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# Rule of Law - South East Europe

## Press Review June 2021

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# Regional

## **Central, Eastern Europe Citizens Believe Corruption is Growing: Report**

<https://balkaninsight.com/2021/06/15/central-eastern-europe-citizens-believe-corruption-is-growing-report/>

June 15, 2021 – Anja Vladislavjevic

Significant percentages of people in Central and South-East Europe think that corruption has increased over the past year, says a new report by watchdog organisation Transparency International.



*A protest in Sofia, Bulgaria in August 2020 against alleged official corruption. Photo: EPA-EFE/Borislav Troshev.*

A new report by Transparency International, published on Tuesday, says that almost a third of European Union citizens “think corruption is getting worse in their country and almost half say their government is doing a bad job at tackling corruption”.

In the countries surveyed by Transparency International in Central and South-East Europe, the percentages are even higher – in Slovenia, 51 per cent of people think that corruption has increased over the past year.

Bulgaria follows Slovenia closely, with 48 per cent believing graft is growing, then Romania with 45 per cent, Croatia with 41 per cent, Hungary with 40 per cent, Poland the 37 per cent and the Czech Republic 29 per cent.

Transparency International surveyed over 40,000 people in all 27 EU countries for the report entitled 'Global Corruption Barometer – EU 2021'.

"While there is no country in which a majority of citizens think that corruption is decreasing, the most positive results come from Slovakia, where 39 per cent of citizens see corruption declining," the report says.

When asked whether government corruption is a problem in their country, 92 per cent of respondents in Croatia answered yes, which puts Croatia at the top of the list of the EU countries whose residents are concerned about graft.

Bulgaria follows with 90 per cent, then the Czech Republic with 85 per cent, Slovakia with 81 per cent, Romania with 80 per cent, Poland and Greece with 72 per cent, and Hungary with 69 per cent.

Transparency International asked EU residents about their experiences with corruption in accessing basic services, such as healthcare and educations, to find out whether they had to pay bribes to get such services.

"Denmark, Finland, and Sweden register the lowest bribery rates in the region... The highest rates are in Romania (20 per cent) and Bulgaria (19 per cent), followed by Hungary (17 per cent), Lithuania (17 per cent) and Croatia (14 per cent)," the watchdog organisation said.

It noted that health care "is a hotspot for corruption", which is of particular concern during the current COVID-19 pandemic, "when citizens urgently need medical support and vaccinations".

Bribery rates in the health sector were highest in Romania and Bulgaria, with 22 and 19 per cent, while "more than four in ten health care users relied on personal connections" in the Czech Republic and Hungary.

The Global Corruption Barometer also highlights data on 'sextortion' – "the abuse of power to obtain a sexual benefit or advantage", which often occurs in exchange for public services, like healthcare or education.

It says that Bulgaria, Croatia and Romania have the highest 'sextortion' rates for people accessing public services.

## **US Extends Blacklist of Persons Destabilising, Corrupting Balkans**

<https://balkaninsight.com/2021/06/09/us-extends-blacklist-of-persons-destabilising-corrupting-balkans/>

***The Biden administration on Tuesday extended the Executive Order barring several Balkan public figures from the US, saying corruption and destabilisation of peace agreements was hampering the region's progress.***

The Executive Order signed on Tuesday by US President Joe Biden is seen by experts as an indication of the seriousness of the White House Administration's commitment to honouring and implementing agreements in the Balkans.

"Support for democracy in the Balkans is taking the form of challenging attempts to sow political aggression and conflict internally and between states, including attempts to challenge territorial integrity," Drilon Gashi, a Washington-based international development specialist, told BIRN.

"Regional leaders should thus see this as an added deterrent to political and economic corruption," he added.

The White House on Tuesday announced that President Joe Biden had extended an Executive Order blocking assets and suspending entry into the United States of persons allegedly contributing to the destabilization of the Western Balkans.

Biden also expanded the scope of the ban with Albania, a move that the US Ambassador to Albania, Yuri Kim, welcomed, saying: "Countering corruption is a core US national security interest."

Last month, the US State Department declared Albania's former president and former PM Sali Berisha – a central figure in Albania's post-communist politics – unwelcome, citing his "corrupt acts" in office, especially when he was prime minister.

The Executive Order was first introduced in June 2001 when former US President George Bush suspended the entry into the United States of several former guerrilla fighters in the Kosovo Liberation Army, KLA, for their alleged role in an ethnic Albanian armed insurgency in North Macedonia.

Biden justified the move, "finding that the situation in the territory of the former Socialist Federal Republic of Yugoslavia and the Republic of Albania (the Western Balkans), over the past two decades, including the undermining of post-war agreements and institutions following the breakup of the former Socialist Federal Republic of Yugoslavia, as well as widespread corruption within various governments and institutions in the Western Balkans, stymies progress toward effective and democratic governance and full integration into transatlantic institutions, and thereby constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States".

The ban includes officials considered a threat to many agreements that have helped the region reach peace since the conflicts of the 1990s and early 2000s, including the Prespa Agreement of 2018, which ended the long dispute between Athens and Skopje; the Ohrid Framework Agreement of 2001, which ended Macedonia's internal conflict between ethnic Albanian rebels and the security forces; United Nations Security Council Resolution 1244, which ended the war in Kosovo, and the Dayton Accords of 1995, which ended the 1992-5 war in Bosnia and Herzegovina.

Gashi says that the order is likely to proceed with "economic and travel sanctions to Balkan leaders – either current or in the opposition – who go against the principles, commitments, and agreements referenced in the Executive Order".

He said, "the Executive Order is certainly a promising development for the region as it targets the actions of certain regional actors, primarily Serbia's current government, which continues to challenge the territorial integrity of Bosnia as well as Kosovo."

"The Serb Republic in Bosnia is likely also put on notice with its threats as well as concrete actions aimed at contravening Bosnia's sovereignty and territorial integrity," he added.

US Secretary of State Antony Blinken specified that the new Executive Order provides for sanctions against persons whose actions destabilize the region by undermining democratic institutions and the rule of law or by violating human rights.

"The United States is committed to ensuring the stability and security of the Western Balkans, allowing countries in the region to fulfil their potential as free and prosperous democracies. We are also committed to combatting corruption and demonstrating the advantages of transparent and accountable governance," the Secretary of State said moments after the White House published the Order.

In Kosovo, the opposition Democratic League of Kosovo, LDK, said it supported the order and asked for actions against those who are blacklisted.

"The LDK supports this Order and we believe that based on this decision, further actions against corrupted persons who violate security in Western Balkans will be taken soon," LDK official Shkemb Manaj said in Pristina on Tuesday.

## **The new European Chief Prosecutor Kovesi: “I know that there are no clean countries”**

<https://www.romaniajournal.ro/society-people/law-crime/the-new-european-chief-prosecutor-kovesi-i-know-that-there-are-no-clean-countries/>

June 18, 2021 - Romania Journal

Laura Codruța Kövesi, European Chief Prosecutor, the head of the newly established Luxembourg-based European Public Prosecutor's Office (EPPO), which started operations on 1 June 2021, granted an interview to Sven Lilienström, founder of the Faces of Democracy initiative, speaking about democracy, the newly established European Public Prosecutor's Office and her fight against corruption, bribery and money laundering in the EU member states.

Previously, the Romanian-born Kovesi (48) was the head of the National Anticorruption Directorate in Romania. The EPPO is the first supranational public prosecutor's office in the world with the capacity to conduct cross-border investigations. It is an independent body set up to prosecute and bring to justice offences affecting the financial interests of the European Union, such as certain forms of subsidy fraud, corruption and cross-border VAT fraud.

*Ms. Kövesi, you are the head of the newly established European Public Prosecutors Office (EPPO). Our first question is: How significant are democracy and democratic values to you personally?*

I grew up in a communist regime and I have still very vivid memories of what life was like. And then I was lucky enough to be part of the long transformation process of Romania into a democratic society, of which the accession to the European Union was one of the culminating points.

This is why for me democracy is not an abstract definition that I could have learned in school, together with a set of values upon which it is founded. It is a praxis, an engagement. I have a personal experience with how fragile and precious this way of organizing human society is, how hard we need to work to preserve it. So, to answer your question: to me, democracy is fundamental, just as the air I breathe.

*The EPPO is the first supranational public prosecutor's office in the world. When you took office, you spoke of a “historic moment”. Why does Europe need its own public prosecutor's office and how will its citizens benefit from it?*

For the first time, a European Union body will investigate, prosecute and bring to trial criminal offences. There is no precedent for this. No one but the EPPO can prosecute fraud against the EU budget committed after 1 June 2021 in the 22 participating Member States.



The establishment of the EPPO has many wide-ranging implications. For instance, I have no doubt that it will trigger further harmonization in the field of criminal law, which is at the core of national sovereignty.

From a citizen's perspective, the EPPO is a concrete answer to an old grievance: by opening the borders, we have not only allowed people and companies to thrive, we have unfortunately also allowed criminal organizations to develop their operations and grow. The EPPO is the first adjustment we need to do in this respect.

We want to make the EPPO a center of excellence for the confiscation of criminal assets. I am convinced that the EPPO will be a game changer in the fight against cross-border VAT fraud.

Beyond its contribution to increasing the general feeling of security, the EPPO is the first really sharp tool to defend the rule of law in the EU. By applying the very simple principle of equality before the law, the EPPO will play a crucial role in making the trust of the European citizens in the Union stronger than ever.

*Until 2018, you were the head of the National Anticorruption Directorate (DNA) in Romania. How exactly do you intend to fight corruption, bribery and money laundering in the EU member states?*

First, it needs to be well understood that the competence of the EPPO is limited to corruption, bribery and money laundering in the participating Member States when affecting the financial interests of the European Union only! Furthermore, we have a complex structure and have to operate as a single office in 22 different judicial systems, according to 22 different criminal laws and criminal procedural laws. This to say that we have huge challenges ahead of us.

My experience as a prosecutor can be boiled down to a few simple principles: work hard, never give up, and always abide by the law. Only by working professionally, being consequent and by respecting the law all the time, you can gain and keep the trust of the citizens. I will follow these principles in my role as European Chief Prosecutor. The good thing is that, in fact, you are never alone. At the EPPO, just as at the DNA, I have a good and motivated team of courageous prosecutors.

*At least some of the population wishes for more isolation and national autonomy. What do you say to people who maintain that prosecutorial investigations are the core of national autonomy?*

Yes, they are. But we need to evolve if we want to be credible and efficient. Read the reports from Europol, talk to the practitioners about the practical difficulties they encounter in the fight against cross-border crime in general, and economic and financial criminality in particular.

What good does it make to keep these powers at national level when criminal organizations have reached turnovers comparable to those of the biggest global corporations? The truth is that we are badly behind the curve. Now we can either try to catch up or continue to pretend there is no problem.

*Hungary, Poland, Denmark, Sweden and Ireland form a group of countries that refuse to cooperate with the EU's public prosecutor's office. 10st he EPPO in reality merely a "toothless tiger"?*

This is not accurate. These Member States did not join the enhanced cooperation establishing the EPPO, so they are not part of EPPO. This does not mean that they refuse to cooperate with the EPPO.

We will work very closely with their respective national prosecution services. We are in touch with all of them and have, for example, already concluded a working arrangement with the Office of the Prosecutor General in Hungary. We can still investigate citizens and companies from those countries if they have committed crimes in a Member State that does participate in the enhanced cooperation of EPPO.

The actual power of the EPPO has to be measured against its action in the participating Member States. I am sure you will soon see that we are anything but a "toothless tiger".

*In your inaugural speech, you also stressed that fraud with public funds is "a serious threat to democracy". Where exactly do you believe the danger lies and do you think it is underestimated?*

White collar crimes are under-reported, underestimated, often even tolerated, to the benefit of organized criminal organizations that aspire to subvert and replace legitimate authorities. In certain circumstances, these organizations do not shy away from resorting to extreme violence. It is not by coincidence that, when giving solemn in front of the European Court of Justice, I had invited representatives of the families of Daphne Caruana Galizia, Jan Kuciak and Martina Kusnirova. What these journalists were uncovering is the aspiration of fraudsters to capture the State. Once the State is captured, its institutions stop working for the common good, and democracy is subverted. This threat is very real, and very common.

I think it is underestimated because in most of the cases, it is not obviously violent. And also, because, culturally, we have grown accustomed to be more tolerant with corruption.

Before starting our operations, we did a survey among the participating EU Member States about the number of investigations within our scope of competence they have conducted in the last 4 years. In some countries there are hundreds, even thousands. In other countries, there are close to none. That makes me wonder about the priority given to this fight. Because I know that there are no clean countries.

*Ms. Kövesi, our seventh question is always a personal one: what do you like to do most of all in your leisure time and what objectives have you set yourself for the next years – professionally and privately?*

Professionally, I have to admit that my current job is the most challenging I had so far. I want to put all my professional experience and energy in a successful mandate as European Chief Prosecutor: to win the trust of the citizens proving that EPPO is an independent, strong and efficient institution and that the law is equal for everybody. For my private life, I would like to spend more time with my family.

## **Hague Tribunal Leaves Uncertain Legacy as Last Trial Nears End**

<https://balkaninsight.com/2021/06/23/hague-tribunal-leaves-uncertain-legacy-as-last-trial-nears-end/>

June 23, 2021 - Emina Dizdarevic, Sven Milekic, Milica Stojanovic

Ahead of the initial verdict in the last trial at the Yugoslav war crimes tribunal, BIRN looks back on the landmark judgments, controversies, successes and failures in the UN court's mission to seek justice for the atrocities of the 1990s.

In May 1996, Bosnian Serb Army soldier Drazen Erdemovic became the first person to confess to the judges at the International Criminal Tribunal for the Former Yugoslavia, ICTY in The Hague that he had participated in the murders of captured Bosniak men and boys from Srebrenica.

Erdemovic told the UN war crimes tribunal that he only agreed to shoot the Bosniaks because he had been threatened: "When I refused to do that, they told me: 'If you feel sorry, stand there next to them, so we can kill you too.'"

Erdemovic was the first person to be convicted by the tribunal of involvement in the Srebrenica massacres, and was sentenced to five years in prison. The year after he was jailed, he was granted early release, and he later testified in the trial of Yugoslav President Slobodan Milosevic.

After the ICTY shut down at the end of 2017, its remaining cases, including the appeals in the landmark trials of Bosnian Serb political and military leaders Radovan Karadzic and Ratko Mladic, were taken over by the Mechanism for International Criminal Tribunals, MICT.

In an address to the United Nations Security Council a few hours after the final verdict convicting Mladic and sentencing him to life imprisonment, MICT president Carmel Agius said that the tribunal had taken significant steps to tackle impunity for war crimes. "The issuance of the final judgment [in the case against Mladic] sends a strong message to victims of atrocities committed in the former Yugoslavia and elsewhere, that perpetrators of such heinous crimes will ultimately be brought to justice, regardless of their position or how powerful and untouchable they consider themselves to be," Agius said.

On June 30, the MICT will deliver the first-instance verdict in its final Yugoslav war crimes trial – the case against former Serbian State Security officials Jovica Stanisic and Franko Simatovic.

The ICTY and the MICT have so far sentenced 90 people to a total of 1,311 years in prison, plus seven life sentences, for crimes committed during the wars in the former Yugoslavia.

But although they have played an important role in prosecuting some of the worst crimes in Europe since World War II, such as the Srebrenica genocide, and contributed to the establishment of new legal standards, such as prosecuting rape during wartime as a crime against humanity, some governments in the former Yugoslavia continue to refuse to accept its judgments.

Political leaders in Serbia and Bosnia's Serb-dominated Republika Srpska entity refuse to accept that the Srebrenica massacres constituted genocide. Serbia is also refusing to arrest two nationalist politicians who are wanted by the tribunal for alleged contempt of court.

In several countries, freed war criminals have been welcomed home after serving their sentences with officially-sponsored celebrations, and have sometimes been restored to prominent positions in public life.

"Today we are not only facing the non-implementation of judgments, but also the state denial of crimes and glorification of criminals," warned Amir Ahmic, a liaison officer for the tribunal.

### **Landmark rulings: rape and genocide**

In its verdict convicting wartime Bosnian Serb Army soldiers Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic in 2001, the tribunal became the first European-based international court to establish that rape during wartime represented a crime against humanity.

Kunarac was sentenced to 28 years in prison for multiple rape and the enslavement of two women in the Foca area during the Bosnian conflict. "The evidence showed that rape was used by members of the Bosnian Serb armed forces as an instrument of terror," the judgment said.

Earlier this year, the MICT rejected a request from Kunarac for early release, even though he is eligible after having served two-thirds of his sentence. Judge Agius cited Kunarac's "failure to sufficiently demonstrate rehabilitation and the high gravity of his crimes".

More than a third of the defendants who have been convicted by the tribunal have been found guilty of crimes involving sexual violence, which the tribunal sees as one of its major achievements. It believes that its prosecutions for wartime sexual violence have "paved the way for a more robust adjudication of such crimes worldwide".

The tribunal's first verdict to establish that genocide was committed against Bosniaks from Srebrenica was the ruling in the case against Radislav Krstic, the wartime commander of the Bosnian Serb Army's Drina Corps.

The tribunal decided that by murdering more than 7,000 men and boys from Srebrenica in a series of mass killings in July 1995 and expelling women and children, Bosnian Serb forces had displayed the intent to destroy Bosniaks as an ethnic group in the area, as a whole or in part.

“The chamber calls the Srebrenica massacre by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in future contemplate the commission of such a heinous act,” judge Theodor Meron said as he announced the final verdict in the Krstic case in 2004.

Subsequently, former Bosnian Serb political and military leaders Karadzic and Mladic and various other former Bosnian Serb Army servicemen were also convicted by the UN court of involvement in the Srebrenica genocide.

As well as genocide, Karadzic and Mladic were convicted of the persecution of Bosniaks and Croats throughout the country during the war, terrorising the population of Sarajevo during the siege of the city and taking UN peacekeepers hostage. Both men were sentenced to life imprisonment.

### **Key defendants die before verdicts**

As president of Yugoslavia, Slobodan Milosevic was the first sitting head of state to be charged with war crimes by an international tribunal. But he did not live to hear the verdict, dying of a heart attack in custody in The Hague in March 2006 before the end of his trial.

Milosevic was accused of bearing responsibility for the murders of hundreds of Kosovo Albanian civilians and the deportations of some 800,000 more during the Kosovo war, the killings and detentions of Croat civilians during the war in Croatia and the killings and detentions of Bosniak civilians and other non-Serbs during the Bosnian war, among many other alleged crimes.

His legacy from the 1990s war years still casts a shadow over Serbia. Two years after his death, his Socialist Party became the junior partner in Serbia’s ruling coalition, and remains so to this day.

In 2018, Serbian President Aleksandar Vucic, who was information minister in one of Milosevic’s governments in the 1990s, described him as “a great Serbian leader” whose “good intentions” were not matched by their outcomes.

After arresting Milosevic in 2001, Serbia spent a decade trying to arrest all the other war crimes suspects wanted by The Hague court who were hiding in the country. The last one to be detained was Goran Hadzic, the wartime Croatian Serb rebel leader, who was indicted for crimes against humanity and violation of the laws and customs of war in Croatia from 1991 to 1993.

But Hadzic also died before the verdict in his trial, in July 2016. War victims' representatives expressed regret that neither Milosevic or Hadzic lived long enough to be convicted.

Manda Patko from the Vukovar Mothers war victims' association told BIRN after Hadzic's death that he "died without the sentence which he deserves... For us, he is a war criminal; he always was, he always will be."

### **After the tribunal**

The Hague court's archives of documents and evidence materials, as well as the facts it established, leave behind a rich trove for researchers.

But whether its legacy of seeking justice will be upheld by domestic courts in the former Yugoslavia is unclear.

Iva Vukusic, a historian at the University of Utrecht in the Netherlands, said as the tribunal concludes its work, there is not enough pressure on Bosnia and Herzegovina, Croatia and Serbia to ensure that all the remaining unpunished war crimes from the 1990s conflicts are properly prosecuted.

Vukusic argued that the public needs to put domestic pressure on the authorities in order to see that justice is done. "We don't want to live surrounded by war criminals," she said.

Whether or not the court should have done more to nurture post-war reconciliation remains a matter of intense debate, however – particularly as nationalist political leaders continue to push divisive ethnic agendas across the Balkans.

But Ahmic noted that the tribunal's presidents have always pointed out that it was "not mandated with establishing reconciliation and peace".

Nevenka Tromp, who was the principal researcher in the team prosecuting Slobodan Milosevic in The Hague, also pointed out that it was unusual for such major legal processes to be initiated at all.

"After conflicts and wars you [usually] do not have the possibility of an international criminal court dealing with those issues," Tromp said.

Despite the tribunal's shortcomings, Puhovski agreed that if it had been left to domestic courts in war criminals' home countries, they would never have been brought to justice at all.

Without the tribunal, he said, "it would have been impossible to try what you might call 'our own' war crimes before courts in Zagreb, Belgrade and Sarajevo".

# Albania

## **Albanian Court to Decide on Relaunch of Investigations against Former Minister over Gerdec Explosions**

<https://exit.al/en/2021/06/02/albanian-court-to-decide-on-relaunch-of-investigations-against-former-minister-over-gerdec-explosions/>

June 02, 2021 - From: Exit News



The High Court has relegated to the Court against Corruption and Organized Crime (GJKKO) a prosecution request to re-launch investigations against former Minister of Defense Fatmir Mediu in relation to his responsibility in the 2008 Gerdec explosions that left 26 dead and hundreds wounded.

GJKKO will have to decide whether the Special Prosecution against Corruption and Organized Crime (SPAK) can launch new investigations and open a case against the former minister.

Three weeks ago, SPAK asked the High Court to revoke its 2009 decision to dismiss the case against Mediu, who faced charges of abuse of office. The case dismissal came after Mediu gained parliamentary immunity following general elections in the country.

A number of explosions in an ammunition-dismantling site near Gerdec village in Tirana killed 26 and wounded over 350 people on March 15, 2008. More than 4,000 people were evacuated from the area due to fear of more explosions.

In 2013, the Appeal Court sentenced 20 people to prison for a number of charges in relation to the explosions, including public officials and the management of the involved companies. In 2017, the Appeals Court in Tirana declared the Ministry of Defense responsible for the explosion.



## Appeal Court, "Achilles Heel" of Albanian Judicial System

<https://albaniandailynews.com/news/appeal-court-achilles-heel-of-albanian-judicial-system>

June 2, 2021 – Albanian Daily News



**T**he Chairwoman of the High Judicial Council (HJC), Naureda Llagami, referring to the problems in the judicial system, has described the Court of Appeals as the "Achilles' heel", saying that out of 78 judges who should be in this court, there are only 25 judges left.

The Head of HJC reported to the Law Commission of the Parliament this Wednesday, regarding the situation of one year in the judicial system in Albania.

Llagami stressed before the Law Commission that the Court of Appeals is facing difficulties, while adding that there have been losses in terms of judicial staff due to Vetting. She further added that in many courts there is a state of collapse.

"We are not proud that it is very difficult, we had losses due to Vetting: 13 judges were dismissed by final decision, another 25 were suspended receiving 75% of salary, or ALL 30 million, but they cannot continue to judge the issues and the financial effect of Vetting, where 75 judges have been dismissed / suspended and ALL 55 million effect on the state budget. Money spent, but no service can be provided," she said.

According to Llagami, the problem of lack of judicial staff still persists and according to her, in addition to financial costs and lack of judges is the reluctance to apply to the HJC.

"The Court of Appeals is very problematic, this is the Achilles' heel, out of 78 judges that should be, there are 25 judges. At the end of the year they were 27, every day this number decreases more and more. The Administrative Appeal has the greatest reduction in the effectiveness of cases. For a case to be tried on Appeal, it takes 2-3 months to the districts while a citizen of Tirana has to wait 4 years. The grouping of appeals would enable the trial of cases to be fair and equal", said Llagami.

Among other things, Llagami also focused on the re-establishment of the High Court, emphasizing that there were delays. However, she added that it will soon be filled with 15 members, unlocking the quorum to appoint members to the Constitutional Court.

## **Albania Signs UN Declaration to Fight Corruption**

<https://exit.al/en/2021/06/07/albania-signs-un-declaration-to-fight-corruption/>

June 07, 2021 - From: Alice Taylor



Albania has agreed to an 86-point UN declaration to protect journalists, prosecute high officials for corruption, and create a multilateral approach to combat the phenomenon.

The resolution on “challenges and measures to prevent and combat corruption and strengthen international cooperation” was signed last week at the first-ever UN General Assembly Special Session against Corruption.

It starts by noting that UN Member States, including Albania, are “concerned about the seriousness of the problems and threats posed by corruption” and the impact it has on democracy, ethics, justice, the rule of law, institutions, and society as a whole.

Albania then promises to pursue a multilateral approach to prevent and combat corruption. They agree to include the 86 points of the declaration into national law.

Of particular interest was point 31 which states that Albania pledges to: “Strive to provide a safe and adequate environment to journalists, and we will investigate, prosecute and punish threats and acts of violence, falling within our jurisdiction, committed against them.”

They also noted “with appreciation the important role of civil society, academia, the private sector and the media in identifying, detecting and reporting on cases of corruption,” adding that they will promote their active participation in the fight against corruption. And to raise public awareness of the impact of corruption.

In terms of access to information, they agree to “respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption.” They add that the participation of these groups will not result in any reprisals or negative influences.

The Albanian government has also pledged to make information more accessible and available to those looking to hold power to account. This includes facilitating access to information through digital tools, open data, internet-based portals, and other means.

The Albanian government’s signature on the document means it declares that it rejects “corruption and will implement measures to better detect it with a view to ending impunity. We commit to criminalizing, investigating, prosecuting, and adjudicating acts of corruption and related offenses in the public and private sectors. We commit to having in place and enforcing effective, proportionate, dissuasive, and non-discriminatory criminal or non-criminal sanctions against natural and legal persons for corruption and related offenses.”

Signatories have also pledged to understand and support the importance of an “independent and transparent judicial system” which upholds ethical and integrity standards.

In terms of corruption, Albania still has a lot of work to do. Money laundering, drug cultivation and trafficking, human trafficking, vote-buying and voter intimidation, corruption in police, the judiciary, institutions and government, and steadily declining media freedom are just some of the unresolved issues.

## Albanians Distrust All Major Institutions, Worried over Corruption

<https://exit.al/en/2021/06/10/albanians-distrust-all-major-institutions-worried-over-corruption/>

June 06, 2021 - From: Alice Taylor



Political parties, the courts, parliament, the prosecution and the president are the least trusted institutions in Albania with less than a quarter of citizens having any trust in them at all.

This is according to the Institute for Democracy and Mediation's Trust in Governance Opinion Poll for 2020. Now in its eighth edition, the poll surveyed a representative sample of 2,500 citizens to examine what is their perception on those who run their respective countries.

Albanians have little confidence in domestic institutions, preferring instead to place their trust with international organization like NATO, the UN, and the EU. At the local level, they had more trust in religious institutions, followed by educational institutions, the armed forces, and then civil society.

Albanians believe that the government and municipalities aren't transparent, although numbers improved slightly from last year. Generally, they believe that only foreign institutions can hold the government to account, although they have some trust in the Supreme State Audit Institution, the media, the Ombudsman, and civil society.

In terms of corruption, more than 84% believe both petty and large-scale corruption are widespread. They ranked judicial institutions as the most corrupt. In fact, only 28.7% trust that judicial reform is being implemented correctly and around half think it will

have a positive impact on Albania. According to respondents, they worry about the way politics influences the judiciary.

This is the fourth year in a row that confidence in the justice reform has continued to decrease.

The poll reports that healthcare institutions are seen as the second most corrupt institutions in the country (note the survey was taken during the year of the pandemic), followed by law enforcement, and parliament.

The majority have no confidence that petty or grand corruption are prosecuted.

Even more concerning, 32% of respondents said they paid a bribe to receive a service from the central government in 2020—a notable increase from 2019, when only 19% of respondents reported the same.

TV remains the main source of information, followed by social media and online portals. Only a third believe the information provided by the media is true.

In terms of natural disasters like the 2019 earthquake and the pandemic, only 40.3% were happy with the government's decision-making. A further 65% were not happy with how their human rights and personal freedoms were handled during the pandemic.

Less than 40% said the government managed post-earthquake responses properly. In terms of equality, not surprisingly 50% of men said they thought there was equality between the sexes, whereas just 39% of women felt this way.

## 11 Convictions for Low-Ranking Officials Implicated in Albanian Electiongate Scandal

<https://exit.al/en/2021/06/21/11-convictions-for-low-ranking-officials-implicated-in-albanian-electiongate-scandal/>

June 21, 2021 - From: Exit Staff



The Court of Durrës has handed down convictions to 11 commissioners accused of electoral crimes during the 2017 general elections in Albania. According to a report by BalkanWeb, 8 others have been placed under 'house arrest' and 3 are being investigated under the 'obligation to appear' measure.

Some of the defendants, who have pleaded guilty, have received a sentence reduction equivalent to 1/3 of the total sentence. They were accused of letting people vote on behalf of persons who were not in Albania for elections.

The court also decided to remove the right to exercise public functions for 5 years to all of those convicted. [...]

These convictions and investigations form a part of File 339, a section of the Electiongate Scandal of 2019. A series of leaked prosecution wiretaps showed that Mayor of Durrës Vangjush Dako was involved in a vote-buying scheme with the Avdyraj criminal gang during the 2017 parliamentary elections.

In March of this year, the Durrës Prosecutor's Office filed charges against the individuals who were accused of rigging 53 votes.

## **Albanian Constitutional Court to Ask Venice Commission on Constitutionality of 2019 Local Elections**

<https://exit.al/en/2021/06/23/albanian-constitutional-court-to-ask-venice-commission-on-constitutionality-of-2019-local-elections/>

June 23, 2021 - From: Exit News



On Wednesday, the Constitutional Court of Albania decided to ask for the opinion of the Venice Commission on the constitutionality of the June 30, 2019 local elections in the country. The news was made public the Albanian president's legal representative in the case.

Today, the court started to review the case presented by the Association of Albanian Municipalities, led by the only opposition Democratic Party mayor, Voltana Ademi of Shkoder, who had asked the court to rule whether local elections were in compliance with the constitution.

Six months after it reached a quorum following two years of dysfunctioning due to dismissals of its members by the vetting, on Wednesday, the court ruled against two requests submitted by the Socialist government of Edi Rama and the Association for Local Autonomy headed by Erion Veliaj, the Socialist mayor of Tirana, who had asked for the case to be dropped.

It relates an unprecedented decision by the country's president to cancel the election date he had decreed earlier in 2019, and set another date for a few months later.

In October 2018, President Ilir Meta decreed regular local elections to take place on June 30, 2019. In April 2019, the opposition boycotted the elections, following protests demanding the demise of the Rama government and establishment of a technocratic

government. None of the parties registered within the deadline with the Central Elections Commission (CEC) for the June 30 local elections. On June 10, President Ilir Meta issued another decree cancelling June 30. He called on parties to consult with him on setting a new election date. The government claimed the presidential decree was unconstitutional and decided to hold elections on June 30, according to the previous decree. On June 27, the president issued a third decree, setting October 13 for local elections to take place. The government and the CEC dismissed this decree as well and organized elections on June 30.

While all opposition parties boycotted the election, the Socialist Party ran uncontested in about half of the country's 61 municipalities. In the rest of municipalities its candidates were challenged by those of the opposition Democratic Conviction, whose establishment was announced on the last day of registration with the CEC. Following the Socialist Party victory in all 61 municipalities, the elected Socialist mayor of Shkoder was found to have been convicted for drug trafficking and could not take office. As a result, Voltana Ademi of the Democratic Party remained mayor.

Mayor Ademi asked the Constitutional Court to declare the June 30 elections unconstitutional for having been held in violation of the presidential decree. Also, she asked the court to rule whether the alleged registration in elections of the Democratic Conviction party before it was formally established violated the Constitution.

The Socialist majority in parliament set up the first ever inquiry committee to dismiss an Albanian president, claiming he had committed "serious violation" of the constitution by cancelling the election date and setting another one. At the same time, the parliament asked the Venice Commission for an opinion on whether the president's decisions warranted his dismissal.

In their opinion, the Venice Commission argued that the president had exceeded his competences by cancelling the elections date but this should not lead to his dismissal. The parliament dropped the inquiry.

In addition, the Venice Commission stated that it was up to the Constitutional Court of Albania to rule whether the president's cancelling of elections amounted to violation of the constitution. However, the Albanian court decided today to ask the commission's opinion on this exact question.



## **Albanian Parliament Passes New NGO Registration Law**

<https://exit.al/en/2021/06/24/albanian-parliament-passes-new-ngo-law/>

June 24, 2021 - From: Alice Taylor



Albanian parliament has approved the Draft Law “On the registration of non-profit organizations” with 83 votes in favour, nine against, and three abstentions.

The vote comes just days after Amnesty International accused Albania of weaponizing anti-terrorism laws to silence critics and crackdown on NGOs. It said Albania and other countries were “hiding behind the fig leaf” of international organizations’ recommendations for tackling money laundering and other financial crimes.

The Global NPO Coalition on FATF had previously noted that the law has some “fundamental problematic issues which may lead to restrictions on the right to establish an NGO.” This, they stated, included the obligation to register all NGOs, contrary to the international standards on freedom of association.

The law was approved by the Legal Commission in February and was passed in parliament today. Under its provisions, all NGOs must be publicly registered and must make public all information relating to owners and donors. This information will be available to all members of the public.

In Parliament today, Justice Minister Etila Gjonaj said that the purpose of the law is to reduce bureaucracy. It will become much easier for those who live outside of Tirana to register an NGO or their involvement in one.

She said that the law was drafted “due to the obligations arising from MONEYVAL” and would increase transparency and remove the risk of money laundering. The Minister

added that it is in “full compliance with international best practices.” She did not address the criticism.

The law will also make registering an NGO simpler. Instead of having to go through a court process and have the registration and any changes overseen by a judge, instead it can be applied for online. This cuts costs and saves time, according to Gjonaj.

Last year there were some 2,000 cases in court related to performing actions on the NGO register. The new process, which removes the need for a court hearing, will make the burden on the courts less, and speed up the process for NGOs.

A Financial Investigation Unit was set up in the ASP’s Counter-Terrorism Directorate. The work on terrorism financing in the NGO sector has started with a risk assessment of all NGOs by the general tax authority, and now needs to be taken up by other services.

Creating a register of ultimate beneficial owners of NGOs was also mentioned in the Albania 2020 report from the European Commission. It noted that: “The work on terrorism financing in the NGO sector has started with a risk assessment of all NGOs by the general tax authority, and now needs to be taken up by other services. So far, Albania has neither established a central bank account register nor a beneficial ownership register.”

# Bosnia and Herzegovina

## **UN Court Confirms Ratko Mladic's Life Sentence for Genocide**

<https://balkaninsight.com/2021/06/08/un-court-confirms-ratko-mladics-life-sentence-for-genocide/>

June 8, 2021 – Dzana Brkanic

***The UN court in The Hague rejected the former Bosnian Serb military chief's appeal against his conviction and sentenced him to life imprisonment for genocide and crimes against humanity.***

The Mechanism for International Criminal Tribunals in The Hague on Tuesday confirmed that Ratko Mladic will serve a life sentence for his role in the worst atrocities in Europe since World War II.

The court's appeals chamber upheld the initial verdict convicting the former Bosnian Serb military leader of the genocide of Bosniaks from Srebrenica in 1995, the persecution of Bosniaks and Croats across the country, terrorising the population of Sarajevo with a campaign of shelling and sniping during the siege of the city and taking UN peacekeepers hostage.

But Mladic was acquitted of genocide in five other Bosnian municipalities in 1992 – Prijedor, Sanski Most, Kotor Varos, Foca and Vlasenica.

In a hearing held under pandemic-related restrictions and dogged by technical problems, with presiding judge Prisca Matimba Nyambe appearing via a video link, the court rejected claims from Mladic that he did not receive a fair trial, or that his health problems had been overlooked.

Mladic, 78, attended the trial hearing in person wearing a dark suit and blue tie, accompanied by a legal counsellor but without his usual legal team.

The court rejected Mladic's argument that he was not physically present during the killings of more than 7,000 Bosniak men and boys from Srebrenica in July 1995, and agreed with the initial verdict's finding that he was part of "a common criminal plan to commit genocide, extermination and murder". It also rejected his claims that his actions in Srebrenica were actually "humanitarian". "The appeals chamber, with judge Nyambe dissenting, considers unconvincing Mladic's allegations that he acted with the goal of performing a humanitarian evacuation of civilians," judge Nyambe said.

The court further rejected his claims that "he only sought legitimate military success rather than permanent removal of Bosnian Muslim and Bosnian Croat civilians" from municipalities across the country during the 1992-95 war.

It also dismissed his claim that Sarajevo was a “defended city” during its three-and-a-half-year siege by Bosnian Serb forces, and upheld the findings of the initial verdict that said he had the “objective of spreading terror among the civilian population of Sarajevo through a campaign of sniping and shelling, including through the commission of murder, terror, and unlawful attacks against civilians”.

However, the judges dismissed the prosecution’s appeal related to the alleged genocide in five Bosnian municipalities in 1992, saying that it had not demonstrated the existence of a threat to the survival of Bosniaks in these communities.

The guilty verdict was welcomed by survivors of the war in Bosnia and Herzegovina. Refija Hadzibulic, one of the mothers of the victims of the Srebrenica genocide, said it was a recognition of their suffering. “It means a lot to us to know that there was a genocide, that they committed genocide. Because they always deny it. And now they can’t deny it, the whole world sees what happened and what they did,” Hadzibulic said.

It was also welcomed by Western political leaders including US President Joe Biden. “Justice and reconciliation are the foundation for peace and stability for the future, and today’s decision is also an important confirmation that this is possible. I sincerely hope leaders in the region will respect this judgment and reinforce its importance for the rule of law,” Biden said. “My thoughts today are with all the surviving families of the many victims of Mladic’s atrocities. We can never erase the tragedy of their deaths, but I hope today’s judgment provides some solace to all those who are grieving,” he added.

The Bosniak and Croat members of the Bosnian tripartite presidency also welcomed the verdict, although some Serbs continued to accuse the court of bias.

The head of the tripartite presidency, Milorad Dodik, who has long been the most powerful Bosnian Serb politician in the country, said that the Mladic verdict “has nothing to do with law and justice”. Dodik told a press conference that the trial was held in order to “Satanise” Serbs, and claimed that “an attempt is being made to create a myth about the genocide in Srebrenica, which did not happen”.

The chief prosecutor at the UN court, Serge Brammertz, appealed to political leaders in the former Yugoslavia to accept that Mladic was one of “the most notorious war criminals in modern history”. “Mladic should be condemned by all responsible officials in the former Yugoslavia and around the world. His name should be consigned to the list of history’s most depraved and barbarous figures,” Brammertz said in a statement. “This is not a judgment against the Serbian people, who Mladic and his supporters have manipulated for decades. Mladic’s guilt is his, and his alone,” he insisted.

Tuesday’s verdict is final and cannot be appealed.

# Bulgaria

## **Bulgaria's Caretaker Interior Minister Confirmed Wiretapping**

<https://www.novinite.com/articles/210055/Bulgaria%E2%80%99s+Caretaker+Interior+Minister+Confirmed+Wiretapping>

June 15, 2021



Caretaker Interior Minister Boyko Rashkov confirmed that politicians, public figures and participants in last year's antigovernment protests have been wiretapped.

He added that he had proof which he would hand over to the next parliament. "We are not talking about one or two instances of wiretapping, they were carried out by the specialized bodies in the country," Minister Rashkov said further. He added that the legal justification for taking such action constituted a crime.

"How was it that people protesting in the streets were all but pronounced to be preparing to overthrow the government?" Boyko Rashkov asked.

## **Bulgaria Blacklists Companies, Individuals After US Graft Sanctions**

<https://balkaninsight.com/2021/06/15/bulgaria-blacklists-companies-individuals-after-us-graft-sanctions/>

June 15, 2021 - Svetoslav Todorov

The Bulgarian Finance Ministry published a blacklist of individuals and companies linked to businessmen and politicians who have been sanctioned by the US, distancing the country from some of its most powerful and controversial figures.



*Vassil Bojkov, oligarch in exile and head of the Bulgarian Summer party. Source: Facebook/VassilKrumovBojkov.*

Bulgaria's Finance Ministry on Monday published a list of 33 companies and 21 individuals connected to controversial figures in the country's business and political life who were sanctioned by the US Treasury on June 3 for alleged involvement in corrupt activity.

The Finance Ministry said the companies and individuals might be affected in the near future by the US's Global Magnitsky Human Rights Accountability Act, which freezes the assets of people linked to corruption and human rights abuses and bars them from entering the US.

"These people are related to those who have been sanctioned and as such, there is a great risk in working with them. They do not have the right to apply for public procurements and state-owned enterprises must refrain from working with them," caretaker Finance Minister Asen Vassilev told media.

The US Treasury sanctioned three prominent Bulgarians this month, including Delyan Peevski, a media mogul and former MP from the Movement for Rights and Freedoms party, and Vassil Bojkov, an oligarch-in-exile, art dealer and former football and gambling boss, currently a candidate for parliament through his party Bulgarian Summer, despite the fact that he is facing numerous charges.

Both men have denied any role in corruption.

The Finance Ministry blacklist include people and businesses who have collaborated with Peevski and Bojkov from 2016 onwards, like brothers Tzvetomir and Boyan Naydenov, former business partners of Bojkov and founders of the Efbet betting company, the current main sponsor of the Bulgarian football league and Bulgarian national team.

Irena Krasteva, the mother of Delyan Peevski and partner in his Nova Media Group, is also on the list, as well as Boris Bekyarov, a partner of Bojkov, who was arrested in Vienna in February 2020 on charges of being part of a criminal group connected to Bojkov.

The companies are involved in media, infrastructure, event management, sports and gambling. Some of them are based in Albania, the British Virgin Islands, Cyprus, France, the Dutch Antilles, Luxembourg, The Netherlands and the United Arab Emirates, where Bojkov and Peevski are currently based.

The Finance Ministry blacklist is an important turning point as Bulgaria's caretaker cabinet is essentially distancing the country from some of its most powerful political and controversial mainstays.

The caretaker cabinet, which is leading the country until elections on July 11, has also been engaged in highlighting the need to further investigate the financial affairs of the GERB-United Patriots coalition, which was in government between 2017 and 2021. "Wherever we turn, it's a bottomless pit," caretaker Interior Minister Boyko Rashkov said on Monday.

## **EC opens three new infringement proceedings against Bulgaria**

<https://sofiaglobe.com/2021/06/09/ec-opens-three-new-infringement-proceedings-against-bulgaria-3/>

June 09, 2021 - The Sofia Globe



The European Commission said on June 9 that it opened three infringement procedures against Bulgaria and escalated two existing cases as part of its June infringements package.

The EC said that it sent a letter of formal notice to Bulgaria “drawing its attention to the tax treatment of undertaxed subsidiaries.”

Bulgaria’s legislation transposing Directive 2016/1164 included an “undue exemption” for subsidiaries, also known as controlled foreign companies, which were subject to “alternative forms of taxation”. The Commission said that such an exemption was not allowed under the EU directive and gave Bulgaria two months to address the shortcoming.

In a second case, the EC sent a letter of formal notice notifying Bulgaria that it failed to correctly transpose certain elements of the EU rules on combating terrorism (Directive 2017/541), namely on the definition of terrorist offences and the rights of victims of terrorism.

The third new infringement proceeding was on the issue of biodiversity, in which the Commission called on 18 member states, Bulgaria among them, to implement various provisions of Regulation 1143/2014 on the prevention and management of the introduction and spread of invasive alien species.

Bulgaria failed to establish, implement and communicate to the Commission an action plan to address the most important pathways of unintentional introduction and spread of invasive alien species of concern for the EU. Additionally, Bulgaria failed to establish a surveillance system of invasive alien species of concern for the EU, the EC said.



Additionally, Bulgaria was sent a reasoned opinion, the second stage of infringement proceedings, on two existing cases regarding environmental protections.

In one case, the Commission said that Bulgaria failed to correctly “reflect all the elements of the Industrial Emissions Directive (Directive 2010/75/EU) into national law.” Although Bulgaria had correctly transposed most of the Directive’s provisions, it fell short in some areas, such as the explicit requirement to re-assess the emissions derogation for less strict emission limits each time a permit is reviewed, and to carry out inspections investigating serious environmental complaints, accidents, incidents and occurrences of non-compliance as soon as possible instead of within 30 days.

In the second case, the EC was “urging Bulgaria to correctly transpose the Environmental Impact Assessment Directive on the assessment of the effects of certain public and private projects on the environment (Directive 2011/92/EU) into national law.”

While Bulgaria had addressed some of the criticism levelled by the Commission in its letter of formal notice, sent in March 2019, other areas were not.

“For example, Bulgaria still does not make some elements of the impact assessment available to the public, which is a requirement of the Directive. The Directive also requires that developers include the results from other existing assessments in the impact assessment report, which Bulgaria is not ensuring,” the EC said.

Bulgaria has two months to respond to the arguments raised by the Commission in its reasoned opinions, otherwise the Commission said it may decide to bring the cases before the Court of Justice of the European Union.

## **Bulgarian Judges Association Demanded Resignation of Entire Supreme Judicial Council**

<https://www.novinite.com/articles/210166/Bulgarian+Judges+Association+Demanded+Resignation+of+Entire+Supreme+Judicial+Council>

June 23, 2021



*pixabay.com*

The Bulgarian Judges Association (BJA) has demanded the resignation of the entire Supreme Judicial Council (SJC). In a letter to SJC's plenum, BJA lists a series of reasons for the demanded resignation.

Among the reasons, the BJA states "SJC's responsibility for the election of a prosecutor general whose moral and professional qualities had been questioned even before his election to the post," "instances of reputational damage of the justice, including on the part of the Prosecutor General and the Justice Minister concerning allegations about anti-constitutional influence on appointment decisions in respect of court presidents".

BJA argues that the SJC has not shown in the slightest that it has the will and competence to engage in an open and earnest discussion about the actual measurement indicators of the independence of the judicial power./BTA

# Kosovo

## **Dismissal of CEC Chairwoman Causes Uproar in Kosovo**

<https://exit.al/en/2021/06/15/dismissal-of-cec-chairwoman-causes-uproar-in-kosovo/>

June 15, 2021 - From: Die Morina van Uijtregt



More than ten non-governmental organizations, including the Kosovo Democratic Institute, the Kosovo Institute for Political Studies, and Democracy for Development, opposed the decision taken by President of Kosovo, Vjosa Osmani, to dismiss the chairwoman of the Central Election Commission (CEC) Valdete Daka.

“This decision is politically motivated as a result of a change of power after the last elections,” reads the NGOs’ statement.

Following a ruling of the Constitutional Court stating that no person convicted with a final verdict by a Kosovo court in the last three years may be sworn in as an MP, which banned Prime Minister Albin Kurti from running, Daka stated in January that accusations by political parties interfere with her work.

She also said that public threats against her and the concerns they cause to her family are “dangerous and unprecedented.”

At the time, Glauk Konjufca, current speaker of parliament from the ruling Vetevendosje, accused Daka of wanting to “politically eliminate” Kurti.

Osmani's dismissal decision states that "[t]hrough her actions, the head of CEC has violated the independence and integrity of CEC, particularly during the early elections on February 14."

The head of the European Union office in Kosovo, Tomas Szunyog, said that it is important that all procedures be in line with Kosovo law. "[The CEC's] independence [must be] safeguarded to ensure professional and timely preparation of municipal elections and electoral legislation reform," Szunyog wrote in a Twitter post.

Abelard Tahiri of the opposition Democratic Party of Kosovo (PDK) said that legal experts of his party are reviewing Osmani's decision, as well as options to contest the decision before the Constitutional Court.

"The decision is unacceptable," Tahiri commented, adding that "the decision was taken by [Prime Minister Albin] Kurti and was only approved by Mrs. Osmani."

Officials of the Democratic League of Kosovo (LDK) said that the party has received the decision with great concern, as Daka has exercised her duties independently and professionally according to them.

Daka was appointed as chairwoman of the CEC in 2010. Kreshnik Radoniqi was assigned to the position after her dismissal.

## **Kosovo MPs to Consider Crucial Privacy Commissioner, Again**

<https://balkaninsight.com/2021/06/04/kosovo-mps-to-consider-crucial-privacy-commissioner-again/>

June 4, 2021 - Adnita Pacolli, Pristina, BIRN

Politics have kept the post of Kosovo privacy commissioner vacant since 2019. Can parliament now break the deadlock at the fourth time of asking?

Three times Bujar Sadiku put himself forward for the post of commissioner at Kosovo's Information and Privacy Agency, where he serves as director. Three times the recruitment process collapsed. When it was advertised in April for a fourth time, Sadiku stood aside.

- *This article is subject to paid content. To view the entire article please follow the link above.*

# Moldova

## **Attacks on Moldovan Journalists Increased in 2020, Report Says**

<https://balkaninsight.com/2021/06/09/attacks-on-moldovan-journalists-increased-in-2020-report-says/>

June 9, 2021 – Madalin Necsutu

NGO report says the number of attacks on journalists in Moldova grew by 20 per cent in 2020 compared to the year before, although most were non-physical in nature.



*Moldovan journalists Viorica Tataru (L) and Andrei Captarenco (R) were victims of threats and violence during 2020 and 2021 in the breakaway region of Transnistria. Photo: Viorica Tataru Facebook Page*

The number of attacks on journalists and media representatives in Moldova increased significantly in 2020, according to a media report on such attacks in the post-Soviet space by Justice for Journalists, an NGO based in London.

The study identified 68 attacks or threats against professional and civilian media workers and editorial offices of print and online publications in Moldova in 2020.

About 49 of the 68 attacks were non-physical, however, some in cyberspace, including campaigns to discredit or illegally obstruct journalists and deny access to information, or other forms of harassment, intimidation and pressure on social networks. Non-physical attacks included defamation and libel cases against the media or media personnel.

Four of the five physical attacks on journalists recorded in 2020 were initiated by the State Guard and Protection Service, the police, or the Russian military stationed in the breakaway region of Transnistria.

“Three out of five cases of physical attacks on media workers involved physical attacks and threats to the life, freedom and health of journalists who covered the protests [that year],” the report said.

“In 2020, the media and journalists were not adequately protected by current legislation [of Moldova]. Even though media outlets are no longer closed in Moldova, and the print media are no longer seized, illegal sanctions and intimidation of journalists remain routine,” the study said.

The number of incidents against journalists increased by almost 20 per cent compared to 59 registered in 2019, according to Justice for Journalists.

All the cases are shown on the Media Risk Map, which covers the period from 2017 onwards. Most attacks took place during protests and important political events in 2020, many of them related to the presidential electoral campaign.

The report includes statistical data for daily monitoring of attacks on media employees in 12 post-Soviet countries.

## **Moldova to Open More Polling Stations Abroad for Elections**

<https://balkaninsight.com/2021/06/23/moldova-to-open-more-polling-stations-abroad-for-elections/>

June 23, 2021 - Madalin Necsutu

The Central Electoral Commission, CEC, has been forced to accept the Foreign Ministry's recommendation to open a larger number of polling stations for diaspora voters – whose votes could be decisive in the July elections.



*Moldovan queuing to vote in the country's presidential election in Brescia, Italy, November 15, 2020. Photo: EPA/Filippo Venezia*

Moldova's Supreme Court of Justice on Tuesday told the Central Electoral Commission, CEC, to open 191 polling stations for diaspora voters, as the Foreign Affairs Ministry had asked, after a three-week internal political row.

The judges ruled that the CEC had abused its powers and opposed the Foreign Ministry proposal to open more voting stations for Moldovans abroad.

About a million Moldovans live and work abroad, split between Europe and North America and Russia, out of total 2.7 million population – and their results could tip the balance in favour of pro-EU forces seeking a majority in parliament.

Previously, the CEC wanted to open only 139, then 146 polling stations, despite the recommendations of the Foreign and European Integration Ministry, which sought no less than 191 for the early parliamentary elections scheduled for July 11.

The judges also criticized the CEC's arguments, which drew attention to the expiry of a deadline of 35 days from the date of the elections to establish polling stations abroad.

The recommendation of the Foreign Ministry was based on the prior registration of over 100,700 Moldovan citizens for the elections, compared to only 63,000 in the November 2020 presidential elections.

Back then, the number of Moldovans from abroad who voted was over 263,000, a record for Moldova. Over 92 per cent of these votes, in the second round, went for Maia Sandu who ultimately won the elections. Sandu led the pro-European Action and Solidarity Party, PAS, until she became the President.

However, long queues formed outside all the polling stations in Europe, and tens of thousands of citizens could not exercise their right to vote due to the schedule or an insufficient number of ballots.

Several electoral contestants, including the Renato Usatii Electoral Bloc, the National Unity Party, the Action and Solidarity Party, the Alliance for the Union of Romanians, the Dignity and Truth Platform, the Democracy Home Party and the Home Build Europe Party, challenged the CEC decision on the number of polling stations for the diaspora.

The diaspora vote is seen as potentially decisive and, based on previous elections, a larger number of votes from abroad would likely benefit pro-European as opposed to pro-Russian parties. More than 200,000 citizens are expected to vote in the diaspora, which means more than 15 seats out of 101 in the next parliament.



# Montenegro

## **Montenegro State Prosecutor Steps Down After Law Changes**

<https://balkaninsight.com/2021/06/10/montenegro-state-prosecutor-steps-down-after-law-changes/>

June 10, 2021 – Samir Kajosevic

Supreme State Prosecutor Ivica Stankovic and several prominent prosecutors announced their retirement on Thursday, opening the way for judiciary reforms initiated by the current ruling majority.



*Montenegrin Supreme State Prosecutor, Ivica Stankovic, and Special State Prosecutor, Milivoje Katnic, in parliament. Photo: Parliament of Montenegro*

Montenegro's Supreme State Prosecutor, Ivica Stankovic, and several other prominent prosecutors retired on Thursday, opening the way for judiciary reforms initiated by the ruling majority in parliament.

According to the new Prosecution Law, the Prosecution Council will confirm Stankovic's retirement and elect an acting prosecutor for the next six months. Media reported that it will be Drazen Buric, currently the deputy Supreme State Prosecutor.

One of the ruling Democratic Front leaders, Milan Knezevic, said on Thursday that the judiciary needs urgent reform, and prosecutors' retirements are the first step.

"Some prosecutors are retiring today but it's not enough for the judiciary reforms. We also have to see some of them prosecuted for corruption and for ties with the [former ruling] Democratic Party of Socialists," Knezevic told BIRN.

“This system has to be dismantled to the foundations if we want to strengthen the rule of law,” he added.

On May 27, the ruling majority voted changes to the law governing prosecution appointments despite concerns about potential politicization raised by the Venice Commission, the Council of Europe’s advisory body on constitutional law.

The ruling majority proposed law changes that would have opened the way to the dismissal of the Supreme State Prosecutor and Special State Prosecutor, Ivica Stankovic and Milivoje Katnic.

Both are contentious figures because of their links to the former government led by the Democratic Party of Socialists, DPS, and because of Katnic’s key role in the trial of a group of people accused of plotting a coup in 2016.

According to the law changes, the Prosecutorial Council’s members will now be elected by the votes of at least 41 of the total of 81 MPs in parliament, while any reputable lawyer can be elected as Supreme State Prosecutor. The ruling majority has said the new Prosecutorial Council should be voted by September.

According to the constitution, the Supreme State Prosecutor need the votes of a two-thirds majority of MPs, or 54, with the bar falling to 48 MPs in a second-round vote. On Thursday, media reported that more than 10 prominent prosecutors have also announced retirement, and that Stojanka Radovic, Radmila Cukovic and Veselin Vuckovic will not be members of the Prosecutorial Council any longer.

On Thursday, Special State Prosecutor Katnic accused the government of putting political pressure on the prosecution.

“The prosecution has lost the best prosecutors and there is no one to work on large cases. Those retirements are hailed by at least 60 organised criminal groups in the country,” Katnic told a press conference.

In the parliamentary elections held in August last year, three opposition blocs won a slender majority of 41 of the 81 seats in parliament, ousting the DPS, which had ruled Montenegro since the early -1990s.

After the new government was formed on December 4, 2020, the coalition leaders announced changes to the prosecution, saying they wanted to make the fight against corruption and organized crime a priority.

In its latest report on Montenegro’s progress towards membership, the European Commission warned that the prosecution continues to be perceived as vulnerable to political interference, and cases of high-level corruption have to be further consolidated.

## **Popa: No benchmarks in Chapters 23 and 24 met, no progress**

<https://m.cdm.me/english/popa-no-benchmarks-in-chapters-23-and-24-met-no-progress/>

June 10, 2021 by CdM

The state can't progress in other chapters if the benchmarks in Chapters 23 and 24 are not met, head of the EU Delegation in Podgorica Oana Cristina Popa has said at the conference on how to meet the obligations in Chapters 23 and 24 – a review of the latest non-paper on rule of law.

DPM Dritan Abazovic has pointed out that integration should not be seen as pressure from Brussels, but as work on oneself for the good of all citizens.

He has stressed that seeing Montenegro in the EU until 2025 is a very ambitious plan, which depends not only on us but also on the will within the EU.

Montenegro's chief negotiator with the EU Zorka Kordic points out that the non-paper messages for these chapters call for a synthesis of the political and technical dimensions of the negotiations.

## **Krivokapic a coordinator of Ministry of Justice, State Secretary to be appointed tomorrow**

<https://m.cdm.me/english/krivokapic-a-coordinator-of-ministry-of-justice-state-secretary-to-be-appointed-tomorrow/>

June 24, 2021 by CdM



PM Zdravko Krivokapic has stated today that it has been decided for him to be the coordinator of the Ministry of Justice, Human and Minority Rights. He has added that a state secretary, who will have the strength and knowledge to deal with many problems, will be appointed tomorrow.

After the PMQs, he has pointed out that everything decided by 41 MPs is acceptable to him. "An expert Government is a guarantee that we will pass the transition more painlessly. I hope that Montenegro will be more ready to accept all obligations to become the next member of the European Union. If 70% of citizens support the European path – then that is a signal for all of us", PM Krivokapic has stressed.

## **Advocacy to be excluded from fiscal policy law?**

<https://m.cdm.me/english/advocacy-to-be-excluded-from-fiscal-policy-law/>

June 28, 2021 by CdM



*Ilustracija*

The Bar Association will deliver the final version of the agreement with the Ministry of Finance to all lawyers these days, so that they can individually declare on its content, and the fate of the agreement will depend on the position of lawyers, Dnevne Novine reports.

Namely, at the meeting of the Bar Association representatives and the representatives of the Ministry held on 9 June, certain joint solutions were found regarding the application of the Law on Fiscal Policy in relation to lawyers, and two days later the Ministry submitted a draft agreement to the Bar Association.

# Romania

## **Romania Told to Compensate LGBT Group for Homophobic Attack**

<https://balkaninsight.com/2021/06/01/romania-told-to-compensate-lgbt-group-for-homophobic-attack/>

June 1, 2021 – Marcel Gascón Barberá

The European Court of Human Rights ordered Romania to pay compensation because police failed to protect an LGBT film screening that was stormed by far-right protesters in 2013.



*Members of the far-right group Noua Dreapta (New Right) wave National Romanian flags and New Right flags during a rally in Bucharest, June 2011. Archive photo: EPA/ROBERT GHEMENT*

The European Court of Human Rights ruled on Tuesday ruled that Romania failed to uphold the prohibition of discrimination when far-right homophobes stormed an LGBT film screening in Bucharest in February 2013.

The Strasbourg-based court also ruled that Romania failed to uphold the right to respect for private and family life and the right to freedom of assembly and association, which are all protected by the European Convention of Human Rights.

The screening of the film about a gay family was part of LGBT History Month. A protest against event was held by extremist groups near the venue at the Museum of the Romanian Peasant.

Despite the presence of police, around 45 protesters thought to be part of the fringe far-right party Noua Dreapta stormed the cinema and threatened viewers by shouting

homophobic slogans and hurling insults at them. At the time of the attack, the audience numbered no more than 20.

Members of Noua Dreapta (New Right) have been responsible for many incidents of homophobic violence in Romania since the party's founding in 2000. Noua Dreapta has also made a habit of protesting against the Bucharest Pride parade every year. It has never won seats in parliament.

The investigation into the incident was closed in October 2014 by a Bucharest prosecution body, which described the attack as "an exchange of views".

Another investigation, into the use of fascist symbols during the raid, was also discontinued by Romanian authorities in August 2017, and none of the perpetrators have been indicted.

LGBT rights group ACCEPT and five individuals who were present at the screening subsequently took their case to the European Court of Human Rights.

The Strasbourg court concluded that the Bucharest authorities "failed to offer adequate protection in respect of the individual applicants' dignity... and to effectively investigate the real nature of the homophobic abuse directed against" the applicants.

"The authorities thus discriminated against the applicants on the grounds of their sexual orientation," the judges added in their verdict.

They ordered the Romanian state "to pay 7,500 euros to the applicant association and 9,750 to each individual applicant".

The 3,264 euros spent by the applicants to bring the legal proceedings must also be covered by Romania, the court said.

## **Romania Scraps Statute of Limitations for Human Trafficking**

<https://balkaninsight.com/2021/06/03/romania-scraps-statute-of-limitations-for-human-trafficking/>

June 3, 2021 – Marcel Gascón Barberá

The Romanian parliament has amended the criminal code to remove the statute of limitations for crimes involving human trafficking, forced labour and sexual violence.



*The Romanian parliament in Bucharest, February 2020. Archive photo: EPA-EFE/ROBERT GHEMENT*

A total of 293 of the 332 MPs in Romania’s Chamber of Deputies voted on Thursday in favour of removing the statute of limitations for crimes ranging from human trafficking, forced labour and slavery to rape and the sexual abuse of minors, Romanian news website G4Media reported.

The amendment to the criminal code will now go to President Klaus Iohannis for signing and will make it easier to prosecute perpetrators of offences that are unusually common in Romania by EU standards.

The legislative change coincides with the publication of a report by the Council of Europe’s Group of Experts on Action Against Trafficking in Human Beings, GRETA, on the situation in Romania.

“Romania remains predominantly a country of origin of victims of trafficking in human beings,” the report says, and urges the authorities to tackle such crimes more efficiently. The report says that “the number of victims identified by the Romanian authorities has been declining over the years”. Between 2016 and 2019, the period covered by the GRETA evaluation, the total number of victims identified was 2,613, of whom 74 per cent were female and nearly 50 per cent were children.

“Sexual exploitation remained the most common purpose of trafficking... followed by labour exploitation,” the report states.

“Forced begging and forced criminality” come next in the list of most common purposes of trafficking, it adds.

A European Commission report published last October concluded that Romania had the highest rate of human trafficked victims per million inhabitants in the EU, at 74 per million, followed by Hungary, at 64, and Bulgaria, at 40. Most of the victims were women who were subjected to sexual exploitation.

Although far fewer than the number of Romanian victims trafficked to Western Europe, 19 foreign victims of trafficking were identified during the reporting period, originating from Hungary, Italy, Moldova, Portugal, Turkey, Latvia and Germany.

NGOs consulted by GRETA warned about that official statistics are most likely to have been underreported, particularly “the scale of trafficking of foreign nationals” for their exploitation in Romania, which is believed to be “much larger than the limited number of identified foreign victims... suggest”.

In order to counterbalance the exodus of its own workforce, Romania has issued tens of thousands of temporary work permits to foreign nationals, mostly from Asian countries.

“NGOs report cases of persons from Ethiopia, Eritrea, the Philippines, Sri Lanka and Vietnam being trafficked to Romania by organised crime groups” for their exploitation “in the hospitality, food processing, construction and domestic work sectors”, the GRETA reports says.



# Serbia

## **Serbian parliament votes to trigger amending the Constitution in the field of the judiciary**

<https://europeanwesternbalkans.com/2021/06/08/serbian-parliament-votes-to-trigger-amending-the-constitution-in-the-field-of-the-judiciary/>

June 8, 2021



*Session of the National Assembly of Serbia; Photo: FoNet*

BELGRADE – National Assembly of Serbia voted last night to trigger the procedure for amending the Constitution in the field of the country's judicial system, one of the conditions for its EU accession. The procedure now requires the Committee on Constitutional Affairs to draw up the amendments, which will then have to be confirmed by a two-thirds majority and by the citizens in a referendum. It is uncertain when both of these steps will take place, with the Assembly Speaker Ivica Dačić announcing that the referendum might take place in the autumn of this year.

Achieving a necessary two-third majority for triggering the process was an easy task for the ruling majority, given that the parliament was left without viable opposition following the partially boycotted 2020 elections. Due to this fact, a group of opposition parties assessed in April that the current parliament lacked the legitimacy to amend the Constitution and demanded the process to be postponed until after the new parliamentary elections.

The timeline of the constitutional reform remains uncertain, due to the fact that the referendum has to be called and confirmed by a sitting parliament. Serbia is scheduled to hold presidential and important Belgrade local elections by May 2022, while the snap parliamentary elections were announced by President Aleksandar Vučić following the

last year's boycotted elections, possibly at the same time as presidential and Belgrade elections. There is no legal requirement for them to take place until June 2024.

If, however, the parliament is to be dissolved by the spring of 2022, the process of amending the constitution, including the holding of an obligatory referendum, must be completed before that point in time. Speaker of the Assembly Ivica Dačić announced that the aim of the ruling coalitions was to complete the process by the end of 2021.

Responding to the opposition's demands for the postponement, Dačić stated yesterday during an appearance on Radio-Television of Vojvodina that this was a requirement of Serbia's EU accession process. He added that he personally preferred the current way in which the Constitution regulates the judiciary, rather than the proposed changes, but that the process would move ahead.



*Ivica Dačić and Aleksandar Vučić; Photo: Presidency of Serbia*

Constitutional reforms in the field of the judiciary have been one of the most important reforms Serbia needs to undertake in its EU integration process, but the original 2017 deadline has long passed. It was expected that the previous parliament, whose term lasted from 2016 to 2020, would decide on the issue, but this was postponed for unspecified reasons.

The aim of the constitutional reforms is to strengthen the independence of the judiciary. So far, the only publically available proposal of the amendments has been released by the Ministry of Justice of Serbia, in 2018. Ever since the Government of

Serbia submitted the new proposal to the parliament to amend the Constitution in December 2020, the 2018 proposal has been regarded as the basis on which the Committee on Constitutional Affairs will draft its proposal.

The 2018 proposal has been met with criticism by a part of the expert community. They assessed that it did close one channel of influence on the judiciary by making the High Judicial Council and High Prosecutorial Council the sole institutions responsible for the election of judges and prosecutors, respectively. Currently, the parliament elects the judges who are taking office for the first time, as well as deputy prosecutors.

However, the experts also pointed that, according to the 2018 proposal, the ruling parties would de-facto remain in control of the election of judges by changing the composition of the High Judicial Council and High Prosecutorial Council, increasing the number of parliament-elected experts, and decreasing the number of judges and prosecutors. Finishing the Judicial Academy would also become a constitutional requirement for becoming a judge, with some arguing that this would enable the ruling parties, which will decide on the composition of the Academy, to remain in control over the judicial personnel.

As early as 2019, other experts expressed disagreements with the proposal of the amendments.

“First, the amendments do not guarantee the elimination of the political influence over the judiciary. On the contrary, political influence survives, only its mode of action changes. Thus, political influence is shifted from the Government and the National Assembly to the judicial councils. The amendments foresee a reduction of judges and prosecutors in judicial councils and an increase in so-called prominent lawyers elected by the National Assembly. How prominent lawyers are being selected points to the possibility of political engineering in creating the composition of judicial councils,” stated Svetlana Nenadić of the Prosecutors Association of Serbia for our portal at the time.

In 2018, the Ministry of Justice submitted its proposal to the European Commission for Democracy through Law (Venice Commission). After receiving proposals on how to improve the text in June 2018, together with the assessment that the public consultation process was “marred by an acrimonious environment”, the Ministry changed some of its proposals.

Following the changes, the Secretariat of the Venice Commission issued a Memorandum in October 2018, assessing that the changes were made in accordance with the recommendations of the Commission. This act caused controversy among the Serbian expert community due to the fact that it was the Secretariat, an administrative body, and not the Venice Commission experts, as in the case of June 2018 opinion, who made the assessment.

## **Rule of law in Serbia: Modest reform efforts since October 2020, serious problems remain**

<https://europeanwesternbalkans.com/2021/06/22/rule-of-law-in-serbia-modest-reform-efforts-since-october-2020-serious-problems-remain/>

June 22, 2021



*A session of the Government of Serbia; Photo: Vlada Republike Srbije*

BELGRADE – Since the election of the new government in October 2020, which coincided with the annual report of the European Commission, Serbia has taken certain steps in reforms related to the rule of law and the state of democracy, but serious problems still exist, according to a new report published today by the Centre for Contemporary Politics (CSP).

The report analysed the Government's performance in the area of democracy and Chapter 23: Judiciary and Fundamental Rights. It is recalled that the Government elected in October, on several different occasions, was called upon to improve the situation in these areas by the top EU officials.

According to the report, most of the reform activities were of a formal and procedural nature, and many are in the implementation phase and have not been completed. Among the most important reform steps in the past eight months is the initiative to change the Constitution and several laws, as well as the establishment of working groups for electoral conditions and the drafting of various strategic documents. Some of them, such as the change of the Constitution, remain controversial in the eyes of the experts.

The report stresses that civil society organizations and professional associations have repeatedly warned that the National Assembly could rely on the text of constitutional amendments previously written by the Ministry of Justice 2018, according to which, instead of achieving full independence, only the channel of political influence on the judiciary might change.

CSP warns that there is reason to suspect that the level of awareness of the citizens of this important topic is very low.

It is added that there are serious problems that the Government still has not solved, which include the lack of progress in improving the election conditions when it comes to key problems – media imbalance, pressure on voters and abuse of public office.

Among other things, the report indicates that the Government does not plan to implement all reforms recommended by the OSCE, although it was called upon to do so by the report of the European Commission. So far, there is information that the Government is focusing only on “easier” and more technical areas, instead of the reasons why the opposition boycotted last year’s elections.

The report emphasizes that the problems of attacks on journalists and judges, as well as the capture of the media, have not been resolved, while the biggest corruption scandals, which are connected to the members of the Government, have not been investigated.

These are, among others, the “Savamala”, “Krušik”, “Jovanjica” and “Telekom Srbija” scandals. A judicial investigation into the potential involvement of members of the Government in these scandals was not conducted in any of these cases, and in the case of “Jovanjica”, it only includes the members of the police and security services.

The aim of the report is to provide a clear picture of the developments in the field of democracy and Chapter 23 for the period from the election of the new Government on 28 October 2020, to mid-June 2021, CSP stated.

The report is being published at a time when it was expected that Serbia could open new negotiation chapters with the EU, but, as announced, that will not happen. Serbia has not opened a new negotiating chapter with the EU since 10 December 2019, and the expert community connects this stalemate with the lack of progress, and even backsliding in the areas of rule of law and democracy, according to the report of the Center for Contemporary Politics.

However, at the same time, despite clear messages that these areas are crucial for Serbia’s progress towards the EU, the Report shows that serious problems continue to prevent significant improvements in these areas.

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