

Rule of Law - South East Europe

Press Review November 2020

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Content

• Regional	4
[EWB Interview] Priebe: There are similar problems in all Western Balkan countries.....	4
South-East European States 'Focused on Drugs, Neglecting Other Crimes'	11
• Albania	13
Parliament to review law on civil status following President Meta's decree	13
Laws Committee Rejects Presidents Decree on Civil Status Law	14
Theater Demolition Ombudswoman Asks Police Officers Punishment	15
• Bosnia and Herzegovina	17
Dayton 2.0: Deal that Ended Bosnian War Needs Rewriting, But How?	17
Bosnia Signs Deal with Pakistan to Send Back Migrants.....	23
• Bulgaria	27
Bulgaria's incarceration rate fell in June – September 2020, CoE study on Covid-19 impact shows	27
Bulgaria's 'Justice for All' initiative says its protests continue	30
Bulgaria's Constitutional Court rules against police access to phone data to check on quarantine compliance	31
• Croatia	33
EU Ombudsman Launches Probe After Claims Croatia Abused Migrants.....	33
Croatian Ex-Premier Sanader Convicted in Slush Fund Case Retrial	35
• Kosovo	37
Nach Kriegsverbrechen-Anklage: Kosovos Präsident tritt zurück	37
The KLA indictments: Is this justice?	39
Kosovo Guerrilla Leaders Accused of Witness-Tampering Ahead of Trial.....	41
• Moldova	44
Sandu Faces Raft of Obstacles in Reforming Moldova	44
• Montenegro	45
Popa: New government to put election changes into reforms	45
Popa: One in every three women worldwide has experienced physical and/or sexual violence	48
National Police: We have no information that Abazović's safety is under threat	49

- **Romania50**
 - Romania cracks down on criminals forced home by Pandemic 50
 - Romanian Jailed in China Declares Hunger Strike to Get Home 54
 - Romanian Law Accused of ‘Favouring’ Human Traffickers 56
 - 40% of cases of missing children come from foster homes. Social workers involved in child trafficking 58
- **Serbia59**
 - Wartime Rape Survivors Denied Compensation by Serbian Court 59
 - Serbia Eyes Changing Law to Make COVID-19 Vaccine Compulsory 64
- **Sources66**

Regional

[EWB Interview] Priebe: There are similar problems in all Western Balkan countries

<https://europeanwesternbalkans.com/2020/11/06/ewb-interview-priebe-there-are-similar-problems-in-all-western-balkan-countries/>

November 6, 2020 – Nikola Burazer



Reinhard Priebe; Photo: Flickr / Security & Defence Agenda

It can often be heard that the “Priebe Report” on the rule of law helped resolve the political crisis in North Macedonia. One was also published last year in Bosnia and Herzegovina. In recent years, calls for new “Priebe Reports” in other Western Balkan countries can often be heard, especially in Serbia, where this has been a repeated demand of the opposition.

We had the opportunity to talk with Reinhard Priebe, the man by whose name these reports are known. An experienced legal expert, Reinhard Priebe was the chair of the Senior Expert Group which published the rule of law reports in North Macedonia and Bosnia and Herzegovina at the initiative of the European Commission. Priebe was a speaker on the Belgrade Security Forum 2020 “No Trust, No Peace”, which took place in October.

European Western Balkans: Your name is synonymous with the report of the Senior Expert Group on the Rule of Law in Macedonia, which is considered to be of crucial importance for solving the political crisis in North Macedonia. Do you agree with this assessment?

Reinhard Priebe: As you might know, I do not like the name Priebe report because it was prepared by a group of senior rule of law experts. I was just chairing the group, but there have been much more knowledgeable experts in that group than myself. I do not shy away from my responsibility, but it is a bit unfair towards the other members of the group to just call it the Priebe report.

We have been asked as independent experts in 2015 by the European Commission to look into the situation with rule of law in Macedonia. At the time, as you recall, it was a situation of nearly a state crisis in Macedonia and that was the reason why the European Commission asked in addition to the annual progress reports to have this assessment by independent experts. We did a second report shortly after the government changed in 2017, which was basically meant to assess what had changed and what had not changed since the 2015 report.

I am not in charge to supervise the follow-up of these reports. We made quite concrete recommendations, but from I have heard and what my contacts tell me is that the government of North Macedonia has taken this report very seriously and has set up quite a lot of strategies, programs and actions to work through the recommendations which we made in the reports. Some of the recommendations were relatively easy to implement, others are very difficult, and what I read from the latest report of the European Commission, there is quite a positive assessment. Not everything is yet perfect, but quite a positive assessment of the progress the country has made in this particular area.

EWB: We have been told by former MEP Ivo Vajgl, part of the EP “troika” which mediated the inter-party dialogue in North Macedonia, that the Priebe report had a “key role” for their own work, and that these “less diplomatic” reports can become a basis for societal dialogue. How do you see your role in this dialogue process? Do you also believe it had a crucial role?

RP: I hope so. Do not ask me to tell you how successful our report was, that is for others to judge. Of course, in preparing both reports for Macedonia, and you might be aware we did a similar report last year for Bosnia and Herzegovina, we did not only talk to the officials and judicial councils, but we talked to quite a lot of NGOs. I must say I was very often positively impressed how active some of these NGOs are in sometimes not easy conditions and also in situations where they feel threatened. We noted the emerging engagement of NGOs in the reports. This is a very good development but much more would be needed in this regard. Other issue where we have noted huge problems is of course proper functioning of the media.

Many of the issues I think we touched upon in the two Macedonian reports and in the Bosnian report do not occur identically in other countries in the Western Balkans but were similar. I am not saying our Macedonian report could now be copied and pasted for Montenegro or Serbia, but you have a considerable part of the reports where I have been told and where we had the impression that problems might be quite similar in other countries. Therefore, I modestly recommend reading these reports not only in the countries concerned, but also in other countries.

You might have other areas where the problems are different, for instance in North Macedonia you have to take into account the function of the state for different ethnicities of the population which sometimes led to complicated proportional rules which conflicted with the efficiency of the institutions. Bosnia and Herzegovina is still in another situation because that country is a very particular case and has quite a complicated constitutional framework that is already quite an obstacle to make things function properly.

EWB: Do you think that having such reports for all accession countries in the Western Balkans could be beneficial to the EU enlargement process?

RP: Well, it is not for me to decide. Each of the three reports I contributed to were prepared on the request of the European Commission and I would not take myself the initiative to do any of these reports. Of course, you always have to be a bit careful that something which was triggered in an ad hoc situation, goes away to become a bit routine, so there is a "Priebe report" here, there should also be one there.

Maybe the added value of the reports we did was that we left diplomatic language and political considerations totally apart, we just said very directly where we see problems

I have the impression that in North Macedonia it turned out to have been quite a useful exercise, in Bosnia I don't know yet, I don't have enough information. Maybe the added value of the reports we did was as you said yourself, that we left diplomatic language and political considerations totally apart, we just said very directly and I hope politely enough, where we see problems and that seemed to have worked relatively well.

EWB: What else can the EU do to improve the process of accession negotiations when it comes to the rule of law? Obviously, it is a problem that the existing mechanisms cannot effectively tackle. What could maybe be done to improve the Commission reports themselves?

RP: I am not sure if I fully agree. First, the reports of the Commission have changed a bit over the years, they were on the way of being perceived as a sort of a bureaucratic routine, but if you read the recent communication of the European Commission and the reporting package from the 6 October, first you see a very, very huge focus on the rule of law issues. It is always the first point and it is clearly said that it is in the current situation the most important point. In addition you see also very concrete recommendations which are made, so I would rather say you see an evolution of reporting, in particular in the area of rule of law, which certainly has become more focused and more concrete and therefore could be very useful for the countries.

By the way, the European Commission has also recently issued a very detailed report on the rule of law within the EU, and it is quite an important issue that the Western Balkan countries are not alone with this problem. If you read the internal rule of law report, you see that there were huge rule of law problems, not in all member states, but in some of them, and that the Commission does not have different standards when it deals with the pre-accession countries in the Western Balkans and when it deals with its own member states. Therefore, in general you cannot put much more focus on the rule of law.

The recent report of the European Commission is very much focused on rule of law, very much to the point, so you can say no other "Priebe report" is maybe needed anymore

In addition to that, to make things even more complicated, the COVID crisis is also a huge challenge for the functioning of the rule of law. The measures which have been taken in all European countries, be them members of the EU or not, are far-reaching limitations of fundamental rights of individual citizens. We have in my own country, Germany, a huge debate on that and many people are going to courts and not rarely they win. Coming back to normal after the crisis and not using restriction of fundamental rights which are needed to overcome this pandemic to become permanent afterwards, that is an additional challenge.

We have quite a lot of things to work on, but I must say just looking at the recent report of the European Commission, it is very much focused on rule of law, very much to the point, so you can say no other "Priebe report" is maybe needed anymore because we have these good reports.

EWB: These reports are focused on the rule of law, but it seems that they are more diplomatic than these expert group reports were and you mentioned yourself that you put politics aside and looked at the facts. And you were able to, according to the experts, pinpoint the most burning issues, disregarding the structure of the Commission reports and of the negotiating chapters, where this criticism can sometimes get lost. Is this something that is maybe an added value in this kind of reporting, where you move politics aside and you are able to highlight the most burning issues better than these structured reports can do?

RP: It seems that was quite appreciated. Just to avoid any misunderstandings again, I do not think that Commission reports are driven by politics. But I was quite surprised, especially after the first Macedonia report, how many people approached me from the country and said "we are so grateful that for once somebody said what is the situation". Nobody told me that he or she was offended by a too tough language. Again, we tried to be fair and objective and we did not take political sides neither, which was not an easy thing in Macedonia at the time. And we heard from both political camps.

It was very clear that the legal framework (in North Macedonia) was okay, even perfect in some areas, but it was not used as it could have been used to make the rule of law really function

You are right, maybe this kind of addressing things is not only looking at different chapters of the accession and different parts of the acquis, but just trying to say essential things. You might have seen that in the Macedonian report we did not criticize that there was a lack of legislation, we rather criticized implementation, culture and the behaviour. This is a bit tricky, because these are very vague notions, but it was very clear when we prepared the report that the legal framework was okay, even perfect in some areas, but it was not used as it could have been used to make the rule of law really function.

EWB: How do you see the possible effects of the new enlargement methodology? Do you believe it can address the shortcomings of the existing process?

RP: I see some quite interesting and good ideas in the new methodology. More focus, more political discussion where political discussions are needed, better use of the bodies under the Stabilization and Association Agreement, concentrating on the rule of law. I think this new methodology would be fit to make the process more efficient and maybe to overcome some bureaucratic burdens. If I have read well all the papers and the statements which have been made in the context of this methodology, it is also meant to speed up the process. All of this is a good way forward and we have to see if it works. There is no guarantee it will work, but I am quite confident that it could improve the whole process.

The new methodology would be fit to make the process more efficient and maybe to overcome some bureaucratic burdens

But what I think is very important in this context is that we do not see any changes in the conditions for becoming a member. Conditions are laid down in the treaties, basic values of the EU have to be respected, and to assess if the country can join the Union, the entire legislation of the EU, the famous *acquis communautaire*, has to be checked and screening has to be done, so in this regard there is no change. There would be a huge misunderstanding if people thought that simplifying methodology would mean that standards for joining the Union and the conditions have been changed, this is not the case.

EWB: Speaking of the standards, many people claim it is now much harder for a country to join the EU than it was 10 years ago because the EU raised the bar when it comes to implementation of reforms. Is it realistic to expect that any of the Western Balkan countries actually close these chapters 23 and 24?

RP: I think my answer would be yes. It is very interesting that even when I was dealing in the European Commission with the Western Balkans in the early 2000s, I was already confronted with the argument “you are always increasing the conditions, they were much easier for previous candidates”. To a certain extent, it might not be wrong.

But to put it very bluntly, you cannot blame the EU for drawing conclusions from some lessons it has learned. We have had in the past the situation that countries which joined the European Union were definitely not yet ready to join. The experience has been that there had not been sufficient preparation of those countries with many negative consequences afterwards, also for the countries themselves. That triggered an attitude of the EU to be very diligent in screening and to look into the capacity of the countries to implement the *acquis*, so one can of course argue from today the EU has become stricter than it was in the 80s, but you can also argue it is applying the same conditions, but in a different situation.

You cannot blame the EU for drawing conclusions from some lessons it has learned. We have had in the past the situation that countries which joined the EU were definitely not yet ready to join

To give you another example which now is getting already historic. The EU has insisted since the early 2000s on cooperation of Serbia with the Hague Tribunal, and how often have I heard in discussing with Serbian officials the EU has created a new condition for the Stabilization and Association Agreement. And the EU at the time argued it is not a new condition, it is the rule of law in a particular case. I would not contest that joining the big club of the EU is potentially more difficult for countries who come later than for the countries who joined in the 70s or the 80s, not even speaking about the 2000s.

EWB: But do you think it is realistic that these countries, having in mind all the problems which they face – economy, social problems, political problems – can actually fulfil these standards in 5 to 10 years which is an expected date of accession? There are many who argue this is not even possible.

RP: I am optimist by nature, I think it is possible and let me also underline, I do not see any EU strategy, or even a strategy of individual member states, to make the accession so difficult they can never be achieved. That would be nonsense and it is totally contrary to all declarations which have been made in the past. Even now enlargement Commissioner was at the Belgrade Security Forum and said again that there is only one place for these countries, which is in the European Union.

You need to have enormous political determination (to join the EU), this must be number one political priority and endorsed by a broad majority of the population

It will be hard to meet the conditions, especially rule of law and also some economic conditions, but I definitely do not see that this is impossible. Giving timeframes is always difficult, but I think it is possible, and then again do not forget that two countries of former Yugoslavia, Slovenia and Croatia, have already joined. What is also of course important is that on the side of the countries, to make this happen within reasonable time you need to have enormous political determination, this must be number one political priority and endorsed by a broad majority of the population.

Where on the contrary you have mixed messages, you have reflections on plan B or plan C, making compliments to China or Russia forgetting about all the funding the country got from the EU, then with these kind of mixed messages things will not become impossible, but much more difficult. And of course, no country is forced into the EU against its will.

EWB: From your experience, do you believe that Western Balkan governments have genuine political will for improving the rule of law, which is a precondition for membership, or they only pretend to reform unless the EU pressures them enough?

RP: This is a tricky question, and I am not quite sure how to answer that, because when we were preparing all these three reports on North Macedonia and Bosnia and Herzegovina, the preparation was a long sequence of many meetings with many stakeholders. Of course, officials' declaration is always that they want to make progress, and they acknowledge the problem in the rule of law.

On the other hand, not all people who are in the system, who are part of the intelligence service, judiciary, ministry of justice, might have an absolute and immediate interest for

huge changes. Sometimes there are also people who feel comfortable in the system in which they worked for a long time, sometimes for decades. It is to a certain extent a change of attitude or a change of persons, a change of generations. In the end you will have a good functioning democracy in a country when you have young brilliant lawyers who say "I want to become a judge because this is really rewarding, and I will be independent and I can take under the law the decisions I think are the right decisions." But rule of law is certainly not the only area, obstacles have to be overcome and people who have worked in the system for a long time might have more difficulties to change than people who start from scratch in the new system.

EWB: But do you believe there is actual political will on the highest level to change all of this, as it seems to be the most important factor in determining the success of the reforms?

RP: Again, I am an external observer, I certainly see such will in some countries, and in other countries I see less. I must frankly say the situation in Bosnia and Herzegovina is very complicated. To put it in a very simplistic way, they have all the problems of the other countries, in addition they have the constitutional set-up. There are, according to my observation, differences in the degree of political determination to make the EU membership happen as quickly as possible. But they all say they want it, and people have to be taken by their words until they prove the contrary.

EWB: We frequently hear from both experts and politicians in Serbia that we need a "Priebe report" or a Senior Expert Group report on the rule of law. If a Commission came to you with such a proposal, would you accept?

RP: Let us first wait if somebody comes to me, we will see how old I will be and then decide what to do.

South-East European States 'Focused on Drugs, Neglecting Other Crimes'

<https://balkaninsight.com/2020/11/06/south-east-european-states-focused-on-drugs-neglecting-other-crimes/>

November 6, 2020 - Ivana Nikolic, Belgrade, BIRN

A new report examining official responses to illicit trade in South-East Europe argues that states mostly focus on the illegal narcotics business rather than other cross-border crimes such as human trafficking.



View of several bundles containing hash during a raid at the naval base in Spain. The ships were chartered by a gang from Eastern Europe. Photo: EPA-EFE/Angel Medina

The report published on Friday by the Siracusa International Institute for Criminal Justice and Human Rights says that the illicit trade in drugs is being prioritised by South-East European countries over the illegal dealing in small arms and light weapons, tobacco products, cultural property, and human trafficking and migrant-smuggling.

The report entitled 'Closing the Implementation Gap: Criminal Justice Responses to Illicit Trade in South Eastern Europe and Associated Challenges' says that the illegal narcotics trade "accounts for the bulk of investigations and prosecutions in reality".

It says that "criminal justice systems primarily invest their resources in responding to drug-related offences and, even in this context, drug possession is much more frequently charged than graver trafficking offences".

Other criminal offences, such as trafficking in human beings, attract a significantly lower number of investigations and prosecutions, the report adds, "even though most SEE [South-East European] countries are major origin, transit and destination countries for trafficked persons".

The report argues that one explanation might be that prosecutors in several countries display a tendency to mis-classify human trafficking cases as prostitution so they are easier to prove. But it says that this practice does not reflect the exploitation involved in the trafficking in human beings.

As to the scale of the illicit trade in tobacco products in the region, the report suggests that the level at which it goes undetected may be very high.

“Small groups, families and individuals, including in diaspora communities, also play a part in distribution [of tobacco products] throughout destination markets,” it says.

The report says that the forms of illicit trade, including illegal dealing in cultural property, medical products, counterfeit goods, alcohol, stolen vehicles, crude oil and petroleum products, as well as waste trafficking and other types of environmental crimes also go neglected by law enforcement agencies in South-East Europe.

“A combination of factors likely explains this, including the possibility that certain types of illicit trade are perpetrated less frequently than others. However, the [Siracusa] Institute’s consultations have emphasised that higher political priority is traditionally assigned to some crime types and not others,” it says.

“Consequently, investigators may not have adequate tools, skills or expertise to detect egregious manifestations of illicit trade that simply flow ‘under the radar’,” it adds.

The report also argues that cooperation between organised criminal groups and public officials obstructs detection efforts at their root.

The ongoing COVID-19 pandemic will probably put a lot of pressure on the resources of governments in South-East Europe and so fighting criminal networks might not be a top priority due to increasing unemployment, stretched public health services and the emigration of the region’s youth, it suggests.

“But it is also true that SEE countries may observe a surge of people turning to illicit trade as a way to meet their essential needs. A rise in illegal migration, from which criminal networks benefit greatly, is already evident,” the report says.

Albania

Parliament to review law on civil status following President Meta's decree

<https://euronews.al/en/daily-news/2020/11/08/parliament-to-review-law-on-civil-status-following-president-meta-s-decree>

November 8, 2020



Albanian President Ilir Meta during a press conference. Photo credits: LSA.

On November 22, the Albanian Parliament approved amendments to the law on civil status, which proved for the removal of the fine of 10 thousand ALL in case of non-declaration of residential address.

This law was passed on Parliament and it was argued that the removal of the fine would encourage citizens to declare their place of residence.

Seventeen days after its approval, the president signed a decree to review the law in Parliament.

According to this President, the adoption of this law aims to strengthen the position of the majority. The decree clearly states that the majority seeks to use this initiative for political purposes and that the ruling majority feels politically weak in these areas.

Laws Committee Rejects Presidents Decree on Civil Status Law

<https://albaniandailynews.com/news/laws-committee-rejects-president-s-decree-on-civil-status-amendment-1>

November 19, 2020

Albanian Daily News

THE MOST AUTHORITATIVE ALBANIAN SOURCE IN ENGLISH



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arliamentary Committee on Legal Affairs, Public Administration and Human Rights has turned down Wednesday with 14 votes against the decree of President Ilir Meta for returning to the Parliament for review the law no. 130/2020 "On an amendment to law no. 10129, dated 11.5.2009, 'On the civil status', as amended".

During today's session of the Law Committee was present also President Meta's Legal Adviser, Bledar Dervishaj, who presented the reasons for the return of the law to the Parliament.

from the members of the Committee, only one voted in favor of the decree and another abstained, but the majority decided to dismiss the decree and now it will pass for voting in the next session of the Parliament.

On his part, the Head of State returned the law for review on November 8 and emphasized that this law must not be used for political gain and the change in the law brings chaos to the voter lists. The field verification mechanism is lacking in this law, while residence is an obligation to declare and register, pointed out the President of Albania.

"Honored Members of the Albanian Parliament, evaluating that this law does not properly address the stated purpose, causes unequal treatment among citizens, does not realize the major public interest for identifying the accurate addresses of residence, and carries the risk of misuse for electoral purposes, in accordance with the Constitution and pursuant to Article 85, point 1, I have decided the return for review of law no. 130/2020 'On an amendment to law no. 10129, dated 11.5.2009, 'On the civil status', as amended'", stressed President Meta earlier.

Theater Demolition Ombudswoman Asks Police Officers Punishment

<https://albaniandailynews.com/news/theater-demolition-ombudswoman-asks-police-officer-s-punishment>

November 19, 2020



ombudswoman Erinda Ballanca has asked the Interior Minister, the head of the State Police and the General Prosecutor's Office to punish the behavior of police officers who were engaged in the operation to demolish the building of the National Theater on May 17, 2020.

Ombudswoman said that after reviewing the behavior of law enforcement agencies during the latter's interventions on May 17, 2020 in the operation to destroy the building of the National Theater, she has compiled a summary with recommendations on the behavior of the State Police.

Based on the findings made during the administrative investigation, the Ministry of Interior, State Police and the General Prosecutor's Office were asked to take a series of administrative and legal measures to punish a series of individual or organized behavior that was observed in the activity of the Police, during the operation to destroy the National Theater.



On May 17, 2020, around 04:30 in the morning, special police forces entered the premises of the National Theater and forcefully removed citizens who were protesting against the demolition for months.

Immediately after that, the National Theater was demolished. This action of the government led to massive protests near the Theater, where many violent incidents occurred against the citizens -representing civil society, the artist, the Alliance for the Protection of the Theater, as well as political parties.

Bosnia and Herzegovina

Dayton 2.0: Deal that Ended Bosnian War Needs Rewriting. But How?

<https://balkaninsight.com/2020/11/02/dayton-2-0-deal-that-ended-bosnian-war-needs-rewriting-but-how/>

November 2, 2020 - Nedim Dervisbegovic, Sarajevo, BIRN

Twenty-five years ago, a peace deal crafted at a United States air base in Ohio ended the Bosnian war. Today, nobody likes it, but in a politically-divided country, agreement on any reform will be tough to reach.

Some want it rewritten, smoothing Bosnia's path to membership of the European Union. Others want it tweaked to further divvy up power between peoples. Some, most radically, want it rejigged as a route to dissolution.

As the Dayton peace deal that ended the Bosnian war turns 25 in November, few would disagree that the system it bequeathed needs changing. But no one can agree how.

A quarter of a century since the end of a war in which some 100,000 people died, Bosnia's Bosniaks, Serbs and Croats are worlds apart on how to reform a highly decentralised and complex system of ethnic power-sharing that, critics argue, has kept the country in a permanent state of ethno-political quarrelling and crisis.

"I see it as a peace agreement that's served its main purpose to end the war but no longer serves an important purpose of governing the citizens of Bosnia and Herzegovina in a way they can be secure and prosper," said Daniel Serwer, a professor at Johns Hopkins University and former US envoy to Bosnia who attended the peace negotiations at a US air base in Dayton, Ohio, in 1995.

"There have been some moments when that was a little bit less true but basically you've seen the war continue by political means," Serwer told BIRN in a Skype interview.

Hostage to nationalists



Serbian President Slobodan Milosevic with his family after he arrived at Belgrade airport on his return from the Dayton talks. Photo: EPA/SRDJAN SULEJMANOVIC.

To end the 1992-95 war, the negotiators in Dayton split power between two autonomous entities and, within one of these entities, between 10 cantons. Central institutions were left weak, with the presidency a rotating, tripartite arrangement representing the three 'constituent' peoples – Bosniaks, Serbs and Croats.

Critics of the setup say that, while it ended the war, Dayton has been exploited by nationalists and must be changed if the country is to function more efficiently and pursue the reforms required of it to integrate with the European Union and NATO and secure the stability and economic progress its citizens crave.

For years, the Party of Democratic Action, SDA, the Croatian Democratic Union, HDZ, and the Alliance of Independent Social Democrats, SNSD, have dominated political life.

The Bosniak SDA and the Croat HDZ have been in power more or less uninterrupted since the first free elections in the then Yugoslav republic 30 years ago, while Serb SNSD under strongman Milorad Dodik picked up the baton from the Serb Democratic Party of Bosnian Serb wartime leader and convicted war criminal Radovan Karadzic.

For a time after the war, Bosnia's foreign backers cajoled Bosnian leaders into accepting changes to the Dayton setup, such as expanding the powers of the central government at the expense of the two autonomous entities or the creation of a joint armed forces, but those days are long gone and Bosnia has slipped way down the international agenda.

"The internationals have tried repeatedly, they have failed and the international power authority has faded in Bosnia-Herzegovina," said Serwer.

He argued that the only way to change matters would for Bosnians to vote out the nationalist parties. "I am not hopeful that it would happen at the next election. I know the reality. But that's what it takes."

"I don't actually think it's possible to bring the parties who are currently in power to change it in a way that would remove them from power. They like this system and it works really well to enrich them."

US renews call for change



Bosnia's Parliamentary Assembly (left) and the Council of Ministers building in central Sarajevo. Photo: EPA-EFE/Fehim Demir.

In 2006, a US-backed 'April package' of sweeping constitutional reforms came closest to beefing up the central government but, despite enjoying the backing of most main parties, was narrowly voted down in the Bosnian parliament.

Fourteen years on, the current US ambassador to Bosnia, Eric Nelson, called last month for a new constitution.

"Why? Because Bosnian citizens want to be part of the Transatlantic community," Nelson told Voice of America's Bosnian service. "There is a whole range of constitutional issues which need to be dealt with so the country can fulfill Transatlantic standards. Many of those issues are difficult to solve, but none of them is impossible."

As a sign of what political will can achieve, Nelson cited a deal struck in May this year between the SDA and HDZ to end a decade-old constitutional and electoral dispute that had prevented voters in the southern city of Mostar from electing local councillors.

"Of course, what was needed was strong will and the time to finally say that now is the time to move ahead," Nelson said.

Valentin Inzko, the Austrian diplomat who has served as chief international overseer of Dayton for more than a decade, argues that change is possible even without touching the constitution.

Some of Inzko's predecessors as High Representative fired hundreds of officials and imposed laws to overcome past political deadlock, but 71-year-old Inzko has taken a far more hands-off approach. In late August, he told the Dnevni Avaz newspaper that political parties have too often used protective mechanisms in the constitution to block progress and achieve their political goals.

Compromise, he said, would lead to progress, even without rewriting the constitution.

"It is clear that for Bosnia and Herzegovina it would be very useful to introduce higher functionality and efficacy," Inzko was quoted as saying. "Lack of functionality and efficacy is particularly obvious in regards to Euro-Atlantic integration, and also when it comes to reforms focusing on economy and good governance, which should have a positive impact on the everyday life of the citizens."

"But it is also clear that what's needed for that is political will, and progress is possible with the current constitution if the parties are not shy about finding political compromise."

Ethnic or civic representation?



A demonstration against the Dayton peace agreement in Zagreb in 1995. Photo: EPA/ANJA NIEDRINGHAUS.

Bosnia has officially applied for EU membership but was told in May last year to make progress in 14 areas, including the judiciary, corruption and public administration, before it could be considered for official candidate status.

The weakness of the central government is slowing progress, given it lacks competencies in many crucial sectors while the whole process has to be coordinated with entity authorities too.

The path to NATO is even more complicated, not least because the Bosnian Serbs, following neighbouring Serbia's lead, oppose full membership. Dodik, in fact, says he would not mind if Bosnia dissolved. He wants the constitution rewritten, but only to enshrine the right of an entity – meaning his Republika Srpska – to secede.

The success of such a step, however, would depend on Serbia, which looks unlikely to burn bridges with the West by recognising Republika Srpska as independent.

"It would put Serbia in a very difficult political position," said Serwer. "Either they would recognise the independence of Republika Srpska in which case they would surrender their own ambitions to join Europe and that would be impossible, if not forever at least postponed by another decade or so, or they don't recognise independent Republika Srpska in which case the nationalist forces inside Serbia would be very resentful."

Besides Dodik's own ambitions, the Bosnian Croats – who currently share power with the Bosniaks in a second entity called the Federation – want their own, third entity, while the Bosniaks and non-nationalist parties want Bosnia reorganised not along ethnic lines but as a civic state.

"Every small step and attempt to solve a smaller problem in Bosnia leads us to the question of whether Bosnia should be based on ethnic or civic representation. Until an answer to that question is found, there can be no great progress for Bosnia and Herzegovina," said Miroslav Lajcak, Inzko's predecessors as High Representative and now an EU envoy to the Balkans, said in late August during a conference in Slovenia.

Stop feeding the 'peace cartel'



People in Belgrade watch US President Bill Clinton announce that an agreement has been reached at the Dayton peace negotiations. Photo: EPA/SRDJAN SULEJMANOVIC.

The authors of an article published in August by EUobserver, however, argue that much of the blame lies with the EU, which has largely bankrolled the postwar recovery and has several hundred soldiers on the ground.

Kurt Bassuener, co-founder of the Berlin-based Democratisation Policy Council, and Senada Selo Sabic, senior research associate at the Institute for Development and International Relations in Zagreb, wrote that the West, particularly the EU, “has pursued what amounts to a pacification policy toward Bosnia and the Western Balkans more broadly.”

“This is undergirded by the priority of avoiding unpredictable disruption and stemming migration on the Balkan route, bolstered by the self-serving worry that any forward-looking policy shift would connote admission of past failure.”

“So the country’s leaders effectively direct the EU’s agenda in Bosnia, and control the money that comes with it,” they wrote. “Western patronage, infused in various forms, goes to Bosnia’s political elites in what amounts to a protection racket – assisting them in pacifying an increasingly frustrated citizenry.”

Instead, the West must mount a real effort to support the rule of law, stop pouring money into corrupt government coffers and step up support for bottom-up civic initiatives to create an alternative political order in Bosnia, they argued.

“The only partners the EU can have in Bosnia are its citizens,” Bassuener and Selo Sabic wrote. “Citizens need to lead the change to define a better future, but the West, particularly the EU, can help free them from the shackles of the peace cartel by ceasing to feed and support it.”

Bosnia Signs Deal with Pakistan to Send Back Migrants

<https://balkaninsight.com/2020/11/04/bosnia-signs-deal-with-pakistan-to-send-back-migrants/>

November 4, 2020 - Danijel Kovacevic, Banja Luka, BIRN

The latest in BIRN's Forgotten Victims series examines how Croat troops attacked a convoy of Serbs trying to escape to safety in September 1995, killing 81 civilians, but no one has ever been charged with their murders.

Marjana Zeljko was 14 years old when her family fled the central Bosnian town of Donji Vakuf in a refugee convoy in September 1995, not long before the end of the war in Bosnia and Herzegovina.

The convoy of fleeing Serb civilians was trying to reach safety further north in the Serb-held city of Banja Luka, some 100 kilometres away by road, when it was ambushed.

While the bus in which they were travelling was passing through the abandoned village of Bravnice, near the town of Jajce, Zeljko first heard gunfire in the distance, and then bullets hitting the vehicle and others nearby.

"I was injured in my head and arm. I have some pieces of shrapnel next to my heart," she recalled.

"My brother was injured too. He was only eight years old when the attack happened. I saw a soldier shooting at him from a trench. The consequences were such that he is 100 per cent disabled today."

Nadezda Jankovic, who was just a little older than Marjana, was also wounded in her leg when the refugee convoy was passing through Bravnice.

"There was blood and glass all over the place, there was screaming and crying," Jankovic said.

"A bullet cut my grandmother's leg off. They carried her out of the bus, while I got out in a semi-sitting position using only one leg."

The bus had left Donji Vakuf on the morning of September 13 in a convoy with tractors and other vehicles carrying Serb civilians. Zeljko recalled that a neighbour woke her family up during the night before and told them to flee.

At that time, the situation in Donji Vakuf was turbulent, gunfire and explosions could be heard in the distance, and Serb troops and civilians were leaving.

Jankovic lived with her grandmother in Donji Vakuf, which at that time was called Srbobran. Her grandmother went to collect her pension that morning and learned about a bus that would evacuate civilians to Banja Luka.

"'Srbobran has fallen!' That's what my grandmother said as we were trying to pack in a hurry," she said.

"We managed to sit on the entry steps of the bus, as all the sitting and standing places had already been taken. It was a big articulated bus. More than 100 civilians, women and children and the elderly, were on it."

The ambush, as the convoy was passing through Bravnice two hours later, left 81 civilians dead, according to data provided by survivors.

Nine Bosnian Serb Army soldiers were also killed, police said, and a number of people were injured. Civilians who were captured in the ambush were taken to detention facilities.

Jankovic said she remembers seeing soldiers in camouflage uniforms after the attack.

"They went past us, laughing. They said they had butchered us well. There were also some soldiers who came up to us and dressed our wounds. Those soldiers had symbols of the HVO [Croatian Defence Council, the Bosnian Croat wartime force] and a [Croat] chequered flag on their sleeves," she said.

"I saw horrible scenes all around me, and the smell of blood and gunpowder. After the attack they put us in a yellow house by the side of the road. That is where I found my grandmother and lay down next to her, thinking she was dead. I thought it was the end of me too."

Zeljko also remembers being taken to the abandoned yellow house in Bravnice.

"We received first aid from soldiers. At first I thought they were Serb soldiers, but they had HVO symbols and a chequered flag on their sleeves," she said.

"Although I was 15, my childhood was spent in wartime, so I could recognise military tags. At that moment I realised I had been captured."

'Some attacked, others offered help'

Sava Gudalo, who was also in the refugee convoy, recalled that local Croats appeared immediately after the attack in Bravnice.

"They were appalled by what had happened. They held their heads in shock and started arguing with the soldiers who had carried out the attack. The local Croats helped us later, dressed our wounds," Gudalo said.

During the day, the injured civilians were transferred by truck from Bravnice to a hospital in Livno. Zeljko said that medics removed shrapnel pieces from her head without anaesthesia.

She and Jankovic were transferred, alongside other severely wounded people, to Split in Croatia two days later. They underwent surgery in Split and were then sent back to Livno, where they were accommodated in a sports hall. It wasn't until November 2 that year, a month and a half after the attack, that they were freed under a prisoner exchange.

Jankovic is convinced that the crime was planned and the attack on the civilian refugee convoy was ordered, but no one has yet been convicted of it.

"The 4th Guards Brigade of the Croatian Army, which conducted the attack on us, was active in that area at that time. Members of that army were in a trench, from where they attacked the bus and halted it, while the HVO members came from the other side, across the bridge, and they condemned the attack and offered help," she said.

"I want to emphasise the difference between those who attacked us and those who offered us help. It is important to say that."

Croatian Army brigade 'was not there'

The Hague Tribunal's verdict acquitting Croatian Army generals Ante Gotovina and Mladen Markac stated that from September 8 to 15, 1995, the Croatian Army and HVO units, working with the Bosnian Army, conducted Operation Maestral with the aim of taking control over an area near the Bosnian towns of Drvar, Sipovo, Jajce, Bosanski Petrovac, Bosanska Krupa and Kljuc. Jace is the nearest town to the village of Bravnice.

The verdict said that among the troops participating in the operation was the 4th Guards Brigade of the Croatian Army, commanded by general Damir Krsticevic, who later became Croatia's Defence Minister and Deputy Prime Minister from 2016 until May 2020.

Krsticevic has denied this on several occasions, insisting that the brigade was at its headquarters in Split when the Bravnice ambush happened on September 13, 1995.

Responding to BIRN's request for an interview, Krsticevic sent a message saying that "the 4th Guards Brigade was not present in the Jajce area in that period".

He did not want to go into more detail about the victims' allegations that the brigade was in Bravnice that day.

The Interior Ministry in Bosnia's Serb-dominated entity Republika Srpska told BIRN that back in 2005 it submitted a report about a war crime against civilians in Bravnice to the Bosnian state prosecution.

The report listed four people identified only by the initials T.B., S.S., D.K. and M.P. as suspects, as well as "several unidentified members of the 4th Guards Brigade of the Army of the Republic of Croatia".

It alleged that the suspects "ordered, failed to prevent or directly carried out the killing and wounding of several civilians with firearms and shells launched at a refugee convoy, killing several dozen civilians – at least 32 – and failed to punish the perpetrators".

The Republika Srpska Interior Ministry said that it subsequently established that nine Bosnian Serb Army soldiers were also killed, and amended its report with substantial evidence material in 2007.

The state prosecution confirmed to BIRN that it is working on the case and the examination of witnesses and victims was underway, but did not provide further details about the investigation.

'The perpetrators must be punished'

Bosnia and Herzegovina's Missing Persons Institute carried out three exhumations in the Jajce area in 1998 and 1999, exhuming a total of 96 bodies.

According to the Missing Persons Institute, the remains of nine people who went missing in Bravnice have yet to be found.

While waiting for the investigation to lead to indictments, families of the dead and war victims' associations have been attempting to mark the murder site with a memorial plaque, but permission has not yet been granted by the municipality of Jajce.

A temporary plaque was nailed to a lamppost at a bus station in Bravnice, with a wreath underneath, but it is now in poor condition.

Jankovic argued however that for those who were in Bravnice that day in 1995, prosecuting the guilty is more important.

"You know, we can talk about the culture of remembrance and marking the place with a permanent sign telling people what happened and teaching future generations so it will never happen again. But you have to understand, for me and all the civilians on that bus who were killed or survived, that it is necessary to punish the perpetrators," she said.

"I wonder why there is silence about this crime, and what else do we need to do to see the perpetrators in the dock?"

Bulgaria

Bulgaria's incarceration rate fell in June – September 2020, CoE study on Covid-19 impact shows

<https://sofiaglobe.com/2020/11/10/bulgarias-incarceration-rate-fell-in-june-september-2020-coe-study-on-covid-19-impact-shows/>

November 10, 2020 - The Sofia Globe



Photo of Sofia Central Prison: Bin im Garten

Bulgaria's incarceration rate decreased between June and September 2020, one of only two European countries where this happened, according to a study done on the impact of Covid-19 on prison populations.

Following the overall decrease of European prisons populations during the period of the lockdowns in spring, during the summer the incarceration rate remained stable in most European countries, but started to grow in several prison administrations, according to a study by the University of Lausanne for the Council of Europe released on November 10.

Despite this trend, the study shows that from January 1 to September 15 the average incarceration rate fell by 4.6 per cent – from 121.4 to 115.8 inmates per 100 000 inhabitants – in the 35 penal administrations which provided these data for the four dates examined in the study. The decrease was due to a number of reasons, including the release of prisoners to prevent the spread of Covid-19.

The Council of Europe Annual Penal Statistics (SPACE) study "An evaluation of the medium-term impact of Covid-19 on prison populations" analyses trends in European prison populations during 2020 using four time references: before the pandemic (January 1), after the first month of the lockdowns (April 15), by the end of the lockdowns (June 15) and by the end of the summer (September 15).

The lockdowns of the European populations, which had been in place during only one month by mid-April, seem to have contributed to a trend of stability or reduction of the prison population rates.

By April 15, in 17 prison administrations the incarceration rate had fallen more than four per cent, and it remained stable in 29 prison administrations. Sweden, which did not confine its population, was the only country where the incarceration rate grew in the very short term.

The contribution of the lockdowns to the decrease of the prison populations is corroborated by an analysis of the situation by the end of the confinement.

On June 15, among the 43 prison administrations that provided data, the number of those where the prison population rates had fallen since January rose to 27, while 14 showed stable trends, and only Sweden and Greece had higher rates in June than in January.

During the summer, and without lockdowns, the downward trend in the prison population was reversed in 12 prison administrations, which had higher rates on 15 September than on 15 June: Monaco (+30 per cent), Andorra (+22 per cent), Norway (+16.8 per cent), Luxembourg (+12.1 per cent), Slovenia (+10.9 per cent), Finland (+8.3 per cent), Scotland (+7.7 per cent). Cyprus (+7.2 per cent), Denmark (+6.7 per cent), Belgium (+4.8 per cent), Romania (+4.7 per cent), and Northern Ireland (+4.5 per cent).

The prison population remained stable in 22 prison administrations, while Bulgaria (-13.2 per cent) and Montenegro (-7.7 per cent) were the only two prison administrations —among the 36 which provided data— where the incarceration rate fell from June to September.

Overall, however, the prison population rates by mid-September were generally lower than at the beginning of 2020, corroborating that the year of the pandemic is a very particular in terms of crime and the action by the criminal law actors against it.

In particular, when the prison population rates of the 35 prison administrations which provided data on 15 September are compared to the ones on 1 January 2020, the trends observed are:

- Decrease in 20 prison administrations (more than -4 per cent): Montenegro (-21.1 per cent), France (-13.4 per cent), Bulgaria (-12.7 per cent), Albania (-12.5 per cent), Portugal (-12.5 per cent), Italy (-10.8 per cent), Lithuania (-10 per cent), Netherlands (-8.8 per cent), Scotland (-8.7 per cent), Luxembourg (-8.4 per cent), Finland (-7.6 per cent), Latvia (-7.1 per cent), Poland (-6.8 per cent), Spain (Catalonia) (-6.3 per cent), Cyprus (-6 per cent), Czech Republic (-5.6 per cent), Spain (State Administration) (-5.1 per cent), England and Wales (-4.4 per cent), Slovenia (-4.3 per cent), Serbia (-4 per cent).
- Stability in 11 prison administrations (between -4 and 4 per cent): Azerbaijan, Belgium, Estonia, Hungary, Liechtenstein, Republic of Moldova, Monaco, Norway, Romania, Slovak Republic, Northern Ireland.

- Increase in 4 prison administrations (more than 4 per cent): Andorra (+24.5 per cent), Sweden (5.8 per cent), Denmark (+5.4 per cent), and Greece (+5.2 per cent).

One factor that contributed to the decrease of prison populations is that 25 prison administrations released inmates as a preventive measure against Covid-19.

Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Cyprus, Denmark, France, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Monaco, Norway, Portugal, Serbia, Slovenia, both administrations of Spain, Turkey, England and Wales, Northern Ireland, and Scotland released at least 143 000 inmates between March and September. The vast majority were released in Turkey (114 460 inmates, almost 40 per cent of its inmates), which in January had the second largest prison population in Europe.

Prison administrations which also released a high proportion of their prison population to prevent Covid-19 were Catalonia (Spain) (23 per cent), Cyprus (23 per cent), France (17 per cent), Portugal (17 per cent), Slovenia (16 per cent) and Norway (15 per cent). Slovenia, however, had already recalled by 15 June the inmates liberated during the first month of the lockdown.

The release of inmates as a preventive measure against Covid-19 does not seem to be the only cause of the trend to stability or decrease of the prison population rates. In fact, prison populations decreased also in several countries that did not release inmates for this reason, the study found.

According to Marcelo Aebi, director for the study, the European trends can be explained by several factors, notably a decrease in the activities of the criminal justice system due to the lockdown, the release of inmates as a preventive measure to reduce the spread of Covid-19, and a drop in crime produced by the lockdowns, which may have reduced opportunities for traditional crimes. This explanation is supported by the opposite trend observed in Sweden and by the fact that the decrease of prison populations stopped as soon as the lockdowns ended.

The study also points out that at least 3300 inmates and 5100 prison staff members were infected with Covid-19 across Europe up to September 15 in the 38 prison administrations which provided data.

Bulgaria's 'Justice for All' initiative says its protests continue

<https://sofiaglobe.com/2020/11/03/bulgarias-justice-for-all-initiative-says-its-protests-continue/>

November 3, 2020 - The Sofia Globe



Bulgaria's "Justice for All" initiative said in a November 3 statement that its traditional protests on Wednesday nights in front of the Palace of Justice in Sofia would continue.

The statement came two days after the "Poison Trio", another of the groups of protest organisers, said that it would go over from public street protests to another form of resistance because of Bulgaria's Covid-19 crisis.

Another of the groups that has been organising protests, the mothers from the "System is Killing Us", also said that they would continue their protests outside the government offices.

Large-scale protests demanding the resignation of Prime Minister Boiko Borissov's government and Prosecutor-General Ivan Geshev began more than three months ago, while the "Justice for All" initiative had held protests ahead of Geshev's election as Prosecutor-General last year.

The "Justice for All" statement said: "We do not refuse to speak out loud about the serious problems in justice that affect each of us, many of which arise in silence". It said that it was not giving up on its demand for reform of the prosecution and the resignation of the Prosecutor-General. "We cannot wait until the regular election of the Prosecutor-General in another six years," it said.

"We insist firmly and unwaveringly on the resignations of the personnel of the Supreme Judicial Council. They want us to go home comfortably and forget about resignations, this is their scenario, but we do not agree with it.

"There is no way we can leave a dangerous and incompetent government to control our destinies, because this is dangerous for our rights and even for our health and life. Observe the anti-epidemic measures and social distancing, but do not give up your freedom," the "Justice for All" initiative said.

Bulgaria's Constitutional Court rules against police access to phone data to check on quarantine compliance

<https://sofiaglobe.com/2020/11/17/bulgarias-constitutional-court-rules-against-police-access-to-phone-data-to-check-on-quarantine-compliance/>

November 17, 2020 - The Sofia Globe



Photo: Clive Leviev-Sawyer

Bulgaria's Constitutional Court ruled on November 17 to declare unconstitutional a provision in the Electronic Communications Act, which allowed law enforcement to access traffic data kept by telecom operators on the grounds of checking whether a person is complying with quarantine orders.

The amendments were part of the State of Emergency Act, passed by Parliament earlier this year to fight the Covid-19 pandemic, but were challenged by opposition MPs, who argued that the scope of the change was too great, because it was not limited only to coronavirus quarantine cases and would not expire once the current epidemiological state of emergency was over.

The Constitutional Court agreed, ruling that the provision was disproportional because "the right to privacy is not a privilege solely for periods when times are relatively calm, but also in times of crisis, where any interference should be, as a constitutional imperative, proportional and strictly necessary."

The court's ruling was passed by a 10-2 majority, with judges Pavlina Panova and Anastas Anastasov issuing a dissenting opinion.

In other news related to the Covid-19 situation in Bulgaria on November 17:

The district crisis staff in Plovdiv has decided that fifth to 12th grade pupils in the district must return to classes from November 23.

Each head of a school must prepare a schedule for in-person and distance learning up to Christmas, the district crisis staff said.

The Military Medical Academy said in a statement that military personnel from various formations in the country are joining in assisting the academy's hospitals.

The first group, from Musachevo, Gorna Malina and the Military Police, is already on site in the capital's Military Hospital.

The uniformed officers were assigned duties related to disinfection and thermometry, as well as support activities in the virology laboratory of the Military Medical Academy.

The teams will rotate every two weeks and will be distributed to all military hospitals in the country.

Some of them have also passed Combat Parademic courses at the Military Medical Academy.

Supermarket chain Kaufland Bulgaria has responded to the "green corridor" order limiting access to food stores to people over-65 between 1.30pm and 4.30pm daily by announcing that, as a temporary measure, all its stores will open at an earlier time, 7am, from Mondays to Sundays.

Croatia

EU Ombudsman Launches Probe After Claims Croatia Abused Migrants

<https://balkaninsight.com/2020/11/10/eu-ombudsman-launches-probe-after-claims-croatia-abused-migrants/>

November 10, 2020 - Anja Vladislavljevic, Zagreb, BIRN

The EU Ombudsman opened an inquiry into the possible failure by the European Commission to ensure that Croatia respected the rights of migrants and refugees at its border.

The European Ombudsman's office announced on Tuesday that it opened an inquiry following a complaint against the European Commission from rights watchdog Amnesty International, which claims that Croatian border police assaulted and abused migrants and refugees.

Amnesty's complaint "focuses on how the Commission seeks to ensure that the Croatian authorities respect fundamental rights in the context of border management operations", the Ombudsman's office said.

The director of Amnesty International's European Institutions Office, Eve Geddie, said that the rights watchdog and other organisations "have documented numerous violations, including beatings and torture of migrants and asylum-seekers by Croatian police, whose salaries may have been paid for by EU funds".

"Today's announcement of an inquiry by the EU Ombudsman into how the European Commission allowed the funds to continue to be used without ensuring compliance with human rights is a significant first step towards addressing these flagrant abuses and providing accountability," Geddie said.

Amnesty International's complaint, filed in September, which triggered the investigation, argued that "the Commission turned a blind eye to the reports of persistent abuses".

It said that Croatia has benefited from over 108 million euros under the EU's Asylum Migration and International Fund and has received an additional 23.3 million euros in emergency assistance for migration and border management since 2017.

It also said that when "announcing the 6.5 million euros emergency assistance to Croatia for border surveillance in 2018", the Commission explicitly spoke of the establishment of a monitoring mechanism.

The EU Ombudsman said Croatia should have set up a monitoring mechanism to ensure that border management operations are fully compliant with fundamental rights and EU law. But Amnesty International's complaint "has raised doubts as to whether such a mechanism has been set up", it added.

The Ombudsman's office said it has set out a series of questions to the Commission and asked it to reply by January 31 next year.

In October, the Danish Refugee Council, which helps migrants in Bosnia and Herzegovina, told Britain's Guardian newspaper that it had documented a series of instances of brutal beating, torture, humiliation and a case of sexual assault of migrants and refugees apprehended inside of Croatian territory.

Croatia denied this, with Zagreb's Interior Ministry claiming it was not the first time the Guardian has published such allegations "without providing any facts or evidence".

Following that report, the European Commissioner for Home Affairs, Ylva Johansson, said she will discuss the issue with Croatian authorities.

"I am taking these reports very seriously... Croatian authorities have committed to investigating reports of mistreatment at their external borders, monitor this situation closely and keep the Commission informed on progress made," Johansson wrote on Twitter.

Croatian Ex-Premier Sanader Convicted in Slush Fund Case Retrial

<https://balkaninsight.com/2020/11/13/croatian-ex-premier-sanader-convicted-in-slush-fund-case-retrial/>

November 13, 2020 - Anja Vladislavljevic, Zagreb, BIRN

A Croatian court has sentenced former PM Ivo Sanader to eight years in jail for his role in the so-called 'Fimi Media' case, while his former party, the Croatian Democratic Union, was also judged 'responsible' for the crime.

Ten years after his juridical procedures first started, Zagreb County Court on Friday sentenced former Prime Minister Ivo Sanader, also a former leader of the governing Croatian Democratic Union, HDZ, to eight years in jail after finding him guilty in a corruption affair. He may appeal the verdict.

Together with other HDZ officials and entrepreneurs, he was charged in a retrial with illegally financing the HDZ with millions of euros drawn from public firms and enterprises.

Former HDZ treasurer Mladen Barisic was sentenced to two years and 10 months in the same case, while HDZ accountant Branka Pavosevic was sentenced to one year and four months. Former government and HDZ spokesman Ratko Macek was acquitted.

The court concluded that Sanader "organised and connected the second indictee Barisic, the fourth indictee Pavosevic and the late [Nevenka] Jurak [Fimi Media owner] who died during the retrial]", Trial Chamber President Irena Kvaternik said.

According to the court, each member of the group "had a specific role assigned to them by the organiser, the first indictee Sanader, and each member acted exactly on his orders".

If the verdict becomes final, Sanader will need to return over 15 million kunas, equal to around 2 million euros, and the HDZ, will need to repay 14.6 million kunas, or almost 2 million euros, plus paying a fine of 3.5 million kunas – equal to some 460,000 euros.

The party, into whose slush fund some of the siphoned money had allegedly ended up, was also judged "responsible" for the crime.

The HDZ, which now runs the government, issued a statement on Friday dismissing "any collective responsibility of party members as well as the connection of the current party leadership with the individual actions that are the subject of this procedure".

The so-called Fimi Media case, the highest-level corruption case ever prosecuted in Croatia, was named after the firm through which the money was allegedly channelled.

In March 2014, Zagreb County Court found Sanader guilty of abuse of office and corruption, along with two other officials from the HDZ, for unlawfully pumping 10.4 million euros of public funds into the Fimi Media company. The verdict that sentenced Sanader to nine years in prison was overturned in 2015.

Sanader was initially arrested in Austria in December 2010, while on the run from the authorities. He was extradited to Croatia in July 2011.

As president of the centre-right HDZ, he was Prime Minister between December 2003 and July 2009, when he suddenly left the position to his deputy, Jadranka Kosor.

Sanader has been in prison since 2019, serving a sentence in another, the Planinska case, named after the building in Zagreb's Planinska Street which Sanader's friend and fellow MP Stjepan Fiolic owned and sold to the government for 80 million kunas, or 10 million euros.

The former Prime Minister has appeals pending for two other cases: for taking a bribe from the Hungarian energy company MOL and for taking illegal fees in talks between Austria's Hypo Bank and the government between late 1994 and March 1995, during the war in Croatia.

He has been acquitted pending appeal for the sale of electricity from the HEP company at cheaper prices.

Kosovo

Nach Kriegsverbrechen-Anklage: Kosovos Präsident tritt zurück

<https://www.handelsblatt.com/politik/international/hashim-thaci-nach-kriegsverbrechen-anklage-kosovos-praesident-tritt-zurueck/26594092.html>

05.11.2020 – dpa

Hashim Thaci gibt sein Amt auf. Nach der Bestätigung der Kriegsverbrechen-Anlage wolle er nun die Integrität des Staates schützen.



Hashim Thaci: Der Präsident des Kosovos hat seinen Rücktritt bekanntgegeben. (Foto: dpa)

Der kosovarische Präsident Hashim Thaci ist nach der Bestätigung der Kriegsverbrechen-Anklage gegen ihn von seinem Amt zurückgetreten. „Ich werde nicht als Präsident vor Gericht erscheinen. Um die Integrität des Staates zu schützen, trete ich heute zurück“, erklärte er am Donnerstag auf einer Pressekonferenz in Pristina. Das Kosovo-Sondertribunal in Den Haag habe die bisherige vorläufige Anklage gegen ihn nunmehr bestätigt, sagte er weiter.

Thaci war während des Unabhängigkeitskrieges 1998-1999 Oberkommandierender der kosovo-albanischen Untergrund-Armee UCK gewesen. Die Staatsanwaltschaft des Sondertribunals hatte bereits im letzten Juni gegen ihn und mehrere andere ehemalige UCK-Kommandeure vorläufige Anklage erhoben.

Kurz zuvor hatte auch der Vorsitzende der Präsidentenpartei PDK (Demokratische Partei des Kosovos), Kadri Veseli, bekanntgegeben, dass die Anklage gegen ihn bestätigt wurde. Er begeben sich umgehend nach Den Haag, um den Anschuldigungen entgegenzutreten, schrieb er auf der Webseite der PDK.

Die vorläufige Anklage vom Juni legte den Politikern schwere Verbrechen in zehn Punkten zur Last, darunter Mord, Verfolgung und Folter. Hunderte Kosovo-Albaner, Serben, Roma und Angehörige anderer ethnischer Gruppen sowie politische Gegner gehörten der Anklage zufolge zu ihren Opfern.

Mehr als 10.000 Tote

Das Gericht in Den Haag gehört formal zur Justiz des Kosovos. Es war auf internationalen Druck aber in Den Haag eingerichtet worden, um die von der kosovo-albanischen Seite begangenen Verbrechen während des Unabhängigkeitskrieges des Kosovos 1998-1999 strafrechtlich zu verfolgen.

In dem Krieg gab es mehr als 10.000 Tote und Hunderttausende Vertriebene. Die meisten Opfer gingen auf das Konto der serbischen Sicherheitskräfte. Mit ihren Verbrechen beschäftigte sich das Internationale Jugoslawien-Tribunal (ICTY) in Den Haag.

Der heutige Präsident Thaci war damals Oberkommandierender der UCK. Viele Spitzenpolitiker bekleideten in der Miliz Kommandeursposten. Die UCK kämpfte gegen die serbischen Sicherheitskräfte, die das hauptsächlich von Albanern bewohnte Kosovo mit Gewalt davon abhalten wollten, sich von Serbien abzuspalten.

The KLA indictments: Is this justice?

<https://europeanwesternbalkans.com/2020/11/13/the-kla-indictments-is-this-justice/>

November 13, 2020 - Andrea Lorenzo Capussela

I find it hard to answer this question. Because this 'specialist' court is, in fact, a special court. It is an ad hoc, ex post court, established to judge certain persons for certain facts (those discussed in the Marty and SITF reports). Such courts are generally viewed as antithetical to the principle of equality: not only the law but its application must be the same for all.

The European Convention on Human Rights says that justice must be rendered by courts 'established by law'; and my understanding is that special courts are explicitly prohibited by the Dutch, German and Italian constitutions, which affirm the right to be judged by one's 'legal' or 'natural' court. In other words, crimes must be judged by courts identified ex ante on the basis of general criteria – the gravity of the crime, the place where it has been committed – and not by courts established ex post for a certain crime or a certain suspect.

There are international special courts, of course, such as the ICTY and the similar Rwanda tribunal. But such courts deal with crimes of an international character and stand above states: they belong to the international legal order, which at the time lacked a general criminal court (the International Criminal Court, which was established in 2002).

Domestic special courts are problematic irrespective of the motives that justify their creation. Precisely because they imply that certain crimes or criminals shall be treated differently from others, they breach the equality principle and justify doubts about their impartiality.

This is especially true – and this is my second main objection – if the court is vulnerable to political interference. Articles 28, 32, 33, and 35 of the law governing the court in fact allow the head of EU foreign policy to select the court's president, chief prosecutor, and judges with no transparency guarantees or competitive procedure. The only safeguard against arbitrary decisions is the requirement that such appointments be preceded by the 'recommendation' of a selection panel, but the appointment of the panel's members is left to the discretion of the same person, the head of EU foreign policy: so, it's a circular guarantee. Likewise, the selection of the judges that will sit in the panels that will hear the cases brought before the court is left to the discretion of the president of the court.

And when a political authority can choose the judges and prosecutors that will deal with a delicate case with full knowledge of the likely allegations and defendants, interference is easy (and need not even be explicit: if you want to acquit, you will choose lax judges and negligent prosecutors; if you want to convict, you will choose rigorous and diligent ones; if you are uncertain, you will choose judges and prosecutors of low moral stature, ones that can be influenced by a mere word over coffees). Indeed, the history of UNMIK and Eulex shows that the fact that justice is administered by non-Kosovar judges and prosecutors is far from being a protection from political interferences.

(Incidentally, these might be precisely the reasons why Thaci and his allies accepted the court in 2014: they assumed that their Western friends would make sure that the court would not trouble them; but their Western friends might have changed their minds).

The third reason is that this *sui generis*, convoluted, hypocritical solution was made necessary by the failures of those same powers who insisted on it.

The reasons why a special court was needed are the following, in fact: first, during the nine years of its mandate UNMIK did not deal with the crimes discussed in the Marty and SITF reports, despite having – or being able to find – all the information that Marty and SITF uncovered; second, Eulex too was unable, or unwilling, to touch those matters; third, despite fifteen years of efforts, and the expenditure of much donors' money, in 2015 Kosovo's judiciary still lacked the capacity, integrity and independence to deal with those cases. These are the reasons why the West forced Kosovo to establish a court that contradicts two cardinal principles of democracy: equality before the law, and, arguably, also the right to a fair trial.

This is why in 2015 I agreed with those Kosovo commentators who argued that the special court should not be established: rather, they said, Western powers should have let Kosovo's own courts deal with these crimes, while telling Kosovo's public opinion that the country would be judged on its ability to administer justice impartially.

Had this advice been followed, however, I think that the whole matter would have been quickly buried by Kosovo's judges, with no adverse political consequences.

It is hard to decide which is the lesser evil: a denial of justice, or a breach to the equality principle. Still, now that things went this way, one can nonetheless keep an open mind, while maintaining all objections against the court, and see what how the court behaves: should it manage to credibly deliver impartial justice, this might turn out, after all, to have been the lesser evil.

Kosovo Guerrilla Leaders Accused of Witness-Tampering Ahead of Trial

<https://balkaninsight.com/2020/11/20/kosovo-guerrilla-leaders-accused-of-witness-tampering-ahead-of-trial/>

November 20, 2020 - Serbeze Haxhiaj, Pristina, BIRN

The Specialist Prosecutor's Office in The Hague claims that Kosovo's ex-president Hashim Thaci and his fellow war crimes indictees have been involved in interfering with potential prosecution witnesses before their trial.



The Kosovo Specialist Chambers in The Hague, where the suspects will be tried. Photo: EPA-EFE/Phil Nijhuis.

The Specialist Prosecutor's Office in The Hague released documents this week which accuse former Kosovo Liberation Army chiefs who are now senior politicians, including recently-resigned President Hashim Thaci, of attempting to interfere with potential prosecution witnesses ahead of their impending trial for war crimes and crimes against humanity.

The redacted documents, which date from May this year, constitute a request from the Specialist Prosecutor's Office to the Kosovo Specialist Chambers to arrest the four suspects, transfer them to The Hague and search their property, which eventually happened earlier this month.

The arrest request argues that the four ex-KLA men – Thaci, along with Kadri Veseli, the leader of the Democratic Party of Kosovo (PDK), Jakup Krasniqi, a senior figure in the Social Democratic Initiative (NISMA) party, and Rexhep Selimi, the chief of Vetevendosje (Self-Determination) party's MPs in parliament – “wield enormous influence over former KLA members and Kosovo in general”.

It accuses the suspects of having “actively facilitated and encouraged a climate of impunity and intimidation” and claims that “there is already evidence of attempts to interfere with SPO [Specialist Prosecutor's Office] investigative activities”.

It alleges that “government officials loyal to Thaci and Veseli have presided over corrupt government pay-outs to potential SPO [prosecution] witnesses”. Thaci is also accused of indirectly offering “various benefits” to a potential witness in the case.

The attempts to influence potential witnesses “have also included hiring them to government positions”, it further alleges.

“In the indictment time period, the suspects were superiors to many of the SPO’s potential witnesses. They continue to hold high positions of authority and/or influence. They have the means, motive, and opportunity to interfere with witnesses, victims, or accomplices, and otherwise seek to obstruct proceedings,” it warns.

“All have access to significant funds, and can readily mobilise a vast network of supporters and government officials, including persons with security, police and intelligence expertise,” it continues, adding that they are “capable of provoking public disorder if they see it in their interest”.

“Individually and collectively, they have the ability to manipulate government bodies to evade and thwart proceedings against them, and to mobilise additional support bases, including those formerly under their command in the KLA and groups like the KLA War Veterans Association,” it says.

All four men are charged with a series of war crimes and crimes against humanity including illegal detentions, torture, murder, enforced disappearances and persecution from at least March 1998 to September 1999.

The indictment alleges that they were part of a “joint criminal enterprise” that aimed to take control over Kosovo “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”.

Most of the crimes in the indictment were committed at KLA detention centres in Kosovo and Albania.

Thaci, Veseli, Krasniqi and Selimi have all pleaded not guilty and have asked to be released on bail. None of them has reacted publicly so far to the prosecution’s allegations in the redacted arrest request.

The arrest request goes on to detail some of the suspects’ alleged involvement in the intimidation of witnesses in previous trials at the International Criminal Tribunal for the Former Yugoslavia, ICTY.

The redacted document alleges that former Kosovo Intelligence Service (SHIK) members loyal to Veseli were “implicated in surveilling, threatening and bribing witnesses testifying against former KLA members at the ICTY”.

It also alleges that “individuals who worked for Rexhep Selimi were implicated” in an attempt to kill a witness, and further notes that Selimi has been “blacklisted by the United States government” and sanctioned by the US Treasury.

“As is apparent from prior prosecutions, including those involving named JCE [joint criminal enterprise] members and other close associates of the suspects, there is an endemic climate of severe witness interference and intimidation in trials involving

former KLA members,” it argues.

The prosecution points out that during the course of their trial, the defendants will inevitably learn the identities of prosecution witnesses, “readily exposing such witnesses to a heightened risk of intimidation”.

Some of the witnesses have been relocated outside Kosovo for their protection, but not all agreed to being moved abroad, it explains.

“In the circumstances of a trial against senior KLA members, protective measures will not fully address risks of interference and intimidation,” it says, arguing that detaining the suspects will reduce their ability to interfere with witnesses.

The Kosovo Specialist Chambers were set up to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

They were set up under pressure from Kosovo’s Western allies, who feared that Kosovo’s justice system was not robust enough to try KLA cases and protect witnesses from interference.

The so-called ‘special court’ is widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule.

Moldova

Sandu Faces Raft of Obstacles in Reforming Moldova

<https://balkaninsight.com/2020/11/20/sandu-faces-raft-of-obstacles-in-reforming-moldova/>

November 20, 2020 - Madalin Necsutu, Chisinau, BIRN

With her defeated rival, Igor Dodon, still in charge of the largest faction in parliament, Moldova's new pro-Western president faces formidable challenges in delivering on her reformist agenda.

Moldova's newly elected pro-Western president, Maia Sandu, will face serious challenges in delivering on her stated intention to clean up the rotten and corrupt political system in Europe's poorest country.

One of her first moves will be tackling the especially corrupted judicial system, including both the judges and the prosecutors.

"All those connected to the mafia system, who committed crimes, took illegal decisions, protected thieves and corrupt people today will have to leave the system and be penalized," Sandu said two days before her victorious presidential run-off against the pro-Moscow incumbent, Igor Dodon.

She added that she would soon put a bill before parliament that she drafted last year as prime minister to "clean up" both the judiciary and the prosecutor's office.

Montenegro

Popa: New government to put election changes into reforms

<https://m.cdm.me/english/popa-new-government-to-put-election-changes-into-reforms/>

November 21, 2020



In order to mitigate the impact of this crisis on people and the economy and make progress on the road to the EU, Montenegro needs to build broad political and social support for necessary reforms in key areas regardless of party connections and other differences, Head of the Delegation of the European Union (EU) to Montenegro, Ms Oana Cristina Popa, told in an interview for Dan daily.

- Here are the highlights of the interview with Ms Popa -

Will the change of power, based on your conclusions from August 30, contribute to accelerating Montenegro's accession to the European Union or will it slow it down?

The outcome of the parliamentary election held on August 30 reflects the will and choice of the citizens of Montenegro. The European Union strongly supports and shares the aspirations of the vast majority of Montenegro citizens who want their country to become a full member of the EU family.

Therefore, we encourage the new parliamentary majority and all other relevant social and political actors to work jointly and translate the publicly expressed political commitment to the goal of European integration into the necessary reforms.

Montenegro has already made significant progress on its path to the EU.

Are you concerned about the weak political support for the expert government?

This unprecedented health and economic crisis has shown us how important it is to focus on what unifies us, not on what divides us. In order to mitigate the impact of this crisis on the people and the economy and to make progress on the path to the EU, Montenegro needs to build broad political and social support for the necessary reforms in key areas, regardless of party connections and other differences.

The European Commission report on Montenegro contains numerous criticisms of the rule of law in Montenegro. In that context, how do you see the situation with the re-election of court presidents, starting with Ms Vesna Medenica, who are in the midst of their fifth or sixth term?

The European Commission was very clear in its latest annual report, noting that this issue is a matter of serious concern. The report emphasizes that the decision of the Judicial Council to re-elect seven court presidents, including the president of the Supreme Court, for at least a third term is not in line with GRECO's recommendations on judicial independence, which Montenegro is expected to meet.

Do you think that all members of the new majority essentially advocate for the EU values, and how do you comment on Mr Milo Đukanović's assessments regarding the impact of official Belgrade on the election process and the post-election situation in our country as well?

It's of paramount importance that the citizens of Montenegro have the opportunity to vote in free and fair elections, carried out in accordance with international and European standards. Democratic institutions of Montenegro should be established on the basis of freely expressed voting will of the Montenegrin people, and no third party must affect it.

We welcome the publicly expressed determination of the new parliamentary majority to prioritize key reforms needed to accelerate Montenegro's EU accession, including addressing the remaining election shortcomings. I strongly encourage the new parliament to launch a transparent, determined and inclusive dialogue on the implementation of the remaining OSCE/ODIHR recommendations. This is crucial for the progress in the comprehensive election reform that is needed.

It's obvious that the new government will have to cope with a huge economic and health crisis. Does the EU have a plan to assist Montenegro, as the country is about to go bankrupt?

Although hit hard by the pandemic, the EU has spared no time or effort to provide the necessary and generous support for the Western Balkans. EU citizens greatly supported their European friends in Montenegro, proving that solidarity is indeed a fundamental European value. Ever since the outbreak of the coronavirus started, the European Union has ensured a 53-million-euro grant and an additional 60-million-euro soft loans to help sectors and individuals most affected by the crisis.

A part of these grants has already been used to purchase essential medical devices for Montenegrin health facilities, including 100 ventilators, as well as the much-needed

protective equipment for health workers. In addition, this year we have provided a special health program, which will ensure long-term support to the health sector, through investment, including the construction of two new clinics – for infectious diseases and dermatology and venereology – the establishment of a modern medical lab and development of coronavirus testing capacities.

In addition, the economic and investment plan, presented by Commissioner Várhelyi last month, offers significant financial support to Montenegro and other WB countries. It's important to point out that the EU funds the same type of projects in the region as it does in the Member States, including the areas of infrastructure, digital transformation and green economy. Montenegro and the region are thus already receiving the same treatment as if they were part of the EU.

Your expectations from the EU-Western Balkans summit in Sofia?

The summit in Sofia is being held at a crucial moment, when both the EU and the WB are facing the unprecedented health and economic risks. This meeting will pave the way for setting up a common regional market for the six economies of the WB, which is crucial for the affirmation of further alignment with EU standards and best international practices.

Popa: One in every three women worldwide has experienced physical and/or sexual violence

<https://m.cdm.me/english/popa-one-in-every-three-women-worldwide-has-experienced-physical-and-or-sexual-violence/>

November 24, 2020

Head of the EU Delegation to Montenegro, Ms Oana-Cristina Popa, released a video statement today, encouraging all relevant institutions, political and social stakeholders across Montenegro, to do their part to enable all women in Montenegro to lead safer, healthier and more prosperous life, noting that the European Union, EU, will be there to help and lead by example.

"We talk every day about the coronavirus pandemic and how it has changed our way of life, but we rarely talk about another issue of pandemic proportions: gender-based violence. This shadowed pandemic has been further exacerbated by the coronavirus crisis. No country, rich or poor, big or small, has been spared", noted Ms Popa.

As Europeans, we must not remain silent about the fact that one in three women around the world has experienced physical and/or sexual violence.

"In societies that tolerate violence, fail to punish perpetrators and blame victims, women are less likely to speak about it. To end this culture of silence and blaming victims, we need a stronger response from governments, police and justice."

Unfortunately, she says, Montenegro is by no means immune to this global scourge. Gender-based violence represents the most prevalent type of violation of human rights in Montenegro, and since the outbreak of the coronavirus pandemic, we've witnessed a rise of 27% in reported cases of domestic violence. The victims of domestic violence need our support, now more than ever.

"For Montenegro, ensuring full safety, equality and justice for women would represent a powerful testimony of society's genuine commitment to the European values," she stated.

The European Union, she points out, is launching an ambitious plan to promote the gender equality and women's empowerment worldwide, through the initiative called 'Gender Action Plan III'.

The EU Delegation will be illuminated in orange for three days, starting from 25 November, in solidarity for the victims of domestic violence.

National Police: We have no information that Abazović's safety is under threat

<https://m.cdm.me/english/national-police-we-have-no-information-that-abazovics-safety-is-under-threat/>

November 25, 2020



Dritan Abazović

Following today's serious claims by the Civic Movement URA officials that their leader, Mr Dritan Abazović, has been threatened by a regional crime gang, and that Mr Veselin Veljović, Head of the National Police, is going to be responsible if anything happens to him, this body [National Police] has responded, stating that they have been undertaking all the necessary activities to protect Mr Abazović. They also point out that there is no operative data or information saying that his safety has been endangered.

"The National Police has been continuously undertaking all legal actions to protect Mr Dritan Abazović. Based on legal procedures, Mr Dritan Abazović and all those who possess any information about the threats to his life should inform the competent bodies about it."

It's noted that the police carry out extensive inspections in order to collect facts that they learn about from media representatives and public appearances of individuals. The police also recalled that Mr Abazović himself publicly thanked both the National Security Agency and the National Police for their engagement to protect his safety.

"Mr Zoran Mikić was invited to the National Police for a meeting with the Assistant Director, Mr Dragan Blagojević, and informed about the measures and actions taken by the police, based on the request for security assessment of Mr Dritan Abazović," the Police explained. According to them, the competent security services will continue to collect all data and information concerning Mr Dritan Abazović's safety, and if needed, undertake other necessary measures that fall under their competence, along with the continuous communication with Mr Zoran Mikić and Mr Dritan Abazović.

Romania

Romania cracks down on criminals forced home by Pandemic

<https://balkaninsight.com/2020/11/12/romania-cracks-down-on-criminals-forced-home-by-pandemic/>

November 12, 2020 - Marcel Gascón Barberá, Bucharest, BIRN

As COVID-19 restrictions compel members of Romania's top crime gangs to head home temporarily, officials are using the opportunity to seize as many of them as possible.

Every crisis is also an opportunity, and Romania's authorities have certainly seen one in the pandemic – to launch a mammoth drive against various kinds of international organised crime that have often put the country on the map for the wrong reasons.

Due to the restrictions to curb the spread of COVID-19 in place across Europe, many of Romania's top criminal elements have returned home for the time being from the more affluent countries where they operated and lived.

Officials have now moved in to arrest and try a good number of those who were formerly out of reach, a source from Romania's prosecution agency for organised crime, DIICOT, told BIRN.

The massive crackdown was announced early on Wednesday. Soon after the nightly curfew enforced by the government to limit COVID-19 infections was lifted, the media reported hundreds of raids across the country, targeting alleged sex and drug traffickers and migrant smugglers as well as racketeers, money launderers, tax dodgers and cyberfraudsters.

DIICOT had by then already started issuing the first of nearly 20 separate statements, informing the public about the criminal cases arising from the raids.

One law enforcement operation has served to dismantle a crime syndicate that trafficked young Romanian girls to Western European countries, where they were sexually exploited in brothels. The group started off more than a decade ago, recruiting victims from prisons. They lured them on social media, often starting romantic relationships with the girls, or promising fake jobs.

Another set of raids targeted a crime gang that supplied the Austrian sex market with Romanian girls, including minors. To recruit their victims, they also used the so-called "loverboy" method, which involves seducing the victim to gain her confidence before exploiting her. Austrian and EU law enforcement and judicial authorities cooperated with Romania in this case.

Among those to be brought to book are other human traffickers, child pornographers and a group of internet scammers who defrauded over 2,000 victims abroad of more than a million euros.

Romania's Interior Minister, Marcel Vela, called Wednesday's clampdown on high priority crime "the largest action ... against crime" ever executed in the country. It forms

part of the government's long-term effort to improve the country's record on fighting transnational syndicates, particularly in the field of human trafficking.



Bomb experts of Catalonia's regional Police Mossos d'Esquadra inspect the surroundings of 'Paradise' brothel at La Jonquera before defusing a car bomb parked in front of the building, in the Catalan province of Girona, northeastern Spain, early 24 December 2012. Archive photo: EPA/ROBIN TOWNSEND

Romania is considered a haven for sex traffickers in Europe. The country is a source of a disproportionately high share of the girls offering sex for money in Europe's brothels and streets.

In June this year, the US government's annual report on human trafficking placed Romania in the third level out of four when it comes to efficiently fighting this scourge. Ireland was the only other EU country ranked at that level. Other Member States were listed in the two first levels.

That Romanian officials are often in cahoots with human traffickers was one of the failings that the US report warned about.

An example of this collision came in June this year, when Romanian prosecutors sent several people to trial for being part of a syndicate that lured young girls from rural areas to work in a private brothel in the northeastern town of Bacau, based in a former food factory.

Among the accused were three policemen and a Ministry of the Interior employee. Prosecutors said of one defendant: "The constant presence of the three police officers, who were occasionally joined by other colleagues, created an impression among the other participants [in the gang] that the accused, S.M., benefitted from protection, and possibly generated in their minds a sensation of impunity."

In October, a European Commission report on trafficking concluded that Romania had the highest rate of human trafficked victims per million inhabitants in the EU, at 74 per

million, followed by Hungary, on 64, and Bulgaria, on 40. Most of these victims were women who were subjected to sexual exploitation.

DIICOT, Romania's organised crime prosecution unit, is countering this. It carries out almost daily operations against syndicates exporting young girls to Western Europe.

The US ambassador to Bucharest, Adrian Zuckerman, a major player in the Romanian political scene with his outspoken language, has repeatedly praised the current centre-right government for its efforts to combat human trafficking.

"Gone are the days of neglect when cases languished in the courts until the statute of limitations had been reached and perpetrators were allowed to go free," Zuckerman said in October.

He has instead blamed the former Social Democrat government –which was ousted in a no-confidence vote in October 2019 – for the shortcomings exposed in the US report. He has encouraged the present centre-right authorities to do more to redress this legacy.

During its almost three years in power, the centre-left government pushed law changes that included a general reduction of the statute of limitations, and raising the bar for the definition of what can be considered a criminal organisation. Both the EU and the US condemned these moves, which were widely perceived as designed to help the now-jailed former Social Democrat leader, Liviu Dragnea, and other party dignitaries facing judicial processes.



Police stand outside a brothel in Frankfurt's red light district late Wednesday 10 May 2006. Ahead of the FIFA World Cup this summer, police searched several brothels in Germany financial capital on suspicion of forced prostitution. Archive photo: EPA/Werner Baum

A recent journalistic investigation in Romania exposed how the infamous Clan of the Sportsman, a Bucharest gang with interests in several underworld activities, captured an entire Social Democratic Party regional branch.

But not everyone praises today's centre-right rulers of Romania as much as the US ambassador. On 1 November, dozens of civil society groups signed an open letter slating President's Klaus Iohannis for promulgating a law that effectively reduces the statute of limitations for child trafficking and pornography offences.

The signatories to the letter reported the amendment to the European Commission and other international authorities. Days later, on Tuesday this week, parliament undid the contested changes in a separate law that will now go back to the President for promulgation.

However, Silvia Tabusca, a law professor representing the European Centre for Legal Education and Research, ECLER, which championed the open letter, said the damage had already been done. As she explained to BIRN, "When the law has been modified in the period spanning from the moment when the [criminal] deeds were committed to the moment of the final court decision, it is the legislation that is more favourable to the accused that applies."

This means that all the ongoing criminal matters will be judged under the law that the President already promulgated – including the causes opened on Wednesday following the hundreds of raids, mostly targeting COVID-19 returnees.

ECLER and the other NGOs also reproach the current government for a decision it took in September – under the argument of protecting victims' privacy – to conceal the files of child trafficking cases. The NGOs say the minors' identities could be safeguarded by simply removing their names and personal details from public documents, instead of preventing civil society from monitoring the development of these causes.

There is no obvious explanation for the authorities allegedly showing favour to crime syndicates – but the media have reported a number of connections between politicians and human trafficking networks or their former or active affiliates.

Earlier this week, for example, the daily Adevarul reported that convicted child trafficker, Cristian Turcu, had been sworn in as a member of a regional council in the northeastern county of Vaslui. In 2010, Turcu was found guilty of recruiting two underage sisters and selling them for 1,000 euros to a trafficker who intended to sexually exploit them in Italy. Turcu has been elected for the centrist ALDE party, which was the junior partner of the Social Democrat Party in the former government.

Whatever the common perceptions, human trafficking activities also do not take place exclusively in the fringes of society; their reach can extend to the centres of power. One of those arrested on Wednesday, according to the media, was a well known millionaire playboy and socialite, Alex Bodi, who was thought to owe his fortune to legitimate businesses in Spain and Germany and was catapulted to fame by his wedding to the model and TV personality Bianca Dragusanu.

Bodi hails from a modest family that emigrated to Spain and is thought to have worked for a Croatian businessman with mining interests in Africa. Prior to his arrest on Wednesday he was a familiar face in gossip and entertainment press for his opulent lifestyle and exuberant love affairs.

Romanian Jailed in China Declares Hunger Strike to Get Home

<https://balkaninsight.com/2020/11/16/romanian-jailed-in-china-declares-hunger-strike-to-get-home/>

November 16, 2020 - Marcel Gascón Barberá, Bucharest, BIRN

A Romanian who hoped to complete his Chinese jail sentence back in Romania has gone on hunger strike to pressure the Bucharest authorities to honour an agreement to bring him home.



Marius Balo. Photo: Facebook.

At the beginning of this year, Romanian English-language teacher Marius Balo had good reason to believe he would soon be leaving the Chinese prisons he has been jailed in since his arrest in March 2014.

In January 2020, Beijing's Ministry of Justice approved Balo's transfer to Romania, where a court had previously agreed he could complete his eight-year prison sentence issued in 2016 for fraud.

Almost a year later, the 39-year old is still incarcerated in China and on Monday declared a hunger strike, hoping to force his government to unlock the deadlock keeping him behind bars in China, Balo's lawyer in Romania, Eugen Iordachescu, told BIRN on Monday.

His recourse to this extreme measure, a measure of his despair, was announced last week by his uncle, Ioan Felecan, whom Balo's lawyers describe as his "only living relative".

"In our latest telephone conversation, earlier this month, he told me that he would recourse to this extreme form of protest due to the indifference and disregard for his

situation shown by the Romanian authorities,” Felecan said in a statement issued by Lordachescu & Partners, the law firm representing Balo pro bono.

Since China agreed to let Balo serve the rest of his sentence in a Romanian prison, “the Romanian authorities haven’t launched any action” on his repatriation, the law firm said.

Questioned about their inaction, Romanian officials have invoked the COVID-19 pandemic, saying it had made it “impossible” to send a team to pick up Balo from China due to the 14 day-quarantine, which they would have to observe on entering Chinese territory.

“Solutions exist, you just need goodwill,” Lordachescu remarked in the statement. “The Romanian state must fulfill its obligations to Romanian citizen Marius Balo and urgently bring him back to his country,” he added.

Balo’s legal representatives have denounced the conditions in the Chinese prison where he is kept as “inhuman”. They say that he is forced “to work at least 12 hours a day, seven days a week to gain his right to get food”.

“Under the conditions he is jailed in China, a hunger strike is not different from a death penalty,” Lordachescu said, urging the Romanian authorities to act without delay.

Balo, who holds a Masters in Divinity from a US university, has seen all his basic rights violated during his process, he claimed in a letter sent to the Romanian authorities.

He has admitted lending his passport to a Chinese national who used his identity to register several companies in the UK, which later committed massive fraud.

However, Balo received just 80 US dollars from the companies’ real owners, and says he did not know of the criminal intentions of the Chinese national.

Romanian Law Accused of 'Favouring' Human Traffickers

<https://balkaninsight.com/2020/11/02/romanian-law-accused-of-favouring-human-traffickers/>

November 2, 2020 - Marcel Gascón Barberá, Bucharest, BIRN

Eighty-eight Romanian NGOs accused President Klaus Iohannis and MPs of making it harder to prosecute human trafficking and child pornography cases by adopting a controversial new law.



Romania's President Klaus Iohannis in Bucharest in September. Photo: EPA-EFE/ROBERT GHEMENT

Eighty-eight Romanian NGOs published an open letter on Sunday criticising President Klaus Iohannis for promulgating on October 29 a controversial law that effectively reduces the statute of limitations for crimes related to human trafficking and child pornography.

"We note with deep disappointment that one week after the publication of the European Commission's Human Trafficking Report in which Romania is presented as the state with the highest number of victims in Europe... the President of Romania enacted a law more favourable to defendants in crimes of child trafficking and child pornography," the NGOs' letter said.

The letter said that the new law unjustifiably removes references to child trafficking and child pornography from a paragraph of the country's criminal code.

It also criticised the fact that Iohannis enacted the law despite 108 NGOs asking him in a previous letter that to send the legislation back to parliament to revise the paragraph.

The NGOs also had harsh words for the government, which they accused of effectively blocking, by withholding a legal opinion, the adoption in parliament of alternative legislation making "considerable changes to improve" anti-trafficking legislation.

Romania is widely considered a hotspot for human and child trafficking in the EU.

The letter pointed to “the large-scale trafficking of Romanians, and to the total lack of political will to combat this phenomenon; both of which greatly affect Romania’s image in Europe, as well as EU security”.

This year’s annual US State Department Trafficking in Persons Report, published in June, noted Romania’s lack of progress in tackling human trafficking. Together with Ireland, Romania was the only EU country placed in the so-called Tier 2-Watch List in the State Department report.

Since the publication of the report, Romanian law enforcement agencies have dismantled several human-trafficking rings exploiting Romanian women and girls abroad.

40% of cases of missing children come from foster homes.

Social workers involved in child trafficking

<https://www.romaniajournal.ro/society-people/law-crime/40-of-cases-of-missing-children-come-from-foster-homes-social-workers-involved-in-child-trafficking/>

November 24, 2020 - Diana Salceanu

The inquiry parliamentary committee on missing children has released its activity report. Following hearings among relevant authorities and NGOs, the report reveals that 405 of the cases of missing children, the minors originate from the social protection centers, like foster homes or centres for disabled children.

The representatives of the inquired NGOs say that the missing girls are frequently trafficked abroad with the consent of the social workers who are practically giving the girls to sex traffickers.

The NGOs specialised in these cases such as Reaching Out Romania and Open Door Foundation heard in the inquiry committee in July this year warned the committee over irregularities of cases occurred over the past years in certain foster homes in Romania, as well as over the connections that some people at the helm of the county general directorates for child protection have with the human trafficking rings in the view of poaching minors for sexual and begging purposes.

Iana Matei – president of Reaching Out Romania and Monica Boseff, president of Open Door Foundation stated that underage girls “are leaving Romania with false documents or statements released by a paid notary” and they are practically used by pimps for sexual purposes.

According to Iana Matei, the most troublesome county general directorates for child protection are the ones in Dolj, Brasov, Teleorman, Calarasi, Galati, Braila and Constanta counties. These directorates are strongly connected to the human trafficking rings, as they protect traffickers and encourage the minors “to go abroad to make some money”.

Many times, the children in these foster homes are doped, are being administered all kind of drugs to keep them in lethargy.

In many cases, the trafficked girls seeking the Police’s help find themselves ignored by the law-enforcement officers.

The chairwoman of the inquiry committee, Carmen Mihailescu recounted the case of a trafficked girl ignored by the Police in Iasi: “We heard a victim of the human trafficking, Larisa Butnariu, it has been a well-publicized case in Iasi. This girl changed 7 human trafficking rings in one year. At some point, the girl called the police to ask for help and a policeman within the Iasi County Inspectorate put it bluntly: “But do you think we can look for all the kidnapped girls? Where shall we find you?”

Other children are repeatedly relocated from one foster home to another until they lose all emotional stability and end up killing themselves.

Serbia

Wartime Rape Survivors Denied Compensation by Serbian Court

<https://balkaninsight.com/2020/11/06/bosnian-serb-wartime-commander-to-stand-trial-in-belgrade/>

November 10, 2020 - Una Sabljakovic, Belgrade, BIRN

The Serbian court has so far not awarded any compensation during trials to survivors of wartime sexual violence - and one rape victim has waived her right to damages because she feared losing her anonymity if she filed a civil suit.

"I was ashamed of myself, I was completely ashamed, I am still ashamed to talk about it, and it didn't allow me to do that until the time came that it started haunting me and I started screaming and talking in my sleep, so that I had to speak about it, I couldn't keep it inside any longer."

This is what one woman told the War Crimes Department of the Higher Court in Belgrade when she testified as a protected witness at the trial of former Bosnian Serb Army soldier Dalibor Maksimovic. After killing four men in May 1992 near Bratunac in eastern Bosnia, Maksimovic held the woman captive for almost two days and raped her several times.

In September 2019, three years after the woman testified, Maksimovic was convicted under a first-instance verdict of the murder, false imprisonment and rape of Bosniak civilians, and sentenced to 15 years in prison.

The verdict said that on May 9, 1992, during the war in Bosnia and Herzegovina, Maksimovic and another Bosnian Serb Army soldier singled out three men from a group of captured Bosniak civilians and shot them. One of them was still showing signs of life, so Maksimovic cut his throat with a knife.

The same day, he killed another Bosniak man. Then, accompanied by another unidentified member of the Bosnian Serb Army, he ordered two women – codenamed VS1 and VS2 at the trial to conceal their identities – to get into their vehicle.

They took the women to a forest near Bratunac, where the unidentified soldier raped VS2. Maksimovic raped VS1, and then took her to his house not far away, where he raped her again during the night and let her go to a nearby bus stop in the morning.

When VS1 appeared in court in September 2016, she said she did not wish to see the defendant face to face, and the court allowed her to testify from a separate room.

Before she testified, expert witness Dr. Branko Mandic said that based on an examination and the medical records to which he had access, he had found that the witness was suffering from a chronic form of post-traumatic stress disorder, anxiety and depression.

"As far as her current mental condition is concerned, I was able to note that there is a certain emotional tension in her, which appears during discussions of certain topics

related to wartime events; however, that emotional tension is not present in relation to other topics,” Mandic said.

He said that VS1 also said that she started suffering from diabetes and hypertension during the war.

Describing how she felt the day after she was raped, VS1 told the court: “I begged for someone to kill me so as not to live with this misfortune anymore – I can’t see, I can’t live anymore because of the shame.”

She was asked by the judge how much compensation she was seeking for what she had gone through. “Well, your honour, I am looking for whatever is normal, if there is such a thing; my life has been ruined, and you know how much that is worth,” she said.

The court did not award her anything at all. In the first-instance verdict, it told her to file a civil suit for damages instead. The woman’s lawyer, Marina Klajic, said that a claim was put forward during the trial “but the court refused to even discuss it”.

Serbian courts have not awarded compensation to any victims in war crimes cases so far. A document published last year by the Belgrade-based Humanitarian Law Centre NGO, entitled ‘Policy Paper: Prosecution of Crimes of Sexual Violence During Armed Conflicts before the Courts of the Republic of Serbia’, listed claims that from the start of the war in Bosnia and Herzegovina in 1992 until 1993, between 12,000 and 70,000 women were raped.

However, the Serbian War Crimes Prosecutor’s Office has only prosecuted just a dozen or so cases of sexual violence in conflict.

In 2017, the Humanitarian Law Centre’s legal programme director at the time, Milica Kostic, pointed out the same problem. In a paper entitled ‘Gender Dimension of War Crimes: Sexual Violence Against Women’, published by the Belgrade Centre for Security Policy think-tank, she expressed concern about the small number of guilty verdicts in Serbia for wartime sexual violence.

“So far, only two final guilty verdicts have been handed down in Serbia for rape as a war crime (Bijeljina and Lekaj). Bearing in mind the prevalence of sexual violence during the wars in the former Yugoslavia, it is possible to conclude that the War Crimes Prosecutor’s Office has almost disregarded these acts,” Kostic wrote.

At the International Criminal Tribunal for the Former Yugoslavia, nearly half of the defendants who were tried were accused of responsibility for sexual violence, among other wartime crimes.

In her 2017 paper, Kostic highlighted the trial of Dalibor Maksimovic, noting that the court rejected a prosecution proposal to carry out a new expert analysis of the extent of the victim’s psychological suffering. The court argued that this would prolong the proceedings.

Kostic pointed out that prolonging the proceedings was hardly a major concern “bearing in mind that war crimes trials in Serbia last five or more years on average anyway”.

Recalling sexual violence is ‘traumatic for victims’

By telling VS1 to file a civil suit for damages, the court was not only forcing her to testify again in a new court case about what happened to her, but also to reveal her identity, since according to Serbia's Civil Procedure Law, a compensation claimant cannot appear before the court under a pseudonym.

Because of this, VS1 decided not to pursue a compensation claim.

“Speaking about the sexual violence that victims have suffered is extremely traumatic for them,” Marina Kljajic, a lawyer representing victims in several war crimes cases at the Higher Court in Belgrade, told BIRN.

“The victim [VS1] in the Bratunac case testified under protective measures, with her identity hidden. Since she has to appear in civil proceedings as a plaintiff under her full name and surname, she is therefore waiving damages in order to ensure that her identity will never be revealed,” said Kljajic.

Retraumatisation occurs when someone has to talk about a painful past experience again, explained Biljana Slavkovic, who works as a therapist with female victims of various types of violence, including sexual violence in conflict.

“When such an experience is talked about again, the victims feel as if they are going through it again,” Slavkovic said.

“Of course, I would like to point out that talking to a therapist is one thing, while talking to representatives of state bodies where that person feels as if they are somehow re-exposed and symbolically raped is another, especially when those who are leading those talks are insufficiently sensitised to that kind of problem,” she added.

Top court highlights respect for victims’ rights

The Supreme Court of Cassation, Serbia's highest court, unveiled guidelines in October 2019 for improving courts' practices when dealing with the issue of compensation for victims of serious criminal offences.

The guidelines stressed that it was necessary for courts to award damages to victims of serious crimes as a part of trial proceedings.

They said that this “is not in line with the principle of efficient procedures, nor with obligations stemming from conventions that have been verified [by Serbia] and other international documents on the minimum standards of respect for victims’ rights”.

The Supreme Court of Cassation of Serbia also said that judges and prosecutors should take into account the 2012 European Union Victims’ Rights Directive, which says that EU member states are obliged to enable a victim in a criminal case to exercise his or her right to damages within a reasonable period of time, and that everything should be done to protect victims from secondary victimisation.

The Supreme Court of Cassation also said that the institution leading the legal proceedings, which as a rule is the public prosecution, is obliged to gather evidence to decide on a compensation claim even before one has been filed.

Questions have been raised about whether prosecutors assigned to war crimes cases which included sexual violence did actually acquaint the victims with their rights in relation to damages, or gather evidence to decide on compensation claims as the Supreme Court of Cassation advised.

The War Crimes Prosecutor's Office told BIRN that some of these cases were handled in line with the Criminal Procedure Code which was in force until 2013, when investigations were led by investigating judges, and so the Prosecutor's Office did not act in the way prescribed by the Supreme Court of Cassation's guidelines, while the other cases were taken over from Bosnia and Herzegovina – suggesting that the Bosnian prosecution should have dealt with this issue before handing over the case.

Kljajic however pointed out that when a case is taken over from Bosnia and Herzegovina, the hands of the Prosecutor's Office are not tied and it can propose evidence at the preparatory hearing which can be used for a compensation claim.

Will courts follow compensation claim guidelines?

There are about 15 ongoing war crimes cases before the Higher Court in Belgrade. Among them is the trial of Milos Cajevic, who is charged with using intimidation and terror in interrogation rooms for detainees as a member of an intervention unit of the reservist police in the Bosnian town of Brcko in 1992.

According to the indictment, Cajevic treated two brothers inhumanely, forcing them to have sexual intercourse with each other, and kept a woman imprisoned in a house where he and other members of his unit forced her to have intercourse with them on an almost daily basis.

Also in progress is the trial of Dalibor Krstovic, who stands accused of raping a woman in a classroom at an elementary school in the Bosnian town of Kalinovik, where Bosniak civilians were held captive in August 1992.

The guidelines of the Supreme Court of Cassation state that, if the right conditions are in place, a court is "obliged" to process a compensation claim during a criminal trial.

BIRN asked the Higher Court in Belgrade if it would act within the Supreme Court of Cassation's guidelines from now on. The Higher Court's reply made no mention of the Supreme Court of Cassation guidelines, but did say that courts should adjudicate on the basis of the constitution, the country's laws and the international agreements that Serbia has ratified, as well as the "generally accepted rules of international law".

It also said that when deciding on a compensation claim, judges should "act in accordance with the provisions of 252 and 260 of the Criminal Procedure Code". Article 252 stipulates that a compensation claim may be dealt with during a criminal trial if it does not "significantly" delay the proceedings.

But former Humanitarian Law Centre legal programme director Kostic pointed out in 2017 that the court has been ignoring the qualification "significantly". She said that because war crimes trials in Serbia tend to drag on for years, any delay would not be significant.

Bosnia and Herzegovina has also faced similar problems with compensation claims, but its courts have now begun to award to victims of violence in armed conflict as part of war crime trials, without the victims being forced to launch their own civil cases.

“That turned out to be very good and solved the problem for many victims of sexual violence who would not have litigated for themselves,” said Kljajic.

However, experts in Bosnia and Herzegovina caution that the situation has not been completely resolved, as sometimes the convicted perpetrators cannot or will not pay the compensation even when ordered to do so.

‘It is an incredibly cynical system’

Although more than two decades have passed since the end of the conflicts in the former Yugoslavia, the War Crimes Prosecutor’s Office still has 2,963 cases in the pre-investigative phase, it told BIRN. It is not known how many of these involve sexual violence.

It remains unclear whether or not potential claims for damages in future war crimes cases involving victims of sexual violence will be dealt with within the trials, or if the practice of telling them to launch a civil suit will continue.

“Civil proceedings last several years, are extremely expensive and emotionally exhausting and traumatic for the victim,” Humanitarian Law Centre legal analyst Meris Musanovic told BIRN.

“However, if a hearing on a compensation claim does indeed stall criminal proceedings, then Serbia needs to amend the Civil Procedure Law so as to allow for protective measures [such as anonymity for victims of sexual violence] to be transferred from the criminal proceedings to the civil proceedings,” he said.

Musanovic also pointed out that the Serbian law on the protection of war veterans and disabled people does not cover victims of sexual violence.

“So Serbia has directly disregarded its constitution, under which there must not be discrimination on any grounds, and therefore not on the grounds of physical and psychological injuries,” he said.

“For someone to obtain the status of a civilian victim of war in Serbia, they have to have at least 50 per cent injuries to their body, which excludes victims of sexual violence, who most often have no physical injuries but suffer from significant psychological injuries,” he explained.

That is why Musanovic argued that Serbia should pass a separate law that would regulate the status of civilian victims of war, so that “discrimination on the grounds of distinguishing between physical and psychological damage to the body is abolished”.

Therapist Slavkovic also argued that the Serbian system must change because too much pressure is being put on the victims. “It is an incredibly cynical system, in which a victim who testified as a protected witness or as a particularly sensitive witness is expected to have all the psychological, physical, financial and any other resources to launch a case,” she said.

Serbia Eyes Changing Law to Make COVID-19 Vaccine Compulsory

<https://balkaninsight.com/2020/11/12/serbia-eyes-changing-law-to-make-covid-19-vaccine-compulsory/>

November 12, 2020 - Milica Stojanovic, Belgrade, BIRN

Serbia's parliament is to vote on Thursday on extending the current Law on protecting the population from infectious diseases – for which vaccination is mandatory – to include ‘other contagious diseases’.



*Medical workers at the Clinical Hospital Centre Zvezdara Covid-19 hospital in Belgrade, Serbia, November 2020.
Photo: EPA-EFE/MARKO DJOKOVIC*

The Serbian parliament is debating changes to the Law on Protection of the Population from Infectious Diseases, which could empower the government to make vaccination against COVID-19 mandatory. Voting on the law is being done by urgent procedure and is expected to take place on Thursday evening.

Under current law, vaccination is already mandatory for various diseases like tuberculosis, diphtheria, tetanus, viral hepatitis B and others. The government has proposed a change to this provision making vaccination mandatory for “other contagious diseases”.

Around a hundred protesters gathered in front of Serbia’s parliament on Thursday while the session was ongoing to condemn the planned changes, N1 Television reported.

Vladimir Djukanovic, an MP from the ruling Serbian Progressive Party, wrote on Twitter that he would also vote against the change, calling the proposal too imprecise.

"I am not an anti-vaxer or a conspiracy theorist, but I am deeply against imprecise and unconstitutional laws that can lead to unforeseeable consequences," Djukanovic wrote on Twitter, adding that the proposed change was "exactly like that, and I will vote against it".

President Aleksandar Vucic said earlier on Thursday that Serbia has purchased 1.8 million doses of future COVID-19 vaccines from a variety of partners

"So far, we have procured 1,800,000 doses for the end of this and the whole of next year through the COVAX System, and at this moment it seems that it will be a Pfizer-BioNTech vaccine – but we are also negotiating with Chinese and Russian partners, negotiating with everyone else who we could purchase a vaccine from, because we need much larger quantities," Vucic told a press conference.

The COVAX system was launched in April by the World Health Organization, WHO, the European Commission and France to provide access to COVID-19 diagnostics, treatments and vaccines.

Vucic added that medical workers and members of the police and army will be first in line to get the vaccine.

Serbs are deeply divided over the value of the vaccine, often reflecting their political choices. According to a poll released at the end of October by the research publishing centre Demostat, some 51 of respondents who voted for the ruling parties in the June 2020 parliamentary elections would accept vaccination if it is recommended by doctors and experts – and 17 per cent would accept it merely if it is recommended by President Vucic.

But the same survey showed that 48 per cent of the supporters of the various opposition parties that boycotted the June election said they would not be vaccinated against COVID under any circumstances.

Debates on mandatory vaccination are ongoing, and just as divisive, in other countries. Serbia's neighbour Romania has drafted legislation that would make vaccination against flu, measles and other long-known infectious diseases mandatory in February.

But, despite being ready for a final vote, the legislation has not been voted on in parliament yet, raising concerns among medical experts that MPs might backtrack and not support mandatory vaccination, fearing a loss of votes for doing so.

A new Ipsos survey, from the end of August, in which nearly 20,000 adults from 27 countries took part, conducted on behalf of the World Economic Forum, said 74 per cent of respondents would get a vaccine for COVID-19 if it were available.

The highest rate of intent to access COVID-19 vaccination was recorded in are China, Brazil, Australia, and India. The lowest rate was in Russia, Poland, Hungary and France.

A working paper released by a team of German scientists from the German Institute for Economic Research, in October 2020, said about half the residents of Germany favour, and half are against, a policy of mandatory vaccination.

Sources

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