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Regional

Corruption Perceptions Worsening in Balkans, Central Europe, Transparency Says

<https://balkaninsight.com/2021/01/28/corruption-perceptions-worsening-in-balkans-central-europe-transparency-says/>

January 28, 2021 - Milica Stojanovic

With a few exceptions, the latest Corruption Perceptions Index for 2020 showed that most countries in Southeast and Central Europe either made no progress – or went backwards – in terms of perceived levels of public corruption.



People take part in a rally 'For a decent Slovakia' on the second anniversary of the murder of the journalist Jan Kuciak, in Bratislava, Slovakia, February 21, 2020. The banner reads: 'Enough with corruption'. Photo: EPA-EFE/MARTIN DIVISEK

Perceptions of public corruption worsened in most Southeast and Central European countries according to the newest Global Perceptions Corruption Index published by the international watchdog Transparency International, TI, on Thursday.

Bosnia and Herzegovina and North Macedonia against ranked worst in the Western Balkans, with 35 points out of 100 – 100 points being very clean and 0 being the opposite – and sharing 111th place in the list of 180 countries.

North Macedonia declined five places, down from 106th last year, while Bosnia and Herzegovina declined faster, by 10 places, from 101th place last year. Bosnia and Herzegovina was one of 22 countries that TI said had seen a significant decline since 2012, together with Lebanon and Malawi.

Serbia's and Kosovo's rankings also worsened compared to 2019. Serbia declined by one point from 39 points to 38 and was ranked in 94th place in 2020, down from 91 the previous year.

Kosovo again scored 36 points and was ranked in 104th place, a decline of three places compared to 101 the previous year.

According to the report, Serbia earned its lowest score on the CPI since 2012, and "the country's biggest corruption challenges include serious rule-of-law issues, continued democratic erosion and efforts to silence critical voices".

Referencing the recent pandemic, it noted that, "In response to COVID-19, Serbia took several controversial steps, including suspending parliament, implementing extensive curfews, and inciting violence against protesters.

"After years of neglect, the country's health system was tested by COVID-19, with dire consequences. Corruption remains an obstacle to medical specialisation and career advancement," it emphasized.

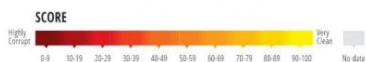
Croatia kept the same score (47) and rank (63) as last year. Montenegro also kept the same score (45), but declined in rank from 66th to 67th place.

Albania actually improved its score, rising from 35 to 36 points and its rank rose from 106th to 104th place. Turkey scored 40 (from 39 in 2019) and was ranked in 86th place, from 91 in 2019.

Moldova also improved its score, from 32 to 34, and its rank, from 120nd to 115th place.

Greece again improved its score, from 48 to 50, and its rank, from 60th to 59th place.

SCORE	COUNTRY/TERRITORY	RANK	SCORE	COUNTRY/TERRITORY	RANK	SCORE	COUNTRY/TERRITORY	RANK	SCORE	COUNTRY/TERRITORY	RANK
88	Denmark	1	67	United States of America	25	54	Rwanda	49	42	Argentina	78
88	New Zealand	1	66	Seychelles	27	53	Grenada	52	42	Bahrain	78
85	Finland	3	65	Taiwan	28	53	Italy	52	42	China	78
85	Singapore	3	64	Barbados	29	53	Malta	52	42	Kuwait	78
85	Sweden	3	63	Bahamas	30	53	Mauritius	52	42	Solomon Islands	78
84	Norway	7	62	Qatar	30	53	Saudi Arabia	52	41	Benin	83
84	Netherlands	7	61	Spain	32	51	Malaysia	57	41	Guyana	83
80	Germany	9	61	Korea, South	33	51	Namibia	57	41	Lesotho	83
80	Luxembourg	9	60	Portugal	33	50	Greece	59	40	Burkina Faso	86
77	Australia	11	60	Botswana	35	49	Armenia	60	40	India	86
77	Canada	11	60	Brunei Darussalam	35	49	Jordan	60	40	Morocco	86
77	Hong Kong	11	60	Israel	35	49	Slovakia	60	40	Timor-Leste	86
77	United Kingdom	11	60	Lithuania	35	47	Belarus	63	40	Trinidad and Tobago	86
76	Austria	15	60	Slovenia	35	47	Croatia	63	40	Turkey	86
76	Belgium	15	59	Saint Vincent and the Grenadines	40	47	Cuba	63	39	Colombia	92
75	Estonia	17	58	Cabo Verde	41	45	Montenegro	67	38	Ecuador	92
75	Iceland	17	57	Costa Rica	42	45	Senegal	67	38	Brazil	94
74	Japan	19	57	Cyprus	42	44	Bulgaria	69	38	Ethiopia	94
72	Ireland	20	57	Latvia	42	44	Hungary	69	38	Kazakhstan	94
71	United Arab Emirates	21	56	Georgia	45	44	Jamaica	69	38	Peru	94
71	Uruguay	21	56	Poland	45	44	Romania	69	38	Serbia	94
69	France	23	56	Saint Lucia	45	44	South Africa	69	38	Sri Lanka	94
68	Bhutan	24	55	Dominica	48	44	Tunisia	69	38	Suriname	94
67	Chile	25	54	Czechia	49	43	Ghana	75	37	Gambia	102
				Oman	49	43	Maldives	75	37	Indonesia	102
						43	Vanuatu	75	30	Azerbaijan	129
									30	Gabon	129
									30	Malawi	129
									30	Mali	129
									30	Russia	129
									29	Laos	134
									29	Mauritania	134
									29	Togo	134
									28	Dominican Republic	137
									28	Guinea	137
									28	Liberia	137
									28	Myanmar	137
									28	Paraguay	137
									27	Angola	142
									27	Philippines	142
									27	Djibouti	142
									27	Papua New Guinea	142
									27	Eswatini	142
									27	Nepal	142
									26	Bangladesh	146
									26	Haiti	146
									26	Central African Republic	146
									26	Ukraine	146
									26	Zambia	146
									26	Niger	149
									26	Uzbekistan	149
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www.transparency.org/cpi

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Transparency International 2020 Corruption Perceptions Index. Graph: transparency.org/cision

Romania scored 44, the same as last year, and shared 69th place with Bulgaria and Hungary. However, according to the report, it “consistently rates as one of the most corrupt European Union (EU) countries on the CPI.

“The country’s expenditures on health care are also below the EU average. In addition to underfunding, Romania has shortages of medical personnel,” the report noted.

The Czech Republic, Slovakia and Poland also declined in the 2020 rankings, compared to the previous year. The Czech Republic scored 44 points and was ranked in 49th place, compared to 44th place in 2019. Slovakia scored 49 and ranked in 59th place, one below the previous year’s 60th place.

Poland was ranked in 45th place, a decline from last year’s 41st and scored 56 points compared to 58 in 2019. According to TI, it “declined significantly on the CPI, dropping seven points since 2015.

“The country’s ruling party has consistently promoted reforms that weakened judicial independence. The steady erosion of the rule of law and democratic oversight has created conditions for corruption to flourish,” the report said.

“An attempt to secure impunity for officials who broke the law in connection with the COVID-19 pandemic, and the heavy-handed police crackdown on peaceful women’s rights protestors increased tensions in the country and revealed the ruling party’s intentions to further solidify its power,” it added.

The Berlin-based watchdog divides all countries into six geographical groups: Americas, Western Europe and the EU, Eastern Europe and Central Asia, Middle East and North Africa, Sub-Saharan Africa and Asia Pacific.

It then measures perceived levels of corruption in each state and awards points from 0 to 100. A score of 100 points means a “very clean” perception, while 0 means “highly corrupted”.

Winners on the list are the same as in 2019: Denmark, Finland, Sweden, Netherlands, Germany, Luxembourg, Switzerland, Norway, New Zealand and Singapore. The bottom five were Venezuela, Syria, Yemen, Somalia and South Sudan.

Albania

2020: 12 Cases of Domestic Violence Reported Each Day, 13% Prosecution Rate

<https://exit.al/en/2021/01/12/2020-12-cases-of-domestic-violence-reported-each-day-13-prosecution-rate/>

January 12, 2021 - Alice Taylor



According to data from the State Police seen by Exit, 13% of complaints of domestic violence were criminally prosecuted between January and December 2020.

Out of 4701 reported cases of domestic violence during the year, the police prosecuted 615. They also issued 2816 protection orders, equating to 59.9% of the reports.

In 2019, there were 4627 reported cases and 535 criminal prosecutions, equating to an 11.5% protection rate. This shows an increase in the prosecution rate in 2020. 2834 protection orders were issued during 2019, equivalent to almost eight a day, a similar figure to 2020.

Based on these figures, there was an average of 12 cases of reported violence every day in 2020 and almost 13 per day in 2019.

In November, in honour of the 16 Days of Activism Against Gender-Based Violence, the State Police published data for the year so far which noted 2980 individual complaints and 523 arrests. This was an arrest rate of just 17.55% meaning that overall for the year, the actual rate was even less.

It's estimated that the actual number of incidents of domestic violence increased in 2020 due to the COVID-19 lockdown. This was a trend seen globally and reported by various local

NGOs. It's likely however that women were less likely to report violence against them as they were trapped at home and unable to do so, or leave the violent situation.

Albania has one of the highest instances of domestic violence in Europe with over 50% of women experiencing a form of violence at least once in her life.

Albanian Prosecution Creates Special Unit for Electoral Crimes

<https://exit.al/en/2021/01/14/spak-creates-sector-for-prosecution-of-electoral-crimes/>

January 14, 2021



The Special Prosecution Office has established the Sector for Electoral Crimes in its composition after the entry into force of the amendments to the Criminal Code, the Criminal Procedure Code and the law on SPAK.

According to Shqiptarja.com, this sector will consist of 5 prosecutors and will be headed by Edvin Kondili. Prosecutors part of this sector is Klodjan Braho, Enkeleda Millonai, Dritan Prençi and Sotir Kllapi.

Amendments to the law on the Special Prosecution Office give this prosecution the right to investigate electoral crimes. The amendments to the law on SPAK were part of the June 5 agreement reached in the Political Council.

In July, the Assembly approved an important part of the electoral reform, through the amendment of the Constitution and the Electoral Code.

Other changes have been agreed in the Political Council and are being considered by the Assembly.

Vote ‘Secured’: How to Rig an Albanian Election and Get Away with It

https://balkaninsight.com/2021/01/28/vote-secured-how-to-rig-an-albanian-election-and-get-away-with-it/?utm_source=Balkan+Insight+Newsletters&utm_campaign=6028edaacd-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-6028edaacd-319834862

January 28, 2021 - Vladimir Karaj

The prosecution file in a case of alleged electoral fraud in a remote Albanian region in 2016 lays bare an industrial-scale campaign of vote-buying and intimidation up and down the ranks of the country’s ruling Socialist Party. As yet, no one has faced justice.

On September 13, 2016, two days after Albania’s ruling Socialist Party won a mayoral election in the remote northern region of Dibra, local police chief Robert Aga received word that an amateur cameraman was on his way to the capital, Tirana, with compromising video that he planned to deliver to one of the country’s major TV channels.

Aga ordered that the man, travelling in a Mercedes Benz, be stopped.

“There’s something – material – that we do not want him to send to Tirana,” Aga told his officers, according to a recording of him made by prosecutors investigating claims of electoral fraud. The man, however, evaded their grasp.

The video, aired by Klan TV, showed voters being offered money in the Dibra village of Kllobcisht. It was not the only case that election day.

According to the investigation file seen by BIRN, prosecutors have identified a total of 96 instances in which votes were bought for the Socialist Party candidate and eventual winner, Muharrem Rama.

Threats and blackmail were also rife, according to the prosecutors’ findings. They provide a worrying snapshot of the underhand tactics being employed in elections in the NATO member state, and raise fresh questions about the effectiveness of the Albanian judicial system even after a long-awaited overhaul.

Thanks to a long-running dispute over jurisdiction between serious crime prosecutors in Tirana and local prosecutors in Dibra, charges of election fraud only reached court on December 18 last year, four years after the alleged crimes took place. Due to the time elapsed, some of the accused will not face trial.

Case held up by prosecutorial row over jurisdiction



Edi Rama in Tirana, Albania, 2020. Photo: EPA-EFE/Malton Dibra

The post of Dibra mayor came up for grabs in 2016 after the previous Socialist incumbent, Shukli Xhelili, was dismissed and then arrested after being filmed asking for sex from a municipal employee in return for raising her pay.

Xhelili had been elected in 2015 by a narrow margin, but the Socialists allied with another party – the Justice, Integration and Unity Party, PDIU – the following year and took the town again, this time with some 4,000 more votes over their nearest rivals.

The opposition cried foul and the Serious Crime Prosecution in Tirana launched an investigation that involved, among other things, extensive phone taps. [...]

Yet despite its political importance, File No. 184, the electoral fraud case, was going nowhere fast, bounced back and forth between one team of prosecutors and another.

In July 2019, the Serious Crime Prosecutors in the capital decided to transfer the file to the local prosecution in Dibra, but BIRN has learned that the Dibra team refused the case, citing conflicts of interest. Then General Prosecutor Arta Marku intervened, ordering Dibra to take on the case.

Then in 2020, the Dibra prosecutors sought to hand the file off to the successor to the Serious Crime Prosecution, the Special Structure Against Corruption and Organised Crime, or SPAK, which was created in 2019 as part of an overhaul of the justice system.

SPAK, however, rejected Dibra's characterisation of the case as one of an "organised criminal structure" and refused the file. Two Dibra prosecutors then resigned and the Dibra prosecution finally sent the file to court, more than four years after the investigation was launched.

Widespread vote-buying

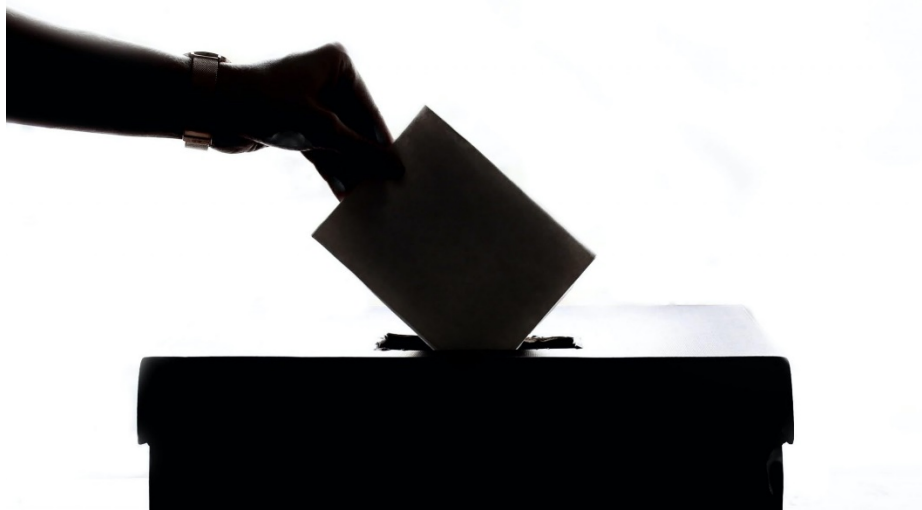


Illustration. Photo: Unsplash/Element 5 Digital

According to the findings of the investigation seen by BIRN, police chief Aga's failed attempt to stop the video from being aired was not the only intervention in support of the Socialists in Dibra. Taped conversations revealed an organised effort to halt buses bringing Democrat supporters from Tirana the day before the election to their native villages in Dibra, where they were registered to vote, and to convince them to vote Socialist. [...]

According to the file, the prosecutors believed they had proof of at least 500 votes being bought by the suspects at a price of between 3,000 and 20,000 leks, or 25 to 160 euros. The investigation covered only the last two days before the election.

Some of the conversations revealed collective vote-buying of whole families, sometimes entire villages.

In one, a man identified as Fatbardh Lala informs his brother, Korab Lala – father of Albanian MP Reme Lala – that some 80 people were travelling to the region from Tirana and he needed 500,000 leks, roughly 4,000 euros, for their votes.

Some voters even tried to bargain up the price. [...]

The file eventually submitted to court identified Korab Lala – a powerful figure in Albania – as the ringleader, in collaboration with Fatbardh Lala, Afrim Mikli, Ylli Mikli and Nuri Meda. Korab Lala has no known position in the Socialist Party. Prosecutors, however, requested the case against them be dropped due to the statute of limitations expiring.

The investigation sheds no light on where the money for the operation came from, but clearly demonstrates how the funds were moved from the top down to operatives on the ground. Each person who 'sold' their vote was obliged to film themselves by mobile phone casting the ballot.

In several taped conversations, prosecutors say that Bekim Krashi, the head of Albania's national electricity distribution company OSHEE, is heard asking for information about how many votes have been "secured" and seemingly calculating the cost. [...]

Destroy the evidence

Late on election night, as the votes were being counted, the Socialists were exultant. "We've suffocated them," Krashi is quoted by prosecutors as telling Aga, the Dibra police chief.

News of the investigation quickly leaked, however. On September 14, three days after the election, Korab Lala is taped telling his brother Fatbardh that they are being listened to and that he should burn a notepad. [...]

Two days later, on September 16, Afrim Mikli was taped telling Socialist Party official Arben Keshi that he had received a message to "go on holiday". Mikli went to neighbouring North Macedonia with a number of other people but they did not stay long.

On September 23, Keshi is quoted by prosecutors as telling Mikli that he had spoken "with them" and that it was safe for Mikli and the others to return. [...]

Believing they were in the clear, the suspects were later taped discussing the distribution of public sector jobs to reward those who helped in the electoral fraud and punish those who did not.

The prosecution file cites Afrim Mikli as instructing the head of the regional schools directorate, Drini Gjeci, to dismiss the head of a village school, Reshat Elezaj, whose brother, Mikli said, had not pulled his weight in the election despite being a member of the Socialist Party. Elezaj's name also cropped up in part of the prosecution tapes published in mid-2019 by the German tabloid BILD. In the tapes, Pjerin Ndreu, then a Socialist Party MP and now mayor of the northern coastal region of Lezha, is heard instructing Gjeci to tell Elezaj to openly support the Socialists or "show him the door on Monday." Ndreu denied any wrongdoing, saying he was referring to Elezaj's position in the Socialist Party, not his job.

Prosecutors accused Gjeci of abuse of office and blackmail and said he had acted under the orders of Mikli. Indeed, the tapes featuring Gjeci are particularly damning. In a conversation with a school director, Gjeci is heard seeking the dismissal of a teacher from "a right-wing family". The head of the school responds that the teacher is "the best in Dibra", but Gjeci responds that her husband "was seen today shoulder to shoulder" with Democrat leader Lulzim Basha.

In another episode, Nuri Meda, then administrator of the Tomin administrative unit, is asked by another of the suspects, Ylli Mikli, to halt so-called economic aid payments to families that refused to vote Socialist in the election. Some 70,000 families in Albania, mainly in remote areas, depend on such aid, which varies between 25 and 40 euros per month. [...]

Prosecutors say Meda then ordered an employee in his office to strike 38 families from the list of those entitled to economic aid payments. One of the families told BIRN the payments were their only source of income at the time. Another said they had been removed from the list for three months and then returned.

As for Aga, the local police chief, the tapes suggest he put his entire force at the disposal of the Socialists.

In one taped conversation with Keshi, the Socialist Party official, Aga tells him he is deploying Special Intervention Forces to patrol but that Keshi's people had nothing to fear. [...]

Aga, Meda, Gjeci and Hoti have been indicted for abuse of office but charges against them – and against Krashi, Keshi, Afrim Mikli and Korab Lala – concerning the influencing of voters may be dropped because the statute of limitations has already expired. Fatbardh Lala, Ylli Mikli and another man – Dik Spata – will also not face trial because of the statute of limitations.

Lawyer Petrit Ismaili, who is representing all of them, said of Aga, Meda, Gjeci and Hoti that “even though there are some wiretaps, we think that the conversations are taken out of context. I hope we can convince the judge to close the case.”

Concerning the others, “there is no reason to say anything,” he told BIRN. “The case is closed. There is no case anymore, nothing to discuss.”

Shortly after the election, Aga received a call from Socialist Party MP Xhemal Qefalia, then Interior Minister Samir Tahiri and Dibra MP Ulsi Manja. Manja is heard telling Aga that his request to be transferred to the mining town of Bulqiza is less than he deserves. Also at the table, Qefalia tells him, was the prime minister himself, Edi Rama.

Addressing the scandal in June 2019, Rama denied any wrongdoing, telling a news conference: “Wiretaps alone are not evidence. You can't send anyone to court with only tapes.”

Bosnia and Herzegovina

Auditors scrutinise EU support for rule of law in Western Balkans

<https://europeanwesternbalkans.com/2021/01/06/auditors-scrutinise-eu-support-for-rule-of-law-in-western-balkans/>

January 6, 2021

LUXEMBOURG – The European Court of Auditors is currently conducting an audit to assess how effective the EU’s measures to support the rule of law have been in the Western Balkans. The audit is covering all four candidate countries (Albania, North Macedonia, Montenegro and Serbia) and two potential candidate countries (Bosnia and Herzegovina and Kosovo) in the Western Balkans, reads the press release.

“Rule of law is a non-negotiable prerequisite for EU membership. Yet, Western Balkan countries are still facing issues concerning corruption and how their public institutions function, which hinder their accession to the EU”, said Juhan Parts, the Member of the European Court of Auditors.

Parts added that their audit will examine whether the EU genuinely helps the Western Balkans achieve progress in these fields, so that they can soon be on their way to joining the Union.

The European Court of Auditors stated in its press release that the aim of the audit, which has just started, is to determine how effective these measures have been in strengthening the rule of law the Western Balkans.

“In particular, the auditors are examining whether EU support for the rule of law was: appropriately designed, used well to address key issues identified and whether it resulted in concrete and sustainable improvements, in line with EU standards”, reads the press release.

The audit is scheduled for completion towards the end of 2021.

It is added that the rule of law is a fundamental European value and to join the EU, candidate countries must demonstrate their capacity to take on the obligations of EU membership, as set out in the 1993 ‘Copenhagen criteria’.

“Rule of law is one of the fundamental values on which the EU is founded. Promoting the rule of law is a key part of the EU’s agenda in its relations with non-EU countries and it is a necessary condition that countries must comply with before acceding to the Union”, it is stated in a press release.

It was concluded that the EU’s support for the rule of law in enlargement countries is provided mainly through political and policy dialogue.

Bosnia's Institutions Must Take Lead in Implementing ECHR Judgements

<https://balkaninsight.com/2021/01/07/bosnias-institutions-must-take-lead-in-implementing-echr-judgements/>

January 7, 2021 - Harun Cero and Enis Omerovic

The latest political pledge to amend Bosnia's electoral law and constitution in line with rulings by the European Court of Human Rights looks destined to fail. It's time the institutions of state take the lead, with the help of NGOs, academics and the international community.

Without a doubt, the December 20 local election in Mostar, the first in 12 years, represents an important event in the recent political history of Bosnia and Herzegovina.

But the June 17 deal that made it possible, signed by Party of Democratic Action, SDA, leader Bakir Izetbegovic and Dragan Covic of the Croat Democratic Alliance, HDZ, contains a pledge that the two parties will reach agreement – within the next six months – on how to execute all outstanding judgements of the European Court of Human Rights, ECHR, affirming the equality of citizens in the country's election process.

This would be no small feat given that some of them have been languishing for more than a decade without being implemented.

The best-known among them is the Sejdic-Finci case, brought by Dervo Sejdic and Jakob Finci, members of Bosnia's Roma and Jewish communities who, under Bosnia's postwar constitution, are barred from running for parliament or the presidency given that they do not belong to any of the country's 'constituent peoples' – Croats, Bosniaks or Serbs.

There have been four attempts to implement the judgements of the Strasbourg court. All of them were unsuccessful, and each was characterised by an unrealistic deadline of several weeks or a couple of months. The work of drafting amendments to the electoral law or constitution frequently failed to get off the ground.

And now the clock is ticking on the so-called Mostar Agreement. It already looks like a dead letter.

ECHR not the only court Bosnia is ignoring

As early as December 2010, ECHR judge Faris Vehabovic identified "five key issues" behind the previous failures in constitutional reform, and warned they were "likely to be the cause of future failures": (1) the institutional set-up established by the constitution created as part of the Dayton peace deal that ended the 1992-95 Bosnian war, (2) the psychology and mentality of ethnic groups in an environment of political mistrust, (3) the fragmentation of the party system within an ethnic group, (4) the indifference and disunity of the international community, (5) disrespect for the constitutional order.

Ten years on, these reasons are still relevant and may explain the failure to reach agreement on the text of constitutional amendments.

The non-execution of the ECHR's judgments is no surprise, given that public authorities in Bosnia do not enforce the decisions of the Bosnia Constitutional Court either.

It should come as no surprise then that the ECHR's judgments have not been enforced, although the Bosnia Criminal Code criminalises such non-enforcement.

Some internal legal acts have been changed (e.g., parts of the Sarajevo Canton's Constitution, Rules of the Constitutional Court of Bosnia), some were found to be non-discriminatory by the Constitutional Court of Bosnia, while others were deemed discriminatory but the Court did not remove them from the legal system.

As many as 17 pieces of legislation are still questionable regarding their compliance with the European Convention on Human Rights. A review of legal acts published in December 2010 identified 21 regulations that needed to be amended as a result of the required execution of the *Sejdic and Finci* judgment. Not only has the list of these regulations not been reduced, but it keeps growing.

Diplomatic pressure

In order to put the process of execution of the *Sejdic-Finci* judgment in motion and overcome the deadlock, the pressure of international and national non-governmental but also international governmental organisations is needed. But in the case of Bosnia, it is missing.

In the context of the Council of Europe's, CoE, next steps, the Committee of Ministers should not be expected to initiate proceedings against Bosnia before the ECHR.

It is clear from the Committee's previous practice that this is a last resort, used only once in a case concerning "fundamental rights" – the right to liberty and security of a person.

Finally, there are examples of cases (which precisely concern the right to free elections) in which general measures were enforced only 12 years after an ECHR judgment had become final.

Therefore, it appears that there are still no circumstances that could lead to the initiation of such proceedings against Bosnia. And what would Bosnia face in that case? What would be the sanction imposed by this international organisation? Suspension or exclusion from CoE membership? Would such a sanction be effective at all, considering the political trends in the country?

On the other hand, would it be effective if CoE bodies such as the Parliamentary Assembly and the Secretary General influenced the execution of judgments from the *Sejdic-Finci* group of cases?

Could or should the CoE member states also exert political influence, by insisting on execution of the judgements in diplomatic talks with Bosnia? Pressure from European political groups, whose membership comprises almost all national parliamentary parties, is something that could bear fruit.

The synergy of all these elements is probably a necessary precondition for the successful execution of the ECHR decisions, i.e., in the struggle for Bosnia to become an internationally responsible state by ending the violation of its international obligations.

Return the process to Bosnia's national institutions

The four attempts by the Bosnian authorities to implement the judgement must be understood as a bureaucratised form of avoidance to undertake concrete steps.

The success of the Bosnian parliament in fulfilling its constitutional obligation has become dependent on the success of a non-institutional process – the negotiations of political party leaders.

The Bosnian parliament and its government have proven to be weak institutions over ten years and can hardly be expected to fulfil their constitutional task.

They have showed a lack of interest, irresponsibility and indifference towards their obligations.

Such a transfer of parliament's powers to the hands of political party leaders has additionally weakened this institution.

Instead, the process of execution of the ECHR judgments should be returned to the institutions of the state of Bosnia, primarily to parliament, which has the power to amend the Bosnian Constitution in accordance with the prescribed procedure.

Parliamentarians should resist the usurpation of their powers in future by leaders of political parties. They will not be able to, however, without the support of the international community, which must not initiate or support such retrograde efforts, but also without the support of the wider Bosnian public.

Ultimately, the process of creating constitutional amendments should probably not be left exclusively to the parliamentary body, but to a special working group composed of parliamentarians, representatives of the NGO sector from both entities that make up Bosnia, and members of the academia in Bosnia and abroad.

Dr Enis Omerovic is an Assistant Professor in International Law, University of Zenica.

Harun Cero is a political scientist specialising in the politics of South-Eastern Europe and a former journalist.

HRW: Rights Endangered in Bosnia, Serbia, Kosovo, Poland, Hungary

<https://balkaninsight.com/2021/01/13/hrw-rights-endangered-in-bosnia-serbia-kosovo-poland-hungary/>

January 13, 2021

A new report from the New York-based watchdog Human Rights Watch casts a concerned eye on deteriorating human, minority and media freedoms in several Balkan and Central European countries.

Human and minority rights, the rule of law and media freedom remain endangered in several Southeast and Central European countries in 2020, especially in the circumstances of the COVID-19 pandemic, Human Rights Watch, HRW, said in its latest report published on Wednesday.

The report looks at over 60 countries, among them Bosnia and Herzegovina, Kosovo, Serbia, Hungary and Poland.

In Bosnia, HRW noted, serious human rights concerns remained in 2020 "over ethnic divisions, discrimination, and the rights of minorities and asylum seekers".

On migrants, an ongoing problem in the country, HWR noted around 3,500 refugees and migrants living in the northwestern Una-Sana Canton outside official centres, many sleeping rough.

"A growing concern is the number of unaccompanied or separated children among them, left without access to adequate accommodation and child protection services," the report added.

In Kosovo, the report said discrimination was still a problem for minority communities like the Roma, Ashkali and Egyptian communities.

"A comprehensive survey of Roma, Ashkali, and Balkan Egyptians in Kosovo, published by the Organization for Security and Cooperation in January, concluded that the majority of members of these communities face high unemployment, poor housing, and experience discrimination, particularly women," the report recalled.

However, HRW noted more positively that indictments issued against former Kosovo president Hashim Thaci and other high officials for war crimes in the 1990s "marked long-awaited progress towards justice for grave violations of international human rights and humanitarian law, as well as the laws of war".

Looking at accountability for war crimes in Serbia, HRW noted the case of former Yugoslav Army soldier Rajko Kozlina, who, despite his conviction for war crimes, still has not started to serve his sentence, as BIRN reported.

"In September, a Belgrade court issued an arrest warrant for a bailed former soldier Rajko Kozlina, after he failed to surrender in June for his 15-year prison sentence for killing civilians during the 1998-1999 Kosovo war. His conviction and sentence in December 2019 were upheld on appeal in June," the report noted.

Hungary, according to HRW, made access to asylum close to impossible, interfered with independent media and academia, launched an assault on members of the LGBT community, and undermined women's rights.

Similar trends were noted in Poland where the authorities in a third of cities have identified their localities as "LGBT Ideology Free Zones" – despite courts attempting in 2019 to curb the anti-rights campaign.

Poland's parliament debated two controversial bills: "Stop Paedophilia", which would criminalize activities, educators and organisations providing sex education to children or information on sexual and reproductive health and rights, and "Stop Abortion", which would eliminate legal access to abortion even in cases of severe or fatal fetal anomaly – further limiting what is already one of Europe's most restrictive abortion laws.

The Constitutional Tribunal, which has been criticised for its lack of independence, ruled in October that access to abortion on the ground of "severe and irreversible fetal defect or incurable illness that threatens the fetus's life" was unconstitutional, making it virtually impossible for women to access legal abortion in Poland.

Ongoing problems and trends in some of those countries have also intensified in the context of the COVID-19 pandemic, HRW said.

The Hungarian government, for example, "used the pandemic as a pretext to continue its attacks on rule of law and democratic institutions", the report said.

In all those countries, pressure on media has continued. Local organisations continued to report numerous attacks on journalist in Serbia, Bosnia and Herzegovina and Kosovo.

The report also noted cases of journalists in Serbia being beaten either by police or citizens during July 2020 protest, after they had identified themselves as journalists.

In Hungary, by July 2020, police had launched 134 criminal investigations into "fear mongering." A majority concerned people who expressed criticism on social media of the government's handling of the pandemic.

Bosnian Election Commission Scraps Poll Results in Srebrenica, Doboj

<https://balkaninsight.com/2021/01/21/bosnian-election-commission-scraps-poll-results-in-srebrenica-doboj/>

January 21, 2021 - Danijel Kovacevic, Banja Luka

Local elections in two towns in Bosnia's Serb-led entity will have to be re-run after the Central Election Commission annulled the results of the vote in most polling stations in Srebrenica and Doboj.

After complaints about the regularity of the November local election results, Bosnia's Central Election Commission, CIK, on Thursday annulled the results of the vote in most polling stations in Srebrenica, in eastern Bosnia, and in Doboj, in northern Bosnia. As a result, elections in the two towns will have to be staged again.

Experts identified various irregularities in terms of voter signatures, indicating forgery. Voting with invalid ID documents or using documents issued outside the legal deadline was also determined.

Both towns lie in the Serb-dominated entity, Republika Srpska, RS, one of two entities in Bosnia and Herzegovina.

In both towns, coalition candidates gathered around Bosnian Serb strongman Milorad Dodik's Alliance of Independent Social Democrats, SNSD, won the mid-November elections. Complaints about the results followed immediately after the polls closed.

The ruling coalition in the RS, led by the SNSD, condemned the CIK's decision to revisit the results and also claims the current members of the CIK were illegally elected and that the institution is, therefore, illegitimate.

Some CIK members say they came under strong pressure not to investigate wrongdoing. "I am exposed to the fiercest pressures because I supported the conclusion of the investigation of irregularities in these two constituencies," CIK member Vanja Bjelica Prutina told the CIK session on Wednesday.

"Whether under pressure or not, I will act within the law as long as I sit here. I will not provide an alibi to anyone who has violated the provisions of the law," she added.

But Vlado Rogic, the only CIK member who voted against the decision to annul the election result, said the CIK had succumbed to pressure from some media and political circles.

Elections in Srebrenica are always closely watched as the town was the scene of the infamous massacre of more than 7,000 Bosniak men and boys by Bosnian Serb forces near the end of the 1992-95 Bosnian war.

International and domestic court rulings have since classified the killings as genocide.

On December 1, 2020, Bosnian police arrested three people, Bego Bektic, Enver Hamzic and Muamer Sandzic, all members of the non-ethnic Social Democratic Party, on suspicion of trying to manipulate the local election in Srebrenica.

They were suspected of illegally using the personal data of citizens to cast votes by post from Serbia in favour of the incumbent Bosnian Serb mayor, Mladen Grujicic, a member of Dodik's SNSD. According to the now annulled results, Grujicic beat Alija Tabakovic, a candidate backed by Bosniak political parties in Srebrenica.

Bulgaria

President Radev and Central Election Commission: Amendments to the Electoral Code Are Necessary

<https://www.novinite.com/articles/207511/President+Radev+and+Central+Election+Commission%3A+Amendments+to+the+Electoral+Code+Are+Necessary>

January 8, 2021



During a meeting between President Rumen Radev and the CEC leadership, CEC Chairman Andreev commented, that this cannot be done with an extended interpretation of the Electoral Code.

Conclusion of all was that the voting of the isolated voters with coronavirus cannot be regulated without changes in the Electoral Code.

He clarified that currently voting through mobile polling stations is provided only for people with permanent disabilities who do not allow them to appear in the polling station, as evidenced by medical documents.

President Radev himself also believes that legal changes are needed. The CEC chairman noted that the legitimacy of the elections must be guaranteed, that democratic and fair elections must be guaranteed, and in this regard the expanded interpretation could call into question these principles, which is also related to the credibility of the electoral process. He highlighted public confidence in the electoral process as one of the main priorities.

The CEC chairman also explained that postal voting also could not be regulated without changes to the Electoral Code. He added that voting by mail will require the active

participation of voters, active registration, addresses where they will have to receive the documentation.

"When we talk about experimental introduction, it does not mean that the results will be taken into account," Andreev said. "We issue rules on implementation, and the implementation must be in view of the content of the Electoral Code," the CEC chairman explained.

He pointed out that the commission has thoroughly studied the experience of states and there are alternative voting mechanisms that are legally based. In this case, neither the voting by mail nor the voting with a proxy is regulated in the Bulgarian legislation. Therefore, the CEC's opinion is that the Electoral Code should regulate these issues.

"The CEC will strictly abide by the law, because this is the only possible way to ensure that no one can accuse the election administration of failing to guarantee transparency and legality," he said.

As another challenge, the CEC chairman pointed to machine voting, recalling that a contractor for the supply of 9,600 machines has already been selected to ensure voting in sections with more than 300 voters. When asked by the head of state about the audit of machines, Andreev expressed his personal opinion that he sees no obstacle in the process of certification and auditing of machines to invite non-governmental organizations to attend.

President Rumen Radev stated earlier that the idea of voting in two days of elections was not his and he did not launch such an idea. Radev said this at the beginning of today's consultations, in connection with the organization and conduct of the upcoming parliamentary vote, with the leadership of the Central Election Commission.

At the beginning of the meeting, the President thanked the media, which covered the consultations, because their main goal is to convince Bulgarian citizens that everyone, state authorities, the election administration, are considering the best options and looking for the best solutions so that it is protected. their health, their right to vote, and to have confidence in the electoral process.

"When I say trust, it is very important that the information that comes out of here is correct," said President Radev, noting that the media, which monitors the conversations in real time, are the main factor in connecting with citizens.

Venice Commission: Bulgaria's Decision on Prosecutor General Supervision Is Strange

<https://www.novinite.com/articles/207512/Venice+Commission%3A+Bulgaria%E2%80%99s+Decision+on+Prosecutor+General+Supervision+Is+Strange>

January 8, 2021



pixabay

The first-reading approval of the figure of a prosecutor entitled to investigate the Prosecutor General in Bulgaria has come as a surprise for the European Commission for Democracy through Law (aka Venice Commission).

The Venice Commission announced this at today's monitoring group meeting in the European Parliament, Radio Horizont learnt from its sources.

The Monitoring Group on Democracy, the Rule of Law and Fundamental Rights of the Committee on Civil Liberties, Justice and Home Affairs in the European Parliament discusses the situation in Bulgaria for the second time. The meeting is held online.

Today, the representative of the Venice Commission has stated that such a figure is not part of world practice and described the decision to create it as "strange".

He stressed that such surveillance is only permissible on a case-by-case level, as is the case in the United States. An invitation was sent to Prime Minister Boyko Borissov, but he refused to participate, member of the monitoring group, MEP from the Progressive Alliance of Socialists and Democrats Elena Yoncheva, said for Horizont:

"This is the second time when he has not showed up. It is deeply disappointing that a Bulgarian prime minister has once again hidden from the European Parliament. I would remind that he did not find time to appear in EP in August, did not find time to come today either."

According to Yoncheva, it is likely that the monitoring group will uphold the opinion that no concrete answers have been received from the Bulgarian authorities and therefore there will be more written questions sent further.

Bulgaria's Parliament approves law on sign language

<https://sofiaglobe.com/2021/01/21/bulgarias-parliament-approves-law-on-sign-language/>

January 21, 2021



Bulgaria's National Assembly approved on January 21 the second and final reading of a law on sign language, recognising it as a language in its own right and the right of hearing-impaired people to express themselves.

The law confers on people who are hearing-impaired or both hearing-impaired and sight-impaired the right to 120 hours of free translation service per year. Up to now, the state provided funding for only 10 hours a year.

Bulgarian sign language will be available to study in kindergartens and schools, and a 13-member Bulgarian Sign Language Council will be set up at the Education Ministry. The new law recognises the need to learn and use sign language, both by hearing-impaired people and by all Bulgarian citizens. By December 31 2022, heads of government departments and municipal mayors must enable administrative services for hearing-impaired people and people who are both hearing-impaired and sight-impaired.

At special schools for students with sensory disabilities, training in Bulgarian sign language is to be conducted as a special subject. Parents of such children also have the right to be taught sign language. Pupils who are hearing-impaired or both hearing-impaired and sight-impaired will have the right to use Bulgarian sign language in examinations.

Croatia

British Whistleblower to Appeal Croatian Ruling Allowing Extradition to Monaco

<https://balkaninsight.com/2021/01/11/british-whistleblower-to-appeal-croatian-ruling-allowing-extradition-to-monaco/>

January 11, 2021 - Anja Vladislavljevic

Jonathan Taylor, the British whistleblower arrested in Croatia last year on an Interpol notice filed by Monaco, has said he will appeal the latest Croatian court ruling allowing his extradition to Monaco to go ahead.

On receiving another ruling by Dubrovnik's County Court that he should be extradited to face charges Monaco, British oil-industry whistleblower Jonathan Taylor has announced an appeal.

In a decision issued on December 31, 2020, which Taylor received on Monday, the court found that "the legal preconditions for extradition have been met".

In October last year, Croatia's Supreme Court quashed an earlier Dubrovnik Court ruling allowing Taylor's extradition to Monaco, asking the court, among other things, to first seek assurances from Monaco that Taylor will not be subject to capital punishment or torture.

The court says the principality has since provided Croatia with all the necessary assurances for extradition and that his rights will not be endangered, although Taylor and his lawyers say they doubt that he could expect a fair trial.

"I have now appealed the decision to extradite me to Monaco ... How long must I suffer alone in my exile until I receive justice in Croatia?" Taylor told BIRN.

In 2014, Taylor helped lift the lid on \$275 million worth of bribes paid by his former employer, Dutch multinational SBM Offshore, to secure oil industry contracts around the world, resulting in penalties against the Monaco-based company of more than \$800m.

On July 30 last year, Taylor was arrested at Dubrovnik airport under an Interpol red notice based on an allegation of "bribery and corruption".

The allegation stems from a complaint that SBM Offshore filed in 2013, that Taylor tried to extort money from the company while negotiating compensation for leaving. He said a Monaco court had already thrown out the claim two years before and accused SBM Offshore of trying to "discredit and destroy" him.

In October, on his arrest, Taylor told BIRN it was "peculiar" that he should be facing charges of bribery and corruption given what he had exposed. He also warned of the "chilling effect" his potential extradition to Monaco would have on others considering exposing wrongdoing.

"I am now well into my sixth month of being held in Croatia against my will. Six months I will never get back," Taylor said.

He earlier told the BBC he was bewildered by the refusal of the UK government to get involved in his case. SBM Offshore has denied influencing the Monagesque authorities in the matter.

ECHR Slates Croatia's 'Ineffective' Response to Homophobic Attack

<https://balkaninsight.com/2021/01/14/echr-slates-croatias-ineffective-response-to-homophobic-attack/>

January 14, 2021 - Anja Vladislavljovic

A prominent LGBT association has welcomed a European Court of Human Rights ruling that criticises Croatia's weak response to a violent homophobic attack in a nightclub a decade ago.

A leading LGBT association in Croatia welcomed Thursday's European Court of Human Rights ruling condemning the country's response to a violent homophobic attack in a nightclub a decade ago as "ineffective".

"The verdict clearly stated that Croatia violated the prohibition of inhuman treatment and torture of a person due to their sexual orientation. Today's outcome is a great victory for LGBTIQ rights in Croatia, but also much more," Zagreb Pride association said.

The ECHR found "in particular that the minor-offence proceedings against the applicant's aggressor had not addressed the hate-crime element of the offence and had resulted in a derisory fine".

A man attacked Pavla Sabalic in a club on January 13, 2010, after she revealed her sexual orientation to him. The police later brought successful minor offences proceedings against the offender but only for breaching the peace and public order, and he was fined a mere 40 euros or so. After Sabalic realised that the police had not instituted a criminal investigation against her attacker, she lodged a criminal complaint with the State Attorney's Office. But this body rejected her complaint on the grounds that the man had already been prosecuted for minor offences. The domestic courts upheld this decision.

The ECHR has told Croatia to pay to Sabalic 10,000 euros in non-pecuniary damages and another 5,200 euros for court costs and expenses.

While welcoming the verdict, Zagreb Pride said similar "police failures" happen regularly in Croatia.

"In the period between 2014 and 2017 alone, Zagreb Pride recorded three hate crimes on the streets of Zagreb for which the police filed misdemeanour charges," it said, adding that

as the police are a “key element of the criminal proceedings”, it is up to them to determine all the circumstances of such offences.

It added that while the “legal framework is good” in Croatia, it needs to be consistently and more thoroughly implemented.

According to a survey it published in May last year, 60 per cent of LGBT respondents said they had experienced some form of discrimination in relation to their sexual orientation, either at school or work, or in contact with institutions such as the police, judiciary and health systems.

Croatia Returned 7,000 Refugees in 2020, Bosnian Minister Says

<https://balkaninsight.com/2021/01/15/croatia-returned-7000-refugees-in-2020-bosnian-minister-says/>

January 15, 2021 - Danijel Kovacevic

A Bosnian cantonal minister said more than 7,000 migrants were returned from EU border state Croatia to Bosnia last year – wondering why his own country had not done something similar.

A minister in a Bosnian canton bordering Croatia said the EU member state had forcibly returned over 7,000 migrants and refugees to Bosnia last year, asking why his own country had not done the same to its neighbours.

“Based on the statements of migrants, we have about 7,210 migrants who have been returned from the territory of Croatia,” Nermin Kljajic, Interior Minister of the Una-Sana Canton, told a Security Committee session of the Federation of Bosnia and Herzegovina, the larger of the two Bosnian entities.

He asked why Bosnia had not in turn returned any migrants to Serbia or Montenegro, from where many of them had entered Bosnia on their way to the European Union.

The largest number of illegal migrants are thought to reach Bosnia across the porous eastern borders with Serbia and Montenegro.

There are currently about 9,000 refugees, migrants and asylum seekers in Bosnia and most are concentrated in four migrant centres in the northwest of the country near Croatia in Una-Sana Canton.

Croatian police have been accused of systematically violating the human rights of migrants on the Bosnian border. Media reports describe the politics of pushbacks and anti-migrant violence as routine. Croatian authorities deny such practices. Davor Bozinovic, Minister of Police, on several occasions, most recently in October, said the police were not doing anything illegal. However, dozens of migrants returned to Bosnia from Croatia, and even Slovenia, have told BIRN that the Croatian police used violence on them.

"They caught us when we tried to enter Croatia. They took our phones and money. They also took my shoes. They hit me on the back with batons," Saddam Hussain Ghuman, a Pakistani migrant, told BIRN in August last year.

Abdul, a migrant from Morocco, told BIRN a similar story in August when he was on his way to Camp Lipa in northwest Bosnia.

"I got to Slovenia. We were, it seemed, 20 kilometres from Trieste, Italy. But they caught us. The Slovenian police first took us back to Croatia, and then the Croatian police to Bosnia. They took everything from us, both money and mobile phones. The Croatian police hit me with a rubber stick," Abdul said.

The Council of Europe's Commissioner for Human Rights, Dunja Mijatovic, reported her concerns to the European Court of Human Rights on January 11 about the forcible return of migrants to Bosnia from Croatia without a formal asylum procedure.

Mijatovic said available information indicated the existence of a well-established practice of collectively returning migrants from Croatia, "which is carried out outside of any formal procedure and without identifying persons or assessing their individual situation".

Based on her observations and numerous independent reports, Mijatovic noted widespread allegations of ill-treatment of migrants, as well as a lack of prompt, effective and independent investigations, resulting in impunity for law enforcement officials.

Kosovo

Kosovo Parties Flout Ban on Gatherings Ahead of Election

<https://balkaninsight.com/2021/01/11/kosovo-parties-flout-ban-on-gatherings-ahead-of-election/>

January 11, 2021 - Perparim Isufi

Kosovo authorities have been accused of double standards for allowing parties competing in the February elections to continue holding big gatherings – while police issue thousands of fines to ordinary people for breaking COVID-19 rules.



Kosovo Prime Minister Avdullah Hoti during a pre-election meeting. Photo: Official Facebook page of Avdullah Hoti

Kosovo Police fined over 1,300 citizens in the last three days for not respecting government measures against COVID-19 – as political parties continue holding mass gatherings, preparing for the February 14 elections.

A government decision of December 22 prohibited gatherings of more than four people in public squares, parks, public places and recreational centres. The decision prohibited “gatherings in public spaces of all forms”.

While the food sector is among sectors most affected by the government measures, with all shops and eating places closed by 8pm, the head of the Kosovo Association of Gastronomy, Petrit Klllokoqi, on Sunday accused the authorities of “double standards”.

“More than 5,000 fines for gastronomy, no fine for politicians,” Klllokoqi said on social media, about the fines.

“Our association is informed about many fines that have been imposed for tables [in restaurants] of more than five people while we see pictures of hundreds of people side by side in the election campaign, not five but 500,” Klllokoqi added.

He announced that his association would hold an urgent meeting on Tuesday to decide future steps.

Outgoing Prime Minister Avdullah Hoti, who is running for the same position as candidate for his Democratic League of Kosovo, LDK, took part in several meetings over the weekend. But on Monday, he said that the “measures in force should be respected”.

“I personally held some meetings – but we tried to respect the measures to the maximum by making sure they are held in halls that meet [health] criteria, and with masks and [people] trying to keep a distance,” Hoti said.

Asked why ordinary citizens are being fined while parties keep holding campaign meetings, Hoti replied: “The law is the same for everyone, without exception. I don’t know if any party has been fined, but the law is the same for everyone.”

The head of the municipal inspectorate in the capital, Pristina, Adonis Tahiri, called the government measures “hypocrisy” and pledged to impose fines up to 2,000 euro on parties holding election meetings during the pandemic.

“Gatherings of people are prohibited under a decision approved by those who are gathering. There is a law on prevention of pandemic, with concrete fines, which was voted on by those who are making speeches at those political gatherings,” Tahiri said on Facebook on Sunday.

Over the weekend, authorities in Kosovo registered 512 new coronavirus cases, 1,259 recoveries and nine COVID-19 related deaths. Since the beginning of the pandemic, 53,776 people have tested positive for the disease, 46,295 have recovered and 1,377 patients have died while 6,140 cases are still active.

Kosovo Accused of Limiting Diaspora Voting Rights

<https://balkaninsight.com/2021/01/12/kosovo-accused-of-limiting-diaspora-voting-rights/>

January 12, 2021 - Xhorxhina Bami

A decision by Kosovo Central Electoral Commission ahead of upcoming parliamentary polls to verify voters who live abroad by telephone has been criticised as a violation of the diaspora electorate's rights.



Voters at the last parliamentary elections in Pristina, October 2019. Photo: EPA-EFE/GEORGI LICOVSKI

Amid widespread criticism of a decision by the Central Election Commission to verify citizens living abroad by telephone if they apply to register to vote, Kosovo NGO Germin filed a complaint to the country's election appeals body on Tuesday arguing that the move is a violation of diaspora voters' rights.

"We believe and have given sufficient arguments in the complaint that we have given to the ECAP [Election Panel for Complaints and Appeals] today that there are enough factors to reject it [the decision] because the CEC [Central Election Commission] has taken a decision that violates constitutional rights," Lirim Krasniqi, the co-director of Germin, told media.

Krasniqi insisted that Kosovo's current legislation has "sufficient opportunities for the verification of applicants for registration because... all those who apply together with the application attach their identification documents and sign the application".

Kosovo will hold new parliamentary elections on February 14, after the Constitutional Court ruled that the current government is not legitimate because it was voted in with an invalid vote from a MP who had been convicted of a crime.

The Central Election Commission decided on Monday that the period for the registration of voters outside Kosovo will run from January 13 to January 21. It said it will check applications

from abroad by telephone, and if the applicant does not answer, their application will be rejected.

Liza Gashi, an expert on migration and the diaspora and a former deputy foreign affairs and diaspora minister, told BIRN that the decision violates the “voting rights as basic rights of Kosovo citizens that live abroad, guaranteed by the constitution of the Republic of Kosovo”.

Gashi claimed that the election commission is “attempting to suppress the vote from abroad... instead of thinking of alternatives to make the voting process easier”.

Kosovo’s Acting President Vjosa Osmani wrote to the commission on Monday to ask it to reconsider its decision because it “can create circumstances in which the right to vote is flagrantly violated”.

Former minister of justice, Albulena Haxhiu, from the biggest opposition party Vetevendosje (Self-Determination), wrote on Facebook on Monday that the commission’s decision was “absurd” and “illegal”.

Haxhiu added that “the right to vote is inviolable, it cannot be cancelled just because someone ‘did not answer the phone’”.

This is the latest of a series of difficulties that Kosovo citizens living abroad have faced in voting in the country’s elections. In December, Kosovo’s Constitutional Court annulled a Supreme Court ruling that allowed postal votes from abroad that arrived after the deadline to be counted.

Moldova

President Sandu asks to declare provisions of Law on Government unconstitutional

https://www.ipn.md/en/president-sandu-asks-to-declare-provisions-of-law-on-government-7965_1078936.html

January 11, 2021



President Maia Sandu filed an application to the Constitutional Court by which she requests to verify the constitutionality of a number of law articles that limit the powers of the President and of the outgoing Government. The application refers to the President's or the outgoing Government's right to replace staff in emergencies and the outgoing Government's right to sign international treaties in particular conditions, IPN reports.

"I also asked to declare unconstitutional a number of provisions of the Law on the Government, especially concerning the appointment of acting ministers from among members of the outgoing Cabinet only at a time when something like this is not stipulated in the Constitution. This can also cause greater dysfunctionality in the management of institutions," said Maia Sandu, being quoted in a press release of the presidential administration.

President Sandu considers the Government, even if it is outgoing, should be able to manage the affairs in the country until the next Cabinet is appointed. This means the possibility of replacing staff, of dismissing and naming public functionaries in particular

conditions, of accessing funds within particular constitutional limits.

“The unprecedented situation that was intentionally created by the former government with the aim of weakening the state further and of making it more vulnerable amid the pandemic and economic crises can be solved with the assistance of the Constitutional Court, which should pronounce, and by clarifying the faults and contractions mentioned in the application filed today,” said President Sandu.

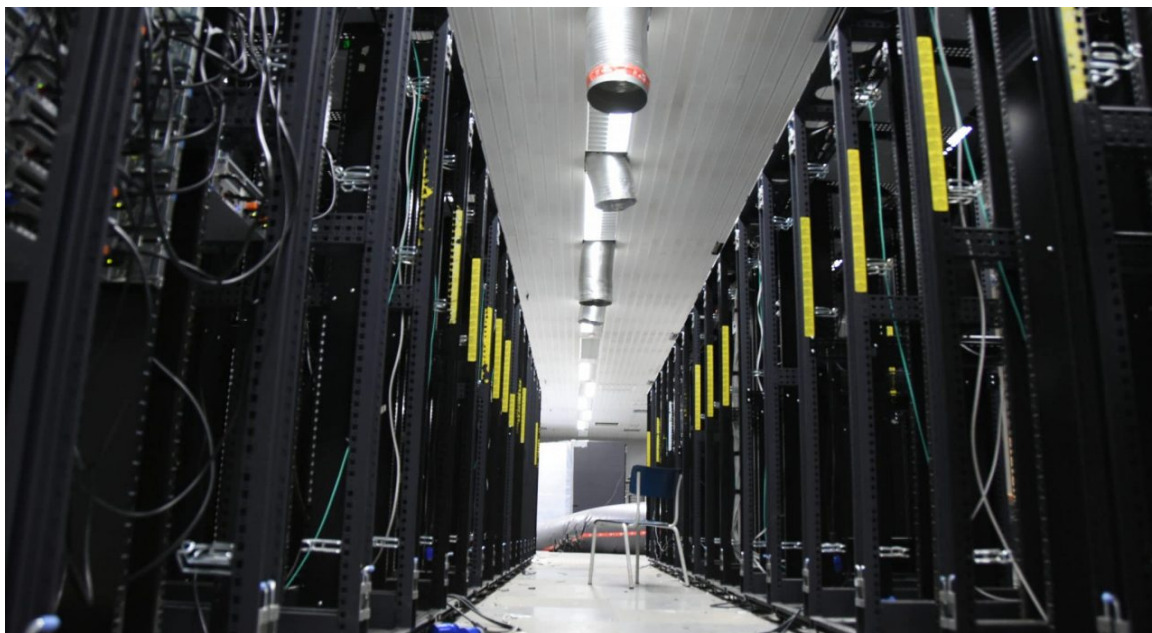
Prime Minister Ion Chicu announced his resignation on December 23, but continued to head the Government until January 31. Acting Minister of Foreign Affairs and European Integration Aureliu Ciocoi now holds the premiership on an interim basis.

Moldova’s Cyber Crime Defences Questioned After DarkNet Sting

<https://balkaninsight.com/2021/01/13/moldovas-cyber-crime-defences-questioned-after-darknet-sting/>

January 13, 2021 - Madalin Necsutu

The closure of the world's biggest illegal DarkNet website selling drugs and stolen bank data is a wake-up call for Moldova to beef up its own cyber crime defences, an expert told BIRN.



Police in Germany said they have shut down what is believed to be the world’s largest illegal marketplace on the Darknet. Photo: EPA/STATE CRIMINAL POLICE RLP

Security experts in Moldova are raising questions about the resilience of the country’s cyber defences after a massive operation at the European level, to which Moldova contributed, uncovered and closed the biggest DarkNet website selling drugs, stolen credit card data and malware.

German authorities dismantled DarkMarket, which was hosted by DarkNet, on Tuesday. Prosecutors from Koblenz said that “more than 20 servers from Moldova and Ukraine” had been confiscated and shut during the international police operation.

According to investigators, DarkMarket was “without a doubt, the largest market in the world on DarkNet”. They say the online platform included over 500,000 users and over 2,400 sellers.

“Moldova does not entirely control its territory where certain criminal groups covered by influential factors from Moldova and Russia are operating,” retired colonel Rosian Vasiloï observed to BIRN.

“In this sense, the authorities show their weakness because we have all the necessary levers to intervene in this regard with special investigation activity and criminal investigations – but somehow we don’t,” the military and security specialist told BIRN.

The former border police chief also stressed that while Moldova is doing well on paper in laws and security strategies, it has major difficulties implementing them. He also urged more transparency on such matters, as Moldovan authorities have stayed largely quiet so far on this problem.

Vasiloï said Moldova should cooperate more with Western investigative bodies and be more proactive in tackling such phenomena, not only when it is asked to. “We have specific commitments regarding this in the context of implementing the Association Agreement with the European Union,” he noted.

In total, at least 320,000 transactions were made on the illegal platform with Bitcoin and Monero cryptocurrencies, and the total value of the transactions could amount to 140 million euros, authorities have said.

DarkMarket was “used mainly for the sale of drugs of all kinds” but also sold “counterfeit coins, stolen or counterfeit credit card data, anonymous SIM cards’ or computer viruses”, German prosecutors stated.

A 34-year-old Australian allegedly running DarkMarket was arrested this weekend on the German-Danish border and is in pre-trial detention.

Authorities worldwide, including the FBI, the US Drug Enforcement Administration and police in countries such as the UK, Denmark, Ukraine and Moldova contributed to the investigation under EU coordination.

PAS application concerning self-dissolution of Parliament rejected by CC

https://www.ipn.md/en/pas-application-concerning-self-dissolution-of-parliament-rejected-by-cc-7965_1079079.html

January 18, 2021



The Constitutional Court (CC) rejected the requisition concerning the self-dissolution of Parliament that was filed by the MPs of the Party of Action and Solidary (PAS).

In a press briefing, CC president Domnica Manole said the authors of the application asked the Court to explain if Parliament can dissolve itself by adopting a relevant decision by a qualified majority of two thirds of the votes of MP.

“The Court pointed to the existence of a previous judgment that contains a response to this question. It is the CC judgment No. 31 of November 10, 1997, which provides, among others, that the dissolution of Parliament before the expiry of the period of four years is possible only in the conditions stipulated by Article 85 of the Constitution of the Republic of Moldova. In fact, by this decision the Court applied the rule stipulating that the clear texts should not be interpreted,” stated Domnica Manole.

She noted that Article 85 of the Constitution specifies two clear cases when Parliament can be dissolved, namely the impossibility of forming the Government and non-adoption of laws during three months.

“In its case law, the Court held that the necessity of interpretation should be confirmed by the uncertain and ununiformed character of the constitutional provisions. The Court noted that articles of the Constitution cannot be interpreted when the Constitution contains the answer to a question raised by a requisition in another article or when there is a decision that solves the problem,” explained Domnica Manole.

According to her, both Article 85 of the Constitution and the Court's judgment of November 1997 contain the solution to the given issue and this solution does not envision exceptions and does not need interpretation.

The Constitutional Court underscored that under the legal provisions, the President can dissolve Parliament in the conditions and according to the procedures defined by law. Consequently, the Court rejected the application as inadmissible.

Situation in detention institutions remains worrisome, monitoring report

https://www.ipn.md/en/situation-in-detention-institutions-remains-worrisome-monitoring-report-7967_1079126.html

January 19, 2021



Crowdedness in detention places is one of the most worrisome aspects of the situation in detention institutions in the Republic of Moldova. Of the 6,700 detainees held in 17 penitentiaries, more than 4,900 stay in areas under the minimum allowed limit of four square meters, shows the monitoring report on the situation of torture and inhuman treatment in penitentiary institutions for 2019-2020 that was presented by the Institute for Democracy of Comrat in a news conference at IPN.

According to Alexandru Zubco, head of the Torture Prevention Section of the Ombudsman's Office, the lack of sufficient areas is considered a degrading condition during detention. Besides, most of the detention institutions do not ensure medical care and there is a high rate of violence between detainees.

The public reports of the National Administration of Penitentiaries show that in 2019 the institution received over 1,100 complaints about the observance and ensuring of human rights in detention. The Ombudsman's Office the same year received over 850 complaints

from detainees. Most of them referred to improper conditions, disagreement with court decisions, lack of hygiene and medical assistance, stated Alexandru Zubco.

Also, three centers opened in Chisinau, Tiraspol and Comrat in the framework of the project "Say NO to Torture in Moldova All Together: Civil Society against Torture" in 2017-2020 recorded over 1,300 complaints from potential victims of torture and relatives of these. More than 240 are real victims of these actions.

The situation of torture combating, according to the data of the Prosecutor General's Office, shows that things in 2019 improved compared with the previous years. In 2017, there were 49 criminal cases, in 2019 – only 13, with five persons being penalized. But the situation worsened as regards inhuman and degrading treatment. The number of identified cases rose from over 400 in 2017 to 833 in 2019, with 51 criminal cases being started. The large number is due to the fact that the prosecutors stepped up their efforts in dealing with complaints from victims or those who consider themselves victims of such forms of ill-treatment, said Alexandru Zubco.

The monitoring report on the situation of torture and inhuman treatment in penitentiary institutions for 2019-2020 contains information from open sources, statistical data presented by public institutions, findings and recommendations of European and international institutions. The monitoring group, during two years, studied the public information on the field and in the office, covering the situation in the Transnistrian region.

The project "Say NO to Torture in Moldova All Together: Civil Society against Torture" is implemented by the Institute for Democracy (Comrat), in partnership with the National Institute for Women of Moldova (Chisinau) and the Media Center of Tiraspol, with support from the EU.

Constitution does not offer Russian status different from that of other languages, CC president

https://www.ipn.md/en/constitution-does-not-offer-russian-status-different-from-that-of-7967_1079190.html

January 21, 2021



Some of the articles of the law on the functioning of the languages spoken on the territory of the Republic of Moldova, of December 16, 2020, underscores the dominant role of the Russian language all over Moldova in relation to the languages of other ethnic minorities, without mentioning the districts where its share is significant and the districts where its share is insignificant so that such strict legal obligations could be instituted, the president of the Constitutional Court Domnica Manole stated after the judgment by which the law was declared unconstitutional was pronounced, IPN reports.

“It should be noted that in the Republic of Moldova, the content of such a law has been a complex and sensitive issue that was periodically turned into a political subject. However, the Court is outside any political or electoral debate,” stated Domnica Manole.

She said the analysis started from Article 13 of the Constitution, under the interpretation of the Court’s judgment of December 5, 2013 under which Romanian is the official language in the Republic of Moldova. Romanian is stipulated as the official language of the state. The second paragraph of the same article provides that the state recognizes and protects the right to keep, develop and ensure the functioning of Russian and other languages spoken on the country’s territory. The Russian language in this constitutional text is given as an example and this does not offer this language in the Republic of Moldova a status different from that of other languages spoken in Moldova, such as Ukrainian, Gagauz, Bulgarian.

Domnica Manole noted that Article 13 of the Constitution stipulates only one official language and does not contain the phrase “language of interethnic communication”. The constitutional status of the official language implies the function of language of interethnic communication between the citizens of the Republic of Moldova, regardless of their ethnic origin.

By the challenged law, Russian benefits from preferential treatment regardless of the number of members of the ethnic minorities that use it in the country’s districts. The challenged law does not contain a stable, sustainable and clearly-defined linguistic policy, from the perspective of the constitutional requirements. The lack of such a policy prejudices the interest of society and prevents Parliament from fulfilling its positive obligation that derives from the Constitution.

The judgment is definite, takes effect when it is adopted and is published in the Official Gazette. The Court pronounced based on two challenges filed by MPs Octavian Țicu, Dinu Plîngău and Maria Ciobanu. The decision is accompanied by a separate opinion of constitutional judge Vladimir Țurcan.

Two protests were mounted in front of the CC on January 21, while the constitutional court was examining the challenges. A group of people chanted “Romanian is the only master!”, while the second group chanted slogans in support of the Russian language. The police formed a cordon between the protesters.

PACE resolution ascertains slow pace of reform of the judiciary in Moldova

https://www.ipn.md/en/pace-resolution-ascertains-slow-pace-of-reform-of-the-judiciary-7967_1079283.html

January 26, 2021



The Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on the progress of the Assembly's monitoring procedure in 2020. The document contains findings referring to the Republic of Moldova, IPN reports.

The PACE resolution notes the slow pace of the reform of the judiciary, and slow progress in the fight against corruption, in particular insufficient progress made in the field of corruption prevention in respect of members of parliament, judges and prosecutors, and, in this context, political migration of members of parliament which triggered political instability, notwithstanding allegations of political corruption.

It says the Republic of Moldova should ensure that all political stakeholders engage in an inclusive dialogue and make the necessary political compromises to ensure the functioning of democratic institutions in line with Council of Europe standards for the benefit of all citizens; should adopt, without further delay, the expected legal and constitutional amendments, in line with the recommendations of the Venice Commission.

It should also improve the independence, accountability and efficiency of the judiciary; to upgrade the election legislation in line with the August 2020 Venice Commission opinion, in particular to better regulate funding of election campaigns and should take meaningful action to fight corruption and conduct a thorough investigation into the 2014 bank scandal.

The document noted the continuous co-operation of the Moldovan authorities with the Council of Europe and the smooth organization of the presidential election despite a polarized environment and the challenging sanitary context. The Assembly takes notes of the election, on 15 November 2020, of Maia Sandu, the first woman to become President of the Republic of Moldova – with a clear majority of votes.

Montenegro

Đukanović demanded re-examination of all laws adopted on 29 Dec

<https://www.cdm.me/english/dukanovic-demanded-re-examination-of-all-laws-adopted-on-29-dec/>

January 2, 2021



Milo Đukanović

President of Montenegro, **Mr Milo Đukanović**, has returned all laws adopted on 29 December 2020 back to the Parliament of Montenegro and demanded their re-examination. The President acted in line with Article 94 paragraph 1 of the Constitution of Montenegro, his office said in a statement.

Mr Đukanović noted that the Fourth Sitting of the Second Ordinary Session in 2020, held on 29 December 2020, adopted the following laws: Law on Amendments to the Labor Law; Law on Amendments to the Freedom of Religion Law; Law on Amendments to the Law on Civil Servants and State Employees; Law on Amendments to the Law on Health Protection; Law on Amendments to the Law on Credit Institutions; Law on Amendments to the Law on the Recovery of Credit Institutions and the Law on Amendments to the Law on Fiscalization in Trade of Products and Services.

The President further explains that Article 90 paragraph 3 of the Rules of Procedure of the Parliament of Montenegro suggests that: "The quorum shall be established by application of electronic voting system, in the way that each MP shall personally identify himself/herself by inserting his/her ID card in the slot of the device on his MP seat or based on the records of the Secretary General of the Parliament".

“Therefore, it’s doubtful whether there was the required quorum at the beginning of the sitting and during the adoption of the agenda, and there’s the issue of democratic legitimacy as well and harmonization of the adopted laws with the Constitution of Montenegro and valid regulations,” it was said in a statement.

In fighting against the corruption and crime the existing legal framework sufficient, if applied

<https://www.cdm.me/english/in-fighting-against-the-corruption-and-crime-the-existing-legal-framework-sufficient-if-applied/>

January 11, 2021



The fight against organized crime and corruption must be the focus of this Government as well, but not by destroying the established legislative framework, mostly harmonized with the European Union standards, and not by demolishing institutions and by a populist approach, but by effective solutions, reached by broad consensus. These assessments were made by Pobjeda’s interlocutors, commenting on the Prime Minister’s announcement that the government plans to form special departments in most ministries in charge of fighting corruption and organized crime, whose task would be to collect documents for the National Anti-Corruption Council.

Ms Draginja Vuksanović-Stanković, an MP and University Professor says that Prime Minister Krivokapić should know that these are very sensitive issues that touch on the most complex part of our European obligations. We have always agreed with the EU on the normative and institutional framework for the fight against corruption and organized crime.

University professor and member of the Prosecutorial Council prof. Dr. **Velimir Rakočević** points to the fact that modern society is facing new forms of corruption and organized crime and that countries, as well as the world's largest organizations, have been looking for the most effective ways to counter these phenomena, both through laws and binding conventions.

In a large number of countries, he adds, specialized anti-corruption bodies with different powers have been established, and some have formed multi-purpose agencies that have police powers, such as special investigation services and bureaus or independent commissions.

"In neighboring Croatia, there is the Office for the Suppression of Corruption and Organized Crime (USKOK), which is a classic police structure. In the United States, the Office for Government Ethics has been established, which has a preventive function," Rakočević said.

"Any change in the structure, any institutional or normative change must be well thought out and it is desirable that it be the result of a certain political consensus, and certainly agreed with our European partners. In this particular case, we saw that the Prime Minister was severely criticized by the parliamentary majority, so it would be advisable to first find an agreement on this issue, and every other, within his own partners and then go further into the possible implementation," said Ms Vuksanović-Stanković.

The first impression of Mr Aleksandar Saša Zeković, former State Secretary of the Ministry of Human and Minority Rights, about the Prime Minister's announcement is that the new government wants to show, at every step and at all costs, that it is for a proactive approach in the fight against corruption. However, he warns that it would be disappointing for the citizens, and especially for our European partners, if behind this announcement, there was only hiring of new staff members from the parties that are making part of the new Montenegrin Government.

He is categorical that the identification and expulsion of corruption from state bodies can be carried out without the establishment of special departments.

The accession of our country to the European Union was not commenced by the current government, but by all previous Governments, he added, emphasizing that the EU is satisfied with the Montenegrin legislative framework for the fight against corruption, which is harmonized with the current directives.

The Prime Minister did not announce when and in which ministries departments for the fight against corruption and organized crime will be established and judging by what he said, those departments would cooperate exclusively with the National Anti-Corruption Council, a body announced by Deputy Prime Minister Mr Dritan Abazović. Prof. Dr. Velimir Rakočević points out that as a criminologist he must support all activities that contribute to the suppression and prevention of organized crime and corruption.

"...I can understand this proposal only as support for the existing state bodies, in the part of collecting data in terms of early detection of these phenomena in the ministries and submitting the information to the detection and prosecution bodies, as well as in their preventive acting," Mr Rakočević points out.

Aleksandar Sasa Zekovic was the state secretary of the Ministry of Human and Minority Rights for several months, and he points out that in that short time he recognized a space that is suitable for the survival and development of corruption.

"I will speak openly, those are the activities of all ministries to support civil society organizations. Organized individuals, which are basically hired by this state, compromise significant financial support of the state towards NGOs. This is where improvements are needed, but new departments are not necessary. It is enough to read the documentation more carefully, communicate better with NGOs with many years of experience, and truly specialized in certain problem and program areas. And finally, more efficiently support the work of the police and prosecutor's office," he suggests.

Was Abazović offered €21m and by whom remains a secret

<https://m.cdm.me/english/was-abazovic-offered-e21m-and-by-whom-remains-a-secret/>

January 22, 2021



Dritan Abazović

The Special State Prosecutor's Office will not initiate an investigation in the case of the alleged bribe offer to the Deputy Prime Minister Dritan Abazović, as there are no grounds for that, the Pobjeda announced.

Special Prosecutor **Ms Sanja Jovičević** stated in response to Pobjeda's questions that "according to the Law on the State Prosecutor's Office only information on actions taken can be provided, but their content cannot be revealed."

Pobjeda has, amongst others, asked the Prosecutor's Office whether Mr Abazović was questioned, whether he said who offered him money and why, and whether that person was interrogated. They have also asked will Mr Abazović be prosecuted in case he refuses to say who offered the money. They did not provide the answers.

Neither Mr Dritan Abazović answered the calls and messages of the Pobjeda's editorial office.

The information that he was allegedly offered a bribe was first announced by the controversial Montenegrin businessman **Mr Miodrag Daka Davidović**, at the end of November last year, claiming that it was the renowned Montenegrin humanist **Mr Hajriz Brčvak**.

Both Mr Abazović and Mr Brčvak categorically denied the latter, even though Mr Abazović said that he had been offered a bribe. To this day he has not said who it was.

"It was obviously established, from the statement that Mr Abazović made before the prosecutor, that no one offered money. He might not have said that, but I assume the contents of his statement to be such that it eliminates the existence of any criminal act that is prosecuted ex officio," lawyer **Zoran Piperović** assessed for Pobjeda yesterday.

He has pointed out that, given the content of the Prosecutor's response, the only thing left is to trust the decision of the Special State Prosecutor.

A member of the Main Board of the SDP, **Mr Bojan Zeković**, assessed that "on a logical level, there are two possibilities – either Mr Abazović did not tell the truth in his first statement to the public, and changed his statement before the Prosecutor's Office, or he refused to reveal the identity of the person who offered him a bribe, thus committing a crime, and the Prosecutor's Office protecting him for some reason known to them."

Mr Piperović believes that Mr Dritan Abazović owes an explanation to the public, especially due to the fact that this is a case that could have "reshaped the electoral will of the citizens." "I don't know what Vice President Mr Abazović thinks about the curiosity of public opinion in terms of the right to know the truth, but I know that in his place, unless it was a matter of state interest or state secret, I would at least provide the public with an outline of what it was all about. Especially, because that offer could have reshape the electoral will of the citizens," Mr Piperović pointed out.

Montenegro's special prosecution probes finance minister over €750mn Eurobond issue

<https://intellinews.com/montenegro-s-special-prosecution-probes-finance-minister-over-750mn-eurobond-issue-201208/?source=montenegro>

January 25, 2021 - Denitsa Koseva



The new Montenegrin government's second session on December 10, the day the Eurobond was issued.

Montenegro's special prosecution has launched a probe into Finance Minister Milojko Spajic's role in the issuance of a €750mn Eurobond in December 2020, a few days after the government was elected.

The bond was placed on December 10, just three days after the government took office, and was not announced in advance. However, the actions of Spajic and of Prime Minister Zdravko Krivokapic related to the bond have raised numerous questions in the country regarding the way they took the decision and whether the bond was actually necessary.

At the time, Spajic announced the successful placement of the Eurobond on Twitter and said that he country has been "saved from bankruptcy" by the Eurobond issue after the coronavirus (COVID-19) pandemic hammered the local economy.

The special prosecution decided to launch the probe after being contacted by local NGO Montenegro International, which claimed that the prosecution should establish based on which law Spajic organised the bond issue and via which banks and brokers, public broadcaster RTCG reported on January 25. The NGO claimed that Spajic had a personal interest in the bond placement.

Moreover, the NGO suggested the bond placement might be related to an alleged attempt to bribe Montenegro's Deputy Prime Minister Dritan Abazovic. Abazovic has reported being offered a bribe shortly after becoming a minister but gave no further details.

Meanwhile, the finance ministry released details on the bond issue, revealing that the UK-based law company Linklaters was hired as a legal consultant for the procedure. The Eurobond carries a 2.875% coupon. The demand was almost €3bn, Spajic said at the time.

The country was badly hit by the coronavirus pandemic, reporting one of Europe's highest infection rates in the early autumn. Over 39,000 cases have been confirmed since the start of the pandemic among a population of just 628,000.

The large tourism sector contributing around 20% of GDP, suffered from the spring lockdown and international travel restrictions, contributing to one of the deepest economic contractions across the emerging Europe region.

Even ahead of the crisis, Montenegro had a high level of debt, having borrowed heavily from China's Eximbank to finance construction of the Bar-Boljare highway. In the third quarter of 2020, the public debt-to-GDP ratio stood at 78.1%, and it was pushed up further by the Eurobond in December.

Calovic and Muk embody the fight for justice

<http://www.rtcg.me/english/montenegro/308090/calovic-and-muk-embody-the-fight-for-justice.html>

January 28, 2021

Executive Director of the Network for Affirmation of the Non-Governmental Sector (MANS) Vanja Calovic Markovic and President of the Steering Board of the Institute of Alternatives (IA) Stevo Muk are members of the National Council for Combating Corruption at a high level, Deputy Prime Minister Dritan Abazovic decided. On his Twitter account he called Calovic Markovic and Muk the personification of the fight for justice in our society.

The Office of the Deputy Prime Minister of Montenegro sent a public invitation to non-governmental organizations to nominate two representatives for a member of the National Council for Combating Corruption at a high level, which was published on the website of the Government of Montenegro and e-government portal on January 11, 2021.

The NGOs that sent the proposal with complete and valid documentation to the address of the Office of the Deputy Prime Minister of Montenegro proposed Stevo Muk, Vanja Calovic Markovic, Bozidar Vujicic and Vladimir Otasevic, as stated in the explanation.

"Inspecting the list of candidates and considering the proposals it was determined that the proposed candidates Vanja Calovic Markovic and Stevo Muk meet all the requirements of the public call, in accordance with the Decree, and that their previous experience, research,

published works, implementation of anti-corruption projects, a significant contribution to the improvement of the situation in this area as well as the credibility of the non-governmental organizations that proposed them, decided that the Cabinet of the Deputy Prime Minister of Montenegro make the decision according to which the listed candidates were elected as members of the National Council for Combating Corruption at a high level," it was stated in the explanation of the decision.

North Macedonia

North Macedonia Fugitive PM's Pious Project Ends in Bankruptcy

<https://balkaninsight.com/2021/01/06/north-macedonian-fugitive-pms-pious-project-ends-in-bankruptcy/>

January 6, 2021 - Sinisa Jakov Marusic

Nikola Gruevski intended a grandiose church in the centre of Skopje to showcase his power and piety – but now he is a fugitive in Hungary and his abandoned church is the subject of bankruptcy proceedings. Exactly eight years after its construction started in 2012, the Macedonian Orthodox church of Sts Constantine and Helena, which was originally planned to be finished in three years, in the heart of North Macedonia's capital, Skopje, remains incomplete. In contrast to the political and ethnic furore it generated in the past, the construction site now lies silent and abandoned.

Promoted with much pomp to showcase the piety of the now fugitive prime minister, Nikola Gruevski, and his socially conservative VMRO DPMNE party, the church, nicknamed "Gruevski's Church", may soon become the first religious object in the country ever to become part of bankruptcy proceedings.

It would also be the first time the Macedonian Orthodox Church has appeared in the role of debtor in a bankruptcy procedure sought by the construction firm, Beton, which built it and now wants its 1.1 million euros' payment.

Harbinger of city's divisive makeover

The erection of the controversial church foreshadowed the bigger and much more divisive government project to revamp the entire capital in classical style, known as "Skopje 2014", which was first revealed in CGI in a government video in 2010.

Although the church controversy predates "Skopje 2014" by some years, the building was included in the "Skopje 2014" promotional video, so becoming an informal part of it. The row began in 2009, when the VMRO DPMNE-led government first revealed the plans to build a big church on Skopje's main square.

Despite bearing no resemblance to it, it was presented as a renewal of an old church of the same name that had existed nearby but which was demolished in 1970s, after being damaged in the massive 1964 earthquake.

In March 2009, architecture students protested against the plan to put up a new church on the square, where it would obstruct pedestrian traffic. In violent scenes, a large crowd of church supporters carrying flags and crosses attacked the protesters.

Soon after, the country's second largest faith group, the Islamic Religious Community, also cried foul, demanding that the state also help rebuild an old mosque that had also lain near the main square in Ottoman times.

Following the prime minister's insistence that the church would be built no matter what, it was initially referred to as "Gruevski's Church".

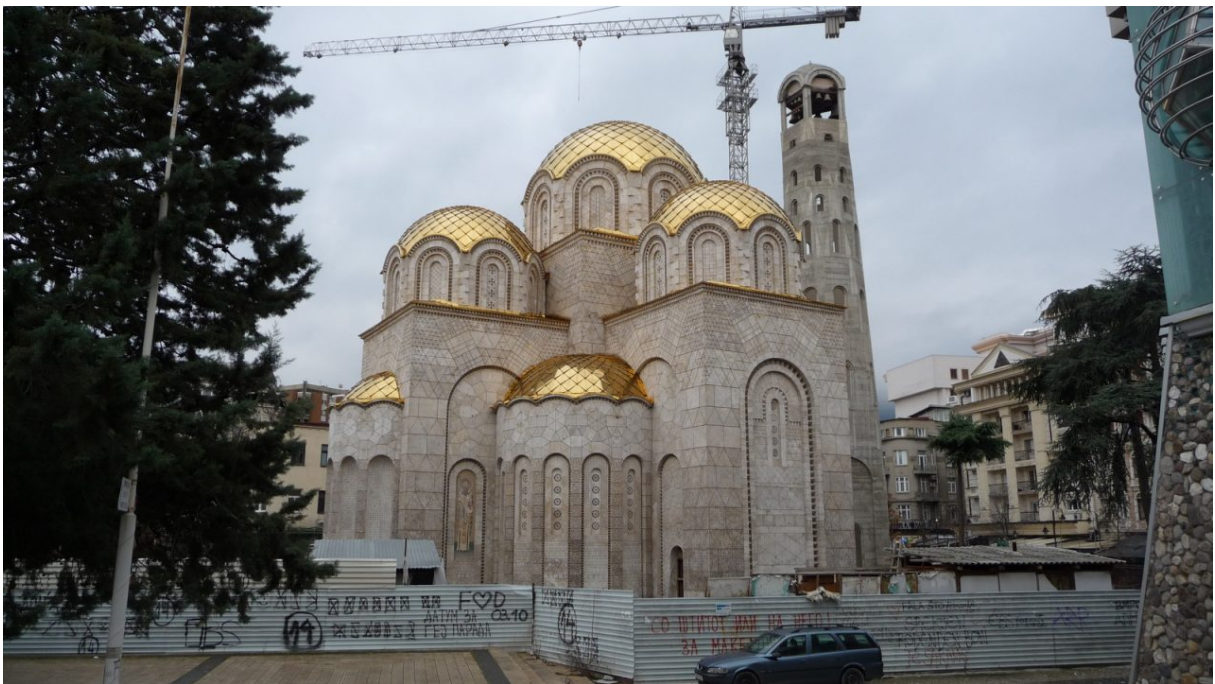
As friction mounted between the Orthodox Church and mainly Albanian Muslims, and as arguments about government interference in religious matters failed to subside, the government compromised.

To avoid further uproar, that year the authorities donated the site to the Macedonian Orthodox Church, so that it, not the state, would appear formally as the investor. In another compromise made in 2012, the location of the church was shifted several hundred metres from the main square to its current location, in what was previously a small park near the main pedestrian thoroughfare, Macedonia Street, metres from parliament.

In 2013, the church was again at the centre of violence when an angry pro-government mob attacked the premises of the municipality of Centar, which had just elected a new mayor from the ranks of the then opposition, and who was a strong critic of the Skopje 2014 project. Mayor Andrej Zernovski barely escaped with his life from the angry mob, which was convinced he was about the scrap construction of the church – which he denied.

A court in September this year sentenced ex-PM Gruevski to a year-and-a half in jail for inciting the mob attack under a false pretext.

Construction of the church then began in the presence of Gruevski himself in 2014, amid many still unanswered questions about its cost and the source of financing.



The erection of the controversial church foreshadowed "Skopje 2014". Photo: BIRN

Backed politically – and shrouded in secrecy

Strongly backed by the then main ruling party, albeit in an informal manner, the project gained traction.

In 2012, the Transport Ministry sold the new site to the Macedonian Orthodox Church for a bargain price. It paid only 65,000 euros for 2,230 square metres on which the park was formerly located.

The Church then formed a foundation that was formally tasked with gathering donations and overseeing construction.

MPs that year donated a million euros to the foundation to start the preparations. As construction began in 2014, media sought any information they could get regarding its cost and funding.

But the government insisted it had nothing to do with the project, while the Macedonian Orthodox Church redirected inquiries back to the foundation, which proved extremely hard to reach.

Despite all of this, things moved on. The first donation of a million euros came from the Macedonian Orthodox Church itself, and three consecutive donor conferences, broadcasted live on TV, in 2012, 2013 and 2014, raised more funds.

Incentivised by the then ruling party, which seemed to be gaining in popularity, the business sector also flocked to help.

The list of donors obtained in 2018 by the Investigative Reporting Lab Macedonia, IRL, from the Justice Ministry, one year after VMRO DPMNE was ousted, showed that almost all the top businesses had donated cash, amounting to some 2 million euros.

Even state-owned institutions and enterprises donated. The state-owned electricity transmission system operator, MEPSO, donated 66,000 euros, and the state-owned forest reserve gave another 3,200 euros, data obtained by IRL showed. Even the state-owned news agency, MIA, donated a modest 100 euros.

Records from the Revenue Office show that in 2012 the foundation received only the million euros had received from the Macedonian Orthodox Church. In 2013, it gathered 1.65 million euros and in 2014, 700,000 euros.

But as the country plunged into a political crisis sparked by Gruevski's authoritarian ways, and as his once tight grip on power weakened, donations for the church fell sharply. In 2015, as the political crisis deepened, the foundation received only 280,000 euros, and in 2016 this fell again to 28,000 euros and by 2017, one year before Gruevski was toppled, donations amounted to a tiny 160 euros.



In 2012 the Church formed a foundation named St. King Constantine, that was formally tasked with gathering donations and overseeing construction. Photo: BIRN

Silence broken finally by court demand

For a long time, the church fell out of the public focus. The silence was only interrupted in November, when media reported that the company hired to construct the church, Beton, from Skopje, had filed a demand to the Skopje Basic Court for a bankruptcy procedure, citing unpaid debts of 1.1 million euros.

The demand was filed in September and the court had already appointed a bankruptcy trustee, the court revealed. Beton had asked for the church as well as the land on which it is built to be part of the bankruptcy estate.

The court hearing at which the fate of the church would be decided was initially set for November 11. But this was later postponed, as has happened frequently during this year of health crises. The hearing will now have to wait for 2021.

The construction site has been practically dormant since 2017. Externally, the lavish façade seems almost finished and its almost 50-meter bell tower dominates the surrounding area. But the entire site is off limits to the public, as it is fenced off.

“It may seem almost finished but there are many fine details inside that still need to be done, like the frescoes, the floor and all sorts of installations. The bell tower needs more work as well,” one Macedonian Orthodox Church employee, who was a former member of the foundation that built the church, told BIRN under condition of anonymity. He insisted he had not played a big role in it and no longer wants to be associated with the project. He defended it, however.

“Everything was transparent. We worked in a legal manner and were driven by the wish to see the church done,” the source insisted, asked why the now practically defunct foundation was so secretive.

“We did not want to expose ourselves too much as the Macedonian Orthodox Church was in charge of that part. That was not our job. We had a different task to do, so we focused on that,” he explained.

He added that he did not know the total cost of the current build, but his estimate was that “it would take 2 to 3 million euros minimum to complete it”.

Back when construction started, the secretive foundation mainly comprised civilians, including lawyers and small businessmen who were not very prominent publicly, as well as several priests and Church employees. Then, as now, most of them were hard to reach for information.

The Macedonian Orthodox Church has also offered no comment about its plans for the church or the bankruptcy procedure it is now involved in.

“Perhaps the whole thing was overly politicized. It should have been left to people’s good will to donate,” said the only source who was involved that BIRN could reach.

“Gruevski wanted to do something good and leave some heritage behind, as many did before him, but the Macedonian Orthodox Church should have relied more on itself, not on the politicians who are changeable, for help.

“In typical Macedonian fashion, we started something and failed to finish it.”

Neither the city of Skopje nor the Centar municipality seem to have much of a plan for the future. Both said they could not comment on court matters that concern private property. Tightly linked in a negative way with Gruevski, who now has political asylum in Hungary, the current Social Democrat-led government is unlikely to wish to stick its fingers into this complex affair either.



For a long time the construction was backed politically but shrouded in secrecy. Photo: BIRN

Nikola Gruevski intended a grandiose church in the centre of Skopje to showcase his power and piety – but now he is a fugitive in Hungary and his abandoned church is the subject of bankruptcy proceedings.

Exactly eight years after its construction started in 2012, the Macedonian Orthodox church of Sts Constantine and Helena, which was originally planned to be finished in three years, in the heart of North Macedonia's capital, Skopje, remains incomplete.

In contrast to the political and ethnic furore it generated in the past, the construction site now lies silent and abandoned.

Promoted with much pomp to showcase the piety of the now fugitive prime minister, Nikola Gruevski, and his socially conservative VMRO DPMNE party, the church, nicknamed "Gruevski's Church", may soon become the first religious object in the country ever to become part of bankruptcy proceedings.

It would also be the first time the Macedonian Orthodox Church has appeared in the role of debtor in a bankruptcy procedure sought by the construction firm, Beton, which built it and now wants its 1.1 million euros' payment.

Harbinger of city's divisive makeover

The erection of the controversial church foreshadowed the bigger and much more divisive government project to revamp the entire capital in classical style, known as "Skopje 2014", which was first revealed in CGI in a government video in 2010.

Although the church controversy predates "Skopje 2014" by some years, the building was included in the "Skopje 2014" promotional video, so becoming an informal part of it.

The row began in 2009, when the VMRO DPMNE-led government first revealed the plans to build a big church on Skopje's main square.

Despite bearing no resemblance to it, it was presented as a renewal of an old church of the same name that had existed nearby but which was demolished in 1970s, after being damaged in the massive 1964 earthquake.

In March 2009, architecture students protested against the plan to put up a new church on the square, where it would obstruct pedestrian traffic. In violent scenes, a large crowd of church supporters carrying flags and crosses attacked the protesters.

Soon after, the country's second largest faith group, the Islamic Religious Community, also cried foul, demanding that the state also help rebuild an old mosque that had also lain near the main square in Ottoman times.

Following the prime minister's insistence that the church would be built no matter what, it was initially referred to as "Gruevski's Church".

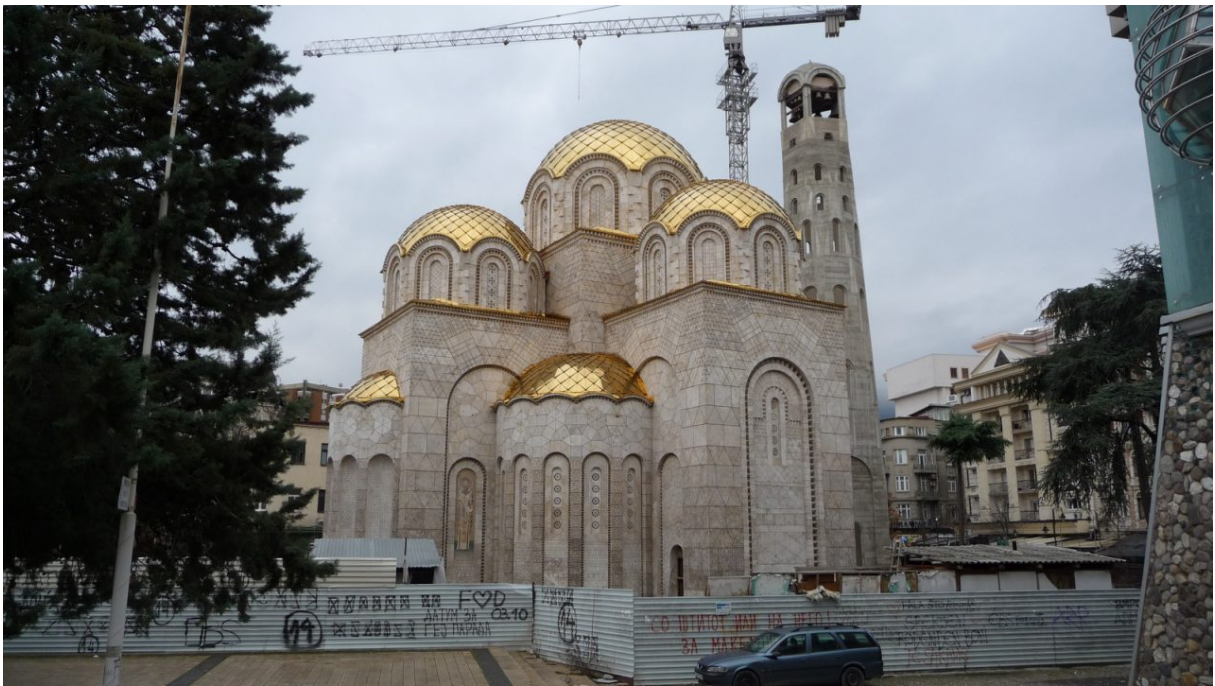
As friction mounted between the Orthodox Church and mainly Albanian Muslims, and as arguments about government interference in religious matters failed to subside, the government compromised.

To avoid further uproar, that year the authorities donated the site to the Macedonian Orthodox Church, so that it, not the state, would appear formally as the investor. In another compromise made in 2012, the location of the church was shifted several hundred metres from the main square to its current location, in what was previously a small park near the main pedestrian thoroughfare, Macedonia Street, metres from parliament.

In 2013, the church was again at the centre of violence when an angry pro-government mob attacked the premises of the municipality of Centar, which had just elected a new mayor from the ranks of the then opposition, and who was a strong critic of the Skopje 2014 project. Mayor Andrej Zernovski barely escaped with his life from the angry mob, which was convinced he was about the scrap construction of the church – which he denied.

A court in September this year sentenced ex-PM Gruevski to a year-and-a half in jail for inciting the mob attack under a false pretext.

Construction of the church then began in the presence of Gruevski himself in 2014, amid many still unanswered questions about its cost and the source of financing.



The erection of the controversial church foreshadowed "Skopje 2014". Photo: BIRN

Backed politically – and shrouded in secrecy

Strongly backed by the then main ruling party, albeit in an informal manner, the project gained traction.

In 2012, the Transport Ministry sold the new site to the Macedonian Orthodox Church for a bargain price. It paid only 65,000 euros for 2,230 square metres on which the park was formerly located.

The Church then formed a foundation that was formally tasked with gathering donations and overseeing construction.

MPs that year donated a million euros to the foundation to start the preparations. As construction began in 2014, media sought any information they could get regarding its cost and funding.

But the government insisted it had nothing to do with the project, while the Macedonian Orthodox Church redirected inquiries back to the foundation, which proved extremely hard to reach.

Despite all of this, things moved on. The first donation of a million euros came from the Macedonian Orthodox Church itself, and three consecutive donor conferences, broadcasted live on TV, in 2012, 2013 and 2014, raised more funds.

Incentivised by the then ruling party, which seemed to be gaining in popularity, the business sector also flocked to help.

The list of donors obtained in 2018 by the Investigative Reporting Lab Macedonia, IRL, from the Justice Ministry, one year after VMRO DPMNE was ousted, showed that almost all the top businesses had donated cash, amounting to some 2 million euros.

Even state-owned institutions and enterprises donated. The state-owned electricity transmission system operator, MEPSO, donated 66,000 euros, and the state-owned forest reserve gave another 3,200 euros, data obtained by IRL showed. Even the state-owned news agency, MIA, donated a modest 100 euros.

Records from the Revenue Office show that in 2012 the foundation received only the million euros had received from the Macedonian Orthodox Church. In 2013, it gathered 1.65 million euros and in 2014, 700,000 euros.

But as the country plunged into a political crisis sparked by Gruevski's authoritarian ways, and as his once tight grip on power weakened, donations for the church fell sharply.

In 2015, as the political crisis deepened, the foundation received only 280,000 euros, and in 2016 this fell again to 28,000 euros and by 2017, one year before Gruevski was toppled, donations amounted to a tiny 160 euros.



In 2012 the Church formed a foundation named St. King Constantine, that was formally tasked with gathering donations and overseeing construction. Photo: BIRN

Silence broken finally by court demand

For a long time, the church fell out of the public focus. The silence was only interrupted in November, when media reported that the company hired to construct the church, Beton, from Skopje, had filed a demand to the Skopje Basic Court for a bankruptcy procedure, citing unpaid debts of 1.1 million euros.

The demand was filed in September and the court had already appointed a bankruptcy trustee, the court revealed. Beton had asked for the church as well as the land on which it is built to be part of the bankruptcy estate.

The court hearing at which the fate of the church would be decided was initially set for November 11. But this was later postponed, as has happened frequently during this year of health crises. The hearing will now have to wait for 2021.

The construction site has been practically dormant since 2017. Externally, the lavish façade seems almost finished and its almost 50-meter bell tower dominates the surrounding area. But the entire site is off limits to the public, as it is fenced off.

"It may seem almost finished but there are many fine details inside that still need to be done, like the frescoes, the floor and all sorts of installations. The bell tower needs more work as well," one Macedonian Orthodox Church employee, who was a former member of the foundation that built the church, told BIRN under condition of anonymity. He insisted he had not played a big role in it and no longer wants to be associated with the project. He defended it, however.

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For a long time the construction was backed politically but shrouded in secrecy. Photo: BIRN

Romania

Anti-corruption prosecutors ask President's go-ahead to prosecute ex-Environment minister charged with bribe taking

<https://www.romaniajournal.ro/society-people/law-crime/anti-corruption-prosecutors-ask-presidents-go-ahead-to-prosecute-ex-environment-minister-charged-with-bribe-taking/>

January 4, 2021



The National Anti-corruption Directorate (DNA), has asked President Klaus Iohannis to consent to the criminal prosecution against the former minister of Environment in the Orban Cabinet, Costel Alexe, accused of receiving 22 tons of sheet metal products. The former minister would have pretended the bribe in exchange for assigning greenhouse gas emission certificates for free to the respective plant and also in exchange for favorably monitoring the measures taken by that factory to shut down a warehouse of non-compliant landfills.

These tasks belong to the Environment Ministry and Costel Alexe was minister of Environment at that time, meaning last year. Costel Alexe is not in the current Government anymore, as he is leader of the Iasi County Council.

“During March-April 2020, the defendant would have directly pretended from the manager of a steel works several products made of sheet metal in exchange for performing his work tasks on assigning assigning greenhouse gas emission certificates for free and on monitoring the measures taken by the plant to shut down a warehouse of non-compliant landfills.

Those benefits, consisting of 22 tons (around RON 103,000 -around EUR 21,143) would have been received by the former minister on April 23, 2020 and on July 7, 2020, at the venue of a private company managed by one of the minister's relatives," anti-corruption prosecutors detailed.

Romania Violated Journalist's Freedom of Expression, Says European Court

<https://balkaninsight.com/2021/01/12/romania-violated-journalists-freedom-of-expression-says-european-court/>

January 12, 2021 - Marcel Gascón Barberá

The European Court of Human Rights ruled against Romania for violating the freedom of expression of a journalist who was convicting in his home country of writing articles that damaged the reputation of a fellow journalist.



The building of the European Court of Human Rights in Strasbourg. Photo: EPA-EFE/PATRICK SEEGER

The European Court of Human Rights on Tuesday condemned Romania for failing to uphold freedom of expression in the case of a local journalist who was fined by a domestic court over a series of critical articles about another journalist in the north-eastern county of Bacau.

"The case concerned the domestic authorities' decision to order the applicant, a journalist, to pay damages for having published five blog posts criticising L.B., another journalist who was the editor-in chief of a newspaper in the Desteptarea media group and producer for a local television channel belonging to the same group," the ECHR said in a statement.

The posts were published by Gheorghe-Florin Popescu in 2011. The same year, L.B. brought civil proceedings before a court in Bacau, which ruled that two of the articles posted by Popescu lacked any factual basis when describing L.B. as morally responsible for a murder-suicide.

The Bacau court also established that Popescu had used vulgar and defamatory expressions that affected L.B.'s honour and reputation, and ordered him to compensate L.B. with the equivalent of 1,100 euros.

Popescu subsequently appealed against the verdict, but Romania's Court of Appeal dismissed his appeal as unfounded in 2013. The journalist then took his case to the ECHR. More than seven years later, judges at the ECHR unanimously reached the conclusion that Romania breached Article 10 of the European Convention of Human Rights, which protects freedom of expression.

According to Tuesday's verdict, Romanian courts failed to make "a distinction between statements of facts and value judgments" when examining Popescu's criticism of L.B. The verdict also said that Romanian courts ignored "the fact that the applicant was a journalist and that the freedom of the press fulfilled a fundamental function in a democratic society".

They also ignored the fact that L.B. was a publicly known figure before the controversy involving Popescu, the verdict added.

The Romanian courts ruled that some of the content of Popescu's articles was offensive, but the ECHR concluded that "although the satirical nature of the articles had been the main argument in the applicant's defence, the domestic courts had failed to investigate with sufficient care whether or not this was a form of exaggeration or distortion of reality, naturally aimed to provoke".

"In the court's view, the style was part of the form of expression and was protected as such under Article 10, in the same way as the content of the statements," the ECHR said.

President Iohannis sends Justice Ministry request for Calin Popescu-Tariceanu's criminal investigation

<https://www.nineoclock.ro/2021/01/13/president-iohannis-sends-justice-ministry-request-for-calin-popescu-tariceanus-criminal-investigation/>

January 13, 2021



President Klaus Iohannis sent today to Justice Minister Stelian Ion the request for the start of the criminal investigation of former Prime Minister and former Senate Chairman Calin Popescu-Tariceanu.

"President Klaus Iohannis sent on Wednesday to Justice Minister the request for the criminal prosecution of Calin Constantin Anton Popescu-Tariceanu, former Prime Minister between December 29, 2004 – December 22, 2008, for the deeds that are the subject to criminal case No. 668/P/2019 of the Prosecutor's Office attached to the High Court of Cassation and Justice – National Anti-corruption Directorate – Section for the combat of crimes classified as corruption crimes, for bribe-taking, a crime provided for by Article 28. (1) of the Criminal Code in connection to Article 6 and Article 7 letter a) of Law No. 78/2000 on the prevention, tracking and sanctioning of corruption deeds, with the enforcement of Article 5 of the Criminal Code. Proceedings shall be initiated as per law requirements, having regard to the request of the Prosecutor General, pursuant to the provisions of Article 109 paragraph (2) of the Constitution of Romania, republished, of Law No. 115/1999 on ministerial accountability, republished, with subsequent amendments and additions, and taking into account the Constitutional Court's ruling No. 270/2008," the Presidential Administration informs.

Attorney General Gabriela Scutea on Tuesday submitted to President Klaus Iohannis a request from the National Anti-Corruption Directorate (DNA) for the approval of a criminal investigation of Calin Popescu-Tariceanu into bribe taking.

"Today, January 12, 2020, the Attorney General's Office with the Supreme Court has submitted to the President of Romania a report on the criminal investigation of a person who at the time of the misdeeds was holding the office of the Prime Minister over briber taking," the Attorney General's Office reports.

The National Anti-corruption Directorate (DNA) asked on Monday the General Prosecutor's Office to notify President Klaus Iohannis for the start of the criminal investigation of Calin Popescu-Tariceanu for bribe taking during his term as Prime Minister.

According to DNA, the request takes into account that, at this moment, there are aspects supporting the reasonable suspicion that the person whose criminal investigation is requested would have received, indirectly, between 2007 – 2008, from the representatives of an Austrian company benefits worth 800,000 US dollars as payment for consulting services.

"In exchange, he has allegedly exercised his duties so that a series of government decisions would be adopted in favor of the company. The amount of 800,000 US dollars representing a commission from the value of the payments made by the Romanian government to the company would have been used to the benefit of the dignitary in order to cover expenses of his electoral campaign, being wired on fictitious contracts concluded with several offshore companies," the investigators claim.

DNA said the case was built in 2018 by joining three criminal cases, one of which was taken over at the request of Austrian judicial authorities. Subsequently, criminal probes were carried out into facts and other persons, including a businessman sent to court.

Calin Popescu-Tariceanu rejects all the accusations of the anti-corruption prosecutors, stating that the Romanian government made no payments to the respective company during the time he served as Prime Minister.

Tariceanu officially indicted in the USD 800,000-bribe file

<https://www.romaniajournal.ro/society-people/law-crime/tariceanu-officially-indicted-in-the-usd-800000-bribe-file/>

January 25, 2021



Former Senate Speaker Călin Popescu Tăriceanu is officially indicted for bribe taking in the **USD 800,000-bribe file**, ten days after the former PM had been heard by the anti-corruption prosecutors as a suspect.

The National Anti-corruption Directorate (DNA) has announced today that it had started criminal prosecution against Tariceanu as a defendant, for the crime of bribe taking.

“There are dates and evidence in the prosecutors’ ordinance that show the defendant Popescu-Tăriceanu Călin Constantin Anton would have pretended and indirectly received, during 2007-2008, from the representatives of an Austrian company, benefits worth USD 800,000, consisting in the payment of consultancy services, in exchange for exerting his influence as an official so that a series of decisions favorable to that company should be adopted,” reads a DNA press release.

Calin Popescu Taricenau has been heard in this case as a suspect on January 15, saying he had asked for extra time to study the case and claiming that the prosecutors’ action started “from false premises”.

“This file is starting from false, wrong and aberrant premises – that during the time I led the Government some government resolutions were adopted to favour certain companies. The Prime Minister is not adopting ordinances so easily (...) It is all built on a fake ground, I asked for more time to study the file”, Tariceanu used to say back then.

Ex-PSD leader Liviu Dragnea investigated for influence peddling in another file

<https://www.romaniajournal.ro/society-people/law-crime/ex-psd-leader-liviu-dragnea-investigated-for-influence-peddling-in-another-file/>

January 15, 2021



Liviu Dragnea, the former PSD chairman, who is currently serving a 3-and-a-half prison sentence for abuse of office, is criminally prosecuted by the anti-corruption prosecutors in a new file, where he is charged with influence peddling and using his influence or authority to obtain undue benefits.

The investigated deeds are related to Dragnea's presence in Washington to attend Donald Trump's swearing-in ceremony in early 2017. Back then, Liviu Dragnea was chairman of the Social Democratic Party and speaker of the Chamber of Deputies.

It is the fourth criminal file opened by DNA against Dragnea. He was brought from the penitentiary to the DNA's HQs on Thursday to be heard in this case.

Dragnea had a photo taken with him shaking hands with Donald Trump at the dinner before the inauguration ceremony. The former PSD leader is accused that a businessman paid USD 250,000 to have Dragnea's visit to the U.S. arranged in exchange for the promise that his businesses will get the Government's support.

Prosecutors also say that Dragnea would have pulled the strings to appoint a person close to him, Gheorghe Dumitrescu, as consul in Bonn.

In January 2017, **Liviu Dragnea** as Chamber Speaker and the PM back then Sorin Grindeanu attended the pre-inauguration dinner **at Washington D.C.'s Union Station**, an event joined by Donald Trump and his wife. Later on, Dragnea posted photos of him and PM Grindeanu talking to Trump. According to media reports, anyone can join the swearing-in ceremony for an attendance fee ranging between USD 25,000 and USD 1 M.

The names of former PSD chairman Liviu Dragnea and of ex-premier Sorin Grindeanu were also mentioned in 2019 in an **investigation in the U.S. targeting the vice-chair of President Donald Trump's inaugural committee, Elliot Broidy**, a famous Republican fundraiser, who is currently under a federal grand jury's scrutiny in New York under the charge of influence peddling.

Broidy is accused he would have used his influence to boost business ties with foreign leaders, according to foreign media.

European Court Rules Romania Violated Trans Rights

<https://balkaninsight.com/2021/01/19/european-court-rules-romania-violated-trans-rights/>

January 19, 2021 - Marcel Gascón Barberá

The European Court of Human Rights ruled that Romania violated the rights of two transgender people by refusing to recognise their identity because they had not undergone gender reassignment surgery.



A Pride parade in Bucharest, Romania in June 2019. Photo: EPA-EFE/ROBERT GHEMENT

The European Court of Human Rights, ECHR ruled against Romania on Tuesday for failing to satisfy of two transgender citizens' requests for recognition of their gender identity and asking them to "furnish proof that they had undergone gender reassignment surgery". The court found that the Romanian state violated article 8 of the European Convention on Human Rights, which upholds the "right to respect for private and family life".

"The court observed that the national courts had presented the applicants, who did not wish to undergo gender reassignment surgery, with an impossible dilemma: either they had to undergo the surgery against their better judgement... or they had to forego recognition of their gender identity," the ECHR said in a statement.

The judges said that the Romanian authorities' "refusal to legally recognise the applicants' gender reassignment in the absence of surgery amounted to unjustified interference with their right to respect for their private life. They ordered Romania to pay 8,563 euros in damages to one plaintiff and 7,500 euros to the other, as well as costs.

The applicants, who were named as X and Y by the ECHR, are Romanian nationals who were born in 1976 and 1982 and live in the United Kingdom and Bucharest. In 2013, X launched a court application against Bucharest's first district, which had refused to change his gender from female to male despite having presented three medical certificates that confirmed he suffered from a gender identity disorder.

The court refused the applications on the basis that the change of gender was premature, as X had not undergone gender reassignment surgery. Higher courts X upheld the judgement and X moved to Britain in 2014 and obtained male forenames by deed poll.

Meanwhile Bucharest's third sector refused to allow Y to change gender from female to male. National courts also refused the application, using the same arguments made to X.

In May 2018, Y was issued with a new Romanian identity card giving his gender as male after undergoing surgery the previous year.

Serbia

European Court Rules Against Serbian, Montenegrin Army Officers

<https://balkaninsight.com/2021/01/12/european-court-rules-against-serbia-montenegro-army-officers/>

January 12, 2021 - Milica Stojanovic

The European Court of Human Rights ruled that 11 army officers from Serbia and Montenegro were not denied a fair legal hearing in a long-running dispute over military salaries.



Courtroom at the European Court of Human Rights. Photo: EPA-EFE/PATRICK SEEGER

The European Court of Human Rights ruled in a decision that was made public on Tuesday that 11 current, former or retired officers of the Yugoslav Army and the Army of Serbia and Montenegro were not denied a fair hearing by the courts in their legal battle over allegedly underpaid salaries.

The officers who brought the case to the ECHR in Strasbourg court have been pursuing a legal claim in both military and civilian courts in Serbia for almost two decades, alleging that their salaries were not correctly calculated and paid to them.

The allegations were made against the Ministry of Defence of Serbia and Montenegro, the post-Yugoslavia union of states that existed from 2003 to 2006.

The officers claimed that the Ministry of Defence had not “properly and regularly determined the coefficient for salary calculation” according to the legally-approved

formula for deciding on military personnel's wages at the time, so for several years they allegedly received a monthly income that was significantly lower than it should have been. The case they brought to the ECHR arose from a meeting in 2004 between representatives of the Serbian Supreme Court, one of first-instance courts and then Ministry of Defence. The officers claimed that as a result of this meeting, the Supreme Court could not be regarded as independent or impartial.

The ECHR's judgment said that the officers claimed that after meeting a representative of the Ministry of Defence, "the Supreme Court had allegedly changed its practice on the matter in issue and influenced the other courts on how to adjudicate".

However, the ECHR ruled that "the meeting between the judges and the Ministry's representative was not a private communication on a pending case, but a public meeting which occurred outside the framework of any proceedings before the Supreme Court itself".

It also noted that at the time of the meeting, "neither the applicants' cases nor other cases of the same kind were pending before the Supreme Court; most of the applicants' claims had not even been lodged with a first-instance court".

Serbia's Ethnic Albanians Fear Belgrade is Silently Deleting Addresses

<https://balkaninsight.com/2021/01/25/serbias-ethnic-albanians-fear-belgrade-is-silently-deleting-addresses/>

January 25, 2021 - Xhorxhina Bami

Ethnic Albanian activists and other researchers are alarmed at what they say is a Serbian government policy of quietly rendering the addresses of minority Albanians inactive – with victims only receiving information unofficially and orally, making the policy hard to track and identify.



The mainly ethnic Albanian town of Presevo in Serbia. Photo: Wikimedia/Mr No

Experts and citizens are voicing concern that the addresses of minority ethnic Albanians in Serbia are being made quietly inactive by the Serbian authorities, without the subjects being informed.

Flora Ferati Sachsenmaier, a research fellow at the Max Planck Institute for the Study of Religious and Ethnic Diversity in Germany has investigated the issue of addresses of ethnic Albanians in Serbia being made “passive”, in collaboration with the Albanian Forum for Economic Development in Serbia, AFEDS.

She told BIRN that most of the affected individuals have only received about their vanished addresses orally, accusing Serbia of discrimination. “The core of this discriminatory policy towards Albanians is the concealment of traces,” she told BIRN.

“Any institution or individual who intends to register the cases of Albanians in Serbia, based on legal acts or decisions issued by the police, will be able to tell only a small part of the truth about the passivity of Albanians there,” Ferati Sachsenmaier said.

The office in Medvedja in southern Serbia of the National Council of Albanians said in January that every ethnic Albanian citizen who fears their address has been made inactive should submit “a copy of the legal act (decision or notification) by the relevant body (police station).”

The Council was established based on Serbian law, one of several formed to represent the interests of Serbia’s ethnic minorities. Its leaders are elected by direct vote every four years. Current leader Ragmi Mustafa, told BIRN that the council has been dealing with the issue of silently deactivated addresses since 2012.

Based on official data alone, in the last three years alone, “1,700 Albanian settlements in Medvedja have been made inactive and 560 in Bujanovac with no accurate data for Presevo”, he said.

But data provided to BIRN by Ferati Sachsenmaier from the AFEDS questionnaires and research said the problem was bigger. “Since 2015, the Serbian authorities have made inactive the addresses of 4,000 Albanians in Medvedja and around 2,000 Albanians in Bujanovac”, it says.

Serbia has long had an interest in reducing the size of the Albanian ethnic minority in Serbia, partly to quash any potential claims by mainly ethnic Albanian Kosovo to their southern part of its territory.

In July 2020, Serbian President Aleksandar Vucic told public broadcaster RTS that only “300 Albanians really live there” – in Medvedja not 4,000, as had been claimed. Citizens and experts are concerned the ongoing process of deleting addresses will lead to the realization of his claims.

Ferati Sachsenmaier noted the example of 480 ethnic Albanians, initially identified by AFEDS, whose addresses had been made inactive by the Serbian authorities. Only 20 of these had been notified of official decisions by the state authorities. She warned of moves to “legitimize the official version of the Serbian authorities” concerning the number of ethnic Albanians in Serbia.

Mustafa agrees that the number of inactive addresses he can provide is probably far below reality, due to the lack of hard data. However, he said the National Council still depends on the submission of official documentation to identify such cases.

Noting that “oral explanation” makes it impossible to track legal procedures, Mustafa pointed out that “every citizen has the right to use the Law on Access to Information of Public Importance. Every institution is obliged to respond according to the laws in force” and if this does not happen, the Council will provide legal assistance”.

Mustafa said that while they will “initially treat the case within the legal system in Serbia”, they are not afraid to go “to the Strasbourg court” and present the matter “before the international community”.

Several ethnic Albanians said in their answers to the AFEDS questionnaires, some of which BIRN has seen, that they requested official information from the authorities, and even tried to appeal the decision that made their address inactive – but without results.

Haki Emini, ethnic Albanian human rights activist from Medvedja with temporary residence in Switzerland, voiced his own experience of requesting information from the Serbian authorities about the process of his address becoming inactive via a public letter published by Helsinki Committee for Human Rights in Serbia in July 2020. This was also without any results.

European Court Fines Serbia for Police Beating of Cannabis Suspect

<https://balkaninsight.com/2021/01/26/european-court-fines-serbia-for-police-beating-of-cannabis-suspect/>

January 26, 2021 - Milica Stojanovic

The European Court of Human Rights ruled that Serbia must pay compensation to a man who was arrested for cannabis possession and then beaten in police custody to make him admit the drugs were his.



The courtroom at the European Court of Human Rights (ECHR). Photo: EPA-EFE/PATRICK SEEGER

The European Court of Human Rights ruled in a decision published on Tuesday that Serbian citizen Aleksandar Zlicic was subjected to inhuman and degrading treatment at a police station in the city of Novi Sad after he and his friend were arrested in 2014 for allegedly possessing cannabis.

In his case against Serbia, Zlicic claimed that after the arrest he was beaten in custody to force him to sign a document that he had a small plastic bag of cannabis that police allegedly found near a bench that he and his friend were sitting on.

“Specifically, four police officers repeatedly punched him in the head and the abdomen and one of those police officers, S.D., threatened to detain him for a period of forty-eight hours and to inform his employer,” the ECHR decision said.

“At one point, the applicant was forced to remove all of his clothes, but was then allowed to get dressed again. Fearing additional police abuse, the applicant ultimately signed a document confirming seizure of the small plastic bag in question,” it added.

The Strasbourg-based court said that “the ill-treatment suffered by the applicant must be classified as inhuman and degrading”.

It ordered Serbia is obliged to pay 6,700 euros to Zlicic – 2,700 euros in damages and the rest to cover his costs and expenses.

Zlicic and his friend were arrested on January 10, 2014, after police allegedly found a bag with a cannabis next to them. Both claimed the bag was not theirs, but they were arrested. Later it was established that there was 4.23 grammes of cannabis in the bag.

Fearing additional abuse by the police, Zlicic did not go hospital immediately after his release, but did so on two days later.

He was diagnosed with a contusion of the head and face, and a contusion of the left eyeball. A neuropsychiatrist also concluded he was suffering from a reaction to a severely stressful situation and an “adaptation disorder”.

He filed a criminal complaint against four policeman, which was ultimately rejected by the Basic Public Prosecutor’s Office in Novi Sad. The Higher Public Prosecutor’s Office in Novi Sad upheld this decision.

In 2015, Zlicic filed an appeal to the Constitutional Court, which was dismissed in 2017. Parallel to this, Zlicic was prosecuted for cannabis possession, found guilty in 2017 and sentenced to three months’ imprisonment, suspended for one year.

Zlicic also filed a civil lawsuit against the state and the Ministry of Internal Affairs, which he won in 2017 at the Basic Court in Novi Sad.

The Appeals Court in Novi Sad then upheld the verdict, but reduced the damages that Zlicic was awarded.

Sources

Media sources that are regularly read and used for the compilation of this Press Review include inter alia:

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.intellinews.com
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.rtcg.me/english
www.theguardian.com
www.trm.md
www.welt.de

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