Gatherings as Church Protests Resume

<https://balkaninsight.com/2020/06/26/montenegro-bans-public-gatherings-as-church-protests-resume/>

June 26, 2020 - Samir Kajosevic, Podgorica, BIRN

After the authorities banned all public gatherings on health grounds, the Serbian Orthodox Church has accused the government of abusing the pandemic to curb its continued open-air protests.



Serbian Orthodox Church protests in Podgorica, Montenegro. Photo: BIRN/Samir Kajosevic

Montenegro on Thursday banned public gatherings in open spaces as a measure against the spread of the coronavirus, as protests led by the Serbian Orthodox Church continued in the Adriatic country.

On Thursday, the National Coordination Body for Infectious Diseases announced that open-air religious gatherings would be prohibited unless they took place on church premises. The same body also banned political gatherings in open spaces.

The rector of the Cetinje school of theology, Gojko Perovic, said the government was abusing the pandemic to pressurize the Church, the largest faith group in the country. On Friday, he said the coordination body had shown no understanding of the spiritual needs of the people.

“The Church will not break the law and health measures. We remain gathered with our people around our holy places. We despise the political abuse of health care, which can be seen everywhere in Montenegro,” Perovic said in a press release.

Although the government declared Montenegro a “corona free state” on May 25, last week the number of new infections rose to about 100 in total.

On June 24, Prime Minister Dusko Markovic told parliament that new COVID-19 infections were likely coming from nearby Serbia and Bosnia and Herzegovina. He

accused Serbian Orthodox clergy of deliberately violating government measures, and of “endangering public health”.

On Friday, the chief of the Institute for public health, Boban Mugosa, insisted the ban on gatherings was not directed against the Church, stressing that all public gatherings were triggers for spreading the virus.

“These measures have nothing to do with politics or religion. This is an epidemiological measure, as we are trying to prevent the spread of the virus and that can be done in only one way,” Mugosa said.

The Serbian Orthodox Church in Montenegro resumed its street protests against a new law on June 14.

All over the country, bishops and believers continued their protest walks, which had started in December 2019. They want the government to withdraw the contested Freedom of Religion Law, which the Serbian Church says could be used to strip it of its property.

On June 22, police questioned the Serbian Church’s top bishop in the country, Metropolitan Amfilohije, about staging large public protests despite a ban on more than 200 people attending public gatherings.

On June 14, police arrested priests from the towns of Budva, Berane, Pljevlja, Podgorica and Danilovgrad, for violating health measures.

During the coronavirus epidemic, police have filed criminal charges several times against Serbian Orthodox clergy for violating government bans.

On March 19, they summoned a leading priest, Momcilo Krivokapic, and his son, Nemanja, for holding a service at a church in the town of Kotor. On March 20, a priest in Budva was put in custody for 72 hours for violating measures to prevent the spread of COVID-19.

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Montenegro Court to Examine Publication of Self-Isolating Citizens' Names

<https://balkaninsight.com/2020/05/29/montenegro-court-to-examine-publication-of-self-isolating-citizens-names/>

May 29, 2020 - Samir Kajosevic, Podgorica, BIRN

Country's top court has agreed to rule on whether the government violated guaranteed human rights when it revealed the name of citizens ordered to self-isolate during the coronavirus pandemic.



Man wearing a protection mask in the capital, Podgorica, Montenegro. Photo: BIRN/Samir Kajosevic

Montenegro's Constitutional court had agreed to examine whether the government violated the human rights of citizens ordered to self-isolate during the coronavirus by publishing their names.

On Friday it said it would consider the appeal brought by the local NGO Civil Alliance against the decision to publish the names of people undergoing self-isolation, which the alliance said violated their constitutional right to privacy.

"The court will examine whether the decisions of National Coordination Body for Infectious Diseases violated constitutional rights," the court said.

The government published the names on March 21, despite warnings from opposition parties and civic society organizations that it risked violating constitutionally guaranteed human rights.

The government said it had to publish the list because some citizens were not respecting self-isolation obligations. It also claimed it had the approval of the Agency for Personal Data Protection. It stressed that security forces could not control every citizen who should be in self-isolation, and anyone who failed to self-isolate posed a threat to the entire community.

Prime Minister Dusko Markovic said no compromises would be made with those who violated preventative measures amid the global COVID-19 pandemic. He also warned that the government would continue to publish the names of citizens who had been ordered to self-isolate.

“The lives of our citizens are the priority. We have estimated that the right to health and life is above the right to unconditional protection of personal data,” Markovic said.

Opposition parties and the civil society sector urged the government not to publish the lists, insisting it would violate the constitutional right to privacy. They also warned that citizens whose names were published might sue the state before the court.

The Head of the EU Delegation to Montenegro, Aivo Orav, called on the authorities to find the right balance between protecting the health and respecting the confidentiality of health information and the right to privacy of citizens.

On April 8, the Prosecutor’s Office filed criminal charges against a medical staffer in the Health Centre in the capital, Podgorica, after he published the list of names of infected people and their ID numbers on social networks.

It said that the man, known only by the initials M.R., was not unauthorized to collect and use personal information on COVID-19 patients through the IDO system and forward them via Viber to other persons.

North Macedonia

Damjan Mancevski: We'll Revisit Media Reforms After Elections

<https://balkaninsight.com/2020/06/09/damjan-mancevski-well-revisit-media-reforms-after-elections/>

June 9, 2020 - Vlado Apostolov, Skopje, BIRN

North Macedonia's Information Society Minister admits that some key media reforms promised by his Social Democratic party are now on hold – but insists his party will see them through after the next elections.



Damjan Mancevski. Archive photo: BIRN

After taking power in mid-2017, the main ruling Social Democratic Party, the SDSM, in North Macedonia promised a lot in the field of media reforms.

The public expected a serious move forward from the past corrupt practices and oppression of journalism under the previous ruling right-wing VMRO DPMNE party and its former leader, Nikola Gruevski, which reduced media outlets to mere political servants.

Information Society Minister Damjan Mancevski told BIRN that over the past three years his Social Democratic Party did its best to improve things – but admitted that some key reforms were now effectively on hold, blaming this mainly on the opposition.

He said his party remained determined to see the reforms carried out fully, but only after the forthcoming early elections expected in the next few months – and if his party wins a new, strong majority.

Still no newly elected council for national broadcaster:

Changes to the national broadcaster, Macedonian Radio and Television, MRT, and to the institution that regulates the electronic media, the Agency for Audio and Audio-visual Services, AVMU, were key stated priorities for the Social Democrats.

Legal changes were indeed made, but for more than a year the election of new, presumably independent members of the MRT's Program Council, and of the Council of AVMU, have been stuck.

[...]

Accusations of 'buying peace' with TV stations:

Another key electoral promise by the Social Democrats was to cut state funding of private media, which under Gruevski was widely done, and criticised as a way of exerting political influence over non-government media outlets.

But, over the past three years, the print media has started to receive financial aid from the government.

Now, amid the COVID-19 crisis, the government has announced a similar package to help private TV stations survive.

At the start of his ministerial term, Mancevski faced a dilemma on whether financial subsidies should be extended to the print media. In an interview for BIRN two years ago, he recalled the "bad experience from the past", referring to a de-facto system of media bribery that flourished under the former government.

Asked what had changed, he said there had been several public debates on the topic, involving journalistic associations and unions among others.

[...]

Ban on political advertising in media fell by wayside:

Another inconsistency when it comes to past election promises was the pledge by the Social Democrats to ban political advertising in the media outside political campaigns. This also did not happen.

The Social Democrats last year carried out two media campaigns, including TV advertisements with the slogans, "The Word is Being Respected" and, "On The Right Track".

North Macedonia Jails Ex-Special Prosecutor Over “Extortion” Case

<https://balkaninsight.com/2020/06/18/north-macedonia-jails-ex-special-prosecutor-over-extortion-case/>

June 18, 2020 - Sinisa Jakov Marusic, Skopje, BIRN

A court in North Macedonia on Thursday sentenced ex-Special Prosecution chief Katica Janeva and showman-turned-businessman Bojan Jovanovski to seven and nine years in prison respectively for their roles in the so-called “Extortion” case.

In a first-instance verdict, the Skopje Criminal Court found Katica Janeva, former head of the Special Prosecution, SJO, guilty of misuse of office and sentenced her to seven years in jail minus time spent in detention.

Businessman Bojan Jovanovski, the first accused in this case, was found guilty of taking bribes and of money-laundering. His sentence was nine years in jail minus time spent in detention.

The court found that Jovanovski had used his influence with Janeva from November 2018 to April 2019, while she headed the Special Prosecution, to get one of the wealthiest people in the country, the businessman Orce Kamcev, out of detention and regain his passport in exchange for 1.5 million euros. Kamcev was detained at the time as a suspect in another investigation, codenamed “Empire”, instigated by Janeva’s Special Prosecution.

The two defendants had pleaded not guilty and claimed they were victims of a masterful operation designed to discredit the Special Prosecution and rescue those that the SJO had once prosecuted. Janeva was not in court to hear the verdict. Jovanovski heard the verdict looking composed and reacting with an occasional smile as the judge read out the explanation of the verdict. After hearing the sentence, Jovanovski addressed the court, insisting that the judgment was a “political decision” and that he had expected to be pronounced guilty.

The “extortion” case erupted about a year ago in North Macedonia, ruining the credibility of the Special Prosecution, which was established in 2015 amid a political crisis in order to restore faith in the country’s discredited judiciary.

The affair also shook the government led by the Social Democrats who had strongly supported Janeva and the SJO in the past. The trial in this explosive case started in December last year.

One day after it started, the trial saw its first verdict when the third accused, Jovanovski’s former associate, Zoran Milevski – who admitted guilt – was sentenced to three years in jail for taking a bribe.

Romania

President Iohannis: Gov't to come up with solutions to mend justice legislation

<https://www.nineoclock.ro/2020/06/03/president-iohannis-govt-to-come-up-with-solutions-to-mend-justice-legislation/>

June 03, 2020 by NINE O'CLOCK

President Klaus Iohannis announced on Wednesday that the government will develop a series of projects to “mend” the justice legislation for which consultations with specialists will take place in the period immediately ahead.

“The government will come up with a legislative initiative to mend justice legislation. We must carry through, dear Romanians, what we started a year ago at the referendum, when we stopped this butchering of the justice legislation, which is in operation and is imperfect. This procedure must be continued, so in the coming weeks there will be consultations and I will have consultations with specialists in the field of justice, with politicians. The Government will work on bills and they will be submitted to Parliament to mend the justice legislation to bring it in line with what, in the end, the Romanians want and very clearly expressed at the referendum,” Iohannis told a news briefing at the Cotroceni Presidential Palace.

The president accused the Social Democratic Party (PSD) of being “the party that tried and is still trying to break the independence of the judiciary.”

The fact that some Social Democrats have started “settling their debts is a matter that may be related to unserious news,” but Romanians find it important that the justice legislation be mended, and for that to happen “a determined and courageous step” is needed.

“I have watched, maybe you have also – a strange discussion started in the public space: inside PSD and between PSD and PSD satellites they start settling their debts. There were some so-called revelations from the time when PSD viciously attacked justice, when PSD viciously attacked the justice laws. Fortunately, we have managed to stop some of these attacks, and I also managed to take the laws before the Constitutional Court. Parliament, especially the National Liberal Party (PNL) and other democratic parties, has managed to stop some of these changes, but it is certain that the most important step was taken by the Romanians. A year ago, when I called the Romanians to the polls, for a referendum on justice, a large number of people showed up and said clearly: stop this butchering of the justice legislation that was initiated and continued by PSD. PSD tried to trample justice under its foot,” said the president.

He mentioned that discussed at his working meeting on Wednesday with Prime Minister Ludovic Orban were access to European funds and justice legislation.

JusMin Predoiu: 2015 - 2019, period gone wasted for modernization of the judiciary

<https://www.nineoclock.ro/2020/06/13/jusmin-predoiu-2015-2019-period-gone-wasted-for-modernization-of-the-judiciary/>

June 13, 2020 by NINE O'CLOCK

The period 2015 – 2019 has gone wasted for the modernization of the judiciary, these were years of regression and were partially missed for the development of justice, Justice Minister Catalin Predoiu said on Friday at the end of the meeting of the Strategic Management Council (COMS).

“Only 16 – 20 percent of the measures planned four years ago have been implemented. In many respects we have to say ‘stop and start all over again’, in others we have to mend the damage, such as in the prosecutors’ case independence, of the magistrates’ accountability, structural anomalies need to be removed, such as the Section for the Investigation of Criminal Offences in the Judiciary; new solutions need to be developed, some concerning the structure of the system, court and prosecutor office management, including on legislative ground. This is a painstaking process that will take long, we’ll have to do several things simultaneously, think of a realistic strategy and of a plan of action for the period 2021 – 2024, initiate the repair and development of the legislative framework of justice, update the Criminal and Civil Codes, as the case may be, everything while maintaining an honest and frank dialogue between the institutions competent for justice, against the background of a loyal cooperation between them,” said Catalin Predoiu, as cited in a release of the Justice Ministry.

The Justice Minister opined that “Parliament will have an important say, by approving the laws that will include this renewed agenda, but at this stage, it can be of best help by not amending the relevant laws without extensive prior consultation with the judiciary and the Justice Ministry, with the professional associations of the magistrates and with the civil society.” “In 4 years, the judiciary must return to the top of the citizens’ trust, through the quality of the justice act,” Predoiu underlined, according to Agerpres.

Participating in the meeting called by the Justice Minister were representatives of the other COMS member institutions: president of the Supreme Council of Magistrates Nicoleta-Margareta Tint, president of the High Court of Cassation and Justice Corina Corbu, and head of the top court’s Prosecutor’s Office Gabriela Scutea.

According to the release, the COMS agenda included aspects of interest for the good functioning of justice, such as: the Strategy for the development of the judiciary, and the stage of the related Plan of Action; combating corruption, organized crime, trafficking in human beings and cybercrime; the objectives of the Cooperation and Verification Mechanism, the European Rule of Law Mechanism (RoL) and their status.

The meeting also pointed out that the 2015 – 2020 Strategy for the development of the judiciary has not been carried out and the accomplishment of the Plan of Action is far behind schedule; the participants decided that “the strategy and the related plan of action which will be implemented starting with 2021 must be built on on-field realities and include realistic and feasible goals.”

JusMin Predoiu: I have constantly supported a rule of law mechanism enforceable in all EU member states

<https://www.nineoclock.ro/2020/06/16/jusmin-predoiu-i-have-constantly-supported-a-rule-of-law-mechanism-enforceable-in-all-eu-member-states/>

June 16, 2020 by NINE O'CLOCK

At a videoconference on Monday regarding the European Mechanism on the Rule of Law and the Co-operation and Verification Mechanism (CVM), Justice Minister Catalin Predoiu said that he “constantly” supported a mechanism in the area which can be implemented in all EU member states and which can avoid monitoring “parallelism.”

According to a Justice Ministry release sent to AGERPRES, Catalin Predoiu met on Monday, in a video conference system, with European Commission (EC) experts within the European Mechanism on the Rule of Law and the Co-operation and Verification Mechanism.

The Justice Ministry mentioned that the experts presented the context of the new European Mechanism on the Rule of Law, which will allow for a continuous dialogue to be maintained between the EC and the authorities of the EU member states, the knowledge of the situation in the field, the prevention and detection of possible problematic aspects regarding the rule of law.

“The Justice Minister presented the latest developments registered in the justice area (the appointments at the leadership of the Prosecutor’s Offices, the measures taken in order to ensure the continuity of the judiciary during the COVID-19 pandemic, the perspectives regarding the Justice Laws and public policies in the justice area). Responding to the punctual questions posed by the Commission experts, the Justice Minister presented his vision regarding the role of the Justice Ministry in Romania’s legislative process, the quality of the legislation, the human resources in the judicial system. Last, but not least, the Justice Minister reiterated Justice Ministry’s commitment to meet the objectives of the Co-operation and Verification Mechanism” the release shows.

According to the quoted source, the participants in the discussions agreed that there are “close” connections between the two mechanisms and both deal with the substance of aspects related to the observance of the rule of law, even if they start from different contexts.

This is why, “monitoring parallelism should be avoided,” Predoiu mentioned, insisting on the need of some uniform standards regarding the functioning of Justice in all EU member states, in agreement with the fundamental values which define and underline the European Union, the area of freedom, security and justice built through community and national instruments: human rights, the rule of law, justice independence.

The Justice Minister reiterated “the entire openness” to continue the “honest” and “pragmatic” dialogue with European partners, both within the European Mechanism regarding the Rule of Law and throughout the promotion process of policies and laws in the Justice area – the European Commission, the Venice Commission, the European Commission or the Group of States Against Corruption (GRECO).

“I have constantly supported a rule of law mechanism to be enforced in all EU member states and which can avoid the monitoring parallelism. Such a mechanism is a necessity in order to ensure that the uniform standards of the rule of law are observed in the field, in the entire Union, in all member states. The inherent public debate of the legislative process, transparency of the decision-making process, human rights, press freedom, justice independence are indispensable standards in all member states,” the Justice Minister conveyed, as quoted in the release.

Unifarm Managing Director placed under judiciary control for bribe-taking

<https://www.nineoclock.ro/2020/06/24/unifarm-managing-director-placed-under-judiciary-control-for-bribe-taking/>

June 24, 2020 by [Gabriela Bogdan](#)

Eugen Adrian Ionel, Managing Director of National Company Unifarm SA, was placed under judiciary control by prosecutors of the National Anticorruption Directorate (DNA) in a case in which he is charged, among others, of bribe-taking in relation to the attribution of a contract to acquire protection equipment against the infection with the novel coronavirus.

According to a release of the DNA sent to AGERPRES, prosecutors of the DNA – the section to combat corruption – have disposed the starting of criminal investigations and the measure of judiciary control for a period of 60 days, starting with June 23, against Eugen Adrian Ionel, Managing Director of the National Company Unifarm SA, for bribe-taking, abuse of office obtaining undue gains, complicity to influence peddling, instigation to intellectual forgery and using the position to favour some persons.

Anticorruption prosecutors note in their ordinance that Eugen Adrian Ionel had requested 760,000 euro from an intermediary that represented a company so that Unifarm, state company, attribute a contract to acquire protection equipment against the infection with the SARS-CoV-2 virus – 250,000 coveralls and 3 million surgical masks. The DNA also said that Eugen Adrian Ionel had obtained the quality of managing director of CN Unifarm SA, on June 6, 2016, by infringing legal dispositions.

PSD's Ciolacu suggests Gov't wants state of alert extended indefinitely 'to steal even more'

Acting Chairman of the Social Democratic Party (PSD) Marcel Ciolacu said on Tuesday that the government want the state of alert extended "indefinitely (...) in order to steal even more".

"We were the only ones to say that the procurements without tendering made during the pandemic are an instrument for stealing! That's why they want the state of alert extended indefinitely. To steal even more! And we told them 'Stop! Enough!' 760,000 euros is, according to the criminal investigation bodies, the bribe demanded by the head of [distributor of pharmaceutical supplies] Unifarm. For the masks that even to this day haven't reached the vulnerable people. For the coveralls the doctors didn't have in the fight against the virus. And we are still asking ourselves why they are short of money for pensions and (child) allowances! Why they don't have money for Romanian companies and producers! Why the millions borrowed by the Finance Minister are nowhere to be seen," Ciolacu wrote on Facebook.

PNL files request to dismiss Ombudsman Renate Weber

<https://www.romaniajournal.ro/politics/pnl-files-request-to-dismiss-ombudsman-renate-weber/>

June 22, 2020 By Romania Journal

The leaders of the Liberal MPs from the Senate and Chamber of Deputies, Daniel Fenechiu and Florin Roman, have filed a request to dismiss Ombudsman Renate Weber (photo), accusing her of exceeding her legal powers. More precisely, Weber is criticised for triggering the national mechanism on preventing torture in hospitals and for she had challenged the law on taxing special pensions.

"Triggering the national mechanism on preventing torture within hospitals that treat COVID-19 patients, in the view of their monitoring without a concrete ground, consisting in the existence of some notifications meant to prompt reasonable suspicions on the existence of some deeds or facts that can be assimilated to torture. Actually, the monitoring mechanism has been enforced without the hospitals being notified about the administrative note that underlay the monitoring procedure (...) Therefore, the Ombudsman is inducing a state of confusion on her action, which is meant to affect the proper functioning of the health system as a whole, which is a critical state infrastructure during the state of emergency and during the state of alert enforced following the coronavirus pandemic declared by the World Health Organization", reads the Liberals' request.

The two PNL leaders also say that the Ombudsman is "in conflict of interest by challenging the law that amends the Tax Code through which special pensions are drastically taxed, thus removing the disparities that prompted the riot of the Romanian people against the inequity of the public pension system".

PM Ludovic Orban himself has asked his party, PNL, to file a request to dismiss the Ombudsman after Weber had notified the Constitutional Court on the taxation of special pensions. The PM had argued that Renate Weber is "the defender of those who benefit of abnormally high pensions".

The controversial initiative of the Ombudsman is asking an inquiry into an alleged torture applied to patients treated of COVID-19 across the Romanian hospitals, meaning that doctors are suspected of 'torturing patients'. So, hundreds of documents have been asked to be sent in ten days.

Romania, still on the U.S. watch list on human trafficking

<https://www.romaniajournal.ro/politics/romania-still-on-the-u-s-watch-list-on-human-trafficking/>

June 26, 2020 By Romania Journal

Romania still tops the U.S. human trafficking watch list. The U.S. State Department's 2020 Trafficking in Persons Report on Romania says that "the Government of Romania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so."

"These efforts included identifying significantly more trafficking victims, participating in twice as many international investigations, and conducting more awareness campaigns. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities investigated, prosecuted, and convicted fewer traffickers. Alleged complicity in trafficking crimes persisted without punishment, particularly with officials exploiting minors while in the care of government-run homes or placement centres. Authorities did not adequately screen for trafficking indicators or identify victims among vulnerable populations, such as asylum seekers, individuals in commercial sex, or children in government run institutions. Services for child trafficking victims remained inadequate. Moreover, a lack of sufficient government funding for assistance and protection services endured, leaving most victims without services, susceptible to re-traumatization, and at risk of re-trafficking. Therefore Romania remained on Tier 2 Watch List for the second consecutive year", reads the 2020 Report.

In a statement today at the HQs of the Romanian Interior Ministry, the U.S. Ambassador to Romania, Adrian Zuckerman has called on the Parliament to immediately start working with the Government to pass the needed laws to catch the human traffickers. "Unfortunately, Romania was downgraded to Tier 2 Watch List for the second year in a row, which means that the Government has not increased its efforts enough to counter the human trafficking. Last year, the under the former government, the efforts to counter the human trafficking have been reduced (...) The criminal gangs have blatantly trafficked humans, knowing that they will probably get unpunished, as it happened in the past," ambassador Zuckerman stated.

"I call on the Parliament leadership. Start immediately working with the Government to adopt the necessary legislation to catch the criminals and to recover the losses caused by the former government and which helped the criminals. Now it's time the Parliament takes a stand", the American diplomat added.

"Widespread complicity and the failure to incriminate officials hampered effective law enforcement. While the government did not collect data on complicit officials, NGOs, journalists, and human rights activists reported alleged complicity in trafficking crimes by government officials, particularly with officials exploiting minors and acting as accomplices to traffickers. In May 2019, DIICOT indicted the former police chief of a south-eastern Romanian town for allegedly protecting a trafficking network while

leading the local police inspectorate. The media reported a transnational trafficking network used bribes and pressure to induce the police into hiring an officer to serve in the General Police Inspectorate. The media also mentioned traffickers negotiated other jobs and transfers within the police force and offered the police information about rival criminal groups in order to eliminate their competitors. Additionally, several NGOs expressed suspicion that staff working in placement centres for minors and residential centres for persons with disabilities facilitated trafficking in persons. Nonetheless, the government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses," reads the U.S. 2020 Report.

The US Department of state warned that the government decreased law enforcement efforts. "Articles 210 and 211 of the penal code criminalized sex trafficking and labour trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. As in previous years, government data did not differentiate between cases exclusively related to trafficking or cases related to other crimes, such as pandering. The Organized Crime and Terrorism Investigation Directorate (DIICOT) and the Department for Combating Organized Crime (DCCO) were responsible for investigating and prosecuting trafficking cases. Authorities opened 532 new trafficking cases in 2019, a decrease from 695 in 2018 and 675 in 2017. Prosecutors indicted 347 alleged traffickers, compared with 399 in 2018 and 362 in 2017. Courts convicted 120 traffickers in 2019, continuing a multi-year decline from 130 in 2018 and 222 in 2017. Although 37 convicted traffickers received suspended sentences, and three postponed prison sentences, the remaining 80 traffickers received sentences from one to more than 10 years' imprisonment."

The report also mentions the high sounding Tandarei human trafficking case, which was closed in December last year by the Romanian court, with all the defendants being acquitted.

"During the reporting period, a court acquitted 25 alleged traffickers in the notorious "Tandarei" child trafficking case, in which the court tried the alleged traffickers under a law that provided lesser penalties and a shorter statute of limitations. The case resulted from a 2009-2010 joint investigation with the United Kingdom (UK) into a Romanian trafficking network, which Europol considered one of the biggest in Europe; the traffickers recruited hundreds of children from poor Roma communities in the southern part of the country and exploited them in the UK in forced begging or forced theft. In 2019, DIICOT and DCCO participated in 80 joint investigative teams with European counterparts, a significant increase from 36 in 2018 and 44 in 2017. In July 2019, Romanian and German authorities partnered in an investigation that resulted in the arrest of four Romanian men for exploiting minors, including their own children, in commercial sex. Romanian authorities also participated in a pan-European case led by Europol involving child trafficking, which resulted in 34 arrests."

The 2019 report, same warnings

The previous 2019 report also called on the Romanian authorities to increase efforts “to indict more suspected traffickers and to adopt a five-year national strategy and national action plan”.

“Courts convicted significantly fewer traffickers and officials identified considerably fewer victims, continuing a multi-year decline in such efforts. Endemic corruption and alleged complicity in trafficking crimes persisted without punishment, particularly with officials exploiting minors while in the care of government-managed placement centres. Judges continued to lack specialized training on working with trafficking cases and victims, which had detrimental effects on witness protection, restitution for victims, and sentencing for perpetrators. Moreover, lack of sufficient government funding for assistance and protection services remained problematic, leaving most victims without services, susceptible to re-traumatization, and vulnerable to re-trafficking. Therefore, Romania was downgraded to Tier 2 Watch List,” read the 2019 report.

The report last year also mentioned that “human traffickers exploit domestic and foreign victims in Romania, and traffickers exploit victims from Romania abroad. Romania remains a primary source country for sex trafficking and labour trafficking victims in Europe. Traffickers subject Romanian men, women, and children to labour trafficking in agriculture, construction, hotels, manufacturing, and domestic service, as well as forced begging and theft in Romania and other European countries. Traffickers subject Romanian women and children to sex trafficking in Romania and other European countries. Experts report a rise in Romanian women recruited for sham marriages in Western Europe; after entering these marriages, traffickers force the women into prostitution or labour.”

According to the U.S. State Department, “minors represent nearly 50 percent of identified trafficking victims in Romania. Traffickers subjected some children to trafficking while in the care of the state, particularly in small towns. Romani children, as young as 11 years old, are particularly vulnerable to forced begging and sex trafficking. Romania is a destination country for a limited number of foreign trafficking victims, including trafficking victims from Vietnam and the Philippines. Traffickers subject Romanians living in government run institutions for the mentally disabled to forced labour.”

Interior minister Vela: The ministry is doing its best to avoid a third negative report
In his turn, Interior minister Marcel Vela has said that the ministry had constantly acted for a positive assessment this year” and to avoid a negative report for a third year in a row.

“This year, authorities have showed a constant concern to prevent and counter human trafficking. Although the pandemic has been the main concern, the ministry has done its best (...)”, Vela said.

Serbia

Elections in Serbia: Measures adopted in EP-mediated dialogue prove to be insufficient

<https://europeanwesternbalkans.com/2020/06/10/elections-in-serbia-measures-adopted-in-ep-mediated-dialogue-prove-to-be-insufficient/>

June 10, 2020 - Aleksandar Ivković

Although the Serbian Progressive Party is not in danger of losing power in the elections on 21 June, almost all activities that made previous election cycles problematic and led to a boycott of the part of the opposition and inter-party dialogue mediated by the Members of the European Parliament have been observed in this campaign as well.

The dialogue, in which MEPs Vladimir Bilčik and Tanja Fajon played the most notable roles, resulted in a so-called “Implementation Timetable” of measures aimed at improving the election conditions. As our portal wrote back in February, the adoption of measures in this table was only a formal basis for improving the conditions, while the actual change will require their implementation in practice. The findings of domestic observers and the behaviour of the ruling party in the past four months, however, show that this implementation was lacking. Therefore, the Implementation Timetable, as it turned out, was insufficient to improve the election conditions.

Among the main problems of election conditions in Serbia addressed in the dialogue was the practice of using public resources – buildings, vehicles, websites – belonging to all citizens, in favours of promoting the ruling party, in addition to the already documented unequal media coverage on the national television channels. Added to this is the intensive organization of seemingly neutral activities of public officials, which actually aim to promote the ruling parties. The Implementation Timetable tried to solve these problems and, apparently, failed.

Abuse of public resources and the campaign of state officials have continued

The first item in the Implementation Timetable concerned the ban of the use of public resources in a political campaign. The measure envisaged for solving this problem was the adoption of the amendments to several laws that regulate this area, which additionally specify some terms and prohibitions.

Back in November, however, the program director of Transparency Serbia, Nemanja Nenadić, assessed for our portal that the proposed changes to these laws were “so minor, that it can be said with certainty that they were taken primarily to create the impression that there is readiness to do something and not to really prevent abuse”.
(...)

Undoubtedly, the most notable policy of the Government in the past month was to indiscriminately allocate 100 Euros of aid to the citizens after the pandemic (average salary in Serbia is around 500 Euros). In addition, 4,000 RSD (some 35 Euros) of aid were paid to pensioners. It is noticeable, according to the Transparency Serbia, that the ruling party takes the credit for the paid amounts.
(....)

Reports of the Regulatory Body for Electronic Media: Serbian opposition seems to have the best treatment in the world

The Implementation Timetable envisaged four measures for solving the problem of unequal media treatment of the government and the opposition: election of new members of the Council of the Regulatory Body of the Electronic Media (REM), adoption of regulations for public media services in the campaign, recommendations for private televisions and regular monitoring of the election process. Promised – fulfilled. Now one just needs to look at how much the measures taken had an impact on improving the media scene.

According to CRTA's monitoring of television channels with national coverage, during the first 12 days of the campaign in March, ruling parties received 91% of the time devoted to political actors, opposition parties that chose to run in the elections 6%, and parties that opted boycotted 3% of the time. The ruling parties had 47% positive and 52% neutral reporting, while the boycotting opposition received 34% neutral reporting and 66% of negative reporting.
(...)

After the situation with the COVID-19 pandemic continued to worsen, the state of emergency was imposed on 15 March and lifted on 6 May after 52 days. During that period, which no doubt influenced public opinion and voter preferences, members of the ruling majority had absolute dominance with 91% of the time devoted to political actors on national television channels within the "extended prime time", according to the results of CRTA's monitoring.

Following the formal resumption of the campaign on 11 May, CRTA notes a bit more balanced coverage between the government and the opposition on nationally-covered television: by 24 May, 60% of the time was devoted to the ruling coalition, 28% for the opposition participating in the elections and 12% for the boycotting opposition. The most represented political actor from March 4 to March 16 and from May 12 to May 24 was President Aleksandar Vučić, who, despite not being a candidate in this election, "lent" his name to the list of the Serbian Progressive Party.
(...)

Supervisory Board of the National Assembly: How many citizens know that this body even exists?

The establishment of the Supervisory Board of the National Assembly was marked as a significant measure in favour of improving the election conditions, and represented as such by the European Parliament's Rapporteur for Serbia, Vladimir Bilčík. Since its establishment in February, this body has held four sessions, which have remained almost completely invisible to the public. The brief reports on the sessions on the National Assembly's website were not even planned, but started to appear only after Transparency Serbia intervened.

(...)

The work of this body, due to the membership that does not instil trust – in addition to Gončić, there are several other signatories of the Appeal in Support of Aleksandar Vučić during previous election cycles such as opera singer Aleksandar Stamatović – did not promise from the beginning. Despite reports from other organizations, the Supervisory Board has so far failed to take any significant action, leaving no place for optimism until the end of the process.

Observers of the elections have the widest set of rights yet – if they are able to come to Serbia

Another measure from the Implementation Timetable that has been fulfilled, but which obviously will not achieve the desired effect, concerns the rights of election observers. The Republic Election Commission recently adopted a Rulebook according to which observers were given rights they did not have before – now they can observe the entire work of the polling boards, not only while the polling station is open. They can also monitor the work of the working bodies of the Republic Election Commission, which are, among other things, in charge of taking over the materials from the polling boards and handing them over to the REC coordinators.

And while domestic observers such as CeSID and CRTA will benefit from the new rules, observation of these elections will be of much smaller scope than originally planned. The European Parliament's Observation Mission will not be able to come due to the still present risk of Coronavirus. For the same reason, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) is present in these elections only to a limited extent, without comprehensive and systematic monitoring of voting and counting on election day.

(...)

Pressures on voters left out from the Table

All remaining measures listed in the Implementation Timetable refer to potential irregularities on election day itself, and have been met. Extraordinary supervision of the Single Electoral Roll was held, officials were trained to maintain it, and the Ministry issued a manual for that purpose. Also, the Republic Election Commission organized training course for members of polling boards. All these activities, as our portal wrote

earlier, do not refer to the most difficult problems of election conditions, which mostly happen during the campaign, but not on election day itself.

On the other hand, one of the most serious phenomena that violates the balance of the election game – the pressure on voters – was not included in the Implementation Timetable at all. And, as reports from domestic observers show, it also remains present. “In the reporting period, CRTA observers recorded a total of 38 cases of pressure on voters in almost 30 cities and municipalities. In most cases, the goal of the pressure was to sign support for the lists participating in the elections. The pressures were carried out by telephone or in person. Among the most common ways of pressure, citizens cited threats of losing their job, as well as the loss of access to the services of state institutions. Most of the cases were recorded in public institutions as well as in public and private companies,” CRTA’s report for the period until 24 May reads. The registered cases most likely represent only scratching on the surface of this problem, which has been present in Serbia for many years.

The analysis of the fulfilment of the obligations committed to by the ruling party in the inter-party dialogue shows that the measures were adopted, but that they were insufficient – in other words, the least common denominator found between the ruling coalition, part of the opposition, international actors and domestic civil society was insufficient to improve electoral conditions in Serbia. While these elections appear to represent a lost chance to improve the situation, taking the failure of the Implementation Timetable as a lesson for some future talks would undoubtedly be its positive contribution.

S&D group: The new Serbian parliament is a mockery of democracy, this has impact on the enlargement process

<https://europeanwesternbalkans.com/2020/06/22/sd-group-the-new-serbian-parliament-is-a-mockery-of-democracy-this-has-impact-on-the-enlargement-process/>

June 22, 2020 - EWB

BRUSSELS – Following the parliamentary elections in Serbia, the Socialists and Democrats Group in the European Parliament called upon EU member states to not open new chapters in accession negotiations with Serbia before sufficient democracy has been restored in the country, press release of the Group reads.

“This election was not representative and I’m afraid it won’t change the erosion of the rule of law in the country. This should not be possible in a candidate country to the European Union. We call on the European Commission that conducts the accession talks to really analyse what has gone wrong and draw its conclusions”, said Kati Piri, Vice-President of the group for foreign affairs.

She stressed that no new chapters should be opened with Serbia by the Council before the major problems with democracy are solved in the country.

“As a minimum, we need free media and a diverse parliament, where opposition is represented. I was shocked to see that Commissioner Várhelyi in last night’s statement did not say a single word about these problems, nor about the opposition’s request to postpone the elections to a later date”, Piri said.

S&D foreign affairs committee spokesperson, Tonino Picula, added that the S&D Group will maintain close contacts with its sister parties who boycotted the elections.

“We are never in favour of a boycott and think that the political debate should happen in the Parliament. However, with this boycott by the main opposition parties and the failure of any opposition to enter the parliament, despite lowering the threshold to 3% just before elections, the Parliament in Serbia has lost its role as a legislative body that represents the whole of Serbian society”, Picula said.

He added that the European People’s Party is largely responsible for the current situation, as they have been protecting President Vučić for years, while he was turning the country into autocracy.

“We call upon the EPP to finally review the membership of Vučić’s party”, Picula said. Tanja Fajon, S&D MEP and the chair of the EP delegation for relations with Serbia, emphasised that the level of democracy following the elections in Serbia has deteriorated significantly, let alone the situation of media freedom.

“We no longer have a parliamentary opposition, which calls into question the legitimacy of the whole work of the new parliament”, she said.

“Due to the COVID-19 pandemic, there was only a limited OSCE/ODIHR monitoring mission observing the elections and the European Parliament could not send any mission. According to the local observers, election irregularities were recorded at five percent of polling stations, which is higher than the percentage of irregularities in the 2016 parliamentary and 2017 presidential elections. The turnout has also been considerably lower than 4 years ago, staying below 50%, despite pressure by the government to participate”, Fajon stated.

“As one of EP facilitators of the Inter-Party Dialogue with the Serbian Parliament on electoral conditions, I regret to say that despite our efforts, the conditions were not sufficient for a main part of the opposition to participate in the elections. We have to find new methods to include them in the next round of our Inter-Party Dialogue”, she concluded.

The Election of Losers

<https://europeanwesternbalkans.com/2020/06/24/the-election-of-losers/>

June 24, 2020 - [Florian Bieber](#)

One person appears to have won the election. His face was everywhere, his name was on the ballot, though not as a candidate, and the virtual rallies were dominated by him. Aleksandar Vučić is the apparent winner of Serbia's parliamentary election last Sunday. While neither running for the election and president official standing above party politics, it was clear that the victory of Vučić was absolute. His party won around 62 percent of the vote, and gaining 191 of 250 seats in parliament, around 76% of the seats. The large majority opens the door to constitutional changes that would allow the regime, like in Hungary, to tailor the constitution to the needs of the ruling party.

His long-term coalition partner, the Socialists and their allies gained 10.4% and 32 seats, and the Serbian Patriotic Alliance, the vehicle of New Belgrade mayor Aleksandar Šapić gained 11 seats, just passed the 3% threshold with 3.64%. The threshold was lowered from 5% to 3% just weeks before the election in a transparent effort by the ruling Serbian Progressive Party (SNS) to boost the representation of minor parties in parliament to weaken the effects of the opposition boycott.

The remaining 16 seats are held by minority parties, which have a lower threshold. The only opposition in the Serbian parliament are two Albanian MPs from the majority Albanian municipalities of Bujanovac and Preševo, as the minority parties cooperated with the previous governments of the Progressive Party and Šapić also did not run against the government.

It is this resounding victory that makes the outcome a defeat for Vučić. A parliament without an opposition cannot serve as a fig leaf to legitimize the supposedly democratic rule of the president. Had more of the 21 running parties and groups entered parliament, such as the different far right and fascist groups or a few scattered democratic and reformists, the Progressive Party could claim that Serbia had a pluralist parliament. Now, it does not and thus reveal the authoritarian nature of the regime.

The opposition lost as well. While turnout was probably lower than official numbers, it was according to the independent monitoring NGO CRTA around 48 percent, thus 8 to 9 percent lower than previous parliamentary elections in 2016. This is a minor drop, that could not be claimed solely by the opposition, but rather also by COVID-19 and voter apathy. Clearly the main effort the regime has been to push up voter participation, as most irregularities CRTA noted focused on pushing up voter numbers and SNS official appear to have called potential voter on election day to pressure them to vote. The boycotting opposition has succeeded in delegitimizing the opposition that participated, such as the Movement of Free Citizens headed by Sergej Trifunović that only gained 1.5% or the United Democratic Serbia that gained less than 0.9%.

At the same time the opposition that boycotted is far from united. The once large Democratic Party has been marred by infighting, including a scuffle at the party headquarter on election day between different wings. Otherwise, the opposition is an uneasy alliance between the far right Dveri, unpopular split offs of the previously ruling Democratic Party and few other groups. Now out of parliament, cut off from funding, without a clear strategy and few international allies and contacts, the opposition has a rough time ahead.

The EU is the final loser in the elections. Serbia has long been hailed, uncritically, as the front runner in the EU enlargement. Now, it is confronted with a parliament that lacks a democratic mandate and a regime, whose authoritarian nature has become more visible.

A joint statement of the High Representative Josep Borrell and Neighborhood and Enlargement Commissioner Olivér Várhelyi was strikingly critical, noting limited voter choice and media dominance of the ruling party.

The European Parties fell, unsurprisingly along partisan lines. The Socialists and Progressives correctly called the elections a mockery of democracy and demanded a slowdown of accession, whereas Donald Tusk of the European Peoples Party congratulated their party family associate SNS, only noting ominously “more power, the more responsibility.”

The enlargement process is seriously compromised by the elections. Serbia has been negotiating accession for more than six years, the same period during which democracy and rule of law has been backsliding by every indicator and all organizations monitoring democracy globally, including Freedom House, Bertelsmann Transformation Index, VDem Institute, and Economist Democracy Index.

The EU institutions, with the notable exception of the parliament, have been strikingly silent on this. If the EU returns to business as usual after the election, it will not only encourage the further consolidation of authoritarianism in Serbia, but also among others in the region, including Montenegro and Albania. More importantly, it suggests that the EU is not just struggling with keeping autocrats within the EU but also during the accession process, when more tools are available. To confront the authoritarian drift, the EU needs to engage with Serbia.

Back in 2014, the EU at first ignoring the authoritarianism of the Gruevski government and the eviction of the opposition. Only the 2015 wiretapping scandal triggered more sustained EU engagement. The risk is that in Serbia the political alternatives will become more Eurosceptic, as they see the government backed by the EU and its member states and as many of the parties already today oppose European integration.

A renewed EU engagement requires several components, namely a meaningful mediation between government and opposition on how to bring the opposition back

into the political process based on tackling some of the most serious democratic restrictions. Furthermore, a rule of law mission, such as the Priebe report drafted in 2015 by independent experts that would identify the shortcomings and priorities for reform, and a follow process.

The European Party families should work together on their assessment of democracy rather than making democracy a partisan issue in the Western Balkans. Bipartisan statements and mediation by MEPs from the largest European Parties would reduce the risk of authoritarianism being further facilitated by partisan rift.

Finally, the Commission, the European Parliament and the Member States need to consider the full range of options regarding the accession talks themselves. These options include not opening new chapters in negotiations, a low-level signal. More serious would be to evoke the imbalance clause, which has been part of the accession negotiations for eight years. It allows talks to be frozen on all chapters if not enough progress is made in regard to rule of law.

Finally, the new methodology, set up by the Commission in response to France's veto over accession talks with North Macedonia and Albania offers further tools to put pressure on accession candidates. It allows Member States to put negotiations in some areas on hold and re-open closed chapters, as well as reassessing funding and other benefits of cooperation. The most serious option would entail suspending accession talks altogether.

While the latter option might be counterproductive at the moment, it would be good to consider some of the intermediate measures. The suspension of accession talks, however, has to be a credible threat unless the Serbian government makes some clear and verifiable steps to restoring democratic institutions. Considering the tools the EU has available now to insist on the core values of the EU in the accession talks, not using them would cement the election result as a lost opportunity for Serbia and the EU.

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