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Regional

[European Commission presents its proposal for a new enlargement methodology](https://europeanwesternbalkans.com/2020/02/05/european-commission-presents-its-proposal-for-a-new-enlargement-methodology/)

<https://europeanwesternbalkans.com/2020/02/05/european-commission-presents-its-proposal-for-a-new-enlargement-methodology/>

February 5, 2020 – European Western Balkans



Oliver Varhelyi in AFET; Photo: European Union

BRUSSELS – The College of the European Commission has adopted a proposal for a new methodology for the accession negotiations today.

“The whole process needs to be more credible, more predictable, more dynamic and more political”, stated the European Commissioner for Neighbourhood and Enlargement Olivér Várhelyi while presenting the Commission’s proposal at a press conference today.

He explained that the purpose of the proposal is to re-establish the credible EU perspective for the Western Balkans.

The highlights of the document include clustering the negotiating chapters in thematic areas, possibility for rewarding the reforms with more funding and phasing-in of candidates to individual policies, but also sanctioning lack of progress by putting the negotiations on hold in certain areas, or in the most serious cases, their overall suspension.

An even stronger focus should be given to the fundamentals, with roadmaps for the rule of law and democratic institutions, the Commission proposes. According to the document, The EU should deliver on its unwavering commitment to a merit-based process, and the political nature of the process should be put front and centre with mechanisms such as regular EU-Western

Balkans summits, country-specific intergovernmental conferences and more focus on political issues by the Stabilisation and Association bodies.

One of the notable proposals is that the public political commitment of their authorities to the strategic goal of EU accession will be assessed more clearly in the annual reports.

According to the Commission, the process needs to be better equipped to deal with structural weaknesses in the countries, in particular in the area of the fundamentals, including rule of law and functioning market economy.

The proposed changes do not automatically include the countries that have already started their accession processes, Serbia and Montenegro. They could, however, be accommodated within the existing frameworks with the agreement of these two countries.

The reform of the enlargement methodology is an ongoing effort kicked off last autumn with the failure of the European Council to open accession negotiations with North Macedonia and Albania being the immediate motive.

“Good message to our Western Balkans friends about EU enlargement process: Today the European Commission proposes a credible & dynamic plan paving the way for opening accession talks with North Macedonia & Albania. EU enlargement is a WIN-WIN situation”, tweeted Ursula von der Leyen, President of the European Commission leading up to the press conference.

What is in the Commission’s proposal?

Even stronger focus on fundamentals

“All parties must abstain from misusing outstanding issues in the EU accession process. In the same vein, Member States and institutions must speak with one voice in the region, sending clear signals of support and encouragement, and speaking clearly and honestly on shortcomings when they occur”, the European Commission proposes.

According to the document, even stronger focus should be on the fundamental reforms. As before, negotiations in these areas will be opened first and closed last, and there will be roadmaps for the rule of law and functioning democratic institutions, as well as stronger link with the economic reform programme process.

Additionally, all efforts need to be undertaken to resolve bilateral disputes, with a particular emphasis on the EU-facilitated dialogue between Belgrade and Pristina, which should be concluded with a comprehensive, legally binding normalisation agreement.

Political nature of the process front and centre

The Commission wants to bring the political nature of the process to the forefront through regular EU-Western Balkans summits and intensified ministerial contacts. In this way, the Member States will be invited to contribute more systematically to the accession process, while they will also have an opportunity to monitor and review the process more closely.

The goal is to establish that the accession is not moving on autopilot but must reflect an active societal choice on the part of the candidates to reach and respect the highest European standards and values.

EC also proposes more political focus by the bodies established by the Stabilisation and Association Agreements. Another novelty is introducing Inter-Governmental Conferences (IGCs), which “should provide for stronger political steering of the accession negotiations process”.

The conferences shall take place after publication of the Commission’s annual package of reports on each country, take stock of the overall accession process, and set out the planning for the year ahead, including opening and closing of chapters.

On the other hand, the Stabilisation and Association Councils that shall allow a stronger monitoring of progress and address aspects of accelerated integration in the respective clusters.

Clustering of the negotiating chapters

Similar to the French non-paper from November 2019, European Commission proposes organising the negotiating chapters in thematic clusters. Negotiations on each cluster will be opened as a whole – after fulfilling the opening benchmarks – rather than on an individual chapter basis. Closing benchmarks, however, would be set for each chapter.

There are six proposed clusters: Fundamentals (including current chapters 23 and 24), Internal Market, Competitiveness and Inclusive Growth, Green Agenda and Sustainable Connectivity, Resources, Agriculture and Cohesion and External Relations.

To inject more dynamism in the negotiations with Serbia and Montenegro, the Commission proposes work on chapters can also be organised around clusters, while respecting the existing negotiating frameworks and with the agreement of these countries.

Rewards and sanctions

The Commission proposes better mechanisms for incentivising the countries to move forward with their reform efforts, as well as sanctioning them if it comes to “any serious or prolonged stagnation or even backsliding”.

Among the two named rewards for a sufficient progress are “phasing-in” to individual EU policies, the EU markets and EU programmes and increased funding and investments and “reform-oriented Instrument for Pre-accession support”.

When it comes to sanctions, EU proposes the possibility that the that negotiations can be put on hold in certain areas, or in the most serious cases, suspended overall, and downgrading the scope and intensity of the “rewards” – EU funding and benefits of closer integration.

Albania

Albanian Package of Emergency Laws Alarms Rights Groups

<https://balkaninsight.com/2020/02/01/albania-emergency-laws-criticized-as-non-constitutional/>

February 1, 2020 – BIRN, Tirana, Gjergj Erebara

Rights groups have condemned a package of emergency law changes, done "to fight organised crime", as anti-constitutional and as a breach to the system of checks and balances.



Albania Prime Minister Edi Rama and US Ambassador Yuri Kim in a meeting on 31 January 2020. Photo: Edi Rama/Twitter

Rights groups in Albania have condemned the government for announcing on Friday that it had approved several changes to laws supervising the justice system, the police and the penal code. Minister said the measures were needed to fight organised crime and corruption, but local human rights organisations said they had not been consulted and claimed the changes could pose dangers to human rights and the separation of powers. Albania's Western partners told BIRN they had not read what the government had approved.

The laws had not yet been published by the time of publication, and the office of Prime Minister Edi Rama did not respond to questions from BIRN about when they will be made available.

In a press statement, Etila Gjonaj, Minister of Justice, insisted that the authorities had consulted their "partners", a term usually used to describe the EU and US embassies. However, the embassies said they had not seen the laws.

The US embassy said it appreciated "the expressed will of the Prime Minister to fight the scourge of organised crime. However, we have had no opportunity to study the latest version [of laws] and we are waiting to understand the details". The EU embassy told BIRN it had "not seen the Normative Act adopted today and cannot comment at this point".

A group of 12 Albanian rights organisations condemned the package of laws and the way it had been approved as non-constitutional and as a possible danger to the system of checks and balances.

They said the fact that the package has not been made public was itself “a serious breach of the constitutional principles”.

The Albanian constitution allows the government to undertake legal changes with immediate effect in case of national emergencies.

But Gjonaj did not explain what current emergency justified such a “normative” act and also stressed that “the laws are already in force”, meaning they were empowered immediately, while parliament can only revise them later.

Rights organisations noted that the constitution does not allow such changes to be made to some laws, such as the penal code.

According to Gjonaj, the law changes will enable the police to better check assets of organised crime suspects and investigate judges and prosecutors that are supposedly helping them. However, the rights organisations are concerned about potential threats to the division of powers between the judiciary and the government.

According to them, if the police are allowed to investigate judges or prosecutors, as Gjonaj implied the law changes will allow, they could exert undue pressure on them, to the detriment of justice.

Albania Opposition Slates Push to Increase Police Surveillance Powers

<https://balkaninsight.com/2020/02/13/albania-gov-wants-to-give-to-police-power-for-surveillance-without-prosecutorial-order/>

February 13, 2020 - Gjergj Erebara Tirana BIRN

Opposition parties have expressed alarm over a government proposal that the police should be empowered to conduct surveillance activities without first obtaining authorization from the courts.

The centre-left government of Albania under Edi Rama has caused a new storm by saying it wants to give the police the power to conduct surveillance to stop crimes without obtaining court permission. The change forms part of a proposal sent by the government to the parliament for approval.

Currently, the police in Albania can only conduct surveillance after obtaining authorization by the prosecution office and courts. In the new proposal, the police would be able to order their own surveillance “to prevent crimes” and would no longer always need such authorization.

According to the explanatory note, the change is needed to allow the police “to use special measures [such as phone interception or surveillance] in an efficient way”.

The proposal also foresees the creation of an administrative body or “committee”, chaired by the Minister of Interior, to which the General Prosecutor and chairman of the Special Anti-Corruption Prosecution Service should report periodically.

The opposition called the initiative unacceptable and an attack on human rights. “Edi Rama is substituting the rule of law with a police state regime in a flagrant violation of human rights. For us it is an initiative that undermines the European road of Albania; it is non-constitutional and unacceptable,” Gazmend Bardhi, of the centre-right opposition Democratic Party, a former Justice Minister, said.

This is a second time in a few years that the ruling Socialists have proposed the measure. In 2015, the opposition sent the matter before the Constitutional Court, which ruled it as incompatible with the constitution.

According to the court, the prosecution is the only institution allowed by the constitution to investigate crimes, and giving such power to another agency like the police would undermine the principle of the division of power between branches of the governments and the system of checks and balances.

However, Albania currently has no working Constitutional Court to possibly settle the matter. This is one of several controversial law-and-order initiatives undertaken by the Rama government. On 1 February, the government approved another piece of legislation, claiming it needed emergency powers to fight organised crime. Rights groups condemned the package as “a serious breach of constitutional principles”.

Bosnia and Herzegovina

Dodik Unveils Fresh Threat of Bosnian Serb Secession

<https://balkaninsight.com/2020/02/13/dodik-unveils-fresh-threat-of-bosnian-serb-secession/>

February 13, 2020 - Danijel Kovacevic Banja Luka BIRN

Bosnian Serb leader Milorad Dodik has revived talk of secession from Bosnia, as the political battle over a recent ruling by the country's constitutional court fails to die down.



Milorad Dodik, Serbian member of the Bosnian Presidency, Photo: EPA/Stephanie Lecocq

After Bosnian Serb representatives walked out of state-level institutions in the country on Wednesday, Bosnian Serb leader Milorad Dodik warned on Thursday that they were now on a path towards “leaving Bosnia and Herzegovina”.

“We will do this, and will not be stopped by the US or anyone else, because we believe that the [1995] Dayton Agreement [ending the 1992-5 war in Bosnia] has been broken, primarily by the intervention of an international factor,” Dodik, the Serbian member of the Bosnian presidency, said.

He added that unless an agreement was reached soon, there would be no Bosnian state by the spring. “I want everyone in the RS to know – we hit a wall.

“We now have to decide if we will accept that these false platitudes, from the US and Western embassies ...[that] essentially undermine our rights, or the RS does what it has to do,” Dodik continued.

The decision to pull out of state institutions followed a ruling by the Constitutional Court of Bosnia and Herzegovina. This declared a law passed by the mainly Serb entity in Bosnia, Republika Srpska, on agricultural land formerly owned by the Yugoslav state, unconstitutional.

The Court ruled that the state of Bosnia, not the RS, was the owner of such land. It acted upon the motion filed by seven Bosniak delegates to the RS Council of Peoples, the chamber that represents the interests of the three constituent peoples of Bosnia, Bosniaks, Serbs and Croats.

Adding to the sensitivity of the matter, the judging panel of the court is made up of three foreign judges as well as two Bosniak, two Croat and two Serbian judges. Bosnian Serbs have long objected to the court – and especially to its foreign judges. They want the adoption of a new law on the state Constitutional Court, excluding foreign judges.

In cautious reactions, the EU and the US called on the Republika Srpska to respect the rulings of the Constitutional Court.

Dodik has a history of clashing with the court, which he has called unconstitutional and anti-Serbian, and of talking about RS secession.

He has called on RS representatives in state institutions before to boycott their work until a new law on the Constitutional Court is passed. He made the same request in March 2019, when for a second time the Constitutional Court declared the RS holiday unconstitutional.

At the time, he did not get support from opposition parties in the RS, who were part of the ruling state-level coalition. Now, however, except for Dragan Mektic, a member of the state parliament who said that he did not trust Dodik, all the opposition parties have supported the decision to boycott the decision-making process.

“The decision of the Constitutional Court is aggravating the situation, and ... we must defend the interests of the RS because if we give up now, the question is to what extent attacks on the and our identity will go,” Rado Savic, deputy president of the opposition Serbian Democratic Party, SDS, said on Wednesday.

The RS political leadership will travel to Belgrade on Saturday to meet Serbian President Aleksandar Vucic. Dodik said that he would ask for the Serbian President’s “understanding” at the meeting.

[Bosnia's Long History of Ignoring Constitutional Court Rulings](https://balkaninsight.com/2020/02/19/bosnias-long-history-of-ignoring-constitutional-court-rulings/?fbclid=IwAR212K0ihaygH12ligEPspVxyedLpEtdrpmaY_yQOO56Telfl2rj1i01CIY)

https://balkaninsight.com/2020/02/19/bosnias-long-history-of-ignoring-constitutional-court-rulings/?fbclid=IwAR212K0ihaygH12ligEPspVxyedLpEtdrpmaY_yQOO56Telfl2rj1i01CIY

February 19, 2020 - Danijel Kovacevic Sarajevo BIRN

Authorities in Bosnia have a tradition of failing to enforce decisions of the country's top court – and of not facing any consequences.

“The decisions of the Constitutional Court are final and binding. All authorities are obliged, within the limits of their competences ... to implement the decisions”.

So reads a key section from the Rules of the Constitutional Court of Bosnia and Herzegovina. For all the impressive wording, the authorities in the country have a history of doing the opposite. Over the years, they have ignored many Constitutional Court rulings – although the number of completely unenforced rulings has dropped in recent years.

The most recent example of a contested ruling that the authorities may, or may not, obey, is its decision on Law on Agricultural Land in Bosnia's mainly Serb entity, Republika Srpska, RS.

After the RS parliament passed a law that said public agricultural land should become property of the entity, the court declared it unconstitutional.

After the court ruled that the state of Bosnia and Herzegovina, not the RS, was the owner of such land, on February 17, the RS parliament ordered all RS representatives in state institutions to suspend all participation, effectively blocking the work of the state government.

The RS parliament also ordered all institutions of the RS not to obey the court, or “accept or implement any [other] future anti-Dayton and undemocratic decisions of the High Representative [the top international authority in the country] and the Constitutional Court of Bosnia and Herzegovina”.

[The 1995 Dayton peace deal ended the 1992-5 war in Bosnia and established the country's two autonomous entities, the RS and the Federation.]

Significantly, all political parties in the RS, including those in opposition, supported the assembly's decisions.

Mirko Sarovic, leader of the main opposition Serbian Democratic Party, SDS, backed the RS parliament's decisions but also cautioned against political adventures. “It is not wise to talk about referendum, secession, etc. There is time for that, and we will talk about that when the time comes,” Sarovic told the special session of the parliament.

But the Serbian member of the Bosnian state presidency, Milorad Dodik, sounded much more aggressive. Referencing the UK's departure from the EU while addressing the RS parliament, he said: “Goodbye Bosnia, welcome RS-Exit.”

For the entire analysis please refer to the link above.

[Bosnian Serbs Open New Battle Over Entity Borders](https://balkaninsight.com/2020/02/19/bosnian-serbs-open-new-battle-over-entity-borders/)

<https://balkaninsight.com/2020/02/19/bosnian-serbs-open-new-battle-over-entity-borders/>

February 19, 2020 - Danijel Kovacevic Banja Luka BIRN

Amid continued tensions over a constitutional court ruling, which it disputes, Bosnia's mainly Serb entity has started a fresh tussle in the country by demanding a clear definition of its border.



The RS Government building, Photo: EPA/Mikko Pihavaara.

Bosnia's mainly Serb entity has opened a new front in its disputes with the country's Bosniaks over a demand for the establishment of a clear line of demarcation between Bosnia's two entities.

The demand is one of the eight conclusions that the Republika Srpska parliament adopted on Monday night after a special session, following a ruling of the state Constitutional Court that an RS law, which places all agricultural public property in the ownership of the RS, is unconstitutional.

In protest against the ruling, Bosnian Serb officials have stopped work on deciding any state-level matters, pending adoption of a new law on the Constitutional Court, excluding the presence on it of foreign judges.

Tanja Topic, a political analyst from Banja Luka in the RS, said for BIRN that the issue of the entity demarcation line had been opened precisely in the context of the Constitutional Court decision.

An existing Inter-Entity Boundary Line subdivides Bosnia into two semi-autonomous entities and one district, the Serb-majority Republika Srpska, RS, and the Federation of Bosnia and Herzegovina, FBiH, mostly populated by Bosniaks and Croats. The third unit is Brcko District.

The total length of the Boundary Line is 1,080 kilometres. Following the conclusion of the Dayton Agreement in 1995, which ended the 1992-5 war in Bosnia, a commission was set up to determine the exact course of the line, but this was never done.

The demarcation line in many locations is illogical. Many municipalities are cut in two so that citizens pay utility bills in one entity and receive personal documents in another.

The RS government says determining the line has become an urgent need and should not be seen as a threat. "It in no way means that tomorrow someone wants to erect a Berlin or Chinese wall on the border," RS Prime Minister Radovan Viskovic said on Tuesday.

Viskovic says they just want to determine where the line is, to know where the competencies of the RS and the Federation begin and end.

But Fadil Novalic, the Prime Minister of the Federation, on Tuesday said his entity would not cooperate. His entity would "never participate in any inter-entity boundary line-related discussions", he said.

Law professor Kasim Trnka told the media that the entities cannot define their boundaries, and the RS call formed part of a plan for eventual secession.

"Obviously, these are preparations for the alleged state independence of Republika Srpska, so they need to define in advance where its borders are," Trnka said for Radio Free Europe on Tuesday.

Topic, however, said the issue of the line of demarcation should not be viewed only in the context of RS secession, as that idea remained "unrealistic and unfeasible [and...] was [only] created to intimidate both political actors in Bosnia and the international community".

Bulgaria

[Bulgarian judge barred from US because of alleged corruption declines to comment – reports](https://sofiaglobe.com/2020/02/06/bulgarian-judge-barred-from-us-because-of-alleged-corruption-declines-to-comment-reports/)

<https://sofiaglobe.com/2020/02/06/bulgarian-judge-barred-from-us-because-of-alleged-corruption-declines-to-comment-reports/>

February 06, 2020 by The Sofia Globe staff

Andon Mitalov, the Bulgarian Specialized Criminal Court judge barred from entering the United States because of what the State Department has alleged to be involvement in “significant corruption” has declined to speak to the media and has gone on sick leave.

Bulgaria media 24 Chassa and Bulgarian National Television both reached Mitalov by phone, but he declined to comment.

Mitalov was the subject of a request last year from the then-Prosecutor General, Sotir Tsatsarov, for an investigation by the Supreme Judicial Council Inspectorate into Mitalov’s ruling allowing Nikolai Malinov, the head of Bulgaria’s Russophile Movement who is facing espionage charges, to travel to Moscow to receive a state honour from Russian President Vladimir Putin.

The SJC Inspectorate said on February 6 that one of its inspectors had carried out a preliminary investigation and had found that there was no reason to initiate a case investigation.

Malinov said in a February 6 television interview that he did not know Mitalov and had not attempted to contact him.

The judicial college of the Supreme Judicial Council called a special meeting on February 6 to discuss the Mitalov case.

The president of the Specialized Criminal Court, Judge Marieta Raikova, said that she and her colleagues were “shocked” by US Secretary of State Mike Pompeo’s allegations against Mitalov.

[Two from Bulgaria's Gambling Commission face organised crime charges](#)

February 11, 2020 by The Sofia Globe staff

A current and former member of Bulgaria's Gambling Commission have been charged with involvement in an organised crime group allegedly headed by Vassil Bozhkov, it emerged on February 11 from an announcement by the Specialized Criminal Court.

Plamen Georgiev was a member of the commission at the time that it was headed by Ognemir Mitev, who is reported to be among those taken into custody in a succession of prosecutors' raids on the commission. Todor Markov has headed the control activities department since 2019.

Bulgarian National Television reported on February 11 that the Specialized Criminal Court declined an application by prosecutors to remand Georgiev and Markov in custody, and ordered them into house arrest.

The court ordered Georgiev and Markov not to contact officials at the Gambling Commission so as not to influence the investigation.

Counsel for the defence put it to the court that Markov was, from 2014 to 2019, holder of the position of "junior expert", a clerical one that could not influence the work of the Gambling Commission. Markov told the court that he did not know Bozhkov and his associates.

Georgiev told the court that he was the only accused to be detained after he had volunteered to appear before investigating authorities. He said that, during his time as part of the Commission, numerous inspections of its work were carried out by the Ministry of Finance, and no irregularities had been found.

Reports quoted the prosecutor's office as saying that, including Bozhkov, eight people had been the subject of criminal charges so far. Twenty-five witnesses have been questioned in the investigation into Bozhkov's alleged organised crime group.

Bozhkov, also reported to be facing extortion and attempted bribery charges, is said to be in the United Arab Emirates. Bulgaria's Justice Minister Danail Kirilov said last week that extradition application papers were being prepared. Bozhkov, claimed by some media to be the wealthiest man in Bulgaria, has denied wrongdoing.

Bulgarian prosecutors to probe Spanish media allegations against PM Borissov

<https://sofiaglobe.com/2020/02/24/bulgarian-prosecutors-to-probe-spanish-media-allegations-against-pm-borissov/>

February 24, 2020 by The Sofia Globe staff



Bulgaria's Prosecutor's Office has decided on its own initiative to investigate the allegations against Prime Minister Boiko Borissov made in Spanish newspaper el Periodico, a statement on February 24 said. Borissov will be questioned in the course of the investigation.

The allegations were made by el Periodico on February 21, in an article headlined "A money laundering investigation in Barcelona points to the Prime Minister of Bulgaria".

Official information will be requested from the Spanish authorities, the Prosecutor's Office said.

"During the inspection, explanations will be removed from all the persons mentioned in the article, as well as documentation for their alleged transactions."

Over three pages, el Periodico detailed allegations involving a house and business in Barcelona, and regarding Borislava Yovcheva and her father, and two companies said to have received more than five million euro since 2013 from "non-Spanish natural persons".

The report alleged that Yovcheva's "possible relationship with Borissov is being carefully examined."

On February 21, Spanish police confirmed that they were investigating Borissov but said that until the investigation is concluded, they could not give further details, news website Segar reported. The same day that the allegations were published, Borissov denied them.

"I'll say for the hundredth time that I have neither a house nor properties there. I last went there when I was [Sofia] mayor, maybe 15 years ago. It is not my money; I have nothing to do with those companies. I have not met the people mentioned for 10, 15 or 20 years. So far no office, authority, prosecution office or police service has contacted me to ask if this is true," he told journalists while attending a European Council meeting in Barcelona.

Croatia

Croatia Seen Backsliding on Corruption since EU Accession

<https://balkaninsight.com/2020/02/17/croatia-seen-backsliding-on-corruption-since-eu-accession/>

February 17, 2020 - Anja Vladisavljevic Zagreb BIRN

Perceptions of corruption in Croatia have slumped to their worst level in five years. Experts say politicians no longer face the outside pressure they once did when the country was trying to join the European Union.

In mid-January, shortly after losing her bid for a second term, outgoing Croatian President Kolinda Grabar-Kitarovic told the UK Guardian newspaper that corruption in Croatia “is not just contained to politics,” but in fact begins in the classroom. “Those who have prepared so as to cheat on the test are heroes,” she was quoted as saying. “This is where corruption starts, on the children.”

The remarks raised eyebrows in Croatia, where transparency experts argue society takes its cue from a political elite that for years has lurched from one graft scandal to another.

Some warn corruption has only worsened since Croatia joined the European Union in mid-2013, following years of scrutiny from Brussels over its record on rooting out high-level graft. In January, Croatia slumped to its worst level (47 points out of 100) in five years in Transparency International’s annual index of perceived corruption.

“Since joining the EU, Croatia has regressed in the fight against corruption,” said Oriana Ivkovic Novokmet, executive director of GONG, a civil society group that promotes good governance, rule of law and human rights. “There is no external pressure to encourage change; the [European] Commission, for example, has abolished the anti-corruption reports it once had.”

Responsibility for the fight, Ivkovic Novokmet said, had fallen on institutions now firmly in the hands of the conservative Croatian Democratic Union, HDZ, in power since January 2016. “The few remaining independent institutions are systematically undermined by the government,” she told BIRN.

For the full analysis please refer to the link above.

Croatia Chief Prosecutor Forced Out Over Masonic Connection

<https://balkaninsight.com/2020/02/20/croatia-chief-prosecutor-forced-out-over-masonic-connection/>

February 20, 2020 - Anja Vladislavljovic Zagreb BIRN

Croatia's Prime Minister has accepted the resignation of the Chief State Prosecutor over his membership of a masonic lodge, which he had failed to declare.



Drazen Jelenic. Photo: N1.

The Croatian Prime Minister on Thursday confirmed that he had accepted the resignation of Chief State Prosecutor Drazen Jelenic, who quit on Wednesday, after admitting he belonged to a masonic lodge.

“This proposal does not mean that [Jelenic] acted against the law and did not perform his duty independently. This is about the integrity of people who govern the highest bodies,” the centre-right PM Andrej Plenkovic told the cabinet.

Earlier, he confirmed that he had talked to Jelenic – and had warned him that unless he resigned, he faced the sack. Plenkovic said that the problem was that the government had been given no information about his membership of the masons.

“This membership is lawful [but it] burdened the performance of my duty as Chief State Prosecutor,” Jelenic said on Wednesday, when he confirmed his resignation.

The weekly Nacional reported on his membership on Tuesday. While explaining it earlier to local media, Jelenic denied belonging to a secret or semi-secret organisation, and said it was just a civic association registered in accordance with the law, so there was no conflict of interest.

Jelenic told the media that he was invited to join a freemasonry association in March 2018, a month before being named to his post as chief prosecutor.

The association was registered as a non-profit dedicated to “promoting masonic worldviews, above all general morality, culture and love for one’s fellow man and charity”, according to the Croatian Registry of Associations.

However, Croatian officials are obliged to declare their membership of associations or organisations to the Commission for the Resolution of Conflicts of Interest, which Jelenic failed to do.

The resignation followed only days after media reported that several journalists from the tabloid Dnevno.hr and its sister print weekly, 7Dnevno, had been arrested for allegedly trying to blackmail an ophthalmologist over his links to the same masonic association.

Nikica Gabric claimed the journalists had tried to blackmail him into buying 27,000 euros’ worth of advertising space in the weekly in exchange for not publishing pictures of him attending masonic ceremonies.

Jelenic had become involved in the affair, after accusing Gabric of trying to influence the investigation into the Dnevno.hr journalists.

On Wednesday, Jelenic clarified his statement, saying Gabric had clearly been the victim of attempted blackmail.

President Zoran Milanovic made it clear he supported the prosecutor’s departure. He said that everyone who was a member of a masonic association and was doing a public job or was a public official, notably in law enforcement, was unnecessarily bringing into question their objectivity and loyalty.

Jelenic was appointed to his post in April 2018. He earlier served as president of the State Judicial Council, and as a municipal prosecutor and county prosecutor.

Masonry in Croatia is believed to date back to the middle of the eighteenth century. The first Grand Lodge was established in the 1770s. Owing to its secretive nature, it has often courted suspicion and been banned. It was completely suppressed in former Yugoslavia under the communists and only revived in the 1990s.

Kosovo

Hague Prosecutors to Issue Kosovo War Crimes Indictments Soon

<https://balkaninsight.com/2020/02/24/hague-prosecutor-soon-to-launch-kosovo-trials/>

February 24, 2020 - Marija Ristic Belgrade BIRN

The Kosovo Specialist Prosecution in The Hague is expected to launch its first indictments after its chief prosecutor formally asked a pre-trial judge to review charges for crimes committed during and just after the Kosovo war.



The Kosovo Specialist Chambers HQ in The Hague. Photo: Europol.

Almost five years since Kosovo's parliament approved the establishment of the Kosovo Specialist Chambers and Prosecutor's Office, chief prosecutor Jack Smith has notified the president of the Specialist Chambers of his intention to initiate proceedings before The Hague-based 'special court', it was announced on Monday.

"The President has therefore assigned a Pre-Trial Judge in accordance with the Law and the Rules of Assignment of Specialist Chamber Judges from the Roster of International Judges to review indictments filed by the Specialist Prosecutor. The content of indictments remains confidential, unless and until confirmed by the Pre-Trial Judge," said a press release issued by the Kosovo Specialist Chambers.

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

Those questioned included former KLA guerrillas who have become high-profile politicians like Ramush Haradinaj, who resigned as Kosovo's prime minister after being summoned.

The Specialist Chambers will hear cases arising from an EU task force report which said that unnamed Kosovo Liberation Army officials could face indictments for a "campaign of persecution" against Serbs, Roma and Kosovo Albanians.

The alleged crimes include killings, abductions, illegal detentions and sexual violence.

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

Thaci strongly denied the allegations.

International judges and prosecutors staff the new court, although it operates under Kosovo's laws.

The negotiations to establish the court lasted from 2011 until 2015.

Since the Kosovo war ended, the international community has been administering justice in Kosovo, but its results have been poor – fewer than 20 final verdicts in war crimes cases.

However, it was believed that the Kosovo prosecution couldn't handle sensitive cases against senior officials, which was one of the reasons why the international community decided to establish the new court.

Kosovo MPs voted to set the court up as part of the country's justice system under pressure from the US and EU.

In Kosovo itself, the court is seen as biased as it will try former KLA fighters – people perceived as liberators by the majority of the country's ethnic Albanian population – while in Serbia, the court has wide support due to hopes that it will prosecute crimes against Serbs.

Moldova

How corrupt Moldovan citizens are?

Comparative figures

<https://www.moldova.org/en/how-corrupt-the-moldovan-citizens-are-comparative-figures/>

February 17, 2020 By Maria Dulgher

When talking about corruption, most of Moldovan citizens blame the 'system' built by politicians and their political regimes throughout history. And that may be true, but only to some degree. When looking deeper, it can be actually observed that little corruption acts are perceived as a normality by a lot of individuals and legal entities in the country.

That is what is shown in a recent study conducted by by the Center for Social Studies and Marketing "CBS - Research". The study assessed the impact of the National Integrity and Anticorruption Strategy for the years 2017-2020.

516 million lei – this is the total amount of bribes offered by Moldovans in 2019.

On average, a Moldovan citizen has offered at least five bribes, while an enterprise has been involved in about three corruption acts. Businesses paid bribes worth 197,3 million lei, while individuals offered a total of 319,4 million lei as bribes during the last year, estimated the study.

The value of the one illegal payment ranged from 50 to 20 thousand lei.

The research was carried out on the basis of a national survey where 1 120 persons, 506 companies and 606 civil servants from central, district and local public administration participated.

The data were presented in comparison to the situation in 2017, when the first such survey was conducted.

It was carried out within the project "Fight against corruption by strengthening integrity in the Republic of Moldova", implemented by UNDP in collaboration with the National Anticorruption Center, and the support of the Norwegian Ministry of Foreign Affairs.

The total value of the bribes offered by Moldovans is lower, however, compared to those from two years ago, when the amounts varied between 100 and 500 thousand lei in the case of companies and between 50 lei and 8 thousand lei in the case of individuals, as the study stated.

Even though the study affirmed that corruption remains a serious problem for the Moldovan society, the level of intolerance of the population towards corruption has increased. Thus, about 62% of individuals (compared to 45% in 2017) and 83% of businesses (compared to 61% in 2017) consider any corruption situations unacceptable and declare that they do not accept to offer or receive bribes, regardless of the situation and implied personal benefit.

Moreover, both individuals (73% of respondents) and companies (80% of them) are aware that bribery entails punishment of both parties involved, and 87% of them, on average, would report the corruption acts to the anti-corruption agencies in the event of such a situation.

In the opinion of the civil servants participating in the survey, among the main causes of corruption are the low salaries in the public sector and the mentality of demanding and giving bribes in money and /or goods.

The same causes for corruption acts were emphasised by a survey conducted by Transparency International (TI) Moldova throughout the employees of 13 central public authorities.

The survey results revealed that a quarter (24.6%) of civil servants who work in public institutions, and answered the survey, consider that their workplace is affected by corruption. More details about the survey can be found *here*.

Although the legislation obliges civil servants to report corruption cases and other abuses to the head of the public entity or to the responsible authority, a considerable part of the respondents (about 27%) are openly not willing to do it for reasons of personal security and lack of trust in empowered bodies, according to the TI-Moldova report.

Thus, the main factors that could determine the involvement of citizens in corruption abatement activities are the confidence that they will be protected if they denounce a public official for corruption acts, as well as the trust in the independence of the justice, showed the Centre for Social Studies and Marketing study, as being reported by TV8.

“Committing acts of corruption must become non-profitable. But to drive forward those reforms, independent, effective, and incorruptible leaders of the judiciary and law enforcement bodies are urgently needed,” said Stanislav Pavlovschi, a Moldovan judge formerly at the European Court of Human Rights (ECHR), for the Global Voices portal.

In 2019, Moldova registered a score of 32 points for the Corruption Perception Index for 2019 released by Transparency International, being ranked 120th out of 180 countries.

The score for Moldova worsened as compared to the 2018 year, when the country recorded 33 points, whereas improved when confronted to the data from 2017 – 31 points. More details *here*.

[Disciplinary proceedings instituted against 24 prosecutors](https://www.ipn.md/en/disciplinary-proceedings-instituted-against-24-prosecutors-7965_1071609.html)

https://www.ipn.md/en/disciplinary-proceedings-instituted-against-24-prosecutors-7965_1071609.html

February 19, 2020

As a result of the inspections carried out at the Anticorruption Prosecutor's Office and the Prosecutor's Office for Organized Crime and Special Cases, the Inspectorate of Prosecutors brought 33 disciplinary proceedings against 24 prosecutors, Prosecutor General Alexandr Stoianoglo was quoted by IPN as saying in a news conference on February 19.

Alexandr Stoianoglo said the disciplinary procedures were instituted over a number of serious violations, such as illegal following and wiretapping, arrests, searches and confiscations, delay in the examination of cases, illegal decisions, defective representation of state prosecution in court and non-challenging of illegal judgments in courts.

Eighteen of the disciplinary proceedings were already sent to the Discipline and Ethics Board of the Superior Council of Prosecutors.

The others continue to be examined by inspectors.

Asked if particular decisions over the disciplinary proceedings were already taken, the Prosecutor General said the procedure for holding someone disciplinarily accountable lasts long, for even up to a year, as it consists of a number of stages.

[Ion Chicu: Justice sector can be cured not necessarily by reform](https://www.ipn.md/en/ion-chicu-justice-sector-can-be-cured-not-necessarily-by-7965_1071674.html)

https://www.ipn.md/en/ion-chicu-justice-sector-can-be-cured-not-necessarily-by-7965_1071674.html

February 21, 2020



Prime Minister Ion Chicu said the justice sector can be cured not necessarily by a reform. According to him, the curing can take place with currently available instruments as well, until an external judge assessment mechanism is agreed, IPN reports.

Presenting to the media the report on the first 100 days of work of the Government after failing to present it in Parliament, Premier Chicu voiced hope that with the restoration of functionality, the Superior Council of Magistracy and also the prosecution service will be able to play an important role in fighting corruption among judges. According to him, in particular, the state bodies will focus on the judges because of whom Moldova already pays hundreds of millions of lei under ECHR judgments.

"We saw that after the payment order for 70 million lei that came this week after Moldova lost a case at the ECHR in 2011, even larger sums will follow. The more serious crimes committed by our judges will cost us more. It's clear for me who should pay them and I stated this," said the official, noting that not all the judges are corrupt and many of them deserve respect.

He stated that the justice sector reform strategy should be broadly discussed with civil society, political parties, professionals working in the field, development partners. "In several days, we will stage an event to discuss the reform concept with the assistance of the partners from the Council of Europe, the EU, the U.S. and others, under the auspices of the Premier," said Ion Chicu, adding that the responsible state bodies will check the integrity of judges and their expenses against the officially declared incomes.

Premier Chicu said that he drafted and passed through the Government bills to amend the legislation and the Constitution so as to reduce political interference in justice. "For example, we voted to exclude the minister of justice from the Superior Council of Magistracy and reduced the President's power related to the appointment of judges," he stated. He voiced hope that these changes will be supported by Parliament.

[A Reformer, Interrupted](https://www.hks.harvard.edu/faculty-research/policy-topics/democracy-governance/a-reformer-interrupted?utm_campaign=winter-magazine-20&utm_medium=socialmedia&utm_source=hksfacebook&fbclid=IwAR08INNmZWE51AdCdHRpIBxZjzxxZhLBI4IZvt5MIE45hctoC-QmzBcytc)

https://www.hks.harvard.edu/faculty-research/policy-topics/democracy-governance/a-reformer-interrupted?utm_campaign=winter-magazine-20&utm_medium=socialmedia&utm_source=hksfacebook&fbclid=IwAR08INNmZWE51AdCdHRpIBxZjzxxZhLBI4IZvt5MIE45hctoC-QmzBcytc

February 28, 2020 By James F. Smith

Moldovan politician Maia Sandu MC/MPA 2010 surprised everyone but herself when she became prime minister. She attacked corruption and began to rebuild institutions in her country until her coalition government was toppled by the old guard. But she's not done yet.

Joining one-third of the adults in Moldova, Europe's poorest country, Maia Sandu MC/MPA 2010 left home a decade ago to pursue education and opportunity abroad, earning a Harvard Kennedy School degree and then working for the World Bank in Washington. But unlike most young Moldovans, she went back, determined to use her education and management skills to repair a corrupt political system that was destroying her homeland.

Within a few years, the young technocrat joined the Cabinet, established a pro-European political party, ran for president (narrowly losing), and then, last June, engineered an unlikely coalition that made her prime minister of the small former Soviet republic, sandwiched between Ukraine and Romania. In office, she confronted billionaire oligarchs and pro-Russian Socialists who had vied with one another for control over government coffers.

Sandu's tenure as prime minister ended in November, after just five months; her foes ousted her through a no-confidence vote when she refused to back down from recruiting an independent chief prosecutor to fight corruption and enforce the law. But she remains defiantly determined to bring her country fully into Europe and into a more hopeful future.

"I will definitely continue the fight," Sandu told HKS Magazine following her ouster. "The situation in my country is difficult, especially because voters who believe in democracy continue to emigrate, but I am still hopeful for Moldova and will work hard to contribute to building a democratic country, with good governance."

Sandu broke onto Moldova's national—and fractious—political stage immediately after returning from the United States in 2012.

She was appointed education minister—and quickly showed her resolve to modernize her homeland. She enacted numerous reforms, including installing video cameras in exam rooms to end widespread cheating; bribes to educators went down 50 percent, according to one study. Sandu infuriated vested interests but won growing public admiration.

Frustrated by the entrenched corruption she witnessed, she founded a new political party—the Party of Action and Solidarity—in 2015 and ran for president a year later, drawing 48 percent of the vote in the runoff. Her party became a credible force in Parliament in the reformist pro-European bloc.

After inconclusive parliamentary elections in February 2019, Sandu forged a coalition with the old-guard, pro-Russian Socialists. Their shared goal was to squeeze out the wealthy oligarch

Vladimir Plahotniuc, whose ruling party was accused of living off theft from nearly every public institution.

Moldovans endured a weeklong constitutional crisis in June, with her foes blockading government buildings. Sandu stood firm, and a court ruling prompted Plahotniuc and several allies to back down and leave the country in their private jets. Sandu became prime minister, vowing to pursue a policy of “de-oligarchization.”



“We scared them with our uncompromising approach to fighting corruption, and they took down our government. But we have managed to rid the country of one authoritarian leader and we will do it again.” - Maia Sandu

In an interview with HKS Magazine in Washington in September, she recalled the tense days of recruiting technocrats and expatriates to join her cabinet. (For the first time in Moldova, the cabinet had more women than men.) Some said yes because they were certain that Sandu would never take office. “I think I was the only one who believed there was a chance for this government to happen,” she said.

The challenges were immense from the outset. In one especially notorious corruption case, discovered in 2014, \$1 billion was pilfered from three Moldovan banks, forcing a government bailout. No one has been charged.

“It is about making people believe again in their country,” Sandu said when asked to describe her top priority. Citizens watched the bank theft unfold, “and then nobody is held responsible, not one single cent is recovered in four years,” she said. “People stop believing in the state, in the country. Why would somebody want to open a business, pay taxes, in a country that allows these things to happen?”

During that September visit, Sandu spoke for 25 minutes without notes at a forum hosted jointly by the International Republican Institute (IRI) and the National Democratic Institute in Washington.

She outlined the obstacles and explained her strategy for overcoming them.

Soft-spoken but direct and blunt, she described the scale of the graft in government agencies. She needed to cleanse the court system of corrupt judges; she faced a separatist movement in Transnistria; Ukraine's dispute with Russia could lead to a cut-off of natural gas supplies this winter; previous controls on the media linger in ways that diminish open debate. "But I believe the stronger the institutions, the less vulnerable we are in the face of the external risks," she said.

After she was toppled from office, she pointed to some significant victories during her rule. "We started to clean up government institutions, state-owned enterprise, health care, and other sectors from pervasive corruption and shameless extraction of rent," she told a European political convention in Croatia a week after she left office.

"We broke down illegal monopolies that were suffocating the economy. We stopped huge flows of smuggling in tobacco products."

Still, she knew she was fighting powerful forces—even within her coalition. Finally, the Socialist Party broke with her and brought an early end to the experiment. As she explained it, the power brokers could not stomach the idea of a truly independent judiciary that would investigate and prosecute those who stole from the people.

"We scared them with our uncompromising approach to fighting corruption, and they took down our government," she said. "But we have managed to rid the country of one authoritarian leader and we will do it again. The people will no longer accept to live in an oppressive, corrupt regime, which takes away their fundamental rights."

American specialists on Eastern Europe, normally sceptical of promises of change in the region, had expressed surprise and admiration as Sandu rose to leadership. "She took the helm at a very challenging time because of how divided the country is between those who look to Moscow, those who look to line their own pockets, and those who look to Europe," said Damon Wilson, vice president of the Atlantic Council.

Sandu draws on more than an HKS education and World Bank training, Wilson said: "She's got an extraordinarily strong moral compass and sense of purpose. What some people saw as potentially a liability—that she would be almost too honest, too earnest, almost too good—is her ultimate strength."

Sandu said in September that she knew she was making a high-stakes gamble by aligning with the Socialists but felt that public patience was running out. "I just knew this was our last chance, because if we let the previous regime continue, fewer and fewer activists would have been willing to expose themselves and stay with us. So this was a critical moment, and we had to use it."

She smiled when she remembered her time at Harvard. "That was the best year," she said. "Harvard helped me realize you should not get disappointed. We have to understand that development takes time, and we have to kind of sequence our expectations. It helped me a lot, in terms of leadership skills, analytical skills, but also putting things into perspective, and not getting disappointed and insisting on things."

Montenegro

Greco Criticises Montenegro Over Judicial Council's Independence

<https://balkaninsight.com/2020/02/06/greco-criticises-montenegro-over-judicial-councils-independence/>

February 6, 2020 - Samir Kajosevic Podgorica BIRN

New report by Council of Europe's anti-corruption monitoring body calls lack of progress on securing independence of Judicial Council 'alarming'.



Council of Europe's "Agora" building in Strasbourg. Photo: Wikimedia Commons/Adrian Grycuk

Montenegro has made no progress on the composition or independence of its Judicial Council, the body charged with upholding the independence and autonomy of courts in Montenegro. Nor has it made any progress in reviewing its disciplinary framework for judges, the report of the Group of States Against Corruption, GRECO, the Council of Europe's anti-corruption monitoring body, says.

The report, published in Strasbourg, warns that GRECO is particularly concerned by the Judicial Council's decision to re-appoint five court presidents for at least a third term.

"As far as judges and prosecutors are concerned," it says, "some progress continues to be observed in providing guidance and counselling on the application of the Judicial Code of Ethics and conflicts of interest, and in distributing public information concerning disciplinary proceedings in respect of prosecutors.

"However, it is alarming that no progress has been demonstrated as regards the composition and independence of the Judicial Council, nor in reviewing the disciplinary framework for judges."

The Judicial Council is an independent public body that is supposed to ensure the independence and autonomy of courts and judges in Montenegro. Pursuant to articles of the Montenegrin Constitution, it is comprised of a president and nine members.

In May 2018, the government of Montenegro extended the terms of the Judicial Council's members because of the lack of a two-thirds majority in parliament to elect new members.

In its 2018 report, GRECO had called on Montenegro to ensure the independence of the Judicial Council, and warned of strong political influence.

GRECO also demanded that the Minister of Justice's involvement in the Judicial Council be abolished and said that at least half of members must be judges. But, to date, the government has not met that recommendation.

Stéphane Leyenberger, from the GRECO Secretariat, told BIRN that the state of the judiciary is still a problem in Montenegro.

"GRECO regrets that at this stage nothing has been done to fulfil its recommendation regarding the composition of the Judicial Council in which still there is no majority of judges," she said. "GRECO wanted to have objective criteria for selecting the non-judicial members of Council, and these criteria has not been clearly established", Leyenberger added.

More positively, the GRECO report stated that Montenegro has implemented eight of 11 recommendations GRECO made in 2015 on preventing corruption among members of parliament, judges and prosecutors.

It welcomed the adoption of the new Code of Ethics, which includes mandatory training on parliamentarians' integrity and ethics, and requires parliamentarians to sign a declaration on the non-existence of private interests before taking part in the decision-making process.

GRECO has also encouraged the authorities to implement procedures for complaints and for initiating proceedings against the violation of this code by parliamentarians.

Montenegro Bishop and President Trade Blows in Religion Row

<https://balkaninsight.com/2020/02/24/montenegro-bishop-and-president-trade-blows-in-religion-row/>

February 24, 2020 - Samir Kajosevic Podgorica BIRN

The bishop leading protests over the new religion law in Montenegro has warned people not to vote for any politicians who support it – while country's president has accused the Church of 'brutal manipulation'.



Serbian Orthodox Church members in Podgorica, Montenegro, 2020. Photo: EPA-EFE/BORIS PEJOVIC

Metropolitan Amfilohije, the Serbian Orthodox Church's most senior bishop in Montenegro, has called on citizens not to vote for those who supported the contested Freedom of Religion law in coming elections.

During a Church-led protest against the law on Sunday, Bishop Amfilohije also again urged the government to withdraw the law which parliament passed late last year.

"Until this iniquity is removed, I believe that you will not find a single Montenegrin who will vote for those who seek the abduction of holy places for the first time in the history of Montenegro.

"For God's sake, I hope there will be none among you ... who will vote for this lawlessness and support that lawlessness," Amfilohije said during the protest in the small coastal town of Risan.

Mass protests against the law started last December, with the Serbian Orthodox church claiming that it could lead to the government confiscating churches and other holy sites.

Parliamentary elections are due in Montenegro by October this year, while local elections in another coastal town, Tivat, are scheduled for April 17.

Meanwhile, the country's veteran leader for almost 30 years, President Milo Djukanovic, has accused the Serbian Orthodox Church of undermining legal order and the civic character of the multi-ethnic state.

During Monday's session of the Human Rights Council in Geneva, Djukanovic said that Montenegro would resolve this internal issue in a peaceful manner.

"Montenegro has faced allegations by only one religious community, and a brutal media campaign from the neighbourhood, with skilful manipulation and attempts to accuse the state of intending to seize church property," Djukanovic said.

Montenegro has been in turmoil over the law ever since parliament passed it on December 27. Since then, tens of thousands of Serbian Orthodox Church clergy, believers and supporters have been protesting twice-weekly, demanding its withdrawal. Opposition pro-Russian and pro-Serbian political movements that generally support the Serbian Orthodox Church are regular participants in the rallies and marches.

The dispute centres on the law's call for the creation of a register of all religious buildings and sites that authorities say were owned by the independent kingdom of Montenegro before it became part of the Serb-dominated Kingdom of Serbs, Croats and Slovenes in 1918, later renamed Yugoslavia.

Under the new law, any faith groups unable to provide evidence of ownership risk losing these sites. The Serbian Orthodox Church – whose relations with the government are poor – claims this could allow the state to rob it of its property.

On February 14, in the first such meeting since parliament adopted the law, Church representatives submitted a list of proposed changes to Prime Minister Dusko Markovic. The Church specifically urged the government to retract that part of the law that calls for a directorate to compile a register of all religious sites in Montenegro.

North Macedonia

North Macedonia Ex-PM Testifies at Ethnically-Charged Murder Trial

<https://balkaninsight.com/2020/02/03/north-macedonia-ex-pm-testifies-at-ethnically-charged-murder-trial/>

February 3, 2020 - Sinisa Jakov Marusic Skopje BIRN

Zoran Zaev, the leader of the governing Social Democrats, who recently resigned as prime minister, testified at the high-profile retrial of six ethnic Albanians accused of murdering five ethnic Macedonians in 2012.



Zoran Zaev: Archive photo: EPA-EFE/GEORGI LICOVSKI.

Zoran Zaev gave two-and-a-half hours of evidence on Monday at Skopje Criminal Court about wiretapped conversations between former high-ranking North Macedonia's officials that relatives of the victims and the defendants had hoped would shed more light on the case.

But the testimony from the Social Democrats' leader brought little in terms of new revelations about the gruesome murders committed at Orthodox Easter near Skopje in 2012, for which six ethnic Albanians are being retried.

Five years ago, when he was an opposition leader, Zaev claimed that some of the thousands of illegal wiretaps of then top officials, which were in his possession at that time and are believed to have leaked from the country's secret services, might reveal the truth behind the killings.

But on Monday, testifying at the defendants' retrial, Zaev said that he did not get a complete picture about the case from the wiretaps to which he listened, and then, in late 2015, handed over to the Special Prosecution, which is now handling the retrial.

Goran Nakjevski, the father of one of the teenagers who were killed, asked Zaev why he did not publish any of the wiretaps concerning the case, as he once promised to do.

Zaev answered that he did not want “to cause possible harm and confusion in public about this case which drew enormous public interest”, and because he did not want to publish possible evidence that might be procured as part of legal police surveillance measures, which would then make him accountable.

Zaev denied having direct evidence or knowledge about the possible involvement of former top officials in the case.

He said that from the wiretaps he had heard, former ruling party politicians apparently “were expressing interest” about the case, but he could not pinpoint any possible wrongdoing. “It is not true that I have knowledge and evidence about involvement of [former parliament speaker] Trajko Veljanoski,” Zaev told one of the relatives.

He also explained that in the past he “might have” mentioned the names of other high-ranking former officials like ex-secret police chief Saso Mijalkov, former interior minister Gordana Jankuloska and former transport minister Mile Janakieski, but that he never claimed that they were involved.

“If I mentioned things like that, this was because of the speculation in the media,” Zaev said.

The high-profile case, for which six ethnic Albanians were found guilty of terrorism and sentenced to life in prison in 2014, has stirred up a lot of ethnic tension in a country that went through an armed conflict between ethnic Albanian guerrillas and the security forces back in 2001.

News of the murders sparked several protests by groups of ethnic Macedonians who blamed the killings on members of the large Albanian community in the country.

In April 2018, the murder case was reopened on the request of the Special Prosecution, which the defence welcomed.

The defence has long insisted that the accused may have been scapegoats, and that the previous government led by the right-wing VMRO DPMNE party might have been involved, in an attempt to show that state institutions could clear up the case efficiently.

The defence was also unhappy about Zaev’s testimony, saying that he revealed nothing new. “Zaev is good at politics and all of his answers were political, not concrete,” defence lawyer Dafinka Ivanovska told media after the hearing.

After Zaev left the courtroom, the trial resumed behind closed doors in the absence of the media for the playing of the wiretapped tapes and surveillance recordings.

North Macedonia Minister Faces Sack for “Name” Provocation

<https://balkaninsight.com/2020/02/12/north-macedonia-minister-faces-sack-for-name-provocation/>

February 12, 2020 - Sinisa Jakov Marusic Skopje BIRN

Labour Minister Rashela Mizrahi risks being fired from the caretaker government for refusing to use the country's new official name during press conferences.

North Macedonia's Prime Minister, Oliver Spasovski, on Wednesday moved to axe Labour Minister Rashela Mizrahi from the caretaker government for her refusal to use the country's new official name in a press conference.

"The PM and the government have an obligation to secure protection of the constitution," the government said on Wednesday.

"Having in mind that minister Mizrahi is consciously and deliberately breaching the constitution, and thus endangering the Euro-Atlantic future of the country, the PM has submitted a proposal for the dismissal of the technical minister... to parliament," it added.

Mizrahi, who comes from main right-wing opposition VMRO DPMNE party, provoked a storm last weekend within the government – and with Greece – by standing in front of a plaque bearing the country's old name, Republic of Macedonia, at a press conference.

On Tuesday, she added more heat to the situation when she said that she has no intention of changing the plaque bearing the old name and replacing it with a plaque with the new name, Republic of North Macedonia. "I am prepared to pay a fine if it comes to that," Mizrahi said.

The country changed its name, adding a geographical qualifier, as a direct result of the historic June 2018 agreement with Greece, which in return ceased to object to its neighbour joining NATO and the European Union. North Macedonia is currently waiting for the EU to set a start date for accession talks.

The ruckus happened just ahead of April general elections in which the main ruling Social Democrats, SDSM, who engineered the deal with Greece, will compete with the VMRO DPMNE party, which opposed the deal.

But the motion for dismissal could complicate matters within the caretaker government, as Mizrahi is one of a number of VMRO DPMNE ministers drafted into the caretaker government at the start of the year.

Its formation stems from the 2015 "Przino" political agreement, when the main parties agreed that 100 days ahead of every election, a caretaker government would be established to ensure a fair vote and remove doubts about ballot-rigging and political pressures.

Foreign Minister Nikola Dimitrov first asked for her dismissal on Sunday, saying he had received a verbal note of protest from Athens over her actions. Dimitrov himself signed the historic accord with Greece aimed at ending the long dispute over Macedonia's name.

[North Macedonia Passes Prosecution Law in Knife-Edge Vote](https://balkaninsight.com/2020/02/16/north-macedonia-passes-prosecution-law-in-knife-edge-vote/)

<https://balkaninsight.com/2020/02/16/north-macedonia-passes-prosecution-law-in-knife-edge-vote/>

February 16, 2020 - Sinisa Jakov Marusic Skopje BIRN

The ruling Social Democrats breathed a sigh of relief on Sunday after parliament – just before it was due to dissolve – narrowly passed the long-awaited law on the prosecution and another on defence - much to the fury of the main opposition VMRO DPMNE party.

After a year of unsuccessful talks with the opposition and after a week of tense efforts to secure a majority in parliament, the ruling Social Democrats in North Macedonia narrowly shepherded an important law through parliament amid loud objections from the opposition about the regularity of the vote.

Exactly 80 of the 120 MPs in parliament voted for the law on the prosecution – the minimum needed for its adoption. Six voted against while none abstained.

Voting proceeded amid high tension in the chamber after the speaker annulled the first vote, in which only 74 MPs supported the bill, saying he had omitted to give the word to two MPs who previously asked to submit procedural remarks.

The second, successful vote caused an uproar among opposition VMRO DPMNE party MPs. They insisted that the first vote should have been enough and that the second vote was illegitimate and done under pressure from the ruling Social Democrats.

“Criminals, criminals... shame! That’s the only thing I can say,” VMRO DPMNE MP Nikola Micevski shouted, joined by his opposition colleagues.

The Social Democrats had pushed strongly for adoption of the law on the prosecution, which the EU and the US also support, hoping it will persuade Brussels to finally set a date for the start of EU accession talks. The EU failed to set an expected date late last autumn, which prompted the Social Democrats to call the early elections on April 12.

The vote took place at the last minute, just as parliament was about to dissolve on Sunday to pave the way for the early elections.

Before that happens, MPs also convened to pass a key law on defence, which aligns the country’s legislation with that of NATO, incorporating its collective security principles. Eighty MPs voted for the changes.

North Macedonia is expected to become a full NATO member once Spain becomes the last country to ratify its accession protocol, which is expected to happen by mid-March.

The opposition was against this law as well, insisting that the name of the army should not be changed to Army of North Macedonia, in reflection of the historic “name” agreement with Greece that it also opposed.

[Trial Starts of Organisers of North Macedonia Parliament Rampage](https://balkaninsight.com/2020/02/26/trial-starts-of-organisers-of-north-macedonia-parliament-rampage/)

<https://balkaninsight.com/2020/02/26/trial-starts-of-organisers-of-north-macedonia-parliament-rampage/>

February 26, 2020 - Sinisa Jakov Marusic Skopje BIRN

Former speaker, two former government ministers and former secret police chief are charged with helping a violent mob storm parliament in April 2017 with a view to preventing the Social Democrats from taking power.



Former speaker Trajko Veljanoski is accused of helping the mob. Archive photo: EPA/CLAUDIO ONORATI

The trial has started in Skopje of those charged with organising a mob assault on parliament in North Macedonia in April 2017, aimed at preventing the then opposition Social Democrats from taking power.

After hearing the charges, all four of the accused, including the former speaker Trajko Veljanoski, pleaded not guilty. "This is classic political persecution. I absolutely do not feel guilty," Veljanoski said.

Veljanoski is on trial together with former transport minister Mile Janakieski, former education minister Spiro Ristovski and former secret police chief Vladimir Atanasovski, after the Skopje Criminal Court in January accepted the charges pressed by the Organised Crime Prosecution.

They are charged with taking a leading part in an organised attack on the legislature that injured more than 100 people, including journalists and opposition MPs. Veljanoski, who served as speaker from 2008 until 2017, is the first speaker of parliament in the country to face a trial.

The investigation into who organised the attack originally included former prime minister and former VMRO DPMNE party leader Nikola Gruevski and former intelligence officer Nikola Boskoski.

However, the court decided that they will not face trial because they are not in the country. Gruevski fled to Hungary to avoid serving a prison sentence for corruption in October 2018. He was later granted asylum there.

Boskovski fled to Greece in July 2017 and has since obtained asylum there. He fled after a court ordered his arrest in relation to the high-profile illegal wiretapping affair, linked to the Gruevski government. The trial in this case, named “Target-Fortress”, is ongoing.

In its opening argument, the chief Organised Crime Prosecutor, Vilma Ruskoska, said the trial would show that the accused tried to breach constitutional order and prevent a peaceful transfer of power to the Social Democrats.

“You will hear how Janakieski and Ristoski on the critical day had been calling [VMRO DPMNE party] HQs and organising transport to Skopje for a more massive protest, and for the entry of the people into the parliament,” Ruskoska said.

“You will hear messages sent to the people ... ‘They have opened the [parliament] doors’, because that’s what was told to them by the accused and also by their leader, Nikola Gruevski, who ... fled like a coward when he was about to face justice,” she told the court.

Ruskoska said former speaker Veljanoski not only failed to protect his colleague MPs from the violent mob but “was in constant contact with his party boss, Gruevski”, and – during the storming – helped some of the most violent men “reach hall number 3, where the new MPs were”, and where most of them got hurt.

Mile Janakieski, who was a minister in Gruevski’s government, said he would prove his innocence in court. Risteski, another minister under Gruevski, said he was a victim of political persecution. Atanasovski merely pleaded not guilty.

In a previous trial that focused on the participants in the attack, rather than the organisers, 17 people received combined jail sentences of some 200 years.

In a controversial move, in December 2018, parliament passed an Amnesty Law that absolved another 15 persons who were then on trial for participating in the events. Among them were some VMRO DPMNE MPs who helped the mob enter the parliament, by opening the doors.

The current trial is set to continue on March 9 with a hearing of witnesses. The first witness called is the current caretaker Prime Minister, Oliver Spasovski, who was then an MP. North Macedonia has appointed a caretaker government to oversee elections in April.

Romania

[My Government / My Justice – Considerations on the naming of new top prosecutors](https://www.g4media.ro/my-government-my-justice-considerations-on-the-naming-of-new-top-prosecutors.html)

<https://www.g4media.ro/my-government-my-justice-considerations-on-the-naming-of-new-top-prosecutors.html>

February 20, 2020 by [Dan Tăpălagă](#)

Romanian President Klaus Iohannis on Thursday signed the decrees naming three new chief prosecutors. He did so by ignoring the fact that the main body supervising magistrates in the country, the Supreme Council of Magistrates, had rejected two of the three through non-binding decisions.

Iohannis signed the decrees naming Gabriela Scutea as new Prosecutor General; Giorgiana Hosu as new head of DIICOT, the main prosecutorial body dealing with organised crime in the country; and Crin Bologa as new head of the National Anti-Corruption Department (DNA).

By ignoring the position of the CSM and approving Giorgiana Hosu as new head of DIICOT and Gabriela Scutea as new PG, Iohannis also ignores the recommendations of the Cooperation and Verification Mechanism – the main tool of the European Commission to push for justice reform in Romania.

Iohannis thus sends a worrying signal within the system, by promoting as head of DIICOT a prosecutor who fails to provide the slightest guarantee of independence, integrity and professionalism.

In a country with a truly independent Justice, chief prosecutors should be beyond doubt free of vulnerabilities or leverage.

By naming prosecutors clearly or possibly associated with command systems, the old politics protected itself by correcting an error of the past – when largely autonomous top prosecutors were in office, nobody was feeling safe.

Politicians, influential business people, media owners, nobody appears to want strong prosecutorial bodies which are out of control.

When it comes to the president, after winning a new term in office with 70% of the vote last fall, he showed he wanted as much power as possible. If he pursues it by legit and democratic means, it is the natural way.

But if he wants it by any means, if he wants „my Justice” and not only „my Government”, to control both power and the opposition, if he’s become a captive of the old system, then we return to the long line of presidents who lose their compass in the second term. Should we get there, Romanians would have to defend their democracy again.

Judges Forum accuses President Iohannis, Gov't and Parliament of breaking international entities' recommendations

<https://www.nineoclock.ro/2020/02/21/judges-forum-accuses-president-iohannis-govt-and-parliament-break-international-entities-recommendations/>

February 21, 2020 by NINE O'CLOCK

The Judges' Forum in Romania Association stated that the President, the Government and the Parliament violated the recommendations of the international entities necessary to be fulfilled for the minimum functioning of the rule of law in Romania.

"The President, the Government and the Parliament of Romania violated without explanation the recommendations of all relevant international entities necessary to be fulfilled for the minimum functioning of the rule of law in Romania. (...) On the one hand, the statements and intentions of the Minister of Justice, revealed during the hearing in the joint parliamentary committees of the Chamber of Deputies and the Senate with a view to investing the new Government, to delay any modifications made to the "laws of justice", under the guise of an imminent election campaign, are unacceptable and prove that the Government, the same as Parliament, have no real intention to implement the recommendations that were made by all the relevant international entities (Venice Commission, GRECO, Consultative Council of European Judges, Consultative Council of European Prosecutors, the European Commission), which basically shows that in Romania the rule of law functions below the minimum parameters accepted in a consolidated democracy," the Forum of Judges said in a statement of the Association.

According to the same source, the claims of the Minister of Justice, who said that the negative opinions issued by the Prosecutors Section of the Superior Council of Magistracy as part of the procedure of appointing prosecutors in top management positions would be "a tendency to de facto give of a prerogative that belongs to the Ministry of Justice, respectively the prerogative of making the proposals for the respective offices," prove "a blatant disregard of the recommendations of the latest CVM reports."

The Judges' Forum argues that the head of state did not listen to the reports of the European Commission issued within the CVM regarding the observance of the negative opinions of the Superior Council of Magistracy – Section for prosecutors on the appointment in senior high-ranking prosecutor's offices, until the establishment of a new legislative framework in compliance with the recommendation for the implementation of a robust and independent system of appointing high-ranking prosecutors, based on clear and transparent criteria, with the support of the Venice Commission.

According to the press release, the "foreseeable failure" cannot be ignored when fulfilling the conditionality necessary to access the Schengen Area through actions or lack of action that cancel the efforts made by the Romanian authorities to respect the European partners, which have been constantly running in the recent years.

"In addition, we refer to the new regime of conditions for the granting of European funds, which will be introduced to correct the generalized obvious deficiencies regarding the good governance of the Member States regarding the observance of the rule of law, Romania being in danger of losing huge amounts," the Association added.

[Constitutional judges find legal conflict in Ludovic Orban being appointed prime minister](https://www.nineoclock.ro/2020/02/24/constitutional-judges-find-legal-conflict-in-ludovic-orban-being-appointed-prime-minister/)

<https://www.nineoclock.ro/2020/02/24/constitutional-judges-find-legal-conflict-in-ludovic-orban-being-appointed-prime-minister/>

February 24, 2020 by [NINE O'CLOCK](#)

The Constitutional Court of Romania (CCR) ruled on Monday that there is a legal conflict between President Klaus Iohannis and Parliament regarding the appointment of National Liberal Party (PNL) leader Ludovic Orban as prime minister, CCR officials told AGERPRES on Monday.

According to the sources, Iohannis has to make a new nomination for the position of prime minister.

The Constitutional Court on Monday considered a complaint over the existence of a legal conflict of constitutional nature between the President and Parliament regarding the appointment of PNL leader Ludovic Orban as prime minister.

According to the complaint signed by the chairs of the two houses of Parliament, the conflict consists in "the president exercising his powers in a discretionary manner, as they are regulated by the Constitution, by designating on February 6 candidate Ludovic Orban for the position of prime minister."

The complaint shows that Orban's appointment was made "in violation, directly or indirectly, of the constitutional principles or provisions: the principle of loyal co-operation between public institutions, derived from Article 1(4); the constitutional obligation to ensure the observance of the Constitution and the proper operation of public authorities, as provided for in Article 80 (2)(I); the constitutional obligation to exercise the function of mediation among the state powers, as provided for in Article 80 (2) (II)."

"By his move, the President of Romania disregarded and diverted from the purpose provided by the constituent legislator in the imperative provisions included in Article 114(2) of the fundamental law, according to which the Government is dismissed if a motion of censure, filed within 3 days after the presentation of the bill, is voted on under the conditions of Article 113. By appointing Ludovic Orban as prime minister, the President of Romania violates the will of Parliament, which had just withdrawn its confidence by a recent censure motion. By denying the choice for prime minister expressed by a parliamentary majority, the President of Romania will trigger, as he has stated, a legal conflict of a constitutional nature, preventing the formation of a government, with the stated purpose of dissolving Parliament and getting early elections," reads the complaint.

It also says that Article 89 (1) of the Constitution of Romania, republished, provides for the dissolution of Parliament as a means of resolving a governmental crisis unresolved by Parliament due to the fact that it withhold a vote of confidence in a government after two failed attempts and a 60-day deadline, with the purpose being the election of a new Parliament that can solve the crisis, and the President of Romania violates these provisions by openly declaring that he aims at early elections, using as a pretext Parliament's failure to solve the government crisis in 60 days.

PSD's Ciolacu on CCR decision regarding Orban's designation: I'm glad democracy still functions in Romania

Interim Chairman of the Social Democratic Party (PSD) Marcel Ciolacu argued on Monday in respect to the Constitutional Court of Romania (CCR) decision regarding the designation of National Liberal Party (PNL) Leader Ludovic Orban for the Prime Minister office that "democracy still functions in Romania."

"Let's see the press release and the reasoning, and then we will come up with a standpoint. (...) I haven't seen it [the CCR decision regarding Orban's designation as PM], I'm waiting for the official press release of the Court, and, last, but not least, for the reasoning, and we'll see. I am glad that democracy still functions in Romania," Ciolacu said at the Palace of Parliament.

When asked whether the PSD is considering the option of building a parliamentary majority and step in to govern, Ciolacu responded: "No!"

PM Orban: If we find that we have solid grounds, we will notify CCR on absenteeism

Prime Minister-designate Orban on Monday stated that, if there are solid grounds, the Liberals will notify the Constitutional Court of Romania (CCR) on the absenteeism during the vote on the investiture of the new government.

"Absenteeism, boycotting this meeting is the same with refusing to meet your constitutional obligations as MPs and with breaking the commitment of the representation contract which every MP has toward the citizens who granted their vote. (...) We will ask the MPs who are skipping work to come and do their job, the same as any citizen who is fond of democracy and the functioning of the state institutions would ask them to do. And the fact that there will be no quorum is actually more proof that we need to dissolve this Parliament," Orban said after the meeting of the Executive Bureau of the PNL (National Liberal Party).

He showed that the PNL is considering notifying the CCR if the MPs don't turn to vote. "We've made an evaluation of the situation based on the Constitution. If we find that we have solid grounds, we will notify the CCR," said Orban.

Who are the prosecutors eyeing top jobs in key judiciary bodies

<https://www.g4media.ro/who-are-the-prosecutors-eyeing-top-jobs-in-key-judiciary-bodies.html>

February 19, 2020 by Dan Tăpălagă

Romania is expecting to see who are the people due to take over the helm of its key prosecutorial bodies. As official terms in office came to pass, and major changes affected the judiciary under the past years of Social Democratic (PSD) government, the naming of the future bosses of key prosecutor's offices is one of the most important issues in current affairs. But politicians turn a blind eye, while others also fail to speak in a relevant manner on the nominations submitted by Justice minister Catalin Predoiu.

As Romania still looks forward to have a settled government (the current one is deep into political games and attempting to replace itself, after losing a censure motion earlier this year), general focus is elsewhere. Still, the procedures for the naming of top prosecutors move on, amid efforts to turn the public eye towards those who have criticised the nominations, instead of the nominations proper.

Who are the people awaiting official confirmation after having been nominated to key jobs in the Judiciary? How have people such as Gabriela Scutea, Giorgiana Hosu, Bogdan Licu and Crin Bologa performed as professionals?

Based on a subjective procedure, which focused on interviews, Justice minister Catalin Predoiu has announced four names: Gabriela Scutea for Prosecutor General, Bogdan Licu for first deputy Prosecutor General, Giorgiana Hosu for the helm of the body in charge with organised crime and terrorism (DIICOT) and Crin Bologa at the National Anti-Corruption Department (DNA).

These bodies have been waiting for properly named managers, to replace the interim ones, some of them left around in the wake of major changes caused by the PSD governments of 2017-2019.

Opinions vary within the Judiciary system when it comes to Gabriela Scutea, the nominee for Prosecutor General. Some say she is a good professional, a learned, hard working person acting in good faith, but struggling with communication issues. She made herself a bossy reputation within the General Prosecutor's Office, where she served as deputy to former PG, former DNA head Laura Codruta Kovesi. Some challenging Scutea's nomination are afraid they'd have to move and work more.

Others see her as the person serving the Romanian Intelligence Service (SRI), an average-to-mediocre professional who was slightly bolder in attitude – in the past several years only and on opportunistic considerations. She also served a public office within the Justice ministry 3 years ago, when an emergency ordinance blasting the judicial sector and the fight against corruption was conceived by the ministry and the PSD-led government. But she says she had a positive role during those times, promoting changes that made the ordinance impossible to be applied.

The prosecutors' section of the main body supervising the activity of magistrates, CSM, gave her a non-binding negative note when she as a candidate for PG showed up for hearings on February 11. The reasoning related both to her answers, which the CSM found lacking, and to past attitudes towards issues such as a protocol with the intelligence service.

Opinions within the system when it comes to Georgiana Hosu, nominated to head the DIICOT – the main body dealing with organised crime – are unanimously negative. A toxic character with shady connections and a husband indicted under corruption charges, she is hardly fit to work as a simple prosecutor within the DIICOT, way less so to lead such an important prosecutorial body.

Her husband's business connections include shady former intelligence officers. And her Giorgia Hosu's 80-year-old mother appears as a shareholder in off-shore companies.

Her husband Dan Hosu was sent to court by anti-graft prosecutors in 2017, under charges of influence peddling and bribery in an insurance service-related case. Radio Free Europe revealed Dan Hosu was good friends with Catalin Paraschiv, a top officer within the gendarmerie who led the violent actions of riot police against anti-government protesters in Bucharest on August 10, 2018. Or, the case related to those acts of violence was passed from the Military Prosecutor's Office to DIICOT in June 2019, to be handled by Giorgia Hosu (then deputy head prosecutor of DIICOT) and a fellow prosecutor.

Giorgia Hosu also received a non-binding negative approval from the CSM prosecutors' section.

Bogdan Licu, who currently serves as interim Prosecutor General and is attempting to be confirmed as deputy head of the body, has a generally bad reputation and is seen as an opportunistic prosecutor who is also available for the intelligence services. Her wife was a psychologist working for the SRI intelligence service, according to Licu's wealth statement. His father-in-law is a businessman, Mircea Tudor, who in the past has been investigated by the DNA (but case was dropped). Tudor is reputed to have contracts with the state, including the SRI.

Licu has been accused by journalist Emilia Sercan, who has focused her work on revealing high-level plagiarism cases, of having plagiarised his PhD thesis. A criminal case was launched at the General Prosecutor's Office itself, but the case might have been dropped.

Under his interim term at the helm of the PG, prosecutors classified a case related to President Klaus Iohannis' homes. The case was classified as nominees were about to be selected for the top jobs in prosecutorial offices – which included his nomination for first deputy PG.

His interim term in office at the helm of the PG ends on February 27. His hearing at the CSM for non-binding approval is due sometime in early March.

Crin Bologa, nominated to head the DNA anti-graft body, is the only one of the four who is not surrounded by controversy. He is less known within the system because he served away from Bucharest and is less known in the capital city. He has served as deputy head prosecutor at the Salaj Tribunal. He is only known for leaving the DNA in 2008, due to friction with the then-head of the anti-corruption department, Daniel Morar.

He received the non-binding approval of the CSM prosecutors' section. Yet it remains to be seen how daring he is and what level of real autonomy and professional authority he has among DNA prosecutors.

People who have criticised the nominations become targets. Instead of a real debate on the quality of these nominations, the talk lately was re-directed to those who have criticised them.

Even more serious is that two prosecutors of the CSM prosecutors' section were summoned by a politically-charged special section which deals with cases involving magistrates. The cause of summoning were the older cases which were re-opened, as they do, shortly after the two gave negative approvals for the nominations of Scutea and Hosu. The CSM section they belonged to reacted in an unprecedented manner, calling the summoning as a form of „pressure and institutional discretisation” and threatening to notify the European Commission. In multiple media – starting with Gandul website, which is controlled by Radu Budeanu, a businessman who himself is investigated by the DNA – a campaign has been developing for days. The campaign is supported by media who have most often shown opposite attitudes – Antena 3 on one hand, Newsweek and Ziare.com on another hand – and it focuses on attacking prosecutors and journalists who have publicly criticised the nominations made by minister Predoiu. This campaign continuously dodges the main topic of public interest – the quality of the nominations.

Of minister Predoiu's four nominations for jobs of utmost importance, two are unacceptable if not outright scandalous. What is his message to the system? That the top jobs are not for professionals?

It is relevant to note, in these circumstances, that European experts involved with the EC's Cooperation and Verification Mechanism aimed at evaluating Romania's justice reform were in Bucharest when the CSM gave negative approval to the two nominations mentioned above. It would not be the first time that the current Justice minister shows availability for compromise. Samples come from all the way back in 2008 when he served as Justice minister in the government of the time, when he played in the political clashes over the fight against corruption and the DNA body.

More recently and more relevant are his recent actions – or lack of. In his latest term in office, he did not use the tool of an emergency ordinance to dismantle the much criticised special section charged with investigating magistrates, but pushed a legislative bill in this regard. So the section does what it is to do – harassing those who do not comply with the people in charge, as it did under the PSD with then-chief prosecutor of the DNA Laura Codruta Kovesi and other prosecutors.

Then, within the same bill on the special section, she pushed changes to the law of justice which are deemed unacceptable by magistrates.

Top prosecutors have major power within the state. That is why politicians, business people and intelligence services always wanted to have leverage on them, to control them through trusty people, to protect the eco-system, networks and influence.

Prosecutors, who follow hierarchical organisations, always look up for guidance. Should their leaders be brave professionals fighting for the independence of their institution, then

prosecutors do their work and investigate properly. They do the opposite, should their bosses be weak, vulnerable and easy to manipulate – they see the time of opportunists.

Three of the nominations above are now on President Iohannis' table already, awaiting final approval – two with negative approval from the CSM. The three are Gabriela Scutea, Giordiana Hosu and Crin Bologa.

And President Iohannis, who depicts himself as a fighter against corruption and supporter of justice, will have to decide fast to put an end to the current provisional leadership of key judiciary bodies, who have been working on minimal power for a long time.

The current media protection to minister Predoiu's nominations is bound to encourage the president to accept some unacceptable names. At least two nominations should be firmly rejected, if President Iohannis wants a strong, independent justice to support a democracy with strong institutions and the fight against corruption.

Serbia

Serbia Urged to Come Clean on Journalists' Surveillance

<https://balkaninsight.com/2020/02/20/serbia-urged-to-come-clean-on-journalists-surveillance/>

February 20, 2020 - Ivana Nikolic Belgrade BIRN

After an embarrassing gaffe by the Defence Minister, Reporters Without Borders has called on the authorities to reveal whether emails between opposition politicians and the media are being monitored.



Serbian Minister Aleksandar Vulin. Photo: EPA/TAMAS SOKI HUNGARY OUT

International media watchdog Reporters Without Borders, RSF, has called on the Serbian authorities to investigate how much surveillance goes on in the country – after the Serbian news agency Tanjug on February 16 published a response written by the Defence Minister to a never-published opinion piece by a former defence minister.

The former defence minister and current opposition politician Dragan Sutanovac emailed his article on defence issues to the editor of the weekly Nedeljnik, Veljko Lalic, which decided not to run it.

RSF noted its concern that current minister Aleksandar Vulin felt able to respond to the unpublished material – and that he had said in his article that he was replying to the article Sutanovic had published in Nedeljnik.

On February 19, RSF's European bureau chief, Pauline Adès-Mével, called on the Serbian authorities to investigate whether opposition politicians were being spied on.

“We are concerned that emails between opposition politicians and independent media outlets are being spied on and intercepted by the government,” Adès-Mével said.

“We call on the authorities to shed all possible light on this matter,” the press release added.

After the news broke, Vulin apologized to Nedeljnik and said he would ask the relevant bodies to look into the matter. Vulin's staff later said its PR team had mistaken Nedeljnik for Kurir, a Belgrade-based tabloid that recently published an interview with Sutanovac.

But in his response article, Vulin only referred to Sutanovac's comments about Serbia-Russia cooperation, which the unpublished piece contained, and was not mentioned in the Kurir interview.

Nedeljnik also said the authorities needed to find out whether any officials used the resources of the secret services to intercept emails between Sutanovac and Lalic.

"It is hard to believe that a person working constantly with the media, for example, someone in the defence ministry's public relations department, would confuse the daily Kurir with the weekly Nedeljnik," the weekly said.

This, however, is not the first time that concern about surveillance of politicians and journalists has arisen in Serbia.

In March 2016, the tabloid Informer published some of the findings of an investigation into the assets of Aleksandar Vucic – now president of Serbia, who was then prime minister – which the investigative website Krik had carried out but never published.

Serbia has been falling for years in the rankings of the World Press Freedom Index. It was ranked in 90th place out of 180 countries in the 2019 Index.

Sources

www.adz.ro
www.albanianfreepress.al
www.albaniannews.com
www.balkaneu.com
www.balkaninsight.com
www.bta.bg
www.dw.com
www.europeanwesternbalkans.com
www.g4media.ro/english
www.ipn.md
www.reuters.com
www.uk.reuters.com
www.moldpres.md
www.nineoclock.ro
www.novinite.com
www.romania-insider.com
www.romaniajournal.com
www.theguardian.com
www.trm.md
www.welt.de

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