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Regional

European Democracies 'Under Strain' Due to COVID-19: Report

<https://balkaninsight.com/2021/03/03/european-democracies-under-strain-due-to-covid-19-report/>

March 3, 2021 - Milica Stojanovic

Many European states imposed excessive surveillance and restrictions on movement during the pandemic, and there was a decline in people's freedom in Hungary, Poland and Serbia, says a new report by Freedom House.



Police clash with protesters outside the Serbian parliament building in Belgrade in July 2020 during a protest against reimposing a curfew. Photo: EPA-EFE/KOCA SULEJMANOVIC

The New York-based Freedom House watchdog organisation says in its latest annual report, published on Wednesday, that the COVID-19 pandemic has placed European democracies of all political types under “severe strain”.

During the pandemic, governments “repeatedly resorted to excessive surveillance, discriminatory restrictions on freedoms like movement and assembly, and arbitrary or violent enforcement of such restrictions by police and non-state actors”, says the ‘Freedom in the World 2021’ report.

“Leaders confronted hard choices, postponing elections and locking down cities, and their decisions were implemented imperfectly: enforcement of restrictions on movement, for example, often discriminated against marginalised groups, including immigrants in France and Roma in Bulgaria,” the report adds.

The 2021 report rates all the countries in the Western Balkans as ‘partly free’, as Freedom House did in its assessment last year.

Noah Bouyon, a research analyst at Freedom House, told BIRN that freedoms declined slightly in some Western Balkan countries, but that the picture was mixed. In Serbia, freedoms declined specifically because of the pandemic, Bouyon said. “We were concerned about the instrumentalisation of restrictions ahead of parliamentary elections and then when the public protested the reintroduction of some very harsh

measures, there was a great deal of police violence, which we were concerned about," he explained.

Slight declines were observed in Kosovo, Albania and Bulgaria as well as Serbia, while slight improvements were seen in Montenegro, North Macedonia and Moldova. No change was registered in Bosnia and Herzegovina, Croatia and Romania.

In Hungary, the only European Union country rated as 'partly free' by Freedom House, a series of emergency measures allowed the government to rule by decree despite the fact that coronavirus cases were negligible in the country until the autumn, the report says. "Among other misuses of these new powers, the government withdrew financial assistance from municipalities led by opposition parties. The push for greater executive authority was in keeping with the gradual concentration of power that Prime Minister Viktor Orban has been orchestrating over the past decade," it explains.

Freedom House registered a slight decline in Poland as well as in Hungary.

In Poland, the ruling party cited the health crisis as justification for an illegal, last-minute attempt to bypass the electoral commission and unilaterally arrange postal voting for the presidential election, the report says. Although this failed and the election was held at a later date, it was marred by the misuse of state resources and criminal charges against LGBT activists, the report adds.

Freedom House registered no change in the Czech Republic, and a slight improvement in Slovakia. Bouyon said that the new Slovak government made progress in terms of anti-corruption activities and the judiciary. But he added: "We are concerned by discriminatory lockdown of certain majority Roma settlements in Slovakia."

Freedom House's report notes that Turkey's government continued to clamp down on domestic dissent and intervened in the presidential vote of the unrecognised Turkish Republic of Northern Cyprus.

Along the Turkish-Greek border, migrants and refugees endured violent "pushbacks", a phenomenon also seen on the Croatian-Bosnian border, it says.

Bouyon said that COVID-19 will have lasting consequences for anti-corruption efforts and for human rights.

"In some countries more than others, a lot of people were arrested for either violating restrictions or, more concerning, for expression offences, like spreading panic," Bouyon said. "I think it is possible that [these cases] will be very harmful for human rights if they are prosecuted to their fullest extent possible," he added.

Cyber-Attacks a Growing Threat to Unprepared Balkan States

https://balkaninsight.com/2021/03/10/cyber-attacks-a-growing-threat-to-unprepared-balkan-states/?utm_source=Balkan+Insight+Newsletters&utm_campaign=6df113dda6-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-6df113dda6-319837518

March 10, 2021 - Milica Stojanovic, Bojan Stojkovski, Samir Kajosevic, Nermina Kuloglija, Fatjona Mejdini

Balkan states might be prepared on paper, but in practice they are struggling to confront the growing threat from cyber-attacks. Bosnia doesn't have a state-level strategy.

[...]

Ransomware a 'growing threat' to Balkan states

The COVID-19 pandemic has underscored the threat from cyber-attacks and the impact on lives. According to the 2021 Threat Report from security software supplier Blackberry, hospitals and healthcare providers were of "primary interest" to cyber criminals waging ransomware attacks while there were attacks too on organisations developing vaccines against the novel coronavirus and those involved in their transportation.

Skopje-based cyber security engineer Milan Popov said ransomware – a type of malware that encrypts the user's files and demands a ransom in order access – is a growing danger to Balkan states too. "Bearing in mind the state of cyber security in the Western Balkans, I would say that this is also a growing threat for these countries as well," Popov told BIRN. "While there haven't been any massive ransomware attacks in the region, there have been individual cases where people have downloaded this type of malware on their computers, and ransoms were demanded by the various attackers."

A year ago, hackers targeted the public administration of the northern Serbian city of Novi Sad, blocking a data system and demanding some 400,000 euros to stop. "We're not paying the ransom," Novi Sad Milos Vucevic said at the time. "I don't even know how to pay it, how to justify the cost in the budget. It is not realistic to pay that. Nobody can blackmail Novi Sad," he told Serbia's public broadcaster. A local company announced the following that it had "eliminated the consequences" of the attack.

In Serbia, cyber security is regulated by the Law on Information Security and the 2017 Strategy for the Development of Information Security, but Danilo Krivokapic of digital rights organisation Share Foundation said that implementation of the legal framework remained a problem. "The question is – to what extent our state bodies, which are covered by this legal norm, are ready to implement such measures?" Krivokapic told BIRN. "They must adopt [their own] security act; they need to undertake measures to protect the information system."

Political battles waged in cyber space

North Macedonia was the target of a string of cyber attacks last year, some attributed to a spillover of political disputes into cyber space. In May 2020, a Greek hacker group called 'Powerful Greek Army' hacked dozens of e-mail addresses and passwords of employees in North Macedonia's finance and economy ministry and the municipality of the eastern town of Strumica. The two countries have been at odds for decades over issues of history and identity, and while a political agreement was reached in 2018 tensions remain.

Similar issues dog relations between North Macedonia and its eastern neighbour Bulgaria, too. "Cyber-attacks can happen when a country has a political conflict, such as the current one with Bulgaria or previous one with Greece, but they are very rare," said Suad Seferi, a cyber security analyst and head of the Informational Technologies Sector at the International Balkan University in Skopje. "However, whenever an international conflict happens, cyber-attacks on the country's institutions follow."

Bosnia without state-level strategy

In Bosnia, the state-level Security Ministry was tasked in 2017 with adopting a cyber security strategy but, four years on, has yet to do so. "Although some strategies at various levels in Bosnia are partially dealing with the cyber security issue, Bosnia remains the only South Eastern European country without a comprehensive cyber security strategy at the state level," the Sarajevo office of the Organisation for Security and Cooperation in Europe, OSCE, told BIRN. It also lacks an operational network Computer Emergency Response Teams (CERTs) with sufficient coverage across the country, the mission said.

The Security Ministry says it has been unable to adopt a comprehensive strategy because of the non-conformity of bylaws, but that the issue will be included in the country's 2021-2025 Strategy for Preventing and Countering Terrorism. So far, only the guidelines of a cyber security strategy have been adopted, with the help of the OSCE.

Predrag Puharic, Chief Information Security Officer at the Faculty for Criminalistics, Criminology and Security Studies in Sarajevo, said the delay meant Bosnia was wide open to cyber attacks, the danger of which he said would only grow. "I think that Bosnia and Herzegovina has not set up the adequate mechanisms for prevention and reaction to even remotely serious attacks against state institutions or the citizens themselves," Puharic told BIRN.

The country's defence ministry has its own cyber security strategy, but told BIRN it would be easier "if there were a cyber-security strategy at the state level and certain security measures, such as CERT".

'Entire systems jeopardised'

Strengthening cybersecurity capacities was a requirement of Montenegro when it was in the process of joining NATO in 2019, prompting the creation of the Security Operations Centre, SOC.

According to the country's defence ministry, protection systems have detected and prevented over 7,600 'non-targeted' malware threats – not targeted at any particular organisation – and more than 50 attempted 'phishing' attacks over the past two years. "In the previous five years several highly sophisticated cyber threats were registered," the ministry told BIRN. "Those threats came from well-organised and sponsored hacker groups."

Previous reports have identified a scarcity of cyber experts in the country as an obstacle to an effective defence. Adis Balota, a professor at the Faculty of Information Technologies in Podgorica, commended the strategies developed by the state, but said cyber terrorism remained a real threat regardless. "Cyber-attacks of various profiles have demonstrated that they can jeopardise the functioning of entire systems," Balota said. "The question is whether terrorists can do the same because they are using cyberspace to recruit, spread propaganda and organise their activities."

Western Balkan Civil Society Avoiding Fight Against Corruption, Crime: Report

<https://balkaninsight.com/2021/03/15/western-balkan-civil-society-avoiding-fight-against-corruption-crime-report/>

March 15, 2021 - Xhorxhina Bami

Only around 1 per cent of Civil Society Organisations, CSOs, in the Western Balkans work in the field of anti-corruption and organised crime, a report by from the Global Initiative Against Transnational Organized Crime, GI-TOC, launched on Monday, concluded.

“Less than 1 per cent of the more than 100,000 civil society organizations (CSOs) registered in the Western Balkans Six (WB6) countries deal directly with organised crime or corruption,” the report from GI-TOC notes.

GI-TOC is a network of professionals that focus on the fight against the illegal economy and criminal actors by monitoring evolving trends and building the evidence basis for policy action.

The report’s conclusions were drawn from more than 100 interviews with CSOs and emphasize the importance of civil society in fighting organised crime in the region.

The report, however, concludes that CSOs in the WB6 often only indirectly tackle corruption and organised crime, by “working on issues related to drug use, youth development, post-prison reintegration, media freedom, environmental matters and marginalized groups”.

“This report shows that the space for civil society in the Western Balkans is shrinking. This is concerning since civil society has a key role to play in strengthening resilience to organised crime and corruption,” lead author Kristina Amerhauser writes.

The report also says the impact of the organised crime and corruption needs to be explained to the community by CSOs, which “should formulate and communicate messages more clearly”, by being closer and “present in communities’ daily lives”.

Regional cooperation between CSOs in the region is also vital, considering corruption and organised crime is a common issue, the report says.

“Different parts of civil society – i.e. the media, think tanks, community CSOs, service-oriented organizations and academia – need to find a way to cooperate, draw on one another’s expertise and follow up on earlier work,” the report writes.

Moreover, CSOs should collaborate with different government levels by balancing “constructive criticizing ... to hold them accountable and... engagement... to effect change”.

The report suggests the international community could act as intermediary and international donors should “be more sensitive to the challenges of CSOs, particularly smaller organisations based outside of big cities”.

According to the report, CSOs in the region should work more in initiating “misdemeanour or criminal proceedings before the relevant state authorities after investigative journalists break a story”, to raise awareness and reduce “perception of impunity”.

“We hope that this report can contribute to a better understanding of the local impact of organised crime and highlight the work of brave and dedicated people in their communities. Although civil society organisations face major challenges in the Western Balkans, solidarity can help them become stronger together,” co-author Walter Kemp said.

Albania

Albanian PM Sparks Outrage, Saying COVID-19 Patients Can't Vote

<https://balkaninsight.com/2021/03/05/albanian-pm-sparks-outrage-saying-covid-19-patients-cant-vote/>

March 5, 2021 - Fjori Sinoruka

Human rights groups have accused Albanian PM Edi Rama of violating basic human rights and the country's constitution with his claim that COVID-19 patients must 'stay at home' and not vote in the April 25 elections.



Albania Prime Minister Edi Rama. Photo: EPA-EFE/JOHN THYS / POOL

Albanian Socialist Prime Minister Edi Rama has outraged human rights organisations with a recent claim that patients with COVID-19 should “continue to stay at home” for the April 25 elections and not try to vote. “We will do the same as all other countries did for those who tested positive ... this is not a question, they must stay at home and self-quarantine,” Rama told a press conference on Tuesday.

Erida Skëndaj, head of the Albanian Helsinki Committee for Human Rights, told BIRN on Friday that the PM was violating basic human rights and going against the constitution, which says all citizens must be allowed to vote, sick or not.

Skëndaj said the Albanian constitution allows that “in exceptional cases ... for example, there may be restrictions on the right to vote of citizens serving sentences of imprisonment.

“But ... citizens infected with COVID in a free state and who are not in these categories, explicitly defined in the constitution, cannot be restricted to vote by law,” Skëndaj added.

Experts also highlighted that countries in the region, such as Kosovo, Montenegro and Northern Macedonia, allowed this right to citizens infected with COVID in the last elections held in them.

Albi Çela, founder of the Rule of Law Albania platform, also told BIRN that stopping people infected with COVID from voting would be unconstitutional and unjustifiable.

“The constitution explicitly provides that the only people exempted from the right to vote are those declared mentally incompetent by a final court ruling, and in some circumstances, those serving prison. “Every other Albanian citizen has the right to vote, and the government has a positive obligation to ensure it. This would also be in violation of the European Convention on Human Rights, which requires state parties to treat citizens equally in exercising their right to vote,” he told BIRN.

He added that Rama’s statement that Albania was only following the example of other countries was misleading. “Almost every country that has held elections so far allowed people infected with the virus to vote. We don’t need to look any further than our neighbouring countries – Kosovo, Montenegro and North Macedonia,” he told BIRN.

Currently, Albania has about 35,000 active cases of COVID-19 and 609 sufferers are hospitalized. The rate of new cases and deaths has increased lately, with about 1,000 new cases a day during February.

Central Election Commission head Ilirjan Celibashi said he cannot on his own ensure COVID-19 sufferers can vote because this would require a government decision, or legal changes in parliament. “Basically, this is an issue that is outside the CEC in terms of rules,” he said.

But Afrim Krasniqi, head of the Institute for Political Studies in Albania, a think tank, told BIRN that the Institute had raised the issue with the CEC and the President, calling for a guarantee that all citizens, including those who are ill or in quarantine due to COVID, can vote. “The right to health and the right to vote are constitutional rights, guaranteed by international norms accepted by Albania, so no institution can restrict them or moreover deny them,” he told BIRN.

“Currently we have about 35,000 [COVID] citizens, who if they vote would elect 3 to 4 deputies, a number that could be decisive for the creation of the future majority,” he pointed out. “If we take into account individuals who may have travel problems on election day, or who will be conscripts, etc., the number goes higher. Their exclusion a priori leads to a deviation in the standard of representation, and could be seen as an electoral tactic,” he said.

“The experiences of about 20 countries that held elections during 2020-2021, including the US, but also the experience of neighbouring countries like Kosovo and Northern Macedonia, should be a lesson for ... Albania,” he added.

Albanians' Trust in Independent, Effective Justice Institutions Is Decreasing, Survey Finds

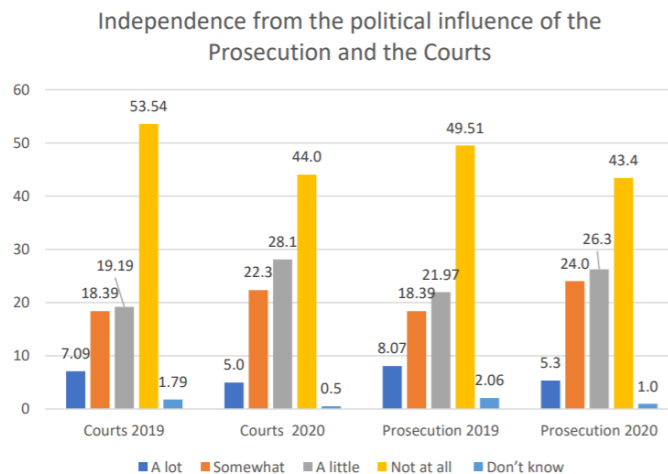
<https://exit.al/en/2021/03/25/albanians-trust-in-independent-effective-justice-institutions-is-decreasing-survey-finds/>

March 25, 2021

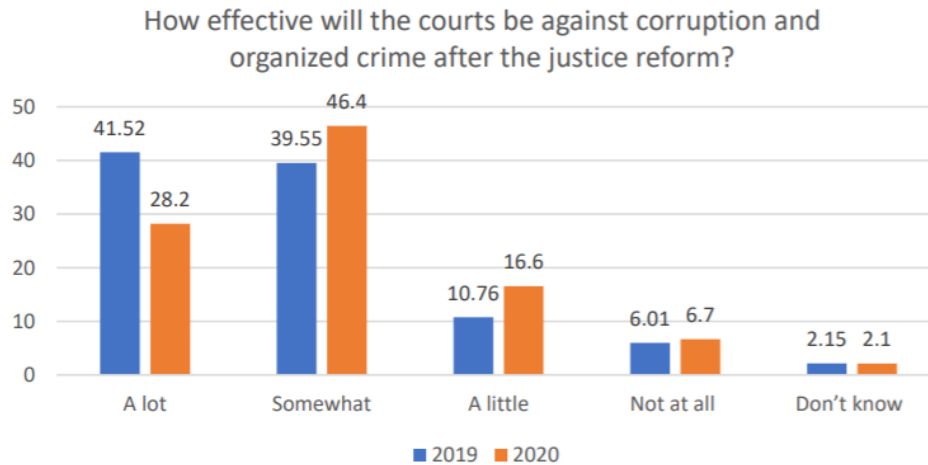


Albanian's trust in the new justice institutions independence and effectiveness is decreasing, according to a recent survey by the Center for the Study of Democracy and Governance (CSDG), supported by the German Friedrich Ebert Foundation.

They published “The Albanian Security Barometer 2020” on Wednesday, a survey that highlights the attitudes and perceptions of the public opinion regarding internal and external security threats, the performance of security and justice institutions, and the importance and effectiveness of security-related policies, measures, and actions.

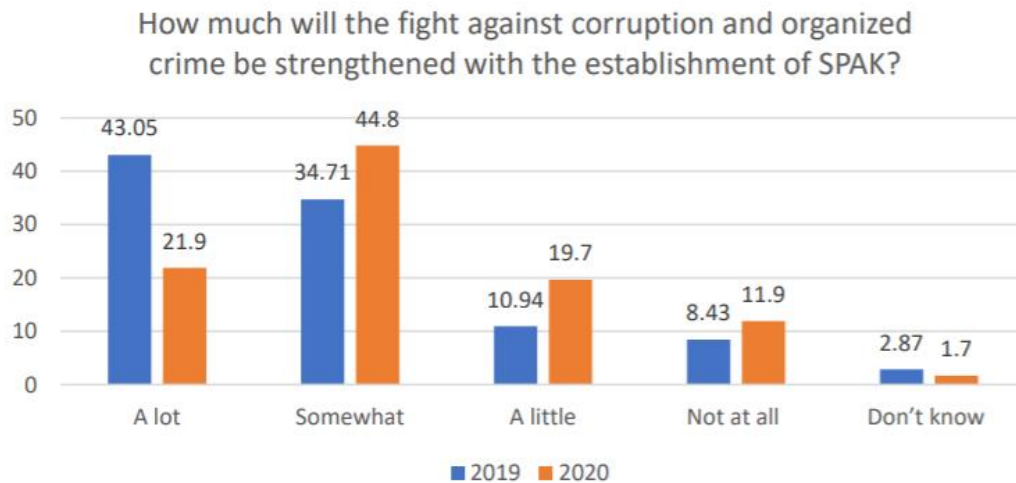


What stands out from the study is the lack of trust in justice reform institutions. The majority of respondents believe that justice institutions are politically influenced. “Regarding the independence of justice institutions from political influence, a large percentage of citizens, over two-thirds, think that these institutions are only little or not at all independent,” the survey notes.



Graph 69. Expectations of effectiveness of courts against corruption and organized following the justice reform.

There is a significant decrease in the percentage of citizens who believe that the special prosecution and courts will increase the fight against corruption.



Graph 68. Perception regarding the effect of the establishment of SPAK effect on the fight against corruption/organized crime.

“When compared to 2019, there is a significant decrease in the percentage of citizens who believe that with the establishment of the Special AntiCorruption Structure (SPAK), the fight against corruption and organized crime will be strengthened and that the effectiveness of the courts will increase after the justice reform,” it states.

Corruption and organized crime continue to be seen as the main obstacles to EU integration by the vast majority of citizens. Citizens do not feel safe, they have low trust in state institutions, democratic processes, mechanisms of redistribution and other basic elements of society. Albanian Customs, State Police, State Intelligence Service (SHISH), and the Military are considered corrupt by the highest percentage of citizens. A majority of 86.7% think that the Customs are the most corrupt among the government agencies.

The perception of corruption in justice institutions is also high. Some 57.9% of the citizens think that the Office of the Prosecutor General Office is very corrupt, similar to customs.

Trust in the Government, Ministry of Interior and Ministry of Defense is also among the lowest. Two thirds of the respondents think that police violate citizens' rights, while 70% think police officers are highest with no respect for merit and professionalism.

The US, Germany and Italy are perceived as the three most friendly countries to Albania.

The EU and NATO are thought to contribute to the country's security, and most expect security to increase with EU accession.

There is also an increase in the positive perception of Turkey, China and United Arab Emirates, compared to 2019.

The number of citizens who see environmental degradation/pollution or migrants as the main threat has increased.

About three quarters of those polled think Covid-19 pandemic has had a negative impact on the security of the country, which they expect to continue in the future.

Isabel Santos: Functioning of Justice System Linked to Lack of Prosecution of Vote-Buying Politicians

<https://exit.al/en/2021/03/25/isabel-santos-functioning-of-justice-system-linked-to-lack-of-prosecution-of-vote-buying-politicians/>

March 25, 2021 - From: Alice Taylor



EU Rapporteur for Albania Isabel Santos blamed the ongoing justice reform for the current failure to prosecute and convict high-level senior officials and politicians in vote-buying scandals.

When asked by Exit how this, one of the conditions, could be considered satisfied when this is the case, she said: “The judicial system has been through a very thorough reform, the judge’s mandates have been looked at and a number have resigned from their posts...there have been problems with the functioning of the justice system, postponements, difficulties, but the vote-buying trials will be closely monitored by us.”

She did not address the fact that the two cases are now closed and that no senior officials or politicians have made it to trial. Furthermore, earlier in her speech, she praised the ongoing justice reform for yielding results.

Santos added that vote-buying scandals were “no excuse for putting off the first intergovernmental conference.”

When asked about recent reports including the US State Department report which said there was “no meaningful progress” had been made in tackling financial crime such as money laundering in 2020.

On this matter, and that of corruption and other forms of financial crime, she said that recent cases “linked to Ndrangheta” showed that Albania is on the right path.

“The structures are doing their job, they are taking robust steps forward, we need to monitor this. A lot of effort has been put in, but we have to give [Albanians] incentives. The more recognition, the better.

Santos did not answer a question posed by Exit on the approval of bylaws on the law on national minorities, another condition that has not been properly addressed.

The Rapporteur stressed she was “not trying to whitewash anything” but that the “five conditions for opening initial debates” were fulfilled. She said the Albanian government had done a great job of meeting these “goals” under extremely difficult conditions including the November 26 2019 earthquake and the COVID-19 pandemic.

Ora News journalist Xhoi Malesia asked Santos what her thoughts were on criminals or those linked to crime running as deputies in the April 25 general elections and whether she had a message to politicians to distance themselves from organized crime.

Her response to this question was that the elections will be an important moment and afterward, parties must do their best to overcome tensions that have been in place for many years.

“There needs to be dialogue on what’s best for the nation. Democratic debate is pretty lively and full of passion. They need to focus on what is best for the country.” Santos did not address the question posed by Malesia.

She concluded that the EU must “say YES to Albania, we are together, we stand together, we can go further and build a stronger European Union, and together we will continue along the path we have begun.”

Bosnia and Herzegovina

Bosnian Serb Parliament Says 'No' to New High Representative

<https://balkaninsight.com/2021/03/10/bosnian-serb-parliament-says-no-to-new-high-representative/>

March 10, 2021 - Danijel Kovacevic, Banja Luka

The parliament of the Bosnian Serb entity, Republika Srpska, RS, on Wednesday called for the closure of the Office of the High Representative, OHR, the international body overseeing the peace in Bosnia and Herzegovina.

The top international authority in Bosnia was created in 1995 immediately after the signing of the Dayton Peace Agreement, which ended the 1992–95 Bosnian War, to oversee the civilian implementation of the agreement.

Addressing the parliament, which analyzed the work of the OHR, Bosnian Serb supremo Milorad Dodik – now the Serbian member of the three-member state presidency – accused the OHR of abusing its position and working to the detriment of the RS to the benefit of Bosniak parties.

“Twenty-six years on from the war we are living under a protectorate. Most of the problems we are dealing with come from the actions of the High Representatives and the so-called international community,” Dodik claimed.

“It is time for the OHR to be closed, and responsibility for the future and functioning of Bosnia to become the exclusive right and competence of the people of Bosnia,” the parliament said in its conclusions, adding: “If this is not on the agenda soon, talks on a peaceful break-up should be launched, in accordance with the Charter of the United Nations, which guarantees every nation the right to self-determination.”

The adopted conclusions say the RS will also sue the High Representatives for violating the Dayton Agreement and that an international legal team will be formed for that purpose.

The session was scheduled as talks intensify on the appointment of a new High Representative to succeed the Austrian Valentin Inzko.

The names of two candidates are on the table: Christian Schmidt, former German minister of Food and Agriculture and Canadian Joseph Ingram, the former head of the World Bank office in Bosnia.

Dodik said the RS would not accept either of them unless they are appointed in accordance with Annex X of the Dayton Agreement. That means that the appointment

requires the consent of all signatories to the agreement, which implies the approval of the RS and Serbia.

“That is why, if it is not accepted by the signatories, the new High Representative will not be valid for us and why this Assembly session is important,” Dodik said.

Tanja Topic, a Banja Luka-based political analyst, told BIRN that the conclusions were largely hot air. She said the RS position on the matter “has long been known – but the appointment of a new High Representative is made by the Steering Board of the Peace Implementation Council, PIC, and is confirmed by the UN Security Council.

“The [RS] parliament has debated a topic that it cannot influence in any way. We know the RS has been trying for years to influence powerful decision-makers to close the OHR, but without any success,” she added. “Russia is behind this request from RS, but it is still open what Russia’s final position will be,” Topic observed.

Most parties in the Bosnian Serb entity agree that the OHR should be abolished, but the opposition bloc accused Dodik of grandstanding and bluffing.

“If there is international recognition, like the Nobel Prize, for fooling the people, you, Mr Dodik, would be the main laureate for such a thing,” Mirko Sarovic, leader of the largest opposition party in the RS, the Serbian Democratic Party, SDS, told the parliament. “Because we have seen similar things from you in recent years, and it has only served to affirm one policy – your policy,” he added.

Topic agreed that one of the reasons for calling the session was to raise the ratings of Dodik and his Alliance of Independent Social Democrats, which have fallen since last November’s local elections.

“Such discussions have always aimed at raising the political temperature, building political muscles and sending a message about who is the greater patriot,” Topic said.

Stakes Could Not be Higher in Bosnian Electoral Reform Bid

<https://balkaninsight.com/2021/03/11/stakes-could-not-be-higher-in-bosnian-electoral-reform-bid/>

March 11, 2021 - Srecko Latal

Momentum is growing for a crunch reform of Bosnia's broken electoral system, but how and at what cost? The stakes are high, as are tensions, as Bosnia embarks on long-overdue effort to reform its broken and corrupt electoral system.

"Changes to the election law must be an imperative for everyone," Borjana Kristo, speaker of Bosnia's House of Representatives from the main Bosnian Croat party, the Croat democratic Union, HDZ, told the Fena news agency at the weekend. "There are no alternatives."

Bosnian Croat leader Dragan Covic of the HDZ and Bosnian Serb Milorad Dodik of the Alliance of Independent Social Democrats, SNSD, have repeatedly warned that their parties will boycott and block Bosnia's next parliamentary election in 2022 if the electoral system is not reformed by then. But even with such political blackmail, a senior Bosnian official told BIRN that the scale of the vote fraud witnessed in local elections at the end of last year has rendered future elections "pointless" without a thorough overhaul.

Bosnia's complex political, administrative and legal system makes any such reform extremely difficult, underscored by the fact that the United States and European Union have tried and failed at least four times since 2006 at moments of much greater Western engagement in the country and the region.

Part of the problem lays in the fact that the issue electoral reform is caught between two separate court rulings: one, by the European Court of Human Rights, ECHR, demanding an end to ethnic discrimination, and the other by Bosnia's Constitutional Court stressing that representatives of one constituent people – Bosniaks, Serbs or Croats – should not be elected by the votes of other ethnic groups. Local, regional and international actors have divergent, often even opposing ideas about which of the two directions any reform should follow.

The other part of the problem lays in Bosnia's broken political system, in which most if not all political parties – supported by their affiliated media and intellectuals – are not interesting in seeking compromise, but approach electoral reform as another stage for their endless power struggles and zero-sum games.

A third issue is the increasingly antagonistic positions adopted by key external actors, chiefly neighbouring Croatia, the US, EU and Russia.

Taken together, these internal and external elements make reform of Bosnia's electoral system a 'mission impossible', especially given some local leaders insist it should be wrapped by the summer before election campaigns get underway at the end of the

year. "Reform of Bosnia's election system is one of the country's biggest challenges since the Dayton Agreement as it opens critical questions about relations amongst its three constitutive peoples and the very nature of the Bosnia political system," the Prague Security Studies Institute said in a policy paper published on March 8.



Serbian President Aleksandar Vucic (C), accompanied by Milorad Dodik, (R) Chairman of the Bosnian Presidency and Sefik Dzaferovic (L) member of Bosnian Presidency, arrives at a press conference after donating 5,000 doses of the AstraZeneca vaccine against the coronavirus disease (COVID-19) from Serbia to Bosnia and Herzegovina, at Sarajevo Airport, Bosnia and Herzegovina, 02 March 2021. EPA-EFE/FEHIM DEMIR

High stakes

The COVID-19 pandemic has exposed the full depth of the Bosnian crisis, one that has bankrupted the country's administrative, political and judicial systems, as well as its public services.

The mainly Bosniak and Croat Federation, one of two entities in Bosnia, is still to form a new government after elections in 2018, leaving it in the hands of an outgoing administration tainted by corruption scandals.

The other entity, the predominantly Serb-populated Republika Srpska, is unwilling to give up powers to the state level, even at the cost of blocking a new funding programme from the International Monetary Fund or delaying the acquisition of vaccines against the coronavirus.

The public health system across the country has effectively collapsed due to the pandemic, and Bosnia remains one of the last countries in the world to get hold of a COVID-19 vaccine.

The political crisis deepened even further at the end of 2020, before, during and after the country's local elections. In addition to increased nationalist and populist rhetoric, the elections brought numerous claims of fraud, most of which the state court rejected.

But the scale of electoral manipulation, and the failure of country's prosecution and judiciary to address it, has only further underscored that electoral reform is long overdue. "It is pointless to have any further elections in the country without a proper reform of the electoral system," a senior Bosnian official told BIRN. "The current system simply does not reflect the opinions of voters anymore."

Covic and Dodik have threatened to block the next election anyway, if the system is not changed.

Sources from their parties say such warnings should be taken seriously, and that the consequences could be dramatic.

Compromise will not come easily, however, given the fact that the local ethno-political blocs are far apart when it comes to how the electoral system should be changed. Bosnian Croat and Serb parties want only changes to the election law that would prevent Bosniaks from electing representatives of other ethnic groups. Most Bosniak parties, however, insist on root and branch changes to the constitution and election legislation that would lead to a more centralised state, which is strongly rejected by all Bosnian Croat and Serb parties.

The ruling Bosniak SDA party is in no rush, as long as it continues to pull the strings at the Central Election Commission, CIK, and the state court, officials say.



Agreement on a ceasefire, separation of warring parties and isolation of territories, which put an end to the civil war in the Republic of Bosnia and Herzegovina 1992-1995. Agreed on November 21, 1995, at the US military base in Dayton, signed on December 14, 1995, in Paris by the President of Bosnia and Herzegovina, Aliya Izetbegovic, the President of Serbia, Slobodan Milosevic, and the President of Croatia, Franjo Tudjman. Photo: Wikipedia.

External actors enter fray

Given the almost complete political standstill among local actors on all fronts, the outcome of the reform will likely depend more on external actors – especially the US and EU. The HDZ's Covic recently admitted as much. After meeting Dodik and their Bosniak counterpart, Bakir Izetbegovic of the SDA, Covic told reporters: "If it was not for them (the US and EU ambassadors in Bosnia) we wouldn't even be sitting down with the SDA and talking about the election law." Yet even regional and global actors have

divergent agendas, interests and perceptions of the scope and direction of a potential electoral reform.

Playing a key role is Croatia, which has blindly supported Covic and the HDZ for years. Croatia's apparent ignorance of Bosnia's political reality has enabled Covic to game this process, to the detriment of the Croat position in Bosnia and hardening Bosniak positions towards Zagreb as well as the Bosnian Croats.

In Serbia, meanwhile, President Aleksandar Vucic has proved skillful in exploiting Bosnia's divisions and crises to strengthen his own position in the region and his relations with the West.

Croatian and Bosnian Croat leaders have recently found a surprising new ally in their efforts in Bosnia – Russia, which is increasingly determined not to allow any further reforms that would bring Bosnia closer to joining the EU and NATO.

On the other side of the equation, there are the US and EU, which as of late have grown more vocal in their resolve to help Bosnia and the rest of the Balkans move on.

But both Washington and Brussels face their own internal and external challenges, and yet to fully restore the trust and cooperation that was torn up under the Trump presidency. As a result, despite their apparent goodwill, the Balkans is far from the top of their respective agendas, Western diplomats say.

The EU finds itself in a particularly tight spot in recent days, facing criticism from a variety of local and international experts who seem to be trying to force new US President Joe Biden to get involved in Bosnia sooner and more forcefully than Washington currently seems willing to.



Voters wear face masks as they arrive to cast their ballots for the local elections in Sarajevo, Bosnia and Herzegovina, 15 November 2020. More than three million Bosnian citizens are expected to vote in the country's Local elections. Photo:EPA-EFE/FEHIM DEMIR

Which way out?

Finding a good political, ethnic, legal and technical solution for Bosnia's electoral quandary has proved so difficult because of the questions it raises about the very nature of Bosnia's political and electoral system, and, by extension, the nature of relations between its main three ethnic groups.

More concretely, Bosnia's electoral reform will primarily determine the fate of the alliance between Bosniak and Bosnian Croat political parties, rooted in the wartime Washington Agreement of 1994.

This alliance, once considered key to the subsequent Dayton peace agreement that ended Bosnia's 1992-95 war, is now in tatters, destroyed by the short-sighted politics of Bosniak and Bosnian Croat ruling and opposition parties alike.

Many local and international officials and experts are convinced that Bosnia cannot survive – at least in its current form – without an urgent revival of the Washington Agreement.

From the legal perspective, the reform is caught between two almost opposing poles. On the one hand, there are six ECHR rulings that require Bosnia's lawmakers to remove ethnic discrimination from the country's constitution.

On the other hand, Bosnia's Constitutional Court in a 2016 ruling called upon them to change the election law to ensure that political representatives of one constituent people are not elected by the votes of other ethnic groups.

The next question is whether Bosnian society at present offers a real choice between ethnic and civic models, or whether this is yet another ruse used in Bosnia's all-out political and media war.

Most officials and experts privately agree that the only hope for Bosnia's electoral reform is finding a proper balance between these almost opposing poles, as well as among different ethnic, political and technical solutions.

Yet failure should not be an option, as it would put at risk the fate of the country and the stability of the region and Europe.

"Another botched reform could lead to boycott and/or blockade of the 2022 elections," the PSSI policy paper concludes. "Unless given proper attention by internal and external actors, this could finally push Bosnia and Herzegovina towards becoming a truly failed state and its eventual disintegration – a path that could lead to new social violence or ethnic conflict."

Srečko Latal is a journalist, editor and analyst who has been covering the Balkans since the 1990s.

This article was written as part of the project 'Western Balkans at the Crossroads: Ways Forward in Analyzing External Actors' Influence,' led by the Prague Security Studies Institute. For more information, visit: www.balkancrossroads.com

Bulgaria

Bulgaria: SJC Prosecutors' College to Send Extra Info about Candidates for EU Delegated Prosecutors

https://m.novinite.com/view_news.php?id=208436

March 11, 2021

The Prosecutors' College of the Supreme Judicial Council Wednesday decided to send additional information to the European Public Prosecutor's Office (EPPO) about Bulgaria's candidates for European delegated prosecutors. The decision was prompted by a letter from European Chief Prosecutor Laura Kovesi requesting additional data on seven of the country's ten candidates.

On February 13, the Prosecutors' College elected ten European delegated prosecutors from Bulgaria to carry out investigations in this country on behalf of the European Public Prosecutor's Office. Last week, the EPPO's press centre told Bulgarian National Radio that the European Chief Prosecutor has sent a letter requesting more information about seven of them. According to an EURACTIV article dated March 4, the letter also contained remarks about these candidates and, in the words of a source from the EPPO, that was a clear sign that the EPPO is not satisfied with the seven nominations and is about to reject them.

According to a press release of the Prosecutors' College on the matter, Kovesi's letter contained only a request for additional information. It praised the timely implementation of Bulgaria's commitments in the process of selecting European delegated prosecutors, and noted that the procedure has not yet been finalized.

Prosecutor General Ivan Geshev commented that he sees no problem in the request for additional information in the course of an ongoing selection procedure.

During Wednesday's sitting of the Prosecutors' College, its members explained that the candidates they have approved are ultimately selected by the EPPO, and the request for additional information is part of the selection procedure. If the data is not enough for the corresponding candidates' appointment, an EPPO working group has the right to request extra information and subject these candidates to a hearing. Afterwards, all data are sent to the European Chief Prosecutor.

Prosecutors' College member Evgeni Ivanov commented that the whole selection procedure is above board. His colleague Kalina Chapkunova described the procedure as "completely objective and unbiased"./BTA

Croatia

New Croatian Copyright Law ‘Reduces Journalists’ Rights’: Unions

<https://balkaninsight.com/2021/03/09/new-croatian-copyright-law-reduces-journalists-rights-unions/>

March 9, 2021 - Anja Vladisavljevic

Journalists' organisations in Croatia warned that impending changes of copyright legislation work in favour of publishers and could deprive journalists of rights and potential income.

After new legislation on copyright and related rights issues passed first its reading in the Croatian parliament, journalists' associations are warning that it will not adequately protect the rights of journalists and that it gives greater rights to publishers.

Valentina Wiesner, president of the Society for the Protection of Journalists' Copyright, DZNAP, said that the problematic part of the law concerns the relationship between authors of copyrighted work and employers.

She explained that under the proposed new law, if copyrighted work is created while the author is employed by a company, copyright will be transferred in full to the company, and will remain with the company after the author ceases working for it.

“This is really not a practice that exists anywhere in European law,” Wiesner told BIRN. Last week, the Croatian Journalists' Union, the Croatian Journalists' Association and DZNAP sent an open letter to the government, parliament and Culture and Media Ministry with their own proposals for amending copyright legislation.

The law currently in force says that five years after the date of completion of work created while the author was working for a company, the copyright belongs to the author.

Under the proposed new law, as it has been interpreted by journalists' organisations, the employer retains the copyright forever.

The journalists' organisations want the employer only to have the option to assign the right to use an author's work while an employment contract in force. After the termination of the contract, the employer and the author should make a new contract which will determine the amount of compensation for each future use of copyrighted works, the journalists' organisations argue.

Wiesner also said that it is a problem is that copyrighted work done by journalists is not specifically listed as a category in the proposed legislation.

In June 2019, the EU adopted Copyright in the Digital Single Market Directive – which says it provides “a high level of protection for rights holders” – giving member states two years to enact new national laws reflecting its provisions. That is why many European countries, including Croatia, have to change their current legislation.

The European Federation of Journalists last month warned its members to closely monitor the implementation of the EU Copyright Directive in order to avoid the “Croatian scenario” and the possible denial of income to journalists through the introduction of new legislation.

Culture and Media Minister Nina Obuljen Korzinek told parliament in February while presenting the law that it would ensure that journalists and publishers are paid for the content they produced.

Maja Sever, the president of the Trade Union of Croatian Journalists told BIRN that there is room for changing the proposed law and that her union is trying to work with the ministry.

“It is clear to us that the conditions in which we all work have changed... but our job is to deal with the protection of the copyrights of individuals,” Sever said.

European Court: Croatia Violated Serb War Refugee's Rights

<https://balkaninsight.com/2021/03/18/european-court-croatia-violated-serb-war-refugees-rights/>

March 18, 2021 - Anja Vladislavljevic

The European Court of Human Rights ruled that Croatia violated the rights of a Serb whose property was stolen and damaged after he fled the country because of the 1991-95 war. The European Court of Human Rights, ECHR in Strasbourg ruled on Thursday that Croatia violated the rights of a Croatian Serb war refugee whose property was taken over and damaged by another family while he was out of the country, and ordered the state to pay him compensation.

“The court finds that the responsibility for the loss resulting from the damage to and the looting of the applicant’s house rests not only with the direct perpetrator but with the state as well,” the ECHR said in its ruling. It said that Croatia violated Article 1 of Protocol Number 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the right to the peaceful enjoyment of possessions. It ordered Croatia to pay to the plaintiff, Nikola Dabic, 3,200 euros in damages and another 833 euros for court costs and expenses.

Dabic fled Croatia in August 1995 during the military’s Operation Storm against Serb rebel forces. A year later, the Croatian authorities allowed another man and his family, refugees from Bosnia and Herzegovina, to temporarily use his house in the village of Sunja in central Croatia. The decision was possible because in September 1995 a new law entered into force allowing for property belonging to people who had left Croatia after October 1990 was to be sequestered and taken over by the state. The law also authorised local authorities to temporarily accommodate other people in such property.

In 2000, Dabic applied to recover possession of his house and the application was accepted, but he noted that all the property in the house, as well as some vehicles and livestock, had been stolen and that parts of the house had been badly damaged. In 2003, he brought a civil action at Sisak Municipal Court against the state, the municipality and the man who lived in his home, seeking damages for his stolen and destroyed property. Croatia’s courts dismissed Dabic’s action on the grounds that there was no legal basis for holding the state liable in such circumstances.

During Operation Storm, Croatian forces retook 18 per cent of Croatian territory which had been controlled by rebel Serbs since 1991, practically ending the war in the country. During and in the aftermath of the operation, some 600, mostly elderly Serb civilians were killed, while around 200,000 Serbs left Croatia.

After Operation Storm, Croatia gave Serbs who lived in the country 90 days to make a claim to have their seized property returned, while at the same time imposing visa obstacles to ensure that they could not come back to the country and claim what was theirs.

Croatia Overturns Rebel Serb Commander's Acquittal

<https://balkaninsight.com/2021/03/26/croatia-overturns-rebel-serb-commanders-acquittal/>

March 26, 2021 - Anja Vladislavljevic



The Croatian Supreme Court. Photo: BIRN.

The Croatian Supreme Court said on Friday that it has overturned an earlier court decision acquitting Marko Carevic, the commander of the Territorial Defence forces of the self-declared wartime Serbian Autonomous Region of Krajina, of ordering the murder of an elderly Croatian man in the village of Kablar in October 1991. The Supreme Court said that the first-instance court's conclusion that it could not be reliably established that Carevic, now 66, ordered the killing of the civilian "do not stand", and ordered a retrial.

The court meanwhile upheld the verdict convicting the second defendant in the case, 64-year-old former Serb paramilitary fighter Ljuban Linta, who is currently unavailable to the Croatian authorities. The murder was committed in October 1991, during the occupation of Kablar, a settlement that is part of the city of Karlovac, during the conflict between the Croatian Army and the Yugoslav People's Army and Serb paramilitary units.

According to the indictment, members of a Serb paramilitary group detained 83-year-old Ivan Grgic in the garden of his family home and took him to Carevic. After questioning the elderly man, Carevic told one of the Serb unit's members to kill him. But he did not want to do it, so Carevic issued the same order to Linta, prosecutors alleged. Members of the unit then shot the man dead.

In 2019, Rijeka County Court found Linta guilty and sentenced him to ten years in prison for murdering the man, while Carevic was acquitted of ordering the murder.

Linta has both Croatian and Serbian citizenship and his last reported address was in Serbia, so he was tried and sentenced in absentia.

Kosovo

Kosovo Election Panel Cancels ‘Manipulated’ Bosniak and Roma Votes

<https://balkaninsight.com/2021/03/08/kosovo-election-panel-cancels-manipulated-bosniak-and-roma-votes/>

March 8, 2021 - Perparim Isufi

Kosovo's Election Complaints Panel on Monday invalidated thousands of ballots cast for new Bosniak and Roma political entities – whose surprise wins in the recent elections drew allegations of vote-fixing.



Ballot boxes at the Counting and Results Center in Pristina, Kosovo. Photo: BIRN

The Elections Complaints Panel, ECAP, in Kosovo has cancelled thousands of ballots cast in Serb-majority municipalities for new Bosniak and Roma political entities following allegations that the results were manipulated.

Traditional Bosniak and Roma representatives complained about the election results, saying they suspected that the Belgrade-backed Kosovo Serb party, Srpska Lista, engineered the results in seats reserved for these communities, to maximise its voting power in parliament. After the Election Commission announced the final results of the February 14 elections, the Election Panel received more than 200 complaints from political entities and candidates alleging irregularities had occurred during the voting and counting process.

In its decision, the Election Complaints Panel found that the number of votes cast for Bosniak political entities in the February elections grew by a suspicious 49 per cent compared to the 2019 elections. It also found that the victorious Bosniak and Roma entities received most of their votes from ethnic Serbian strongholds rather than from their own communities.

“Certain [political] entities, in this case, the ‘Ujedinjena Zajednica – Adrijana Hodzić and the ‘Vakat Coalition’ received most of their votes from the Serbian community, which represents a reflection of the will of the Bosniak community and undermines the election process,” the panel said.

In another decision, the panel annulled more than 800 votes cast for the Romani Initiative, a political entity which ran for the first time in the elections and received the most votes among the Roma community entities, with over 4,000 votes. The panel said this result was also questionable. "The votes cast for Romani Initiative were in disproportion to the number of Roma community residents," the panel noted.

Observers welcomed the Election Panel's decision. "The ECAP decisions could be considered the only way to correct the deformation of the will of the voters of minority communities in certain municipalities," Valmir Ismaili, director of the Kosovo-based think tank Democracy Plus, told BIRN.

Dissatisfied parties have 24 hours to file complaints to the Supreme Court, but if the ECAP decision remains into force, Ismaili expected Adrijana Hodzic to lose the seat she won according to the results the CEC announced last week while the Romani Initiative would lose one of the two seats it won according to the results.

"This is the right message to these political entities that tried to manipulate the citizens' will, not to repeat this in future but rather to focus on winning votes through their programs," Ismaili said. "It would be good for the prosecution to thoroughly investigate what happened and bring to justice those responsible," he added.

In a third decision, the panel ordered a recount of conditional ballots and those cast by the diaspora after a candidate for the Alliance for the Future of Kosovo, AAK, complained that her chances of being elected were damaged by commissioners during the count.

In an interview for BIRN Kosovo's TV show after the elections, Adrijana Hodzic denied allegations of fixing the vote, claiming she received lots of votes from the Serbian community due to her work in inter-ethnic collaboration in Serb-run North Mitrovica, where she is a deputy mayor.

In her first run in a parliamentary election, Hodzic received 6,422 votes, leaving former MPs from the Bosniak community far behind and out of parliament. But Hodzic received most of her votes in Serb-majority municipalities. In Leposavic, she received 1,129 votes and 1,780 in North Mitrovica. She also received 494 votes in Shterpce/Strpce, as well as 407 and 405 respectively in Zubin Patok and Zvecan. By contrast, she received only around 225 votes in the Bosniak stronghold of Prizren which, according to the 2011 population census, is home to over 16,000 Bosniaks.

Gazmen Salijevic, a candidate for MP for their Romani Initiative, also denied allegations of collaboration with Srpska Lista. "We have nothing to do with Srpska Lista," he assured BIRN after the elections. "We have no agreement and no contact with Srpska Lista."

Hague Prosecution Accused of Obstructing Kosovo Ex-President's Defence

<https://balkaninsight.com/2021/03/09/hague-prosecution-accused-of-obstructing-kosovo-ex-presidents-defence/>

March 9, 2021 - Xhorxhina Bami

Kosovo ex-president Hashim Thaci's defence claimed that the prosecution at the Kosovo Specialist Chambers has been failing to properly disclose evidence materials that would help his lawyers prepare for his war crimes trial.



Hashim Thaci (right) with his lawyer David Hooper in court in The Hague, November 2020. Photo: EPA-EFE/JERRY LAMPEN.

The lawyer for Kosovo's former president, Hashim Thaci, who is awaiting trial for alleged wartime crimes at the Kosovo Specialist Chambers in The Hague, has again accused the prosecution of hindering the defence's preparations for the trial.

"Defence pre-trial preparations are being significantly hampered by the approach taken to [evidence] disclosure by the Specialist Prosecutor's Office," defence lawyer David Hooper said in a request to the Kosovo Specialist Chambers on Monday.

Thaci and three other former Kosovo politicians, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, are all accused of committing war crimes and crimes against humanity when they were senior figures in the Kosovo Liberation Army, KLA in the late 1990s. They have all pleaded not guilty.

Thaci's defence lawyer called on the pre-trial judge to intervene to ensure that the prosecution hands over "complete witness interview materials", including documents, maps, photographs and videos that witnesses refer to during their interviews.

"Without access to the material, a full and proper understanding of that witness' evidence (including an assessment of his/her credibility) is difficult or impossible to reach," Hooper argued.

The failure to do this is having a "prejudicial impact" on the defence's ability to "analyse the evidence, create investigation plans and deploy resources in the most efficient and effective manner", he added.

Witness protection is a key issue for the Kosovo Specialist Chambers because witnesses have been intimidated during previous trials of Kosovo Liberation Army fighters.

But Hooper argued that the measures being taken by the prosecution were “excessive”, and said that “if there are objectively justified security concerns, then these can be addressed by the application of redactions”.

The indictment in the case alleges that Thaci, Veseli, Selimi, and Krasniqi were part of a “joint criminal enterprise” that aimed to take control over Kosovo during the war “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”.

The Kosovo Specialist Chambers was set up to try former KLA guerrillas for crimes allegedly committed during and just after the Kosovo war from 1998 to 2000.

They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

The so-called ‘Special Court’ is widely resented by Kosovo Albanians, who see it as an attempt to tarnish the KLA’s war for liberation from Serbian rule.

EP report on Kosovo: The authorities need to step up their efforts in the fight against corruption and organised crime

<https://europeanwesternbalkans.com/2021/03/26/ep-report-on-kosovo-the-authorities-need-to-step-up-its-efforts-in-the-fight-against-corruption-and-organised-crime/>

March 26, 2021.



BRUSSELS – European parliament has adopted Reports on the 2019-2020 Commission Reports on Albania, Kosovo, North Macedonia and Serbia. Report on Kosovo was supported by 471 MEP while 109 was against it.

The report welcomed Kosovo's continued commitment to advance on its European path and the support of the Kosovar population for European integration.

It regretted, however, the limited progress in implementing the first phase of the European reform programme, while acknowledging the government's commitment to a comprehensive reform process as foreseen by the second phase of the programme. European parliament called on the Kosovar authorities to show greater political will and strengthen administrative capacity in order to step up the implementation of EU-related reforms. "Members welcomed the peaceful and orderly conduct of the early parliamentary elections on 6 October 2019 but regretted that Kosovo continues to struggle with political instability after the elections. They also regretted that in 2020 the Council had still not managed to adopt visa liberalisation for Kosovo", stated in a report.

EU Member States were called upon to show continued commitment to enlargement and to pursue a more effective communication policy towards EU citizens on enlargement.

Democracy and the rule of law

While welcoming the progress made in adapting the legal framework to the rule of law, EP stressed that Kosovo needs to step up its efforts in the fight against corruption and organised crime, and needs to build strong, coherent and independent institutions to address these problems.

The report called on Kosovo to improve the implementation of its regulatory measures relating to the freezing, confiscation and recovery of assets, as well as to final convictions in cases of high-level corruption, organised and financial crime, money

laundering and terrorist financing. It also recalled that non-merit-based selection and appointment to senior positions in the civil service and public enterprises remains a major concern.

Respect for fundamental freedoms and human rights

While Kosovo's legal and institutional framework broadly guarantees the protection of human, minority and fundamental rights, EP pointed out that challenges remain in its implementation, particularly with regard to language rights.

The report called for greater protection and inclusion of persons belonging to minorities and for greater efforts to combat discrimination and anti-gypsyism. It also noted that the financial and editorial freedom of the public broadcaster is not ensured and recalled the need to ensure full transparency of media ownership.

Members called on the Kosovar authorities to create an environment conducive to better representation of women in decision-making positions, calling in this respect for the participation of women in the negotiating team responsible for the Belgrade-Pristina dialogue. They reiterated their concern about the extent of domestic and gender-based violence, stressing that the COVID-19 pandemic has had a detrimental impact on women and minorities by deepening inequalities and exacerbating existing problems.

Members considered that strong political support, effective implementation and close monitoring are needed to tackle Kosovo's informal economy, which is a serious obstacle to the development of its private sector and affects the state's ability to provide good quality public services. They expressed their concern about the massive emigration of highly skilled workers from Kosovo and called on the Commission and the Western Balkan countries to develop a regional strategy to tackle persistent youth unemployment.

[...]

Reconciliation and good neighbourly relations

The report welcomed Kosovo's efforts to maintain constructive neighbourly relations throughout the region and to proactively align itself with the EU's Common Foreign and Security Policy (CFSP). It stressed that the normalisation of relations between Serbia and Kosovo is a priority and a precondition for the accession of both countries to the EU and would also be essential to ensure stability and prosperity in the whole region. Members reiterated their support for the initiative to establish the Regional Commission for the establishment of facts about war crimes and other gross human rights violations on the territory of the former Yugoslavia (RECOM).

Moldova

CC partially accepts President Maia Sandu's request

https://www.ipn.md/en/cc-partially-accepts-president-maia-sandus-request-7965_1080112.html

March 4, 2021



The Constitutional Court (CC) partially accepted President Maia Sandu's request to declare some of the provisions of the Law on the Government unconstitutional. The Court declared unconstitutional the provisions that ban the Government whose mandate ended from naming or proposing persons for public posts others than of ministers, IPN reports.

The CC held that until the law is amended, the Government whose mandate ended will be able to name or propose persons for public posts others than of ministers for a definite period of time, until the same or another person is named by an executive with full powers.

Also, the Court declared constitutional the provisions that ban the Government whose mandate ended from dismissing persons holding public posts or public servants, except for cases when the persons have objective reasons that prevent them from fulfilling their duties.

The request to check the constitutionality of the provisions stipulating that the Government whose mandate ended does not have the right to sign international treaties that imply financial commitments for the Republic of Moldova and of provisions concerning the holding of the post of Prime Minister on an interim basis was dismissed as inadmissible.

The CC decision is final, takes effect when it is adopted and is published in the Official Gazette.

Law to abrogate “billion law” declared unconstitutional

https://www.ipn.md/en/law-to-abrogate-billion-law-declared-unconstitutional-7965_1080423.html

March 18, 2021

The Constitutional Court declared unconstitutional the law of December 2020 by which the law on the issuing of state bonds of 2016, the so-called “billion law”, was abrogated following a challenge filed by MPs Andrian Candu and Vladimir Cebotari, IPN reports.

The law of 2016 regulated the issuing of state bonds for executing the state guarantees provided to the National Bank of Moldova by the Ministry of Finance for guaranteeing the emergency loans for Banca de Economii, Banca Socială and Unibank.

In December 2020, on the initiative of the Party of Socialists, the law was abrogated.

The Court held that the budget impact of the law of December 16, 2020 is evident. According to the Court, in the case of a bill that has a budget impact, Parliament must ask for the Government’s appraisal, while the executive is obliged to approve the bill submitted by the legislative body.

There is no such an appraisal in the relevant section of the Parliament’s website. Consequently, the Court reached the conclusion that Parliament adopted the law in the absence of this appraisal.

The CC also held that under Article 131 par. (4) of the Constitution, there is the Parliament’s direct decisional dependence on the Government whose acceptance is required for amendments or legislative proposals that envisions the increase or reduction of costs, incomes or loans and the legislature cannot derogate from this imperative condition.

The Court’s judgment is definitive, cannot be appealed, takes effect when it is adopted and is published in the Official Gazette.

In a news conference held after the judgment was pronounced, Socialist MP Petru Burduja said their parliamentary group initiated a new bill by which the so-called “billion law” is repealed.

CC: After consultations, in absence of a majority, President is obliged to nominate a candidate

https://www.ipn.md/en/cc-after-consultations-in-absence-of-a-majority-president-is-7965_1080502.html

March 22, 2021

The President consulted the parliamentary groups so as to designate a candidate for Prime Minister before issuing the decree by which Igor Grosu was designated for Prime Minister.

The decree was issued after the President ascertained that the absolute formalized parliamentary majority stopped existing after Mariana Durleșteanu gave up standing as a candidate for premiership.

If an absolute formalized parliamentary majority does not exist, the President is obliged, after consulting the parliamentary groups, to nominate a candidate for Prime Minister, even if the groups do not agree with her proposal, Constitutional Court president Domnica Manole stated after the Socialist MPs' challenge against the presidential decree was rejected, IPN reports.

Domnica Manole said the Constitution does not specify time limits during which the President must designate a candidate for Prime Minister after consulting the parliamentary groups.

The President decided this period, but this period is limited by the 15-day period during which the candidate for Prime Minister must ask for a vote of confidence from Parliament, as the Constitution stipulates.

Moreover, the Court held the absolute parliamentary majority announced after the challenged decree was challenged benefits from sufficient constitutional guarantees.

This can decide not to offer a vote of confidence to the program and governmental team of the nominated candidate. Secondly, it can discuss the problem of investing of a Government as a result of mandatory consultations with the President if Parliament is dissolved.

The Court ruled that the presidential degree of March 16 is constitutional.

Its decision is definitive, cannot be challenged, takes effect when it is adopted and is published in the Official Gazette.

Constitutional judge Vladimir Țurcan formulated a separate opinion.

Moldova Lifts Immunity of Deputies linked to Fugitive Oligarch

<https://balkaninsight.com/2021/03/23/moldova-lifts-immunity-of-deputies-linked-to-fugitive-oligarch/>

March 23, 2021 - Madalin Necsutu

Parliament has lifted the immunity of two MPs linked to the fugitive oligarch Ilan Shor and suspected of involvement in two of the country's most important corruption cases.



Moldovan deputies taking a vote in the Parliament, Photo: EPA/Doru Dumitru

Parliament in Moldova on Monday lifted the immunity of Shor Party deputy Petru Jardan on the request of the General Prosecutor. Of 101 MPs in parliament, 68 voted to lift Jardan's immunity.

General Prosecutor Alexandr Stoianoglo earlier on Monday said approval of the lifting of immunity was needed "to detain, search for, arrest and prosecute the deputy". Jardan was promptly detained for 72 hours right after the session ended.

Later that evening, 70 deputies voted also to lift the immunity of another Shor Party MP, Denis Ulanov.

The party is led by the now fugitive oligarch Ilan Shor, the suspected mastermind behind the so-called grand theft of a billion US dollars from the Moldovan banking system between 2012 and 2014.

Prosecutors say they suspect Jardan of office of abuse related to the concession for Chisinau International Airport in August 2013.

The government in August 2013 ceded management of the airport for 49 years to Avia Invest, a company controlled by Shor. A contract was signed on August 30, 2013, only 28 days after Avia Invest was founded, on August 2, 2013.

Concerning Ulanov, prosecutors claim to have conclusive evidence of his involvement in the “grand theft” from the banking system.

According to the general prosecutor, he offered legal services to a company that traded 38 per cent of Victoriabank, which belonged then to a businessman, Veaceslav Platon. The beneficiaries were the now fugitive oligarchs, Vlad Plahotniuc and Shor.

According to the prosecutor general, the money for the transaction came from the “grand theft”. The autumn 2014 transaction took place almost simultaneously with “the grand theft”.

Ulanov has denied the allegations, saying there was no evidence against him and that he had done nothing but exercise his legal duties.

Political analyst Ion Tabarta told Radio Chisinau he applauded the latest moves against corruption in politics.

“I want to believe that we are dealing with a well-documented process by the General Prosecutor’s Office and that finally, the two cases – the billion-dollar theft case and the airport case, are starting to move and that some of the people involved will be held accountable,” he said.

Laws on pharmaceutical activity declared unconstitutional

https://www.ipn.md/en/laws-on-pharmaceutical-activity-declared-unconstitutional-7967_1080267.html

March 11, 2021



The two laws on pharmaceutical activity that were adopted by the MPs of the Party of Socialists and the platform “For Moldova”, which includes the MPs of the Shor Party, last December were declared unconstitutional by the Constitutional Court.

Debtor will no longer be brought by force before bailiff

https://www.ipn.md/en/debtor-will-no-longer-be-brought-by-force-before-bailiff-7967_1080586.html

March 25, 2021



The Constitutional Court declared unconstitutional Article 73 of the Execution Code that refers to the bringing of the debtor before the bailiff by force. The decision was taken after Livia Mitrofan, judge of the Centru branch of the Chisinau City Court, raised the exception of unconstitutionality.

Both articles are subject to payed content. For the entire articles please revert to the links above.

Montenegro

Montenegro 'Coup Plotter' Hiding in Serbian Embassy Could Go Free

<https://balkaninsight.com/2021/03/09/montenegro-coup-plotter-hiding-in-serbian-embassy-could-go-free/>

March 9, 2021 - Samir Kajosevic

A Montenegrin court said it is no longer seeking the arrest of Branka Milic, a Serbian citizen accused of involvement in plotting a coup in Montenegro who went into hiding in the Serbian embassy in Podgorica.



Branka Milic. Photo courtesy of IN4S

The Higher Court in Podgorica said on Tuesday that Branka Milic, a Serbian citizen whose first-instance conviction for involvement in plotting a coup in Montenegro has been quashed, could be free to leave the Serbian embassy in Podgorica, where she has taken refuge, by the end of the week.

On February 5, Montenegro's Appeal Court annulled the first-instance verdicts in the trial, asking the Higher Court to stage a retrial in the case that the opposition had claimed was politically motivated. The court said it revoked the first-instance verdict because of procedural errors.

The press officer for the Higher Court, Aida Muzurovic, said on Tuesday that the court had also revoked the decision to remand Milic in custody.

"This decision is not final and an appeal can be lodged against it with the Court of Appeals within three days from the day of receipt of the decision," Muzurovic told *Pobjeda* newspaper.

In November 2018, during the trial in the coup case, Milic fled the courthouse and entered the Serbian embassy in Podgorica, where she has remained ever since, unreachable for arrest.

She has been dubbed the 'Montenegrin Assange', a reference to WikiLeaks founder Julian Assange, who took refuge from arrest in the Ecuadorian embassy in London.

Montenegro has asked Serbia to allow its law-enforcement authorities to enter the embassy but has received no response.

In May 2019, the Serbian ambassador to Podgorica, Vladimir Bozovic, told Montenegrin authorities that Milic needs urgent medical help and, as a Serbian citizen, should be allowed to go home for treatment.

In the first-instance verdict in May 2018, the Higher Court in Montenegro sentenced 13 people, including two Russian military intelligence officers, eight Serbs and two Montenegrin opposition leaders for to up to 15 years in prison for staging an attempted coup in 2016.

They were found guilty of plotting to commit "terrorist acts" and undermine the constitutional order of Montenegro during the parliamentary elections in October 2016 with a view to overthrowing the pro-Western government and preventing the country from joining NATO.

The defendants denied plotting a coup, calling it a government fabrication designed to discredit the pro-Serbian and pro-Russian opposition parties.

Milic was sentenced to three years in prison in her absence after fleeing to the Serbian embassy.

Marović: Focus remains on rule of law

<https://m.cdm.me/english/marovic-focus-remains-on-rule-of-law/>

March 18, 2021 - Jovana Marović



Jovana Marović

The new methodology for negotiations with the European Union (EU) doesn't introduce any important innovations, so Montenegro, as before, will have to focus on Chapters 23 and 24, says the executive director of the Politikon Network Jovana Marović.

Yesterday, the European Commissioner Olivér Várhelyi presented to the member states a proposal whose basic principle is that without fulfilling the conditions for the rule of law, there is no further way to the EU.

The European Commission (EC) spokesperson Ana Pisonero said that the EC was discussing how to apply the new methodology that Mr Várhelyi presented to the EU ambassadors.

Venice Commission issues adverse opinion on prosecutorial laws

<https://www.cdm.me/english/venice-commission-issues-adverse-opinion-on-prosecutorial-laws/>

March 20, 2021 - Pobjeda



Venice Commission

Today, the Venice Commission has issued an adverse opinion on the proposed amendments to the prosecutorial laws sent by Minister of Justice, Human and Minority Rights Vladimir Leposavić, Pobjeda reports. In its official opinion, the Venice Commission states that political decisions should be made in a transparent manner and through public debate, involving key stakeholders and experts. It recalls that legal reforms shouldn't be adopted in a hurry and in the absence of real urgent reasons.

The opinion explicitly states several times that the mandate of the current Chief Special State Prosecutor must be respected. As it is stated, the proposed law is not directed towards legal regulation, but – towards the specific person, i.e. the current head of Special State Prosecutor's Office Milivoje Katnić.

The Venice Commission is concerned about such an abuse of legislative powers: it undermines legal certainty and is contrary to the nature of drafting regulations aimed at defining general rules, as opposed to executive action in relation to a particular individual or situation.

Venice Commission experts are of the opinion that institutional reforms must not be initiated only for one goal – the removal of individuals in key positions. They have expressed particular concern over the proposed "transformation" of the Special State Prosecutor's Office into the Prosecutor's Office for Organized Crime and Corruption. They estimate that such a transformation would lead to the postponement of the activities and procedures of the current Office and that the redistribution of current cases could be carried out arbitrarily and/or politically motivated.

The Venice Commission concludes that the most probable result of the Office reorganization would be administrative chaos, which would lead to unjustified several-month delays in the Office's work.

North Macedonia

North Macedonia to Probe Corruption Concerns in Vaccine Procurement Affair

<https://balkaninsight.com/2021/03/12/north-macedonia-to-probe-corruption-concerns-in-vaccine-procurement-affair/>

March 12, 2021 - Sinisa Jakov Marusic

Anti-Corruption officials and the country's president say allegations that the Health Minister pursued a dodgy deal to procure Chinese COVID-19 vaccines for his own profit must be carefully investigated.



North Macedonia's Health Minister, Venko Filipce, has denied any wrongdoing. Photo: Robert Atanasovski

The head of the Anti-Corruption Commission in North Macedonia, Biljana Ivanovska, on Friday said that before launching an official inquiry into the country's COVID vaccine troubles, they had "started collecting information on the affair" in which Health Minister Venko Filipce is accused of trying to procure Chinese vaccines through a questionable intermediary firm.

Ivanovska insisted that all allegations of wrongdoing must be checked, as involving intermediary firms in deals usually done between governments opened up the possibility for wrongdoing and corruption.

The Italian newspaper La Verita in two consecutive editions on Wednesday and Thursday launched the row by accusing Filipce of hiring "phantom" firm, Strabi International Services Co., to serve as an intermediary for the planned procurement of 200,000 jabs of China's SinoPharm.

According to La Verita, the decision to include this shell company sank the deal and prompted SinoPharm to withdraw, leaving North Macedonia again without much-needed vaccines.

Leaked data contained in the Panama Papers name Strabi International Services Co. as a firm registered in the island state of Samoa and with links to Hong Kong. La Verita said that available data suggested this firm had no prior experience in medical procurement.

The newspaper also published two official documents signed by Filipce, which it said shed more light on the context. In the first, dated December 25, 2020, Filipce expressed interest in procuring the vaccine, adding: "We hereby authorize Strabi International Services Co. to coordinate the potential procedures".

In the second, dated January 25, 2021, the same minister writes to SinoPharm to say that North Macedonia is ready to exempt SinoPharm from any unwanted consequences that may occur from use of the vaccine.

Filipce on Thursday conceded that the published correspondence was authentic but dismissed claims that the deal was hatched for him to profit from a financial commission. He insisted that he engaged the intermediary firm to speed up procurement of vaccines through "alternative ways" after the ministry's first attempt to negotiate a deal directly with the Chinese fell through.

"So, we found a way to expedite the process of vaccine procurement. However, the Chinese authorities told us that we should follow the regular way, the one we initially tried, but unfortunately without results... We honoured this advice," Filipce said. He said this was why the Chinese then returned the advance payment for the vaccines in late February, insisting that future deals be done with the state, on which talks are ongoing.

North Macedonia's Organised Crime Prosecution on Thursday also said it was "carefully following the info published in the media" before deciding whether to launch an inquiry.

President Stevo Pendarovski on Thursday called for a thorough investigation of the allegations, insisting that what had been written in the media and on social networks "must be taken seriously".

Since the start of the year, North Macedonia has been fruitlessly trying to procure larger quantities of COVID-19 vaccines, after it became clear that shipments arranged through the COVAX mechanism, on which the government initially relied, would be late.

So far, the country has only received 8,000 jabs from neighbouring Serbia plus 3,000 Russian vaccines, which arrived last week. Bigger quantities, according to government announcements, are expected by the end of March.

North Macedonia Vows to Unmask True Business Owners. Will it Work?

<https://balkaninsight.com/2021/03/25/north-macedonia-vows-to-unmask-true-business-owners-will-it-work/>

March 25, 2021 - Sinisa Jakov Marusic

Few experts see North Macedonia's new Register of Ultimate Beneficial Owners as a silver bullet in an uphill fight against corruption, money laundering and tax evasion.

In late January, North Macedonia's government gave all companies operating in the country three months to identify their true owners in a new register that authorities said would help rein in rampant corruption, tax evasion and money laundering.

But with the deadline a little over a month away, experts question whether the Register of Ultimate Beneficial Owners, or UBO Register, is really the silver bullet the country needs, or risks running aground on a lack of political will like so many previous initiatives to stamp out graft.

By April 27, each company is required to name the individual who ultimately controls it, whether directly or indirectly, and provide proof. Experts, however, question how much the data collected can be believed, how it will be verified and whether the ultimate owners will simply find new ways to conceal their identity.

This article is subject to payed content. For the entire article, please revert to the link above.

Romania

2009 election campaign financing file: Former president's daughter gets prison sentence in corruption case

<https://www.nineodock.ro/2021/03/02/2009-election-campaign-financing-file-former-presidents-daughter-gets-prison-sentence-in-corruption-case/>

March 2, 2021



Ioana Basescu (photo L), daughter of former President Traian Basescu, was sentenced on Tuesday by the Bucharest Court of Appeal (CAB) to five years in prison for incitement to embezzlement and money laundering as part of a court case looking into the funding of Traian Băsescu's presidential election campaign in 2009, when he won his second term.

She was handed a three-year-in-prison sentence for incitement to embezzlement and two sentences for incitement to money laundering of three and five years in prison that were merged in a final sentence of five years. The decision is not final and can be challenged.

In the same file, former Minister Elena Udrea (photo R) was sentenced on Tuesday by the Bucharest Court of Appeal to 8 years in prison for committing crimes of instigating to bribe taking and money laundering in the case on financing Traian Basescu's election campaign in the 2009 presidential election.

Udrea received several sentences, ranging from 3 to 6 years, for committing the two crimes. The court merged them and she was sentenced to 8 years' imprisonment. The decision is not final and can be appealed.

Bucharest Tribunal definitely rejects DIICOT request to reopen “10 August” criminal case. Civic groups announce protests in front of Bucharest Tribunal: See you at ECHR

<https://www.nineodock.ro/2021/03/03/bucharest-tribunal-definitely-rejects-diicot-request-to-reopen-10-august-criminal-case/>

March 3, 2021



The Bucharest Tribunal has Tuesday rejected the request by the DIICOT (Directorate for the Investigation of Organised Crimes and Terrorism) to reopen the criminal investigation against the former heads of the Gendarmerie in the “10 August” criminal case, in a definitive move.

Technically, through this decision, the case will be closed, and the former heads of the Gendarmerie will never be criminally prosecuted for the intervention against the protesters at the 10 August 2018 rally in Victoriei Square. The DIICOT request has been sent back and forth between the courts for several months, as the judges were not clear who has the competence to resolve this case.

On 4 August 2020, former DIICOT Chief Prosecutor Giorgiana Hosu partly disproved the resolution of the “10 August” criminal file and ordered the reopening of the criminal prosecution in the case of the former chiefs of the Gendarmerie: Colonel Gheorghe Sebastian Cucosu, Major Laurentiu Cazan, Colonel Catalin Sindile and Commissioner-Chief of Police Mihai Dan Chirica.

However, the decision had to be approved by a judge, and the DIICOT request was sent to the Bucharest Court of Appeal, which decided on 10 August 2020 that it did not have the substantive competence to resolve the request of the prosecutors and sent the file to the Bucharest Tribunal.

In the order to reopen the investigation, Giorgiana Hosu explained that prosecutor Doru Stoica, who closed the charges against the Gendarmerie chief, did not re-administer the evidence gathered by the Military Prosecutor’s Office in the “10 August” file, nor did he re-hear the suspects, the victims and witnesses. Moreover, Giorgiana Hosu showed that the chiefs of the Gendarmerie did not want to give statements when they were called to the Military Prosecutor’s Office, but they had to be summoned to DIICOT after the latter took over the file from the military prosecutors.

At the same time, no injured persons and no witnesses were summoned to DIICOT, with the exception of some officials: Carmen Dan, Speranta Cliseru, Aurelian Badulescu and Alin Ionel Mastan. In addition, Giorgiana Hosu said, no evidence collected by the Military Prosecutor's Office was re-administered and no more technical evidence was required, given that some of the video recordings on file could not be accessed.

Prosecutor Doru Stoica invokes in the classification order the "sincere belief" of the authorities in law enforcement and a moral complicity of the peaceful protesters in Victoriei Square, who did not break with those who exerted violence on the law enforcement, but were even amused. Stoica claimed that not all the "collateral victims" of violence in Victoriei Square were also "innocent victims." He recognized that the decisions taken by the authorities in the management of the protest in Victoriei Square were not perfect, but considering that some peaceful protesters encouraged the violent ones to engage in acts of aggression against the gendarmes, the only constant in managing the situation was "stricter law enforcement". He invoked ECHR provisions, in the sense that the use of force by state representatives can be justified when it is based on 'sincere belief', even if it is subsequently shown that the intervention was wrong, Agerpres reports.

Civic groups announce protests in front of Bucharest Tribunal: See you at ECHR

Several groups and civic associations announced that they will hold a protest in front of the Bucharest Tribunal on Wednesday in connection with this court's decision not to reopen the investigation in the "August 10" criminal case.

The representatives of the civic associations also announce that they will sue Romania at the ECHR. "We will meet on Wednesday, March 3, at 18:00 hrs, in front of the Bucharest Tribunal to send the following message: 'Shame on the Romanian Justice! See you at the ECHR! The Declic Community will take all legal measures to go to the ECHR against Romania for the unfair way in which it stopped the investigations and the punishment of the culprits in the "August 10" criminal case. The Bucharest Tribunal rejected the request to reopen the "August 10" investigation. The culprits thus escaped the investigation, after hundreds of people were gassed and beaten. We will keep our social distance and abide by the rules in place to prevent the effects of the COVID-19 pandemic. The civil society disapproves of the way the August 10 investigation was nipped in the bud. The case was permanently closed, although DIICOT [Directorate for the Investigation of Organised Crimes and Terrorism] did not conduct a proper investigation. No witnesses or injured persons were heard by the prosecutors, and some of the technical evidence was not requested. Under these circumstances, the closure of the investigation can only be abusive," reads a statement of the Declic Community.

Several organizations and civic groups announced their participation in the event, including "Corruption kills", "Romania Initiative", "Declic", "Evolution in the Institution", "Geeks For Democracy", "Resistance", "Reset Iasi" and Brasov Civic.

JusMin on August 10 ruling: The minister cannot intervene, let's wait for the reasoning

<https://www.romaniajournal.ro/society-people/law-crime/jusmin-on-august-10-ruling-the-minister-cannot-intervene-lets-wait-for-the-reasoning/>

March 5, 2021



After President Klaus Iohannis had asked him to take a public stance as soon as possible on the recently dismissed August 10 file, Justice Minister Stelian Ion said in a press conference on Friday that a minister cannot intervene in ongoing files, urging citizens to be patient and wait for the Bucharest Tribunal's reasoning in this case.

"It is very important for us to wait for the reasoning in this file, as (..) it will provide more answers (..) It was an unfortunate event, which stirred a lot of emotions and it still does after all these years. People wait for answers and they must come from those entitled to give these answers", Justice minister stated, adding that it is not him to throw light on this case today.

He said though that this file is not entirely closed. "A part of this investigation was disjoint to the Military Prosecutor's Office. The inquiry will have to continue especially on the gendarmes' actions. There is also another case probing into other civil persons who held public offices. There is no final ruling yet in this regard", minister Ion mentioned.

"The ordinance of dismissal is still object to a file in court. So, practically anything is possible", the minister added.

At the same time, the Justice minister considers as "premature" to bring the case to ECHR. "There are remedies now and it is premature to talk about ECHR for now. I want the case to be solved here in Romania, not at ECHR. For we have been sentenced by ECHR too many times," Stelian Ion argued.

Asked if he thinks that President Iohannis can be considered responsible for the dismissal of the August 10 rally file, minister Ion said: "Under no circumstances I can consider that".

PM Citu: European Commission supports lifting of the CVM at the end of this year

<https://www.nineodock.ro/2021/03/19/pm-citu-european-commission-supports-lifting-of-the-cvm-at-the-end-of-this-year/>

March 19, 2021



Prime Minister Florin Citu on Thursday discussed in detail with the Vice President of the European Commission, Vera Jourova, about the Mechanism regarding the rule of law and the Report on Romania, the EC saying that it supports the lifting of the Cooperation and Verification Mechanism (CVM) at the end of this year.

“Good news for Romania! The European Commission supports the lifting of the CVM at the end of this year. Today I have had a meeting with Ms Vera Jourova, the Vice President of the European Commission for Values and Transparency. We have discussed the Mechanism regarding the rule of law and the Report on Romania. The Romanian government supports this mechanism of unitary assessment of the rule of law regarding all the member states of the EU. Observing rule of law, democracy and fundamental human rights are not things to be negotiated. They represent the primary political foundation of the European Union and they must be protected with all means,” the Prime Minister wrought on his Facebook page.

He said that, alongside the European Commission, the Bucharest Government supports the elimination and repair of the “unfortunate” legislative modification brought to the justice laws over 2017-2019.

“I share Ms Jourova’s desire to accomplish, in the first half of this year, the commitments that Romania has as a member of the European Union to observe the rule of law. In this respect, the legislative coalition and the Ministry of Justice, which are in a permanent dialogue with the representatives of the judges and of the civil society, have a European objective: to deliver laws that will guarantee justice independence in the long run and to withstand the political pressures. The process of recovering justice independence has started and it will continue. This is a healing process. It won’t be easy, but it’s unavoidable. Through civilized dialogue and debate based on rational arguments we will reach a consensus in Romania’s interest to conclude the CVM and strengthen the rule of law,” said Florin Citu.

Romanian Parliament Scraps Ex-Govt's Disputed Special Court

<https://balkaninsight.com/2021/03/24/romanian-parliament-scraps-ex-govts-disputed-special-court/>

March 24, 2021 - Marcel Gascón Barberá

Parliament has voted to dismantle a controversial tribunal established under the de facto rule of Liviu Dragnea that was widely seen as an instrument to control the justice system.



A general view of the Victoriei Plaza full of protesters in front of government headquarters (R), in Bucharest, Romania, February 12, 2017. Archive photo: EPA/VLAD CHIREA

Romania's centre-right-dominated parliament on Wednesday voted to dismantle the so-called Special Court for the Investigation of Magistrates. The law will now go to the Senate, where the ruling coalition also has a majority.

The tribunal was established under the government of the Social Democratic Party, PSD, led by the now-jailed Liviu Dragnea, who ran the country from the shadows from January 2017 until his conviction for corruption in May 2019 – and who pushed forward a controversial reform of the justice system that attracted thousands of protesters to the streets in Bucharest at the time. The court was heavily criticized by civil society organisations, the US and the European Commission as an instrument designed to intimidate judges.

The Chamber of Deputies adopted the law, which was pushed forward by the government, with 171 votes in favour and 136 against. However, the move hasn't satisfied the many critics of the tribunal.

A provision of the new law says that the Superior Council of the Magistrature, a body composed of representatives of the judges, must give a green light before a magistrate is sent to trial.

In an open letter published this week, over a thousand judges rejected the “super-immunity” that this provision grants magistrates, and argued that it could “sabotage the fight against corruption as much as the existence” of the scrapped court itself.

Concerns about this “super-immunity” were raised also by the US embassy. In an interview published this week by news portal G4Media, the US chargé d’affaires David Muniz welcomed the elimination of the special court but said the provision in question “sends the wrong message”.

Muniz encouraged the pro-government majority in parliament to pass the law but without this provision.

Right after the new law – with the controversial disposition – was adopted by parliament, the deputy prime minister and leader of the USR PLUS alliance – one of the ruling coalition partners – said they were “open to find a more balanced formula” for the law when it is debated and voted in the Senate.

Led by the National Liberal Party in coalition with USR PLUS and the Democratic Union of Hungarians in Romania, UDMR, the government has made ensuring judicial independence one of its declared priorities, after the PSD government that ruled the country between 2017 and 2019 was regularly slated for its alleged attempts to control the judiciary.

Now in opposition, the Social Democratic Party said it will appeal the dismantling of the special tribunal before the Constitutional Court.

Minister Ion nimmt Novelle der Justizgesetze in Angriff – Änderungsvorschläge wurden Justizrat zugeleitet

[ADZ-Online - Minister Ion nimmt Novelle der Justizgesetze in Angriff](#)

Dienstag, 30. März 2021

Bukarest (ADZ) – Justizminister Stelian Ion (USR-PLUS) hat die Novelle der von der PSD geänderten drei wesentlichen Justizgesetze – Richter- und Staatsanwaltschaftsdienstgesetz, Gerichtsverfassungs- sowie Justizratsgesetz – in Angriff genommen und dem Justizrat (CSM) letzte Tage seine Änderungsvorschläge zugeleitet.

Diese sehen u.a. vor, dass bei der Ernennung der Chefankläger der drei großen Staatsanwaltschaften – Generalstaatsanwaltschaft, Antikorruptionsbehörde DNA und Antimafiastaatsanwaltschaft DIICOT – der bisher unverbindliche Befund des CSM zur jeweiligen Personalie für den Justizminister künftig verbindlich sein soll.

Weitere Änderungsvorschläge sehen eine vierjährige Amtszeit (derzeit drei Jahre) sowie ein leicht reduziertes Mindestdienstalter (12 statt 15 Jahre) für Chefankläger vor.

Die Vorschläge zur Novellierung des Richter- und Staatsanwaltschaftsdienstgesetzes sehen zudem keine „Superimmunität“ vor, obwohl diese bekanntlich jüngst vom Unterhaus als angebliche „zusätzliche Garantie“ für die Eigenständigkeit der Justizbeamten nach der Auflösung der Sonderermittlungsbehörde für Justizstrafsachen (SIJ) verabschiedet worden war.

Serbia

Serbian Pro-Govt Media's 'Shameless' Campaign Against KRIK Condemned

<https://balkaninsight.com/2021/03/10/serbian-pro-govt-medias-shameless-campaign-against-krik-condemned/>

March 10, 2021 - Sasa Dragoilo

The Stockholm-based civil rights organisation has denounced Serbia's pro-government media for trying to discredit the respected investigative media portal KRIK by linking it to a notorious crime gang.



Media illustration. Photo: Unsplash

The Stockholm-based international human rights organisation, Civil Rights Defenders, has condemned what it called “the shameless campaign of the Serbian pro-government tabloid media” against a Serbian investigative media portal, Crime and Corruption Reporting Network, KRIK.

The rights organisation – and independent Serbian media unions – reacted after Pink TV and two pro-government tabloids, Kurir and Alo, published closely coordinated stories linking KRIK to a notorious underworld gangster, Veljko Belivuk.

Belivuk is a leader of a criminal and hooligan group once called the “Janjicari” (“Janissaries”) many of whose members were recently arrested on suspicion of murder, extortion, kidnapping and drug dealing.

Allegations about KRIK’s connections with members of the gang were first published by the pro-government TV station Pink on Tuesday evening.

The next day, Kurir published photos of KRIK editor Stevan Dojcinovic alongside those of Belivuk on its front page with the headline, “Secret deal between KRIK and Belivuk”. Alo then published the same story with a front-page headline reading, “KRIK – Belivuk’s private media!”

In reality, for some years KRIK and some other independent investigative media were the only ones in Serbia to publish stories on the gang and its ties with the Serbian government and the ruling Serbian Progressive Party.

The gang's connections to state officials, including a former high-ranking police official and the current general secretary of the Progressive-led government, are well-documented.

Some members of the group formed part of the security detail at President Aleksandar Vucic's inauguration in 2017, where they were caught on camera manhandling journalists.

Vucic's 23-year-old son, Danilo, was photographed several times with various members of the Janjicari. A KRIK journalist, Bojana Pavlovic, had her phone snatched away, to which police did not intervene, after she pictured the President's son with members of the gang in June 2020.

However, after the arrest of Belivuk's group in February this year, pro-government tabloids started publishing hostile stories about the Janjicari along with material leaked from the police investigation.

Zeljko Bodrozic, president of the Independent Association of Journalists of Serbia, NUNS, said on Wednesday that the pro-government media had "initiated a very dangerous action of connecting independent and professional journalists with the criminal group of Veljko Belivuk in order to remove responsibility from state officials for the emergence, strengthening and atrocities of this and other criminal groups."

"The reports of Pink TV and regime tabloids about connections between KRIK and Belivuk are meaningless constructions, and no one who follows the public scene and the work of the KRIK editorial office can believe these untruths.

"But the big problem is that only a large number of citizens have access to the media that spread and spread these heinous lies, which is why the safety of our brave colleagues who have been writing about corruption and crime for years is now dangerously endangered," Bodrozic added.

KRIK is a non-profit organisation founded by a team of journalists who for years have been engaged in exposing crime and corruption and have received many awards for their work. It is part of the Organized Crime and Corruption Reporting Project, OCCRP, an international non-profit organisation that is a consortium of investigative centers and independent media in 20 countries around the world.

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
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