

Rule of Law - South East Europe

Press Review September 2020

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Regional

Access Denied: Most Balkan War Crimes Case Files Not Public

<https://balkaninsight.com/2020/09/28/access-denied-most-balkan-war-crimes-case-files-not-public/>

September 28, 2020 - Emina Dizdarevic, Serbeze Haxhijaj, Anja Vladislavljevic and Milica Stojanovic, Belgrade, Pristina, Sarajevo, Zagreb, BIRN

In Bosnia and Herzegovina, Croatia, Kosovo and Serbia, most of the case files and evidence from war crime trials are not immediately accessible to journalists, researchers and the general public, obscuring a crucial part of recent Balkan history.

Arduana Pribinja, a journalist from Al Jazeera Balkans in Bosnia and Herzegovina who reports on judicial issues including war crimes prosecutions, says that she shares the same problem as many of her colleagues – getting important information out of official sources. Two requests that Pribinja recently filed to the Bosnian state court and prosecutor’s office have still not received replies, which she claims is a method that the judiciary uses to prevent information from reaching the public.

“I recall an investigation I was doing in which I needed a confirmed indictment and some other documents from the Bosnian prosecution. I sent an email to the spokesperson and he ignored it. I wrote again and insisted I get an answer,” she said. “He then replied that I should use a Freedom of Access to Information request. I did so via email. He then said I have to come to the building of the prosecution and file the document, signed, in person. This is not requested by the law. The law only says that it has to be filed in written form, an email is written form. They do this only to stop us from writing something,” she added.

Courts in Bosnia and Herzegovina do not have the same level of transparency and access to war crimes case archives and verdicts as the Hague Tribunal, which has made its judgments and evidence material public. Very few courts in Bosnia and Herzegovina even publish war crimes verdicts.

Iva Vukusic, a historian at Utrecht University, argues that it is vital that the public can see war crimes case archives: “Trials are not some abstractions conducted as a matter of routine. Trials are conducted for victims and for us, citizens,” Vukusic said. However, access to case files and evidence from such trials is limited not only in Bosnia and Herzegovina, but also in Croatia, Kosovo and Serbia, analysis by BIRN shows.

While it was operating, the International Criminal Tribunal for the Former Yugoslavia, ICTY made available its war crimes trial archive through an online system. The ICTY archive provided the public with simple access to evidence, documents, transcripts of witnesses’ testimonies and video recordings.

Unlike the ICTY archive, the archives of the Bosnian state court and lower level cantonal and district courts in the country function in a different, more bureaucratic way. The state court says its archives are completely available to the public, in accordance with the Law on Freedom of Access to Information, but people who have tried to get access to the archives for their research work told BIRN that the state court's system did not function well enough.

BIRN's research indicates that the cantonal courts that process war crimes cases in the country's Federation entity and the district courts in the country's other entity, Republika Srpska, do not have digital archives that could be made available to the public. Most of these courts do not publish full the texts of their verdicts and some of them publish only brief statements about the verdicts.

A total of 17 courts in the country handle war crimes cases, but the cantonal courts in Novi Travnik and Zenica are among the few that publish their judgments. The only way that journalists, researchers and academics can get access to the other verdicts is by filing requests for access to information – a time-consuming task.

There is a similar issue with evidence used in trials, which are stored in courts' archives. Researchers face problems when trying to get documents from a court archive, as they have to specify exactly which ones they want to look at.



The entrance to the Bosnian state court in Sarajevo. Photo: BIRN.

Researcher Hikmet Karcic based his doctoral thesis and research work on the ICTY archives and database, but said he faced a series of problems with Bosnian state court archives. One of them concerned the anonymization of verdicts, which began in 2013, when the court started to use initials instead of full names and to anonymise crime locations. The practice ended after a BIRN campaign entitled 'Stop Censorship'.

"It is now much easier, because the Court of Bosnia and Herzegovina publishes its verdicts," Karcic said. "However, it was not possible then and it is not possible now to get access to evidence material used at trials in Bosnia and Herzegovina. "I think it should be done in line with the principles of the ICTY. In practical terms, it is now pretty much impossible to get access to some previously-used evidence for my research," he added. He said he once asked the state court to enable him to access the archives for one case, but was told he could not get the entire file, but had to demand access to individual documents that interested him and had to know exactly which documents these were.

Karcic said he is currently conducting research into the archives of wartime courts martial, but noted that they are also very difficult to access. The Cantonal Court in Sarajevo recently handed over some military records to the Sarajevo Historical Archives, but permission still has to be sought from the court in order to see the documents.

Even when permission is sought, problems remain, Karcic added. "If you look for documentation from the court martial in Mostar or some other area that was under the control of [unrecognised wartime Bosnian Croat statelet] Herzeg-Bosnia, you will see that much of that documentation is missing. Even the Hague Tribunal's verdict in the case of [Herzeg-Bosnia military and political leaders] Prlic et al indicates that the documentation is missing," he explained.

The Cantonal Court in Sarajevo said that court decisions and other documents from war crimes archives are available on written request. "It is not planned for the Sarajevo Cantonal Court's archive to be digitised in the near future," the court told BIRN.

The District Court in Eastern Sarajevo said that an archive digitisation process is underway and will cover all cases. The District Court said that it removed judgments from its webpage following the anonymization process, but it is now possible to buy access to court decisions on its internal database. "The archives of the District Court in Eastern Sarajevo, which refer to definitively completed war crimes cases, are available to interested individuals," the District Court told BIRN. "The court only publishes some chambers' decisions that are of general interest on its website. Otherwise, we make court decisions, files and cases available in the presence of an authorised official of the court's administrative service for the purpose of preparation of expert analyses, research for scientific papers and so on," it added.

Sarajevo lawyer Nina Kistic, who used to work with the ICTY, said that the digitisation of the Bosnian state court's archives would greatly help defence teams in their investigations, as well as journalists, researchers and academics. "For me, as a lawyer, it is extremely important to have access to data, and that is in line with the principle of equality between parties to the proceedings, which represents inalienable part of the right to a fair trial," Kistic said. "The ICTY has done a great job with its database. Many pieces of evidence I use in my cases come from that database. It is particularly

important to point out that public trust is increased in this way, because the public has the opportunity to see the documentation that was analysed when rulings are given," she added.

The Bosnian state court told BIRN that the country's laws currently do not envisage the digitisation of its archives. It said however that anyone can file a request to access the files.

Historian Vukusic said that court archives represent a "common past" that should be accessible to everyone, as the ICTY's archives are. She argued that they should be used to do yet more research to fully establish what happened during the 1990s wars: "We owe that to those who were killed, and we owe that to ourselves," she said.

Kosovo: Files Removed by Foreign Police Officers



An inventory team registering pending cases at the District Court in North Mitrovica, Kosovo, in October 2009. Photo: EULEX.

When the European Union's rule-of-law mission EULEX handed over war crimes cases to the domestic authorities as its mandate to investigate and try such crimes in Kosovo ended, among them was a significant amount of evidence.

In 2018, the EU mission gave the Kosovo Prosecutorial Council over around 900 war crimes files and around 2,000 files on missing persons. "After the conclusion of the handover process, the relevant Kosovo authorities have full responsibility for the case

files and related evidence handed over by EULEX,” the mission’s spokesperson Ioanna Lachana told BIRN.

Before EULEX, the UN mission in Kosovo, UNMIK, was responsible for serious crimes cases in the country. But Paul Flynn, who was a prosecutor with UNMIK between 2001 and 2006, and with EULEX between 2015 and 2018, said that a lot of evidence of war crimes gathered by UNMIK officers is no longer in Kosovo.

“Between 2008 and 2009, UNMIK transferred to EULEX over 1,200 criminal cases and the transferred files were in a very bad condition. There were over one million pages of war crime cases and many pieces of physical evidence were missing,” said Flynn. Flynn who is now head of EULEX’s Human Rights and Legal Office told a Humanitarian Law Centre Kosovo debate that some UN police officers and prosecutors took evidence back to their countries when UNMIK handed over to EULEX.

“Police officers worked for around six months and after they completed their mandate, they took the evidence back to their countries. We had a crazy situation in which people took evidence away and when prosecutors asked for evidence, there was no evidence,” Flynn explained.

The Kosovo Judicial Council, the country’s highest judicial body, currently doesn’t have a specific archive of war crimes evidence. Most of it is spread around in court archives and only a few war crimes cases have been registered so far at the Criminal Records Centre, a database of completed criminal cases in Kosovo. These files are not accessible to journalists, researchers and the general public.

Drita Hajdari, the head of the war crimes department at Kosovo’s Special Prosecution told BIRN said that domestic prosecutors are waiting to take over from UNMIK a database in which around 4,000,000 pieces of evidence related to war crimes are listed. One of the goals in the Kosovo prosecution’s war crimes strategy is creating a database for war crime cases and other violations of international law.

But Sanam Dolatshahi, a spokesperson for the UN mission in Kosovo, said she was unaware of any such database. “In 2009, UNMIK transferred all of its criminal justice case files, from both international judges and prosecutors, to EULEX. Thereafter, EULEX had full responsibility for the custody and control of those files. Physical evidence, such as documents and clothing were part of the handover to EULEX. We understand that during 2018 and 2019, EULEX transferred all criminal justice files to the competent local authorities,” Dolatshahi said. “We note your reference to a database of evidence. We are not aware of the existence of such a database,” she added.

Kosovo and Serbia don’t have any legal cooperation, and the evidence that EULEX and UNMIK have been able to obtain from Serbia has often been insufficient to prove criminal responsibility, which has resulted in a considerable number of investigations being dropped or suspects being acquitted.

However, Amer Alija from the Humanitarian Law Centre Kosovo, which monitors war crimes trials, said that the ICTY's archives can still offer important evidence about Kosovo war crime cases. "There are thousands of pieces of evidence and military reports [in the ICTY's archives] which are useful to prosecute war crimes in Kosovo," Alija said.

Croatia: Public Denied Access to Files



The Croatian State Archives, where the Croatian Memorial Documentation Centre for the Homeland War is located. Photo: Wikimedia Commons/Suradnik13.

There are no special war crimes courts in Croatia. Instead, such cases are handled by the county courts in Zagreb, Rijeka, Split and Osijek, while state attorney's offices are responsible for the investigation process. None of these institutions allows access to war crimes case archives for journalists, researchers or the public.

A spokesperson for the State Attorney's Office said that its files can be accessed by "state attorneys, their deputies and advisers working on war crimes cases", but not by the public.

"Access to the files cannot be achieved through the Right of Access to Information Act," the spokesperson said.

Zvonko Kuharic, a deputy state attorney from Osijek County told BIRN that the state attorney's office in Osijek archives war crimes case files along with evidence and other files in its own archive, which is not open to the public. "Access to [this archive] is granted only to people entitled to it under the Criminal Procedure Code. At the moment,

there is no single archive, and the aforementioned files will not be transferred to the public archive since there is no statute of limitation on war crimes,” said Kuharic.

Zagreb County State’s Attorney’s Office told BIRN that since war crimes have no statute of limitation, all public prosecutor’s office cases are permanently kept at its office, with all the evidence and relevant documents. “Given that certain stages of prosecutorial proceedings are secret or not public, public access to these cases is not possible,” it said.

It added however, that some documentation used for war crimes cases is stored in various archives such as the Croatian State Archives and at the Croatian Memorial Documentation Centre for the Homeland War in Zagreb, a public scientific institution with a specialised archive, and can be accessed by police officers and state attorneys, but also by experts and the general public.

Military courts were relatively briefly a part of the judicial system of Croatia, introduced in 1991 to deal with offences committed by military personnel and abolished in 1996. The military courts’ pending cases were taken over by the relevant municipal or county courts, and the pending cases at the military prosecutor’s offices were taken over by the relevant municipal or county state attorney’s offices.

Meanwhile the military courts’ archives were taken over by the county courts in the cities and towns in which the headquarters of the military courts were located. Some of their case files can now be found in local archives.

Serbia: Limitations on Freedom of Information



The War Crimes Prosecutor’s Office and Special Department for War Crimes of Belgrade Higher Court. Photo: BIRN.

War crimes cases in Serbia are only dealt with by the War Crimes Prosecutor's Office and the Special Department for War Crimes of Belgrade Higher Court.

The Prosecutor's Office's website contains data about war crime cases, mostly technical details: the number of defendants and victims, the date the indictment was issued and which phase the case is in.

Marina Kljajic from the Humanitarian Law Centre Serbia, who is also the legal representative for victims in some war crimes cases, says that War Crimes Prosecutor's Office does not make any indictment public before the end of the preparatory hearing in the trial, even though it has already been confirmed. Kljajic also said that when the Prosecutor's Office releases the indictments, they are "excessively anonymised, so it is not possible to determine the name of the accused or the names of the victims".

In terms of verdicts, in the majority of cases, Belgrade Higher Court issues a short press release when one is handed down.

Kljajic explained that recently Belgrade Higher Court has been refusing to make first-instance verdicts public in cases, although the Commissioner for Information of Public Importance and Personal Data Protection has said they should be. "Transcripts from the trial are also given out only after the final conclusion of the proceedings," Kljajic said.

Documents from war crime cases are kept at the registry offices of the Special Department for War Crimes and the Prosecutor's Office building or in an archive. The same applies for documents that Serbia has received from the ICTY.

"The court deposit contains items seized from the defendants, but not items found on the spot during the exhumation of the area where the bodies of the victims were found," Belgrade Higher Court told BIRN in a written response.

There is no official website that contains documents like verdicts or indictments.

Journalists and members of the public can submit Freedom of Access to Information requests for case documents, but there are limitations and sometimes the information provided by the court depends on the wording of the request.

Kljajic said however that it is important for the Serbian public to be informed about war crimes, "especially bearing in mind the practice of promoting convicted war criminals and efforts to revise already established court facts".

Braucht der Westbalkan ein "Mini-Schengen"?

<https://www.dw.com/de/braucht-der-westbalkan-ein-mini-schengen/a-54934619>

Anfang September unterzeichneten Serbien und Kosovo in Washington zwei Papiere zur wirtschaftlichen Normalisierung ihrer Beziehungen. Umstritten blieb der Beitritt Kosovos zur "Mini-Schengen"-Initiative. Worum geht es?



Die Präsidenten Serbiens und der USA, Vučić (li.) und Trump und Kosovo-Premier Hoti in Washington

Als Serbien, Albanien und Nordmazedonien im Herbst 2019 ihre "Mini-Schengen"-Initiative vorstellten, hatte die EU gerade erneut die Eröffnung der Beitrittsverhandlungen mit Albanien und Nordmazedonien verschoben. Durch den Vorstoß der drei Westbalkan-Staaten soll eine Art "kleine EU" in Südosteuropa entstehen: ein Gebiet, in dem freier Verkehr von Personen, Dienstleistungen, Waren und Kapital besteht.

Die Umsetzung der auch als "Balkan-Schengen" bekannten Initiative soll 2021 beginnen. Zwei bisher nicht beteiligte Westbalkan-Länder, Montenegro sowie Bosnien und Herzegowina, sind nach wie vor unentschieden, ob sie mitmachen wollen. Das ebenfalls bisher nicht an der "kleinen EU" beteiligte Kosovo soll nun laut der Washingtoner Vereinbarung (4.9.20) auch bei "Mini-Schengen" dabei sein.



Peter Beyer (CDU), Berichterstatter für den Kosovo-Serbien-Dialog im Bundestag und im Europarat

Auf Wunsch der USA

Europas jüngster Staat hatte die Initiative bis dahin strikt abgelehnt, weil es eine serbische Dominanz in der Region befürchtet. Kosovos Premierminister Avdullah Hoti sagte nach seiner Rückkehr aus Washington vor Journalisten, die Teilnahme sei auf ausdrücklichen Wunsch der USA erfolgt. "Wir werden bei der Implementierung darauf achten, dass unsere staatlichen Interessen nicht verletzt werden", so Hoti.

Der Premierminister des benachbarten Albanien, Edi Rama, begrüßte dagegen die Vereinbarung von Washington: "Lieber spät als nie! Dem befreundeten Amerika sei Dank!", schrieb Rama in einem Tweet. Dabei ist unklar, was genau die USA mit der Unterstützung der "Mini-Schengen"-Initiative eigentlich bezweckt.

Initiativen für regionale Kooperation auf dem Westbalkan gibt es bereits. Dass diese für die EU-Annäherung wichtige Zusammenarbeit von den USA unterstützt werden, sei zu begrüßen, sagt gegenüber der DW Peter Beyer, Bundestagsabgeordneter (CDU) und Beauftragter der Bundesregierung für transatlantische Beziehungen.

Beyer, der auch Berichterstatter für den Kosovo-Serbien-Dialog im Bundestag und im Europarat ist, fügte hinzu, dass "dies ursprünglich vor Jahren bereits durch die Initiative der deutschen Bundeskanzlerin Angela Merkel konkret angestoßen und in den Folgejahren mit substantiellem Erfolg weiterverfolgt und intensiviert worden ist".



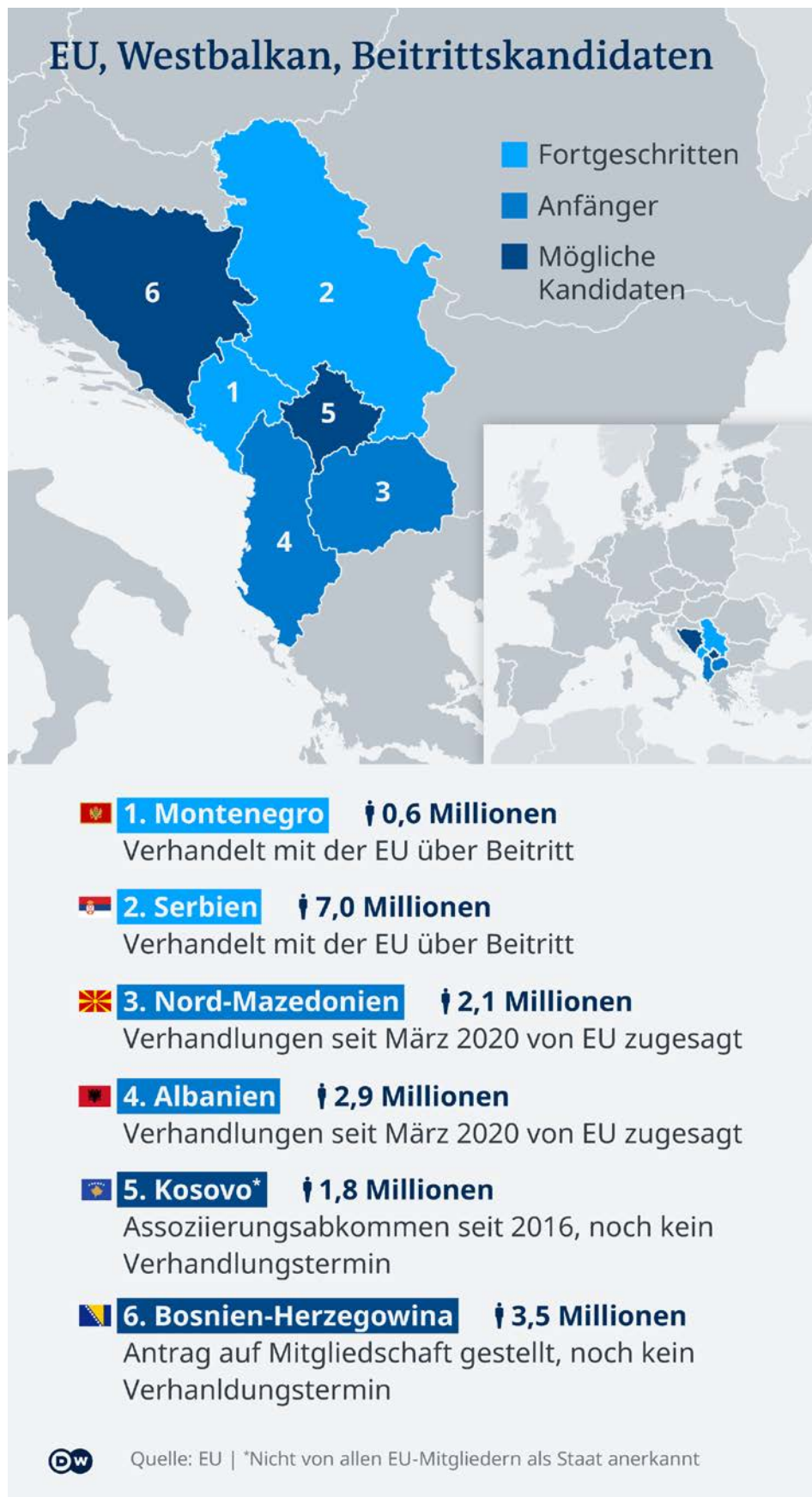
Majlinda Bregu, Generalsekretärin des Regional Cooperation Council (RCC)

Regionaler Wirtschaftsraum

Tatsächlich bemüht sich die deutsche Regierung seit 2014, dem Westbalkan über den "Berliner Prozess" eine geeignete Begleitung auf dem langen Weg in die EU anzubieten. 2017 verabschiedeten die sechs Länder der Region - Albanien, Bosnien und Herzegowina, Montenegro, Nordmazedonien, Kosovo und Serbien - einen mehrjährigen Aktionsplan für die Einrichtung eines gemeinschaftlichen Wirtschaftsraums. Als Grundlage dient das Zentraleuropäische Freihandelsabkommen (CEFTA), dem alle sechs Westbalkan-Staaten angehören.

Majlinda Bregu, Generalsekretärin des Regional Cooperation Council (RCC), der die Umsetzung des Abkommens überwacht, sagte im Interview mit DW Albanisch, trotz vieler Schwierigkeiten politischer Natur gebe es dabei auch Fortschritte. Als Beispiel nennt sie die Roaming-Gebühren auf dem Westbalkan, die bis 2021 stufenweise abgeschafft werden sollen.

Beim nächsten Gipfeltreffen, das voraussichtlich noch in diesem Herbst in Sofia stattfinden wird, soll ein zweiter mehrjähriger Aktionsplan für die Errichtung eines Wirtschaftsraums verabschiedet werden. "Dieser sieht die Intensivierung der Zusammenarbeit in den Bereichen Digitalisierung, Investition, Mobilität und Tourismus vor", so Bregu.



Geopolitische Bedeutung?

Welche Vorteile bietet "Mini-Schengen" also gegenüber dem regionalen Wirtschaftsraum und CEFTA? Dazu gebe es bis jetzt kein einziges offizielles Dokument, so Ardian Haçkaj, Direktor des Forschungsinstituts für Kooperation und Entwicklung (CDI) in Tirana. Der Öffentlichkeit sei nur eine gemeinsame Erklärung des serbischen Präsidenten Aleksandar Vučić und der Premierminister Nordmazedoniens und Albaniens, Zoran Zaev und Edi Rama, nach einem Treffen im nordmazedonischen Ohrid 2019 bekannt. Dort betonten die drei Politiker, "Mini-Schengen" stimme mit dem "Berliner Prozess" überein.

Während die EU und Deutschland mit Zurückhaltung auf "Balkan-Schengen" reagierten, signalisierten die USA von Anfang an Unterstützung. Am Donnerstag (17.9.20) will nun das bisher nicht beteiligte Bosnien und Herzegowina auf Vorschlag des serbischen Mitgliedes des bosnischen Staatspräsidiums, Milorad Dodik, über eine Mitgliedschaft in der "kleinen EU" beraten.

Dodik machte den Vorschlag nach einem Treffen mit dem Balkan-Gesandten des US-State-Department, Matthew A. Palmer. Dieser hatte zuvor in Berlin an einer Konferenz der Konrad-Adenauer-Stiftung mit den Botschaftern der Westbalkan-Länder teilgenommen. Laut DW-Informationen spielte die "Mini-Schengen"-Initiative dort keine Rolle.

Ardian Haçkaj schließt nicht aus, dass "Mini-Schengen ein geopolitisches Instrument der USA werden könnte, um Einfluss auf den EU-Integrationsprozess der Westbalkan-Länder sowie die Gespräche zwischen Kosovo und Serbien zu behalten".



Manuel Sarrazin, MdB (Die Grünen/Bündnis 90) und Präsident der Südosteuropa-Gesellschaft

Moderatorenrolle für Europa

Valeska Esch vom Aspen-Institute Deutschland kritisiert diese Haltung. "Wenn die US-Regierung die Normalisierung zwischen beiden Ländern und deren Heranführung an die EU tatsächlich substantiell unterstützen möchte, sollte sie die Implementierung der bestehenden Initiativen unterstützen, anstatt ähnliche Initiativen als etwas Neues zu vermarkten", sagt sie im Interview mit DW Albanisch.

Die von allen Seiten erwünschte Kooperation zwischen EU und USA funktioniert jedoch kaum, seit Präsident Donald Trump im Amt ist. Auch das kosovarisch-serbische Treffen vom 4. September sei schlecht vorbereitet und nicht mit der EU abgesprochen gewesen, meinen Kritiker in Berlin.

Manuel Sarrazin, Abgeordneter (Die Grünen/Bündnis 90) im Deutschen Bundestag und Präsident der Südosteuropa-Gesellschaft, spricht von einer "neo-kolonialen Macho-Show, die rein dem Wahlkampf von Donald Trump diene". Er forderte gegenüber der DW, dass "die EU nun dauerhaft ihre Moderatorenrolle übernimmt."

Ardian Haçkaj vom Forschungsinstitut für Kooperation und Entwicklung in Tirana bezweifelt, dass die EU dieser Rolle alleine gerecht werden kann. "Die Verzögerung der Beitrittsverhandlungen mit Nordmazedonien und Albanien sowie die Weigerung, Bürgern Kosovos die längst versprochene Visa-Liberalisierung zu gewähren, hat die EU viel Glaubwürdigkeit in der Region gekostet", so Haçkaj. "Ohne das Zusammenspiel mit der USA kann die EU keine dauerhaften Lösungen auf dem Balkan durchsetzen."

Albania

Albanian Ex-Minister Lobbied Washington for Silence About Drug Trial

https://balkaninsight.com/2020/09/01/albania-former-minister-lobbied-washington-to-stop-commenting-on-his-trial/?utm_source=Balkan+Insight+Newsletters&utm_campaign=791ec0155a-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-791ec0155a-319834862

September 1, 2020 - Vladimir Karaj, Tirana, BIRN

US Department of Justice disclosures show that former Interior Minister Saimir Tahiri paid a lobbying firm some \$20,000 in a bid to stop US diplomats issuing statements about his trial for narcotics trafficking.



Albania's former interior minister Saimir Tahiri [c]. Photo: LSA

A statement filed to the US Department of Justice by the lobbying firm Stone Strategic Solutions Srl shows that the company's representative met aides of US politicians and State Department officials to make the case for their client, former Albanian Interior Minister Saimir Tahiri.

Tahiri wanted the US embassy in Tirana to refrain from making comments about his trial for international drug trafficking and abuse of office, and paid the lobbying firm some \$20,000 in a bid to silence US diplomats.

The statement, which is available online, shows that the lobbyist from Stone Strategic Solutions Srl met staffers for Congressman Ken Buck, a Republican from Colorado, a staffer for the Congresswoman Kathleen Rice, a Democrat from New York, and staffers for Republican Senator Ted Cruz of Texas.

"[The representative] discussed with them the foreign principal's legal issues in Albania, his continued appeals, and the necessity for US Embassy personnel to refrain from comment while foreign individuals are still working through the judicial process, in keeping with US Policy," the statement says.

"Also met with State Department Directors for Albania and discussed the same issues, requesting their understanding of the influence the US Embassy statements have on the courts in Albania," it adds.

Tahiri was charged with international drug trafficking and abuse of office following the arrests in October 2017 in Italy of his relatives, who were accused for smuggling several tons of cannabis from Albania to Sicily.

Prosecutors' attempt to arrest him was blocked by parliament controlled by Prime Minister Edi Rama, who claimed the charges were politically motivated.

In September 2019, Tahiri was found guilty of abuse of office but cleared of the more serious charge of international drug trafficking. He was handed a suspended sentence of five years.

The Appeals Court, however, found the decision was incorrect and ordered a retrial.

The US Embassy in Tirana followed the case regularly and commented repeatedly upon it.

In May 2018, the US ambassador to Tirana said he had information that judges handling the case were under undue pressure which included bribes being offered to them.

After the judges handed Tahiri the suspended sentence, the embassy said that the "lenient sentence was dismaying".

Tahiri declined to comment for this article. The US embassy in Tirana did not respond to BIRN's request for comment.

Tahiri is not the only politician in Albania who has attempted to influence US policy by purchasing lobbying services. Albania's former General Prosecutor also lobbied to change his designation by the US State Department as a corrupt foreign official.

Rights Groups Urge Albania to ‘Rethink’ Disputed Media Law

https://balkaninsight.com/2020/09/16/rights-organizations-concerned-by-plans-to-reinstall-albania-anti-media-law/?utm_source=Balkan+Insight+Newsletters&utm_campaign=f3e0c00a96-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-f3e0c00a96-319834862

September 16, 2020 - Gjergj Erebara, Tirana, BIRN

Seven international rights organisations on Wednesday called on parliament in Albania not to press on with a law targeting the online media that both the Albanian President and the Venice Commission have criticised as flawed.



Activists protesting in Tirana against Prime Minister Edi Rama over a law targeting the online media, December 19 2019. Photo: LSA

Seven international rights organisations sent an open letter to the Albanian parliament on Wednesday, voicing concern over reports that the ruling Socialist Party is pressing on with legislation targeting the online media, despite fierce international criticism from the Venice Commission, among others.

The seven groups, the European Centre for Press and Media Freedom, ECPMF, Article 19, the European Federation of Journalists, EFJ, Free Press Unlimited, FPU, the International Press Institute, IPI, Osservatorio Balcani Caucaso Transeuropa, OBCT, and the South East Europe Media Organisation, SEEMO, urged the parliament to drop the current proposals and restart the whole process.

“We are writing to express our grave concern about the apparent plans of the Parliament of Albania to ignore the issues raised in Venice Commission Opinion No. 980/2020 of 19 June 2020, further threatening press freedom and the right to freedom of expression and to information in Albania,” the letter published on the ECPMF website, reads.

“We urge you to rethink the current legislative procedure and instead put in place a transparent process that leads to appropriate legislation that addresses all the Venice Commission’s recommendations, and to include civil society and representatives of the media throughout this process,” the letter adds.

Their letter follows a statement by local media organisations, including BIRN Albania, published last week. In that statement, the signatory organisations observed that the parliament aims to use article 86 of the Rules of Procedure of the Assembly, which says parliament should only reconsider issues introduced by the President of the Republic, to get the disputed law through. The organisations said they fear any changes conducted in this way would only be cosmetic, and would fail to address grave concerns expressed over the law.

The legislation, first proposed by Socialist Prime Minister Edi Rama as an “anti-defamation package”, aims to create an administrative body that will be empowered to order media to take down news reports over issues such as “infringing the dignity of individuals”, under the threat of heavy fines. Critics say the law could have a chilling effect on media freedom due to its broad terms.

Following parliamentary approval of the new law amid protests last December, it was blocked by President Ilir Meta, and the Parliamentary Assembly of the Council of Europe, PACE, asked the Venice Commission for its opinion.

The Venice Commission criticised the law in entirety and, among other things, warned that it could be used by powerful people to protect themselves from media criticism.

Unbowed by the criticism, Prime Minister Rama called again this month for speedy approval of the law, claiming defamation on online media had reached an unacceptably high level.

Bosnia and Herzegovina

Bosnian Serb Parliament Blocks Election Co-operation with IFES

<https://balkaninsight.com/2020/09/07/bosnian-serb-parliament-blocks-election-co-operation-with-ifes/>

September 7, 2020 - Danijel Kovacevic, Banja Luka, BIRN

The RS parliament has rejected a memorandum of co-operation with the US-based International Foundation for Electoral Systems, IFES, concerning the coming local elections, after the Bosnian Serb supremo Milorad Dodik claimed it would skew the results to serve American interests.

Acting on the request of Milorad Dodik, Serbian member of the Bosnian state presidency, the Bosnian Serb parliament on Monday rejected a memorandum of co-operation between Bosnia and the US-based International Foundation for Electoral Systems, IFES, which had offered Bosnia assistance in preparing and conducting the local elections due on November 15.

The state presidency adopted a memorandum of understanding between the Bosnian Central Election Commission, CIK, and IFES on August 28. However, Dodik rejected it, arguing that it was interference in Bosnia's internal affairs and a derogation from the powers of Bosnian authorities and entities.

For the proposed memorandum of cooperation to be finally rejected, however, Dodik needed the support of the Republika Srpska assembly, and to get it, he claimed the IFES intended to jeopardize the regularity of the election process by conducting the polls in "American interests".

"The US administration is trying to take control of the conduct of the elections and thus bring to power parties and politicians who are accountable to Washington," Dodik insisted to RS lawmakers.

His claim is that the main goal of IFES is to adjust the electoral system to disqualify candidates who do not suit Washington in the 2022 general elections, and bring in others.

Opposition parties in the RS parliament accused Dodik of playing a political game. "IFES has been operating in Bosnia for 20 years, and it is exclusively about [offering] technical support to the authorities to prevent election theft," Mirko Sarovic, head of the opposition Serbian Democratic Party, SDS, said.

"You are most responsible for thefts and abuses in the election process," Sarovic told Dodik, accusing him of blocking improvements to the electoral system because a corrupt system suited him.

Branislav Borenovic, leader of the opposition Party of Democratic Progress, PDP, said Dodik needed and has promoted permanent tension and retrograde policies of conflict, insults and harassment.

Ahead of the session of the RS parliament, the CIK recalled that the country has cooperated with IFES for several years.

“From 2017 to March this year, various forms of cooperation between IFES and the CIK were realized. This has never been made a problem so far. IFES cooperates with as many as 145 countries,” Vanja Bjelica Prutina, the president of the CIK, said at a session of that institution after Dodik announced he would initiate a vote citing the constitutional clause on matters that concern a vital entity interest.

Vehid Sehic, a former member of the CEC and a current member of Coalition Under the Spotlight, an NGO which monitors elections, said the IFES remains the most credible organization in the world dealing with the election process.

“We need the experience of IFES to reduce the financing of political parties to legal ones, and get out of the ‘grey’ [unofficial] framework,” Sehic told the Bosnian daily Oslobodjenje.

Every election in Bosnia has been accompanied by a large number of complaints of irregularities, although international and domestic observers have so far assessed that the elections were largely held in a democratic and fair atmosphere. The general assessment of all political parties in Bosnia is that the electoral process needs to be improved.

Bosnian Polling Station Abuses are ‘Mechanism for Vote Theft’

<https://balkaninsight.com/2020/09/08/bosnian-polling-station-abuses-are-mechanism-for-vote-theft/>

September 8, 2020 - Azra Husaric, Sarajevo, BIRN

Political parties in Bosnia and Herzegovina surreptitiously swap seats on the committees that oversee polling stations, and although it's not illegal, it allows them to influence the vote count on election day to their own advantage.

Since 2012, Milomir Milosevic from Jasenica has been tagged on several Facebook photos taken during gatherings in the Zvornik area of the Alliance of Independent Social Democrats, SNSD, a leading Serb party. This year, Milosevic is a SNSD candidate for the city council in Zvornik in the municipal elections scheduled for mid-November.

But during the elections in Bosnia and Herzegovina in 2016, a list of members of the polling station committee in Jasenica had Milosevic listed as deputy head of the committee - as a representative of the Movement of Democratic Action, PDA, a small Bosniak party.

Milosevic declined to talk to BIRN, but his party colleague Lazar Prodanovic, vice-president of the city council in Zvornik, said that Milosevic has been a SNSD party activist for many years. He said he does not know how Milosevic's name appeared on the polling station committee list as a member of the Bosniak PDA.

Prodanovic said he assumes it was because of an exchange of seats on polling station committees between the SNSD and the PDA, with the parties swapping their committee seats in places where they would be more likely to get votes because of the ethnic make-up of those areas.

"This is a possible version [of what happened] - for instance, the PDA gives [the SNSD] a seat to the polling station committee in Jasenica, a [Serb] mono-ethnic local committee, and the SNSD gives [the PDA] a seat to the polling station committee in a town where the electorate is completely composed of Bosniaks," Prodanovic said.

The PDA denied it had been involved in seat-swapping in Zvornik: "I do not know whether he [Milosevic] is an SNSD member; I know he is a Serb," said Senad Alic, president of the cantonal board of the PDA's Tuzla Canton branch.

By exchanging seats on local polling station committees, political parties can create a mono-ethnic polling station where they have full control, explained Dario Jovanovic of the Pod Lupom [In the Spotlight] Coalition, an election monitoring organisation.

Controlling the polling station allows them to control the counting of votes. If there are no election observers there - and because there are more than 5,000 local polling stations in Bosnia and Herzegovina, observer missions cannot be everywhere - they

can add crosses to ballot papers for their party's candidates and spoil ballot papers that favour other parties' candidates.

Jovanovic said that for example, in the town of Zvornik in the general elections in 2018, candidates from some political parties, like the SNSD and the Serb Democratic Party, SDS, got a 100 per cent of the so-called preferential votes at 64 out of 80 polling stations – a highly unlikely outcome. “It is impossible for that to happen in practice,” Jovanovic said.

‘They can do whatever they want’

Seat-swapping is one of the key problems with the election process in Bosnia and Herzegovina, according to Jovanovic. If one party has all the seats on the commission, “they can do whatever they want, including to completely invent the election results at that polling station, and that is what we, based on the experience of observing elections, are most afraid of”, he explained.

Polling station committees are ad hoc bodies formed prior to each elections. They manage all the processes at polling stations during the election day. They consist of between three and five members from different political parties, depending on the number of voters at that polling station.

Polling station committees are the lowest level of election administration. Above them are municipal or city election commissions and the Central Election Commission.

In addition to the Pod Lupom Coalition's observers, elections in Bosnia and Herzegovina are also observed by foreign experts from the OSCE Mission to Bosnia and Herzegovina. During the past elections the OSCE's Office for Democratic Institutions and Human Rights, ODIHR, registered “credible allegations” of attempts by political parties to control polling station committees through an exchange of seats.

“Polling station committees are a key aspect of this entire process. Obviously, there are other issues in the electoral cycle, but when it comes to election administration itself, polling station committees are considered the weakest link,” said Joeri Maas of the OSCE Mission to Bosnia and Herzegovina.

Parties trade seats and control the composition of polling station committees in three ways, Jovanovic explained. The first method is directly buying seats on polling station committees, the second is exchanging seats and the third is appointing so-called fictitious candidates or political parties in elections.

Fake parties are set up and dummy candidates are registered so that the people behind them – who come from established political parties – can ask for seats on the local polling station commission.

The practice has resulted in a huge amount of invalidated votes, caused by polling station commission members spoiling ballot papers that were not cast for their party's candidates.

Maas said that at the last elections, up to 15 per cent of votes were invalidated at some polling stations, while the norm should be around one per cent.

Seat-trading 'not permitted but not illegal'

Despite the serious problems it can cause for the electoral process, trading seats on polling station committees is not explicitly prohibited by law.

Suad Arnautovic, a member of the Central Election Commission of Bosnia and Herzegovina, told BIRN that the commission was aware that seats were exchanged on polling station committees, but that this was done "on the principle of coalition [between political parties]". "Therefore, it is not a legal process, but there are no mechanisms for showing that it is illegal. It is not permitted by law, but it is not unlawful either," Arnautovic said.

While the law does not explicitly prohibit the exchange of seats on polling station committees, it prohibits the irregularities that stem from the practice, such as spoiling people's ballot papers and intentionally miscounting votes.

The state prosecution recently filed one indictment for electoral fraud in Zvornik and three indictments against the president and members of polling station committees in Brcko. They were charged with having voted on behalf of other people at three polling stations on election day.

One of the defendants, Jovan Kosutic, pleaded not guilty to the accusations before the state court. He declined to talk to BIRN.

Experts explained that irregularities at polling stations on election day are possible precisely because polling station committee members do not prevent or report them.

Ratko Stjepanovic, a member of the main board of the Serb Democratic Party, SDS, in Brcko, said that the party spotted irregularities in the electoral process at the 2018 polls by collecting information on voter turnout.

"The first indicator was that turnout at those polling stations was larger than average. The average turnout in 2018 was around 55 per cent in the Brcko District, but at these three polling stations, it was 89, 92 and 94 per cent. It was completely clear to us right after we received the turnout data that we had been robbed at these three polling stations," Stjepanovic said.

The SDS also criticised investigators and prosecutors because it took two years for an indictment to be raised after the party submitted its report on the irregularities. The party believes that election results in the country can only truly reflect the people's will if judicial institutions started imposing harsher penalties.

"To this day, two years later, neither the police nor the prosecution in the Brcko District have done anything. Then we addressed the State Investigation and Protection Agency, SIPA, and they reacted by opening an investigation. After that, 15 months passed with the prosecution having done nothing about it, and then they basically did the least they could do," Stjepanovic said.

Investigating and sanctioning election irregularities is a precondition for any change to happen, said Dario Jovanovic, a project coordinator with the Pod Lupom Coalition.

"The first question is why anyone would stop such a practice, particularly if they're benefitting from it – and the benefit is the fact that if you come to power, you have an opportunity to have more than 15 billion Bosnian marks at your disposal, as that is the sum of all the budgets or the budgets of institutions, agencies, extra-budgetary funds and so on in Bosnia and Herzegovina, and you are also adopting policies and laws that can benefit people," said Jovanovic.

'I hoped for change but nothing happened'

The lack of reaction from the judiciary to allegations of election fraud is highlighted by the example of Jasmin Habul, who stood as a candidate for the Party for a Better Future, SBB in elections in 2016 in the city of Tuzla. Habul is convinced that his election results were changed by his SBB party colleagues who were on the polling station committee.

Habul had previous experience as a member of polling station committees on behalf of other parties. He said that this experience caused him to notice that many parties that were not in power nominated representatives to polling station committees in Tuzla. These representatives then acted as proxies for parties in power.

Habul said that due to the lack of oversight by the Central Election Commission, the majority of members of some polling station committees come from one political party only.

"In cases like this, all the votes given to that political party are given to its desired candidate. That happened to me at some polling stations; I analysed it later, and even the presidents of some polling station committees were members of my local organisation but they were actually representing another political party instead," Habul said.

He believes he has found evidence that the votes he got were changed, but neither the Central Election Commission nor the Tuzla cantonal prosecution have officially

confirmed his allegations. The Tuzla cantonal prosecution did not respond to BIRN's enquiry about Habul's report, which he filed four years ago.

"I cherished the hope that there would be a clean break and something new would be introduced, that some people would be replaced, but unfortunately, nothing has happened – the same actors, the same people, everything is the same, the selection model will be the same, the trading of seats at polling station committees will probably happen again," Habul said.

Election observers believe that the problem of the trading of seats on polling station committees can be solved by professionalising the committees.

"Or at least for the presidents and deputy presidents of polling station committees to be professionals doing their jobs, people with certain required qualifications who could be selected through public appointments or appointed presidents of polling station committees in some other way," said Jovanovic of the Pod Lupom Coalition.

As political parties that are misusing the current situation are unlikely to back this idea, Jovanovic said that voters can help reduce electoral irregularities in the upcoming local elections themselves. Instead of being discouraged from voting, they should become more involved in the process, he argued.

"The only safe way, even if you abstain from voting or do not have a preference, is to go out on election day and spoil your ballot paper rather than offering someone the option of misusing your unused ballot and exercising their right to vote instead of you," Jovanovic said.

Joeri Maas of the OSCE Mission said he thinks that the more people go out and vote, the more representative elections will be and the less scope there will be for any fraud to influence the outcome of the polls.

"If people are worried about electoral fraud existing, they should go out and vote. Not the other way around," Maas said.

Pandemic ‘Will Cause Long-Term Problems’ for Major Bosnian War Trials

<https://balkaninsight.com/2020/09/10/pandemic-will-cause-long-term-problems-for-major-bosnian-war-trials/>

September 10, 2020 - Admir Muslimovic, Sarajevo, BIRN

The coronavirus pandemic will have lasting consequences for large-scale war crimes cases at the Bosnian state court, as trials involving more than five defendants have already been suspended for six months, legal experts said.



A courtroom at the Bosnian state court. Photo: Bosnian state court.

War crimes cases involving multiple defendants and defence lawyers have been suspended for six months and will remain so until further notice because of the lack of space for social distancing and other coronavirus-related restrictions at the Bosnian state court.

The capacity to hold hearings is being further reduced by the cleaning of courtrooms after each session.

“After each hearing, the space is disinfected and the courtroom cannot be used until the following day with the exception of detention cases due to their urgency,” the state court told BIRN.

Bosnia and Herzegovina’s Law on Criminal Proceedings of Bosnia and Herzegovina says that if a hearing in a case is not held for six months, those involved can ask for the trial

to be restarted from the beginning, which would create major problems for war crimes proceedings, which already drag on for too long, experts claim.

"Imagine a situation in which someone requests a restart of a war crime trial three or four years after it begins," said Lejla Covic, a lawyer representing defendants in six major cases at the state court.

Covic argued that the state court must do more to resolve the problem, and argued that hearings in trials involving fewer defendants could be scheduled more frequently. Lawyer Miodrag Stojanovic, who represents defendants in five major cases, said the consequences of the long-term suspension of hearings will be significant.

"There are many defendants of advanced years, so even when the trials resume, it will be hard to ensure their presence in courtrooms, primarily due to the fact that they belong to high-risk groups," Stojanovic explained.

"The same goes for witnesses. That is even a bigger problem because the time takes its toll. Many of the witnesses, as far as I know, have changed addresses, they left to their children's places abroad during the pandemic. How do we make sure they appear in courtrooms again?" he asked.

Stojanovic also pointed out that some judges are close to retirement age, which means trials will have to start again if they retire and are replaced.

"An indefinite chaotic atmosphere will be created should things continue in this way. Victims' families will pay the highest price because they have already waited too long to see the truth about their loved ones," he said.

But veteran lawyer and judge Vasvija Vidovic said that the state court is doing everything it can under the circumstances, and that nothing is more important than protecting public health.

"You know that the virus has entered the Bosnian state court itself, and it is [circulating] among lawyers too. It is very dangerous to risk holding mass trials during the pandemic, because some courtrooms do not even have proper ventilation," said Vidovic.

"I think the Court of Bosnia and Herzegovina is as efficient as possible considering the pandemic circumstances and everybody should adjust to the situation in order to meet in the middle," she added.

Trials involving a large number of defendants will not be held until further notice. More than 15 such cases are currently underway at the state court.

Bosnia's Constitution Needs Changing, But Nobody Agrees How

<https://balkaninsight.com/2020/09/14/bosnias-constitution-needs-changing-but-nobody-agrees-how/>

September 14, 2020 - Danijel Kovacevic, Banja Luka, BIRN

Everyone agrees Bosnia's constitution needs to change, but many fear opening a Pandora's Box of competing demands.

Bosnian Serb leader Milorad Dodik revived talk last month of reforming Bosnia and Herzegovina's constitution, but while there is consensus in the country on the need for such a move, the main political blocs are poles apart when it comes to how it should be done.

More than a decade has passed since the European Court of Human Rights ordered Bosnia to change its constitution to address discrimination against Jews, Roma and anyone else not part of any of the country's three constituent peoples – Serbs, Croats and Bosniaks.

But given the maximalist demands of Bosnia's main nationalist parties, reopening a constitution rooted in the peace accord that ended a 1992-95 war could prove highly divisive, experts warn.

While the Serbs under Dodik want to enshrine the right to secession for the mainly Serb-populated Republika Srpska entity, the Croats want the constitution changed to create a third entity for themselves or at least make sure that Bosniak votes don't influence the election of the Croat member of Bosnia's tripartite presidency. The Bosniaks are opposed to both and instead want greater centralisation.

"Constitutional changes are a Pandora's Box that no one dares open for fear of the consequences," said political analyst Tanja Topic.

"Even those changes which Bosnia is obliged to make by the judgements of international courts, such as the Sejdic-Finci case, cannot be made," Topic told BIRN, referring to the 2009 ECHR verdict. "That verdict is simply ignored."

For the entire article, please revert to the link above.

Bosnia to Prosecute Media for Revealing Srebrenica Witness's Identity

<https://balkaninsight.com/2020/09/22/bosnia-to-prosecute-media-for-revealing-srebrenica-witnesss-identity/>

September 22, 2020 - Lamija Grebo, Sarajevo, BIRN

Bosnia's state court and prosecution said they will launch criminal proceedings against media outlets that revealed the identity of a protected witness who testified at a Srebrenica genocide trial.



A mourner at a funeral ceremony for genocide victims at the Srebrenica Memorial Centre in July. Photo: EPA-EFE/FEHIM DEMIR.

The website of Radio Television Republika Srpska, RTRS, the public broadcaster in Bosnia's Serb-dominated entity, and several other websites published articles that mentioned the witness's name, which is a criminal offence in Bosnia and Herzegovina.

"We have initiated, jointly with the prosecution, a procedure to further protect the witness and launch criminal proceedings against those who disclosed the protected witness' identity," said state court judge Minka Kreho.

RTRS declined to comment to BIRN about why it published the protected witness's identity.

After BIRN's enquiry, it took down part of the offending article from its site, saying that people had recognised the witness.

The witness was testifying at the trial of former Bosnian Serb police officers Miodrag Josipovic and Branimir Tesic for alleged involvement in the genocide of Bosniaks from Srebrenica in July 1995.

In his testimony, the protected witness said that in 1996, Radovan Viskovic, who is now prime minister of Republika Srpska, offered him money to dig up a mass grave in the town of Milici.

After the state prosecution confirmed last week that it is working on a case connected to Viskovic, several media outlets published articles mentioning the alleged name of the protected witness.

The OSCE Mission to Bosnia and Herzegovina condemned the publication of the protected witness's identity, saying it was "a severe violation of one of the fundamental tenets of a functioning justice system".

"Without the testimonies of key witnesses, justice cannot be done. Insensitive trials like war crimes proceedings, some witnesses are considered especially vulnerable and must be protected by the authorities to ensure their security and the integrity of their testimony," the OSCE mission told BIRN.

Under Bosnian law, people convicted of disclosing the identity of a protected witness can be sentenced to between six months and five years in prison.

In 2011, the state court gave six-month suspended sentences to Krunoslav Malenica and Eset Muracevic, an editor and journalist at Bum magazine, for disclosing a protected witness's identity.

Bulgaria

Bulgaria Takes Step Towards Backing Constitutional Changes

<https://balkaninsight.com/2020/09/02/bulgaria-takes-step-towards-backing-constitutional-changes/>

September 2, 2020 - Svetoslav Todorov, Sofia, BIRN

Despite expectations to the contrary, an initiative by the embattled ruling party to change the constitution is finding support among MPs.



Police clashes with protesters during an anti-government protest held in front of the Parliament building in Sofia, Bulgaria, 02 September 2020. Photo: EPA-EFE/VASSIL DONEV

As tension grows in Sofia between anti-government protesters and police, the ruling GERB party, the nationalist IMRO party and the Volya party announced they had mustered enough votes – 120 out of 240 – to file a new draft of the constitution and convene a “Grand National Assembly” to fully implement it.

The announcement was a surprise as the Volya Party, headed by oligarch Vesselin Mareshki, had repeatedly said it would abstain from a vote on the proposal whose backers until Tuesday had gathered only 104 signatures.

The draft document, announced by Prime Minister Boyko Borissov as a “restart” for the country, has drawn criticism and also fuelled tensions within the cabinet, since IMRO insisted on having its own demands written into the plan – such as mandatory voting for people who have studied up to the age of 16 and mandatory army service.

The latest twist unfolded on the 56th consecutive day of anti-government protests. Sofia experienced one of its most heated protest days on Wednesday, when crowds started gathering as early as 8am and with the first clashes with police occurring at around 10am. Some 38 people were treated with emergency medical care following the clashes, which included police using hot spray. The injured included both protesters and police officers. A bTV journalist, Kanna Racheva, was among those who got sprayed while a National Television reporter, Nikolai Minkov, was hospitalized after passing out.

The protests in Sofia, invigorated by recent events, are expected to continue well into the night. “We need a new social contract, this is the way we can show society the way we want to develop,” Daniela Daritkova, chairperson of the parliamentary group of GERB said. Borissov was yet to make a statement.

Hristo Ivanov of the opposition “Da, Bulgaria” party was dismissive over the latest developments. “Essentially they’re occupying political space to gather more money, turn this money into media propaganda, buy more votes and give more bribes,” he said in a Facebook live appearance earlier on September 2. “This is their life cycle.”

A Grand National Assembly, which would be the first Bulgaria has held since 1991, cannot be scheduled before November 2. Besides an ordinary National Assembly, a Grand National Assembly may be convened to deal with matters of special jurisdiction, such as the adoption of a new constitution, amendments of certain articles and changes to borders. The Grand National Assembly was introduced with the 1879 constitution, abolished in 1947 and reintroduced in 1991. According to the 1991 Constitution, it consists of 400 deputies, as opposed to 240 in an ordinary assembly.



Police clashes with protesters during an anti-government protest held in front of the Parliament building in Sofia, Bulgaria, 02 September 2020. Photo: EPA-EFE/VASSIL DONEV



A man injured during the anti-government protest. Photo: EPA-EFE/VASSIL DONEV



Police secures the Parliament building in Sofia. Photo: EPA-EFE/VASSIL DONEV

Bulgarian MP and Oligarch jailed for Extortion, Blackmail

<https://balkaninsight.com/2020/09/14/bulgarian-mp-and-oligarch-jailed-for-extortion-blackmail/>

September 14, 2020 - Svetoslav Todorov, Sofia, BIRN

Veselin Mareshki, party boss and owner of a pharmaceutical chain, was sentenced on Monday to four years in jail – which may be appealed.

The Court of Appeal in Varna on September 14 sentenced the Member of Parliament and leader of the right-wing Volya party, Veselin Mareshki, to four years in prison for extortion and blackmail.

He was found guilty of seeking 10,000 lev (5,116 euros) in rent from businessman Asen Milanov for a pizza restaurant that he didn't even own. Mareshki's partner in this affair Krasimira Koleva, a former wife of Milanov who wanted to manage the place after their divorce, was sentenced to three and a half years.

The court case was started in 2014. The judgment can be appealed.

Mareshki, sometimes called "Bulgaria's Trump" for his business acumen, was born in 1967 in Varna. He started his pharmaceutical business in the former Soviet Union, after studying engineering in his hometown and then in Moscow, eventually developing a chain of pharmacies in Bulgaria that bears his family name.

Mareshki also manages a chain of petrol stations. He ran for mayor of Varna, Bulgaria's third biggest town, in 2011, receiving 18.58 per cent of the vote. He was also a presidential candidate in 2016, winning 11.17 per cent of the votes cast.

In 2017, his Volya party ran in parliamentary elections and finished in fifth place with 4.15 per cent of the votes. Although officially independent, Mareshki's political project has generally been seen as supporting the ruling centre-right coalition of GERB and United Patriots.

Volya's votes were instrumental to parliament accepting a draft of a new constitution on September 2 that will potentially stabilize the political status quo amid street protests in Bulgaria that have been going on for more than two months.

Before Volya stepped in, the draft was not expected to pass in parliament, as Mareshki had said his team of MPs would abstain from voting.

After Volya then expressed support for the draft, Mareshki made headlines from a TV appearance when he said that he had not even read it, and that what he signed "doesn't really matter".

Bulgarian President Vetoes Reforms to Voting Process

<https://balkaninsight.com/2020/09/17/bulgarian-president-vetoes-reforms-to-voting-process/>

September 17, 2020 - Svetoslav Todorov, Sofia, BIRN

President Rumen Radev has again confirmed his role as an implacable foe of the current government by blocking recently adopted changes to the voting process for parliamentary elections.



Bulgarian President Rumen Radev. Photo: EPA-EFE/Szilard Koszticsak HUNGARY OUT

Bulgarian President Rumen Radev on Thursday vetoed recently adopted changes to the country's election code.

He wielded his veto after parliament this week agreed to introduce a mixed system of traditional voting by ballots and machine voting for the next elections, with the ruling coalition of GERB and United Patriots, along with their independent partners, Volya, most keen on keeping the old model of voting as an option.

So far in elections in Bulgaria people have cast votes by paper ballots. The recent changes were about implementing machine voting instead. When parliament met on Wednesday, however, GERB, United Patriots and Volya settled on a compromise solution, whereby both voting machines and ballots will be available.

The opposition Bulgarian Socialist Party and the Movement for Rights and Freedoms, DPS, criticised the compromise, saying they showed Prime Minister Boyko Borissov was not serious about eradicating the practice of vote-buying.

President Radev then vetoed the changes, saying they would not curb limit illegal activities like buying votes, and that installing voting machines was too costly an exercise if they are not to be the sole option.

Referencing EU grants to the country, he said: “Everyone wants money from Brussels to reach the people, not to fill Borissov’s drawer,” referencing leaked photos of PM Borissov sleeping next to a gun and stacks of money.

Repeating his recent constant attacks on the GERB-led government, he added: “We are yet to realize the scale of the damage that the current government is causing the state. And Europe is aware of it. There will be consequences.”

Radev also claimed that “Borissov’s sins”, and the foreign loans his government was getting to combat that economic tribulations of the pandemic, would be “paid for by the next governments and generations”.

Radev, who ran for head of state independently in 2016, but with the support of the opposition Socialist Party, again called on the current government to resign.

His latest comments were in line with his almost continuous clashes and tense relationships with Borissov and with Prosecutor General Ivan Geshev, whose nomination at the end of 2019 he vetoed citing fears of irregularities in the process.

Since the beginning of the current wave of anti-government protests, Radev has taken an even more clear opposition stance. Although not recognised by most protesters as a leading voice, he has actively supported the demonstrations, comparing the current cabinet to a mafia.

The next parliamentary elections are not scheduled until March 2021, however.

Croatia

Croatia Strips MPs of Immunity Following Anti-Corruption Operation

<https://balkaninsight.com/2020/09/18/croatia-strips-mps-of-immunity-following-anti-corruption-operation/>

September 18, 2020 - Anja Vladislavljec, Zagreb, BIRN

The Croatian parliament stripped three MPs of immunity from prosecution on Friday, approving the initiation of criminal proceedings, deprivation of liberty and pre-trial detention for two MPs and a continued trial for the third.



A view of the the inaugural session of the new Croatian Parliament in Zagreb, July 22, 2020. Photo: EPA-EFE/DANIEL KASAP.

Two MPs, Drazen Barisic, from the ruling centre-right Croatian Democratic Union, HDZ, and Vinko Grgic, from the opposition centre-left Social Democratic Party, SDP, who are also mayors, are suspects in a corruption affair that was in the focus of Thursday's anti-corruption operation undertaken by the Croatian police and the Office for the Prevention of Corruption and Organized Crime, USKOK.

The third MP, Darko Puljasic, from the HDZ, also a mayor, is connected with another affair. The request to strip his immunity is for continuing criminal proceedings dating from 2018, when Puljasic – accused of forgery of a business document and of fraud amounting to a million kunas – was not a member of parliament.

On Thursday, USKOK said it had launched an investigation into 11 persons suspected of influence peddling, bribery, illicit preferential treatment and aiding and abetting these crimes; for the official start of the investigation into the two MPs, removal of their immunity was required.

Among those arrested on Thursday was the head of the management board of the JANAFA oil pipeline company, Dragan Kovacevic, who is suspected of receiving 1.9 million kunas, about 253,244 euros, in bribes from Kreso Petek, CEO of Elektrocentar Petek Company, which landed deal from JANAFA worth 40 million kunas, or 5.3 million euros.

Petek is the first suspect in the investigation, while Kovacevic is the second. MPs Barisic and Grgic are suspected of having favoured Petek's company in the public tender procedure.

USKOK said it had "reasonable suspicion" that, from September 2019 to September 2020, Velika Gorica Mayor Barisic "undertook all actions necessary to award [Petek's] company in the open procedure of a public tender an estimated procurement value of 97.3 million kunas [almost 13 million euros]", at the request of Petek.

It is also suspected that Petek agreed that if Nova Gradiska Mayor Grgic helped secure him the tender, he would give him 100,000 kunas, or 13,300 euros.

Both MPs have denied corruption. HDZ leader and Prime Minister Andrej Plenkovic, referring to the police action, on Thursday said he fully backed the anti-corruption drives of relevant institutions.

"We give our support to the State Attorney's Office and the Office for the Prevention of Corruption and Organized Crime in all activities that are independent and free of any kind of influence or pressure in their work. Each of those found guilty of a certain act under due process will be held accountable," Plenkovic said.

Some observers say corruption in Croatia has worsened since it joined the European Union in 2013, when Brussels ceased to closely scrutinize how well it was doing to root out high-level graft.

The watchdog organisation Transparency International, in its annual index of perceived corruption, this January ranked Croatia at its lowest ever level in five years, awarding it 47 points out of 100.

Kosovo

Serbia-Kosovo Deals Require Joint International Monitoring

https://balkaninsight.com/2020/09/01/serbia-kosovo-deals-require-joint-international-monitoring/?utm_source=Balkan+Insight+Newsletters&utm_campaign=b4f8df983f-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-b4f8df983f-319834862

September 1, 2020 - Djordje Bojovic, Brussels, BIRN

The EU has brokered dozens of deals between Serbia and Kosovo, but implementation is missing. It's time to create a monitoring mechanism.

After a summer break that saw tensions rise over the construction of a road in western Kosovo that breaches the protected zone of the Visoki Decani Orthodox monastery, talks led by the United States and the European Union respectively are back on the agenda with two packed weeks ahead.

After an almost two-year hiatus, the Belgrade-Pristina Dialogue under EU auspices was relaunched in June, bringing with it a new EU Special Envoy, Miroslav Lajčak. [...] The Dialogue resumed in late June with what were described as technical issues on the agenda, even though one could argue that everything concerning the Serbia-Kosovo talks is *per se* political. The first round of discussions focussed on displaced and missing-persons, as well as the rather vaguely named "economic topics". The EU announced that the Dialogue would proceed on two tracks – technical/expert and political level.

While the US is trying to score a foreign policy point, one which the incumbent US president may use for his flagging re-election campaign, the EU prefers a "business as usual" approach centred on the same topics discussed in June. New technical talks are scheduled for the end of August and a political round on September 7.

What was agreed so far under the American lead merely mirrored the existing Europe-led initiatives and projects, such as the construction of the highway between the southern Serbian city of Nis and the Kosovo capital, Pristina.

The highway was initially promoted under the connectivity agenda of the Berlin process; it then became part of an EU funding project, only to be put in the Grenell-sponsored agreement made in Munich this year and repackaged as a new initiative. The same goes for rail connections, as well as the regional economic space, which is currently being developed as a policy by the EU. Given the substantial degree of overlap between the two sets of talks, the use of continuing both at the same time is limited at best. Nonetheless, neither Kosovo nor Serbia is in a position to refuse either mediation.

Furthermore, while the US might only be interested in the quick-fix solution centred on the economy, no long-lasting result will be achieved without a more comprehensive approach.

Moving Forward – Joint International Monitoring

Given the ambiguous nature of the Dialogue, a question of the utmost importance for the continuation of the talks is the creation of a suitable and viable monitoring mechanism that ensures impartial interpretation of the agreed provisions, dispute resolution over overtly different interpretations, and a reliable track record of implemented agreements.

It would need to be a permanent institutional mechanism or a body consisting of representatives of both Serbia and Kosovo and international partners, primarily EU experts. It goes without saying that it is absolutely crucial that both parties have ownership of the given mechanism, so that they can have a say in its decision-making.

Furthermore, the presence of international actors would offer dispute resolution tools and ensure unequivocal interpretation of conflicting provisions and agreements. By backing such a mechanism, the EU will inevitably find a way to avowedly stop misinterpretation and the perpetual fight over the alleged non-implementation of agreed deals.

This is not to say that such a mechanism would prevent any standstill from occurring. Nevertheless, in itself, it is certainly a worthwhile effort, as it could provide a much-needed *modus operandi* for peaceful discussion and resolution of disputes.

Finally, the joint international monitoring will be particularly important for keeping a record of the implementation of the agreements. With the political backing of the European Commission, it may serve as an institutional scoreboard of the Serbia-Kosovo dialogue, which would provide an objective assessment of the state of play.

If recent talks have taught us anything, it is that the most difficult issues stem from the conflicting interpretations of agreed deals due to the legal ambiguity of the Dialogue. The talks for a comprehensive normalisation of relations between Belgrade and Pristina may lead to long-awaited results only if the mistakes made in the past are avoided in the future, notably by setting up a more transparent and predictable implementation score.

Djordje Bojovic holds an LL.M. in European Legal Studies from the Bruges-based College of Europe. Former program director at European Grassroots Antiracist Movement (EGAM). Worked on trial monitoring, transitional justice program and regional cooperation programs at the Youth Initiative for Human Rights (YIHR).

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

For the entire article, please revert to the link above.

Kosovo and Serbia Sort of Agree to Sort of Disagree

https://balkaninsight.com/2020/09/06/kosovo-and-serbia-sort-of-agree-to-sort-of-disagree/?utm_source=Balkan+Insight+Newsletters&utm_campaign=017c8cb1da-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-017c8cb1da-319834862

September 6, 2020 - Eric Gordy, London, BIRN

Beyond the hype, three actors with questionable legitimacy have produced a non-agreement agreement that changes little with the little good it does – and can easily be ignored in several of the areas where it does harm.

A basic diplomatic rule recommends that heads of state should not come together for a high-level meeting unless they have an agreement ready to sign. Donald Trump learned this late after rocketing to a couple of failed soirees with Kim Jong Un. And he learned it badly, as can be seen in yesterday's performance of a document signing with Kosovo Prime Minister Avdullah Hoti and Serbian President Aleksandar Vučić in Washington.

To be clear, the documents that were signed do not constitute an agreement in the form of a treaty that obligates the states represented by the signatories. Although both Vučić and Hoti signed documents, these documents are not identical in content and there exists no document that includes both of their signatures. Trump also signed a document, but it was a cover letter thanking Vučić and Hoti for participating in the negotiations, and his envoy Richard Grenell went out of his way to clarify that the United States was not a signatory to, or a guarantor of, any agreement.

Most of what was agreed to in the documents is uncontroversial, more likely to help than hurt, and represents points already agreed to by both states in previous negotiations. Not many people will object to improving cooperation in transport, water, and energy, or to improving communication and understanding between religious communities. Both states seem to have agreed to a temporary freeze in their conflict over recognition and derecognition, which might be a helpful gesture, although it is reasonable to expect that both Serbia and Kosovo will be prepared to abandon this pledge if it becomes politically convenient.

[...]

What has got the most attention, of course, is the strange introduction of Israel into relations between states in the Balkans. The text signed by Hoti commits Kosovo and Israel to exchange mutual recognition, and the text signed by Vučić pledges that Serbia will move its representative offices in Israel from Tel Aviv to Jerusalem. Trump appeared to signal that he regarded this as an outstanding achievement, celebrating on Twitter the establishment of relations between Israel and "Muslim-majority Kosovo," and promising that „more Islamic and Arab nations will follow."

It is likely that an exchange of diplomatic recognition with Israel will be more welcomed than feared in Kosovo, where obtaining international recognition has been the highest priority of the international affairs ministry since it declared independence in 2008.

However, the move does complicate relations between Kosovo, the non-UN member with the highest number of international recognitions (101 states), and Palestine, which holds second place (78 states). It was already the case that most states that recognise Palestine do not recognise Kosovo, and vice versa. The unexpected introduction of Israel into the Serbia-Kosovo dispute puts Kosovo and Palestine on an unnecessary collision course that does neither of them any good.

As for Serbia, acceptance of Israel's recognition of Kosovo could be interpreted as a sign of good will, marking its commitment to suspend its derecognition campaign, or it could be interpreted as a sign of weakness. This is mostly a matter for domestic political debate. Moving the Serbian embassy and trade offices is another matter. This concession compels Serbia to take a stance on the ongoing dispute over the territories Israel has occupied since 1967, a matter that is of no interest to Serbia but is centrally important to all Middle Eastern states. Making good on this promise will be needlessly costly for Serbia.

A similar point could be made about the pledge both states took "to designate Hezbollah in its entirety as a terrorist organisation." It seems to be a point of no relevance to states where Hezbollah engages in no activity – until one takes into account that the European Union designates the armed organisations tied to Hezbollah as terrorist but not the political group "in its entirety."

Agreeing to this point drives a wedge between both Serbia and Kosovo and the EU, and will create a stumbling block if the accession negotiations of either state ever reach the point of discussing Chapter 31 of the *Acquis communautaire*.

On balance, then, aside from an agreement in principle to suspend confrontation over international recognition, the agreement between Kosovo and Serbia brings a small number of measures that are beneficial to both states, and most of these represent points on which agreement has already been reached in earlier negotiations.

On a range of issues, including relations with China and Middle Eastern states, it introduces problems that could be damaging for both states, but which advance some short-term interests of the Trump administration.

[...]

Eric Gordy is Professor of Political and Cultural Sociology at the School of Slavonic and East European Studies, University College London.

The opinions expressed in the Comment section are those of the authors only and do not necessarily reflect the views of BIRN.

For the entire article, please revert to the link above.

Kosovo's Legal Aid for War Crimes Suspects Raises Concerns

https://balkaninsight.com/2020/09/15/kosovos-legal-aid-for-war-crimes-suspects-raises-concerns/?utm_source=Balkan+Insight+Newsletters&utm_campaign=95b2ce506a-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-95b2ce506a-319834862

September 15, 2020 - Serbeze Haxhijaj, Pristina, BIRN

The Hague-based Kosovo Specialist Chambers only grants legal aid to war crimes defendants who prove they are unable to pay for their own lawyers - but Kosovo's own system is much less transparent, raising concerns about the potential for abuse.

Rrustem Mustafa, one of more than 100 former Kosovo guerrilla fighters who have been summoned by prosecutors for questioning about his role in the 1998-99 war, did not succeed in convincing the Hague-based Kosovo Specialist Chambers that he ticks all the boxes to qualify for legal aid.

His request to have all his legal expenditures refunded was rejected by the Specialist Chambers, the so-called 'special court' which is expected to try former Kosovo Liberation Army, KLA fighters for crimes committed from 1998 to 2000, during and just after the Kosovo war. Mustafa did not say whether or not the Kosovo state reimbursed his expenses instead.

The Specialist Chambers, which have yet to begin any trials, provide legal aid for suspects and defendants who can demonstrate that they do not have the means to pay for lawyers, and apply rigorous procedures when it comes to the evidence that is required.

"Similar to many jurisdictions, if a suspect or accused requests legal aid from the KSC, he/she must complete what is called a 'Declaration of Means' form. In this form he/she gives reliable official documents on his financial means and assets so the Defence Office can determine if he/she can pay for a lawyer," Angela Griep, a spokesperson for the Specialist Chambers, told BIRN. "This allows the Defence Office to assess what means the person has to pay for a lawyer and whether to recommend that legal aid should be paid. If a person doesn't provide the information or provides false information legal aid can be refused," she added.

The information includes bank statements for all the applicant's accounts, credit and debit card statements, details about private or business property, information about stocks, bonds, investments, businesses and also liabilities and expenditures.

Unlike the procedures at the Specialist Chambers, the Kosovo law that ensures legal protection and financial support for people who are being tried by The Hague-based court does not require anyone to provide reliable official documents about their financial means and assets.

This year, 20 million euros has been allocated in Kosovo's state budget for financial support for trial defendants at the Specialist Chambers. "Although this money is

planned to be spent, it does not mean it will all be spent. If it is not spent, the rest of it will be allocated for next year,” Kosovo’s Ministry of Justice told BIRN in a written answer.

Although no trials have yet begun, many suspects have been summoned for interview by prosecutors, including President Hashim Thaci, who was questioned in The Hague in July.

The court at The Hague has set legal fees at 100 euros per hour for representation, regardless of where the lawyers come from. If a person is needed in The Hague but does not have the money for travel and accommodation, the court will cover these expenses. “Based on this scheme there are sufficient funds available for an adequate defence of accused or victims,” Griep said.

Kosovo’s Ministry of Justice has decided to use a more complex approach. “Payments will be made based on tariffs set by Kosovo Bar Association, tariffs for lawyers in the Netherlands, tariffs of the state where the lawyer comes from and tariffs of the Specialist Chambers,” it said.

Everyone who is tried and acquitted will also be compensated for the days they spent in custody and for any material losses or mental anguish that they sustained as a result.

Arianit Koci, one of Kosovo lawyers who has represented some KLA members summoned by the Hague prosecutors, including Rrustem Mustafa, said that to avoid problems, the Kosovo authorities should follow the Specialist Chambers’ example and set unified tariffs for lawyers.

Koci said that the Kosovo public should know how much is being paid for lawyers out of public funds, especially for those ex-KLA suspects who hold official positions. “Otherwise keeping confidential or not making transparent this kind of information leaves grounds for the abuse of public money,” he said.

But the ministry told BIRN that it “cannot provide access to documents related to the implementation of the Law on Legal Protection and Financial Support for Potential Accused Persons in Trials at the Specialist Chambers, as these documents are classified based on the prime minister’s decision dated January 31, 2019”.

Last year, the Ministry of Justice contracted one American and one British law firm for a total fee of 400,000 euros to do “legal counselling on drafting, developing and presenting Kosovo’s legal position” to the Kosovo Specialist Chambers. Documents related to the law firms’ work for the state are also classified under the prime ministerial decision from January 2019, so it is unclear what they actually did for the money.



Kosovo Liberation Army commander Rustem Mustafa in Pristina in June 1999. Photo: EPA/ANJA NIEDRINGHAUS.

Discrimination against domestic defendants?

Each year, Kosovo sets aside three to four million euros to pay for legal representation for people who cannot afford lawyers in cases at domestic courts, although according to the Kosovo Judicial Council, this is not enough.

Ehat Miftaraj, director of the Pristina-based Kosovo Law Institute said that the Specialist Chambers, by guaranteeing legal aid for all those who cannot afford it, is upholding “international principles”.

But the Kosovo government is duplicating this aid, and is therefore offering “privileges to a certain category of people”, Miftaraj argued.

“Paying for a group of people potentially accused by the Specialist Chambers and failing to fulfil the obligations to other citizens facing criminal proceedings [at domestic courts in Kosovo] is violation of the principle of equality before the law for all,” he added.

In keeping with practices at other international courts, the Specialist Chambers does not pay travel expenses for families of the accused to visit defendants on trial.

Kosovo’s Ministry of Justice however will pay travel expenses for close relatives and relationship partners of defendants. It has decided that each defendant can be visited by up to 12 family members a year.

For each visit, travel expenses will be paid for a maximum of three people, and the number of visits is unlimited.

Kosovo Lawmakers Play Politics with Personal Data

https://balkaninsight.com/2020/09/21/kosovo-lawmakers-play-politics-with-personal-data/?utm_source=Balkan+Insight+Newsletters&utm_campaign=c0dfeaa46c-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-c0dfeaa46c-319834862

September 21, 2020 - Xhorxhina Bami, Pristina, BIRN

Personal data and the right of access to public information remain largely unprotected in Kosovo after parliament failed again to elect a Commissioner for the Information and Privacy Agency, IPA, leading critics to accuse lawmakers of playing politics with citizens' rights.

The Information and Privacy Agency, IPA, had asked the parliament to give its director, Bujar Sadiku, the powers of the Commissioner of the Agency despite the failed recruitment process for the post. The request was rejected by the parliamentary Committee on Security Affairs as illegal, however, and civil society groups on Thursday publicly asked the Presidency of the Assembly, especially the Speaker, Vjosa Osmani, to be vigilant and ignore such illegal requests.

On August 14, none of the three candidates for the post received the required 61 votes, the third time in two years that parliament failed to appoint a Commissioner, failure analysts attribute to narrow political interests. The British embassy, which has assisted in the recruitment process, said British experts had been withdrawn.

Flutura Kusari, a legal adviser at the European Centre for Press and Media Freedom, who voluntarily monitored the recruitment process, said the British decision was a good one, but was "bad news" for Kosovo. "It is not logical financially or politically for an ally to invest this much in a clearly politicised process," Kusari told BIRN. In its five years of existence, "the agency has failed from the beginning to protect our personal data," she said. "If the Commissioner will be politicised, s/he can become a censor of public information, pleasing politicians."

Starting 'from zero'

Without a Commissioner, Kosovo has no institutional mechanism to implement the Law on Access to Public Documents and the Law on the Protection of the Personal Data.

The first two attempts to appoint a Commissioner failed in May and July last year due to the fall of the then government and the dissolution of parliament after the prime minister at the time, Ramush Haradinaj, resigned on being summoned for questioning by war crimes prosecutors in The Hague.

Without a Commissioner, citizens of Kosovo have no institutional means to complain and seek justice if a public or private body violates their rights to protection of their personal data or access to information. Civil society groups say that without an independent overseer, the agency could become biased in fining particular institutions or officials.

The IPA is unable to impose fines on bodies that violate the law due to the absence of certain internal acts that should be signed and submitted to the government by the Commissioner, Jeton Arifi, head of the Access to Public Documents Pillar at the agency, told BIRN.

If a bank, for example, accidentally or intentionally revealed the account details of a customer, that customer would have to take the bank to court, a lengthy and potentially expensive process during which the bank could continue violating the law.

“The persistent failure to select the head of our authority is continuing to cause consequences in the prolongation of internal processes, which should have been concluded within six months from the entry into force of the relevant law,” Arifi told BIRN. The Law on Personal Data Protection entered into force on March 11, 2019.

Politicians can ‘hijack’ process

Without a Commissioner, the IPA is also unable to hire new staff and has had to halt a twinning project with Germany and Latvia.

“Now everything will start again from zero,” said Fatmire Mulhaxha Kollcaku, who heads parliament’s Committee on Security and Defence and led the interview panel for the Commissioner’s job. “As long as we don’t have an independent institution with a competent Commission, we have two unenforceable laws,” said Mulhaxha Kollcaku, and questioned how the recruitment process would continue without the British involvement.

The British embassy said on August 17 that it would not spend British taxpayers’ money on repeating a process that had been conducted properly but which failed to end in the appointment of a Commissioner. Under the agreement with the embassy, parliament is obliged to endorse an approved candidate. [...]

Without the British involvement, politicians can “hijack the process and elect politically involved people with no actual skills for the position,” warned Kusari.

Taulant Hoxha, CEO of the NGO Kosovar Civil Society Foundation, which supports the development of civil society with a focus on EU integration, told BIRN: “It is painful that the Kosovo Assembly has to sign security agreements with foreign embassies in order to be able to elect a Commissioner. It would make sense if only the human, technical, and methodological resources to be provided with funding from the British Embassy because the Assembly of Kosovo is a new institution.”

UN Urged to Finally Compensate Lead-Poisoned Kosovo Refugees

https://balkaninsight.com/2020/09/22/un-urged-to-finally-compensate-lead-poisoned-kosovo-refugees/?utm_source=Balkan+Insight+Newsletters&utm_campaign=4ee8dae6fe-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4ee8dae6fe-319834862

September 22, 2020 - Milica Stojanovic, Belgrade, BIRN

A United Nations rapporteur said the UN must compensate Roma, Ashkali and Balkan Egyptian families that were accommodated for years in refugee camps that it operated on lead-contaminated land in Kosovo after the 1999 war.



Roma children in 2009 at a camp in Mitrovica near the Trepca mining complex. Photo: EPA/VALDRIN XHEMAJ.

The United Nations' special rapporteur for hazardous substances and wastes, Baskut Tuncak, said in a report on Monday that the UN must offer "individual compensation and a public apology" to Roma, Ashkali and Balkan Egyptian refugees who were poisoned while living in UN-operated camps in Kosovo that were situated on land contaminated by lead from a nearby mine.

"The lack of any tangible action by the United Nations comes despite clear findings of the HRAP [UN Human Rights Advisory Panel] of violations of the human rights of community members to life, freedom from inhuman and degrading treatment," Tuncak said.

"The Special Rapporteur reiterates that the United Nations must engage with the victims regarding their demands and expectations and use this information to define an effective remedy for this tragedy and plan of action," he added.

Some 600 Roma, Ashkali, and Egyptian people were displaced from the Kosovo town of Mitrovica after the 1998-99 war and resettled in camps near the Trepca mining complex on land contaminated by lead, according to campaign group Human Rights Watch.

Tuncak's report said that "no one is questioning that Roma, Ashkali and Egyptian women, and children, were exposed to lead and other toxic substances causing severe impacts on health, in violation of their rights to life, health, and physical integrity, among others".

"No one has questioned that it was the United Nations who housed the affected community on the site, and then failed to relocate the community for years when the harmful exposure to toxic substances known," he added.

Human Rights Watch said in a statement on Monday that seven years after the last camp was shut down, the refugees are still experiencing health problems "and are still awaiting compensation and health and educational support for themselves and their families".

"The United Nations should finally heed its own expert's advice, clearly admit full responsibility, and finally provide a remedy to the victims," Human Rights Watch urged.

In 2016 the UN Human Rights Advisory Panel found that the UN Mission in Kosovo, UNMIK, had violated the victims' rights to life and health and recommended that the organisation should "take appropriate steps towards payment of adequate compensation".

Instead, the UN established a trust fund to finance "community projects" for Roma, Ashkali and Egyptian minorities in northern Kosovo in 2017.

But the UN rapporteur said in his report on Monday that so far, the fund "has received an appalling single, solitary contribution of US 10,000 [dollars]".

He said that if the victims want to be relocated outside Kosovo, the UN should intercede with member states to help them.

Moldova

Moldovan Ex-Secret Services Director Sentenced for Turkey Renditions

<https://balkaninsight.com/2020/09/09/moldovan-ex-secret-services-director-sentenced-for-turkey-renditions/>

September 9, 2020 - Madalin Necsutu, Chisinau, BIRN

General Prosecutor says former intelligence chief received a suspended sentence and fines for the contested rendition of a group of teachers to Turkey two years ago – in a ruling that was kept secret for a month, and only revealed after the media exerted pressure.

The former head of Moldovan intelligence, the Information and Security Service, SIS, Vasile Botnari, received a suspended sentence for the controversial rendition to Turkey of a group of Turkish teachers, the General Prosecutor of Moldova, Alexandr Stoianoglo, said on Tuesday on TV. “I asked the court today for permission to make public at least the summary of the decision. Botnari was sentenced a month ago [and] received a suspended sentence,” Stoianoglo said.

Botnari was also forced to pay 125,000 euros in a fine, the amount Moldova already lost in the cases of the five professors whose lawyers later sued the country before the European Court of Human Rights, ECHR.

The former head of SIS will have to pay a further 19,000 euros for the charter flight that transported the seven professors to Turkey.

Seven Turkish professors from the private high school Horizont chain were seized in September two years ago in a joint operation of the Moldovan and Turkish secret services and bundled out of the country to Turkey. The professors were accused of involvement in terrorist activities as part of the movement close to the exiled Turkish cleric, Fethullah Gullen, a hate figure for Turkish President Recep Tayyip Erdogan.

The court ruling on the ex-secret service boss was kept secret until now for unknown reasons.

Botnari pleaded guilty in the case and took full responsibility for the orders he gave. However, Stoianoglo said he believes the former SIS chief was influenced from outside – suggesting that he was following political orders. Botnari is the only person to face trial over the rendition of the teachers.

“There were [other] people involved, but we removed them from the criminal investigation, considering it incorrect to hold them accountable,” Stoianoglo said. The Turkish professors all received heavy jail sentences in Turkey, ranging from six-and-a-half to twelve years.

Opponents of Moldovan President Warn of Fraud Risk in November Vote

<https://balkaninsight.com/2020/09/30/opponents-of-moldovan-president-warn-of-fraud-risk-in-november-vote/>

September 30, 2020 - Madalin Necsutu, Chisinau, BIRN

Concerns are growing over the number of polling stations to be opened in Russia and reported irregularities in voting lists.

Voting has yet to start in Moldova's presidential election, but five challengers to pro-Russian incumbent Igor Dodon have already cried foul.

Barely a month before the November 1 vote, Dodon's closest challenger, pro-European Maia Sandu, and four other contenders signed a joint letter to European officials, including EU foreign policy chief Josep Borrell, calling for intervention in what they said was unfolding fraud.

Dodon told them to stop complaining, but a higher number of polling stations being opened in Russia and apparent irregularities in voting lists are fuelling concern.

For the entire article, please revert to the link above.

Montenegro

Zu großes Montenegro oder zu kleines Serbien?

<https://www.dw.com/de/zu-gro%C3%9Fes-montenegro-oder-zu-kleines-serbien/a-54769986>

September 01, 2020 - Norbert Mappes-Niediek, DW

Bei der Parlamentswahl in Montenegro haben die regierenden Sozialdemokraten herbe Verluste verzeichnet. Jetzt muss die Partei des Präsidenten Milo Djukanović befürchten, die Macht zu verlieren.



Wahlen in Montenegro - Präsident Milo Djukanović

Land zwischen Ost und West? Treuer Verbündeter für EU und NATO? Spielfeld eines Autokraten und seiner Familie? Über Montenegro lässt sich vieles Richtige sagen.

Zwei Dinge werden dabei meistens außer Acht gelassen: die Größe des Landes und sein Verhältnis zu Serbien und den Serben - das wirkliche, nicht das politisch behauptete.

Montenegro ist mit seinen 620.000 Einwohnern so groß wie Luxemburg oder wie Düsseldorf. Jeder kennt jeden: Bezogen auf die Minderheit der im öffentlichen Leben stehenden Personen darf man den Spruch ruhig wörtlich nehmen. Ärger noch: Anders als in dem kleinen EU-Land oder in der nordrhein-westfälischen Landeshauptstadt zieht hier niemand zu.

Man hat an der einzigen Universität des Landes in denselben Seminaren gesessen, ist meist auch auf dasselbe Gymnasium gegangen und war oft schon im selben Kindergarten.

Korruptes Klientelsystem

Abstrakte Regeln und neutrale Institutionen haben in so kleinen Gemeinschaften naturgemäß einen schweren Stand. Persönliche Beziehungen sind immer wichtiger. Das gilt nicht nur auf dem Balkan - auch wenn das Problem in Gesellschaften mit engen Familienbanden, wie überall in der Region, noch eine besondere Note erhält.

Um große Länder zu verstehen, genügt es, deren Regeln zu kennen. Kleine Länder dagegen sind undurchschaubar - ein Gesetz, an dem die Europäische Kommission, wenn es um Montenegro geht, regelmäßig scheitert.

Das korrupte Klientelsystem, das der gegenwärtige Präsident, Vater des Vaterlandes, mächtige Parteichef und Langzeit-Premierminister Milo Djukanović jahrzehntelang so souverän dirigiert hat, ist älter als er, und es wird ihn gewiss überleben.

Von den drei losen Parteienbündnissen, die sich jetzt anschicken, die Nachfolge des Systems Djukanović anzutreten, hat überhaupt nur das kleinste einen Begriff davon, was es heißt, eine Gesellschaft nach neutralen, allgemeinverbindlichen Regeln zu organisieren.

Wahrscheinlicher als ein großer gesellschaftlicher Umbruch ist das Weiterleben des Systems ohne Djukanović, und noch wahrscheinlicher die Einbeziehung des angeschlagenen Präsidenten in ein neues, größeres und offeneres, aber kaum weniger korruptes System.

Ambivalentes Verhältnis zu Serbien

Das zweite Missverständnis betrifft das Verhältnis zu Serbien. Djukanović hat sein Land 2006 gegen erheblichen Widerstand in die Unabhängigkeit geführt.

Von den Montenegrinern, die damals gegen die Unabhängigkeit waren, definieren sich die meisten seither als Serben; sie bilden nach den gängigen Kriterien keine ethnische, sondern eine politische Minderheit. Der bis heute nicht überwundene Gegensatz täuscht darüber hinweg, dass ganz Montenegro, Mehrheit wie Minderheit, zum zehn Mal größeren Nachbarland ein ambivalentes Verhältnis pflegt. Serbien ist nicht wirklich Ausland; wer nach Belgrad zieht, ist dort kein Fremder.

Auch für bewusste Montenegriner bleibt der Nachbar wichtig - mindestens als Reibebaum oder alter ego, heimlich aber auch als Maßstab, als Vorbild oder als Backup-Lösung, wenn die eigene Führung zu selbstbewusst wird. Wer aus dem System Djukanović herausfällt, geht zunächst einmal nach Serbien.



Montenegro: Proteste der serbisch-orthodoxen Kirche gegen das umstrittene Kirchengesetz (Mai 2020)

Für einen eigenen Kosmos wollen die meisten Montenegriner ihre Nation nicht halten. Diese Erkenntnis hat der sonst so geschickte Djukanović missachtet, als er gegen die serbisch-orthodoxe Kirche in seinem Land vorging und die montenegrinisch-orthodoxe Kirche unterstützte, die sich als unabhängige Kirche der Montenegriner versteht. Die geplante Enteignung der serbisch-orthodoxen Kirchengüter war für viele Wähler ein weiteres Zeichen, dass ihr Präsident die totale Macht anstrebte. Die aber trauten sie ihm nicht zu.

Die Europäische Union tut gut daran, in ihrem Verhältnis zu Montenegro Gelassenheit walten zu lassen und anzuerkennen, dass für den Kleinstaat andere Regeln gelten als für seine drei bis zehn Mal größeren Nachbarn.

Das heißt nicht, dass Europa beide Augen zudrücken darf, wenn Gewalt ausgeübt wird, wenn Kritiker verprügelt oder unliebsame Journalisten eingesperrt werden. Nur wird die EU-Kommission nicht, anders in Serbien, dann ein Justizsystem fordern können, in dem solche Dinge nicht mehr vorkommen.

Besser, sie schickt den Außenminister eines mächtigen EU-Landes mit der klaren Botschaft: Das geht so nicht! Die Verhältnisse im kleinen Montenegro mögen schwer durchschaubar sein. Die Sprache der Macht aber wird gut verstanden.

Milo Đukanović: the defeat of the last "king of Montenegro"

[https://www.balkanicaucaso.org/eng/Areas/Montenegro/Milo-Dukanovic-the-defeat-of-the-last-king-of-Montenegro-204578/\(from\)/eng-newsletter](https://www.balkanicaucaso.org/eng/Areas/Montenegro/Milo-Dukanovic-the-defeat-of-the-last-king-of-Montenegro-204578/(from)/eng-newsletter)

September 03, 2020 by Francesco Martino



Montenegro's president Milo Đukanović - © urbans/Shutterstock

After thirty years of uncontested rule, with the elections of Sunday 30 August, president of Montenegro Milo Đukanović lost control of the Podgorica parliament. The parable of "King Milo" and the reasons for the historic defeat of a leader as long-lived as controversial "The Monarch of Montenegro" is a concise, but eloquent portrait that British weekly "The Economist" dedicated a little over a year ago to Milo Đukanović, the controversial leader who dominated the political life of the small republic on the Adriatic in the last thirty years.

However, even "King Milo", a politician able to navigate the insidious, often fatal waters of Balkan politics perhaps better and certainly longer than any other, has met his defeat. With the political elections of Sunday 30 August, the master of Montenegrin politics and his Democratic Party of Socialists (DPS) lost control of parliament for the first time since 1991, even though Đukanović remains the incumbent president (his mandate will only expire in 2023).

For the entire article, please refer to the link above.

North Macedonia

North Macedonia Ex-PM Gruevski Convicted of Inciting Mob Attack

<https://balkaninsight.com/2020/09/29/north-macedonia-ex-pm-gruevski-convicted-of-inciting-mob-attack/>

September 29, 2020 - Sinisa Jakov Marusic, Skopje, BIRN

A Skopje court sentenced the fugitive ex-prime minister of North Macedonia, Nikola Gruevski, to a year and a half in jail for inciting a mob attack on an opposition-held municipality in the capital in 2013.



Ex-PM Nikola Gruevski in front of the Skopje Criminal Court in 2018, weeks before his escape to Hungary. Archive photo: EPA-EFE/GEORGI LICOVSKI

In a first-instance verdict on Tuesday, Skopje Criminal Court sentenced North Macedonia's former prime minister Nikola Gruevski, the ex-leader of the right-wing VMRO DPMNE party, to a year and a half in jail.

Gruevski was tried in absentia as he is on the run and wanted to serve a two-year jail sentence in another case.

The court gave his former transport minister Mile Janakieski a one-year suspended sentence.

Both men were found guilty of inciting an attack on Skopje's Centar municipality in 2013, when it was run by the then opposition Social Democrats.

In June 2013, shortly after the Social Democrats' Andrej Zernovski became mayor of the city-centre municipality, a mob surrounded the municipal building, breaking windows and accusing the mayor of planning to demolish a church, which he denied.

One municipal employee was injured and the mayor had to be evacuated from the building. Gruevski's VMRO DPMNE party insisted it had nothing to do with the unrest and said the mob consisted of angry Christian believers.

But in April 2015, the opposition Social Democrats, who are now in government, presented covertly recorded tapes that they said proved that Gruevski had been behind the unrest.

On one tape, Gruevski's voice allegedly can be heard ordering Transport Minister Janakieski to arrange for mayor Zernovski to be slapped in the face.

The court on Tuesday also sentenced three perpetrators of the June 2013 attack, Aleksandar Trajkovski, Darko Stojcevski and Trajce Petkovski, to suspended jail sentences of nine months each. Two other men, Daniel Trifunovski and Igor Boskovski, got suspended sentences of six months.

Last week the prosecution dropped charges against three more defendants, one of whom was the former VMRO DPMNE municipal councillor and former MP Daniela Rangelova.

Previously during the trial, two other defendants, Tomislav Lazarov and Jordan Ristevski, admitted their guilt and were also given suspended jail sentences.

The trial started in December 2016 but court hearings have frequently been postponed, mainly due to the absence of some of the defendants.

Authoritarian PM Gruevski, whose party ran the government from 2006 to 2016, fled the country in 2018 to avoid serving a two-year jail sentence in another case in which he was convicted of the illicit purchase of a luxury limousine.

He is now in Hungary, where he has obtained political asylum.

Romania

OLAF report: Romania ranked first on number of EU fund embezzlement cases in 2019

September 11, 2020 - By Diana Salceanu

Romania is the country where the European Anti-Fraud Office (OLAF) concluded the most numerous number of investigations on EU fund embezzlement last year.

More than 10% of the total 100 files regard frauds with EU money in our country, according to the 2019 OLAF report.

Last year, OLAF investigated how EU funds have been spent in 42 countries, concluding 100 files overall.

11 of them (over one tenth) refer only to European money spent in Romania. At the same time, 9 in those 11 files have been concluded with recommendations from OLAF.

Romania is mentioned in several chapters regarding EU fund embezzlement: aquaculture farms in areas where there is no water, EU funds for preventing forest fires or funds for the waste water management.

Last year, OLAF concluded 181 investigations, issuing 254 recommendations to the relevant national and EU authorities; The Office recommended the recovery of €485 million to the EU budget and 223 new investigations.

Throughout 2019, OLAF investigations have tackled trade in endangered species and illegal logging and import into the EU of wood and timber, sometimes from protected forests.

They have uncovered international trade schemes of illicit biodiesel, fraud against forest fire detection funds, and several cases focusing on water and waste management.

One case concluded in 2019 involves faking green credentials in order to obtain EU funding.

Country	Cases concluded	
	Total number per country	of which closed with recommendations
Romania	11	9
Italy	9	7
Greece	7	2
Poland	7	4
Bulgaria	7	5
Hungary	5	2
Czechia	3	3
North Macedonia	3	0
Spain	3	0
Croatia	3	1
Belgium	2	1
Portugal	2	2
Syria	2	1
Slovakia	2	2
Ukraine	2	0
Tunisia	2	1
Turkey	2	1
Jordan	2	1
United Kingdom	2	1
Kosovo	2	1
Albania, Algeria, Austria, Burundi, Cambodia, Denmark, Estonia, Ethiopia, France, Georgia, Kenya, Latvia, Lebanon, Mauritius, Nigeria, Palestinian Territories, Saint Lucia, Serbia, Slovenia, Sudan, Thailand, Zambia	22 (1 per country)	13
Total	100	57

Table 1: Investigations into the use of EU funds managed or spent in whole or in part at national or regional level concluded in 2019

Kovesi asks Romania to provide 20-30 prosecutors for EPPO, Justice Ministry explains it can send only 10

<https://www.romaniajournal.ro/society-people/law-crime/kovesi-asks-romania-to-provide-20-30-prosecutors-for-eppo-justice-ministry-explains-it-can-send-only-10/>

September 17, 2020 - Romania Journal

Romania's Justice Ministry (MJ) has explained that it can send only 10 delegated prosecutors to the European Public Prosecutor's Office (EPPO), emphasising that the information and statements publicly carried that Romania would block the process of establishing the number of European prosecutors is not grounded.

"The procedure for establishing the number of Romanian prosecutors delegated to the European Public Prosecutor's Office (EPPO) was initiated at the end of 2019, with the Ministry of Justice being the first to initiate a dialogue with the European Public Prosecutor (EPP) on this matter in a letter from the minister of justice of November 8, 2019. The procedure for determining the number of prosecutors involves a dialogue between each relevant national authority in each EU member state and the EPP. The procedure is still ongoing both between the Romanian Ministry of Justice and the EPP, and between other ministries of justice from other member states and the EPP. The information and statements publicly carried that Romania would block the process of establishing the number of European prosecutors are not grounded in reality," reads a Justice Ministry press statement released on Wednesday.

According to the statement, Romania recommended 10 prosecutors and 20 support specialists (police, auxiliary staff, etc.) after conducting thorough and detailed consultations with both the Prosecutor's Office with the Supreme Court of Justice and Cassation and the National Anti-Corruption Directorate (DNA).

"The Ministry of Justice organised and conducted consultations (in a videoconference system) of these institutions with EPP based on an assessment of the number of cases, procedural stages of most of these cases and their complexity. The proposed number of 10 prosecutors was also established in accordance with the operational needs of the European Public Prosecutor's Office (EPPO), DNA, designated as a support unit of the European Public Prosecutor's Office, in perfect resonance with the positions of almost all national justice ministries of the EU member states expressed at the JHA meeting of January 2020 in Zagreb in the sense of supporting the gradual operationalisation of the European Public Prosecutor's Office and the expansion of its capacity as progress is made."

As a guide, as the number of delegated prosecutors, in relation to the unofficial and non-definitive figures carried so far (the consultation process is still ongoing), Romania ranks 5th, with a number of 10 prosecutors, with most states recommending two prosecutors, with the exception of six-eight states, including Romania, which proposes a number of 5, 10, 11, 14 and 20 prosecutors (two states), respectively.

“The Ministry of Justice reiterates that the consultation process is under way with most of the relevant authorities in the other member states and expresses its hope that the public positions adopted by various political actors on this matter will be based on a careful analysis of the real situation in relation to the peculiarities of each country and rigorous statistics.”

G4Media reported on Wednesday that EPPO had asked Romania to send 20-30 delegate prosecutors to investigate the EU fund frauds, but that the Justice Ministry had replied it accepted to send only 10 prosecutors.

In an interview to Politico this summer, the chief of EPPO, Laura Codruta Kovesi had said that EPPO would have to take over 300 cases in the first instance, and that the Prosecutor’s Office would need at least 140 European delegate prosecutors for them.

In another interview for El Pais, Kovesi stated: “We are dealing with complex cases, related to investigations of powerful, rich people. That’s why, it is very important for EPPO to be an independent institution”.

Romania's 2020 elections dystopia: how a party once red flagged for graft uses corruption and underworld figures against electoral rivals as country leaders drop defenses on rule of law

<https://www.g4media.ro/romanias-2020-elections-dystopia-how-a-party-once-red-flagged-for-graft-uses-corruption-and-underworld-figures-against-electoral-rivals-as-country-leaders-drop-defenses-on-rule-of-law.html>

September 24, 2020 by Cristian Pantazi

Romania readies for local elections this weekend which are out of the ordinary not only because of the Covid-19 pandemic rules, but also for how the electoral campaign has been developing, to a point where a political dystopia becomes reality.

A major political party long associated with corruption at the highest levels has now been trying to paint their own electoral rivals as corrupt people. With support of media outlets inviting web chat hostesses as political commentators, it describes them as being supported by shady figures of the Romanian underground clans.

How has Romania gotten to this situation? Well, the authorities under the rule of President Klaus Iohannis have let their guard down on fighting corruption and defending the rule of law, with a key institution fighting graft now clinically dead.

The Social Democratic Party (PSD) has become synonymous with high level graft. It is formed of a network of local political leaders who have faced corruption accusations. Most of its top representatives of the past two decades have also faced charges and its two most notorious leaders even served time in jail under corruption charges – including the man who ruled the PSD with an iron fist until last year, Liviu Dragnea.

The PSD has been forced out of government in late 2019, but still holds major influence in the Parliament and controls the city halls of many a place across the country, including Bucharest. Now, its strongholds challenged, they themselves do their best to depict their electoral rivals, especially in Bucharest, as corrupt candidates and defenders of the underworld clans.

The PSD, with their supporters in the media – especially two TV news channels, Antena 3 and Romania TV – have focused their attacks especially on Nicusor Dan, the main candidate aiming to defeat PSD mayor Gabriela Firea in elections in Bucharest.

Nicusor Dan is a mathematician turned NGO leader who first started efforts to block local authority abuses in the Capital city. He then turned to local administration and is now seen as a contender with real chances to bring down Firea.

But he once made the mistake to lend his support for someone who later proved to be a controversial businessman associated with underground networks, who had built a house and terrace in a park. Despite failing to provide any proof of dirty money being handed to Dan, the PSD has been forcing a campaign to depict him as a kingpin of clans and lawyer for the corrupt.

The party Dan helped establish, to be later removed as leader, then welcomed back as candidate for Bucharest city hall is the Save Romania Union (USR), formed several years ago.

USR has once again become a target for PSD's accusations of fraud after a young individual charged with cloning cards in the USD has described himself as a member of this group. Media outlets associated with the PSD forced the spread of video images about the case on social media.

A third case is that of a USD candidate for a Bucharest district, Ciprian Ciucu. PSD-allied TV outlets claimed he had the support of a well-known underground leader, who in fact turned out to deny any support for Ciucu and to admit spreading electoral messages at the request of another individual.

All these help PSD form a blanket attack claiming that the candidates of USR and the no-governing Liberals (PNL), who also support Dan for the Bucharest City Hall, are corrupt people about to bring in Mafia-style clans to rule the city.

That comes despite the PSD itself has leaders who have been openly associated with underground networks. So the PSD narrative goes into making no difference between candidates and they'd be all the same.

How did Romania get to this point?

The governing Liberals (PNL), the USR and their PLUS partners can no longer push the corruption theme against the PSD, which has been used heavily since the 2004 elections, because they don't have any new argument.

So far, statistical data showed clearly that a majority of corruption cases investigated by the National Anti-Corruption Department (DNA) and sanctioned by courts were related to PSD cases.

The reason was simple: the PSD had the most mayors and district council heads, but also the largest number of ministers and heads of institutional bodies, after serving for most of 2012-2019.

But now, the DNA has stopped investigating high level corruption almost completely, since its former head, now top EU prosecutor Laura Codruta Kovesi left office.

This summer, news circulated that the DNA prosecutors were investigating illegal boiled corn sellers on seaside beaches and police officers who received pizza as bribes in the city of Iasi.

This shows the signal sent by the Presidency when President Iohannis admitted top prosecutors for key investigative bodies early this year was well understood: no major scandal, everything is well, why so much corruption?

With the field now empty, the PSD tries to cover all corners and even attempts to use the weapons of its enemy. And this is the party which dismantled one of its branches because it was under full control of underground clans and which set all records for corruption sentences.

And it plays the moral card on a TV channel, Antena 3, controlled by a man sentenced for corruption, and on another, Romania TV, controlled by a man facing major corruption cases.

And as a „civil society” representative, the debates there invite a video chat hostess turned protester against everything, from masks to 5G, while the National Audiovisual Council, the body due to force TV channels into compliance with the norms and laws, has been missing from the picture for years.

As the judiciary and the justice system are still affected by a wave of changes pushed by the PSD in 2017-2019, as key prosecutorial bodies are led by mediocre or politically dependent prosecutors, with a media controlled by oligarchs paid from public money by both the government and the city halls, the political discourse changes radically. The society slowly turn to the status quo of early 2000's, from before Romania joined the EU, as corruption goes unpunished and dubious figures return to the front stage.

Romanian Gendarmerie's head Bogdan Enescu, indicted for usurping his position

<https://www.nineoclock.ro/2020/09/24/head-of-romanian-gendarmerie-called-to-the-dna-im-not-considering-resigning/>

September 24, 2020 by NINE O'CLOCK

The head of the Romanian Gendarmerie, Bogdan Enescu, has been indicted by the prosecutors of the National Anticorruption Directorate (DNA) in a case in which he is accused of usurping his position, DNA reported on Thursday.

According to a DNA release sent to AGERPRES, the military prosecutors with the National Anticorruption Directorate – the Service for carrying out criminal prosecution in cases related to corruption offenses committed by the military staff ordered the criminal investigation against Bogdan Enescu, colonel at the date of the deeds and at present inspector general of the General Inspectorate of the Romanian Gendarmerie, for committing the crime of usurpation of civil servant office and against Constantin Florea, brigadier general, at the time of the deeds general inspector of the General Inspectorate of the Romanian Gendarmerie and currently Chief Inspector of the Dolj County Gendarmerie Inspectorate, for the same crime (3 material documents).

In the same case, Ionut-Catalin Sindile is also prosecuted, colonel in reserve, at the date of the deeds general inspector of the General Inspectorate of the Romanian Gendarmerie, former commander of the “Mihai Viteazul” Application School for Officers of the Romanian Gendarmerie, for committing the crime of usurping his civil servant position.

The prosecutors note in the ordinances that the three allegedly collected, during 2020, money rights in the total amount of 79,852 lei representing overtime, without any legal justification based on any provision of the hierarchical superior and without any reason to justify the operative of unforeseen character of the activities unfolded.

I am not considering resigning

Bogdan Enescu, stated, on Thursday, upon exiting the headquarters of the National Anticorruption Directorate (DNA), that he is not considering resigning.

“I am not considering this aspect because it’s not imposed in this case,” said Enescu, asked about a possible resignation from the helm of the Gendarmerie. He said that investigations are ongoing and “light will be shed” on this case.

“I discussed with the case prosecutor. The investigations into the case continue and light will be shed. I wish light would be shed on this case, because it’s not a beneficial situation neither from a personal point of view, nor an institutional point of view. I will cooperate, both institutionally, and personally so light can be shed in this case. I have

no intention of hiding the truth or to hide other situations that may lead to the clarification in this case,” Enescu mentioned, according to Agerpres.

In regards to the accusations that the Gendarmerie was used as a “taxi”, he replied that it was an isolated case.

Judiciary sources mentioned for AGERPRES that Bogdan Enescu was called to the DNA to be presented with accusations regarding the unjust claiming of sums of money for hundreds of hours of overtime.

According to the quoted sources, he is accused of usurping official qualities and obtaining undue goods.

Judiciary sources also mentioned that Colonel Ionut Catalin Sindile and General Constantin Florea, both former heads of the Gendarmerie, were also called to the DNA headquarters.

Giorgiana Hossu resigns as head of DIICOT

<https://www.nineoclock.ro/2020/09/25/giorgiana-hossu-resigns-as-head-of-diicot/>

September 25, 2020 - NINE O'CLOCK

Giorgiana Hosu has resigned as prosecutor-in-chief of the Directorate for Investigating Organized Crime and Terrorism (DIICOT), the Ministry of Justice informed on Thursday evening.

According to a press release sent to AGERPRES, the Minister of Justice, Catalin Predoiu, had a meeting on Thursday with Giorgiana Hosu and Oana Daniela Patu, deputy chief-prosecutor of DIICOT.

"During the meeting, the Minister of Justice was informed by Elena Giorgiana Hosu of her decision to resign as prosecutor-in-chief of the Directorate for Investigating Organized Crime and Terrorism, as well as the fact that the decision was immediately submitted by her to the CSM – Section for Prosecutors," said the press release.

The Ministry of Justice mentioned that the resignation of the chief-prosecutor of DIICOT was motivated by the concern to protect the credibility of the institution and was based on a context with which it had no connection and for causes not attributable to her.

The management of DIICOT will be further ensured by the deputy chief prosecutor of DIICOT, Oana Daniela Patu, according to the legal provisions.

Former police officer Dan Hosu, the husband of the head of DIICOT, Giorgiana Hosu, was sentenced on Thursday by the Bucharest Court to three years suspended prison in the 'Carpatica Asig' case, for committing crimes of instigating to illegal access to a computer system and instigating the use of information not intended for advertising.

President Klaus Iohannis said on Wednesday that in the event of a conviction in the case of the husband of the head of DIICOT, Giorgiana Hosu, there will be, for sure, consequences.

"If a conviction arises, it will certainly not go unnoticed. That is, so to speak, "obvious." (...) If this scenario becomes reality, (...) I will not wait for others to move things around," said the head of state, at the Cotroceni Palace.

According to the court's decision, Dan Hosu was sentenced to two years and six months' detention for inciting illegal access to a computer system and one year and six months' detention for inciting the use of non-public information or allowing unauthorized access to such information. The two sentences were merged, resulting in a 3-year suspended prison sentence, with a period of supervision of three years and six months.

On the other hand, Dan Hosu was acquitted of influence peddling and bribery, Agerpres informs.

EC's 2020 rule of law report on Romania: "Amendments to the Justice laws in 2018 and 2019 continue to raise concerns"

<https://www.romaniajournal.ro/society-people/law-crime/ecs-2020-rule-of-law-report-on-romania-amendments-to-the-justice-laws-in-2018-and-2019-continue-to-raise-concerns/>

September 30, 2020 By Romania Journal

According to the 2020 Rule of Law Report Country Chapter on the rule of law situation in Romania released on Wednesday, the European Commission warned that the controversial amendments operated by PSD-ALDE to the justice laws in 2018 and 2019 are still in force in Romania and are prompting uncertainty for the proper functioning of the judiciary system overall.

The report also contains criticism against the Special section for investigating magistrates, while mentioning that the current Government has pledged to start a dialogue with the judiciary system and the political parties in order to correct the controversial measures.

"Several amendments to the Justice laws in 2018 and 2019 continue to raise concerns as regards their impact on judicial independence. The Justice laws regulate the status of judges and prosecutors, the organisation of the justice system and the functioning of the Superior Council of Magistracy. The amendments entered into force in July and October 2018, and were further modified through several Government Emergency Ordinances. The measures raised concerns, in particular as their combined effect was considered by several national and international stakeholders to represent a serious threat to the independence of the judiciary⁸. Major issues were identified with the creation of a Section for the Investigation of Offences in the Judiciary (SIJ), the system of civil liability of judges and prosecutors, early retirement schemes, entry into profession, and the status and appointment of high ranking prosecutors. From the outset, their implementation has confirmed the concerns of pressure on judges and prosecutors, and on the independence, efficiency and quality of the judiciary. Furthermore, the continued application of the laws has highlighted new issues beyond the problems identified early on", says the report.

For the entire article, please refer to the link above.

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