

Rule of Law - South East Europe

Press Review April 2021

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Content

• Regional	4
Human Rights Worsened in Central, Southeast Europe, in Pandemic – Amnesty...	4
Media Freedom Deteriorated in Europe amid Pandemic, Report Warns	7
• Albania	9
Parliament Simplifies Requirement for Appointment of Constitutional Court Members.....	9
Albania Prosecutors Investigate Socialists’ Big-Brother-Style Database	10
Albanian Government Prevents Emigrants from Voting, Imposes Quarantine	12
Freedom House: Hybrid-Regime Albania Registers Eight-Year Democracy Low....	13
• Bosnia and Herzegovina	14
Bosnia Under Pressure to Adopt Srebrenica Genocide Denial Law	14
• Bulgaria	17
Bulgaria: CEC Members Arrested for Vote Buying	17
Bulgarian prosecutors freeze, impound more than 800 000 leva intended for vote-buying	18
Bulgaria’s Prosecutor General Voices Concern over New Special Prosecutor	19
Bulgaria: Prosecutor General Obligated to Report to Parliamentary Legal Committee Every Three Months	20
Bulgaria’s New Parliament Passes Amendments to Electoral Code at First Reading	21
Bulgaria Constitutional Court strikes down rules on party financing.....	23
• Croatia	25
Croatian War Crime Trials Stalled Again in 2020, Report Warns	25
• Kosovo	27
In Kosovo, System ‘Failing to Protect’ Domestic Abuse Victims	27
Kosovo War Rape Survivors’ Painful Road to Recognition	29
Kosovo Human Rights Council Calls for Prisoners with Tertiary Diagnoses to Be Released	32
Hague Prosecution Contests Challenge to Hashim Thaci Indictment	33
Freedom House: Kosovo Marks Decrease on Its Democracy Level	35
• Moldova	36
PSRM’s application concerning nomination of Natalia Gavrilița for PM inadmissible	36
Moldova Court Ruling Empowers President to Dissolve Parliament	37
Socialist and For Moldova MPs adopt statement on CC capture.....	38
Moldovan top court declares as unconstitutional parliament decisions of 23 April	40
Decree to dissolve Parliament signed	41
Council of Europe launches two projects to continue supporting reforms in criminal justice in Moldova	43
• Montenegro	45
Čović and Simonović dismissed from Intelligence and Security Directorate.....	45
Montenegro Police Re-arrest Regional Drug Gang’s Alleged Boss.....	46
New prosecutorial law submitted to Assembly of Montenegro: Election of new Prosecutorial Council envisaged	48

New VC's opinion on prosecutorial laws by 10 May	49
EP to discuss prosecutorial law on 18 May	50
Former Minister Branko Vujovic detained.....	50
• North Macedonia	51
North Macedonia Claims to Bust Police Gang Forging Passports.....	51
North Macedonia Convicts Ex-Secret Police Chief of Procurement Scam	53
North Macedonia to Recognize Identity of Transgender People.....	55
• Romania	56
Ministry releases Romania's national strategy on recovering proceeds of crime	56
Strafprozesse: Rechtskräftige Urteile nur mit Begründung - Haftantritt ohne	
Urteilsbegründung verfassungswidrig	57
Chef der Justizinspektion sorgt für neuen Eklat - Disziplinarverfahren gegen	
kritische Richter	58
Geldwäsche-Bekämpfung: Bestimmungen verschärft	58
• Serbia	59
Prosecution, Defence Lawyers Spar as Serbian Officials' Retrial Concludes	59
Hague Tribunal Urged to Report Serbia to UN Security Council	61
• Sources	63

Regional

Human Rights Worsened in Central, Southeast Europe, in Pandemic – Amnesty

<https://balkaninsight.com/2021/04/07/human-rights-worsened-in-central-southeast-europe-in-pandemic-amnesty/>

April 7, 2021 - Milica Stojanovic

The latest report from the international rights watchdog says governments in the region used the pandemic to tighten controls over justice systems, curtail freedoms and further discriminate against marginalised communities.



Albanian police stand behind a fence in a hospital in Tirana, Albania, March 2020. Photo: EPA-EFE/Malton Dibra

The COVID-19 pandemic saw an increase in state control over the judiciary and media and further endangered minorities that already suffer from discrimination in Central and Southeast Europe, rights watchdog Amnesty International said in its annual report published on Monday.

Amnesty Secretary General Agnes Callamard said in a press release: “COVID-19 has brutally exposed and deepened inequality both within and between countries, and highlighted the staggering disregard our leaders have for our shared humanity.”

The report, “The State of the World’s Human Rights”, which covers 149 countries, says governments “took insufficient measures to protect journalists and whistle-blowers, including health workers, at times targeting those who criticized government responses to COVID-19”.

This occurred in multiple countries, among them Albania, Bosnia and Herzegovina, Hungary, Kosovo, Poland, Serbia and Turkey.

Governments in countries such as Bosnia, Hungary, Poland, Romania, Russia, Serbia and Turkey also “misused existing and new legislation to curtail freedom of expression”.

Most Central European and SEE countries struggled with media freedom, and investigative journalists in Kosovo, including those from BIRN, faced threats, slurs and attacks, the report recalled.

“In June, the former Minister of European Integration opened a defamation suit against Jeta Xharra, director of the Balkan Investigative Reporting Network, KALLXO.com and Prishtina Insight. In July, Xharra was threatened by another former minister, and in September, former Prime Minister Ramush Haradinaj called journalists ‘mercenaries’,” the report noted.

In North Macedonia, “employers failed to implement COVID-19- related measures to assist working parents, disproportionately affecting women, some of whom had their wages unlawfully reduced if they took time off”.

In Moldova, the report added, “measures enacted to confront the COVID-19 pandemic resulted in the reduction of some other medical provisions and the temporary suspension of non-emergency services”.

The pandemic severely affected care home residents in Slovenia, “accounting for almost 60 per cent of all COVID-19 deaths”, it said.

[...]



*Bulgarian police check documents at a checkpoint on the highway near Sofia in April 2020, in the pandemic.
Photo: EPA-EFE/VASSIL DONEV*

Roma and people on the move, such as refugees and asylum-seekers, endured discriminatory “forced quarantines” in Bulgaria, Greece, Hungary, Serbia and Slovakia.

In Bulgaria, the report said, “the COVID-19 pandemic and nationwide lockdown exacerbated the already widespread discrimination against Roma”.

“In Burgas municipality, the authorities used drones with thermal sensors to take the temperature of residents in Roma settlements remotely and monitor their movements. In the town of Yambol, the authorities used planes to ‘disinfect’ the Roma neighbourhood which had registered COVID-19 infections. Such measures were only applied to Roma communities,” the report observed.

When it comes to asylum seekers and refugees, many countries tried to stop them from entering or to further curb their rights. In Croatia, the report said, “aid organizations documented over 15,000 cases of pushbacks and collective expulsions, often accompanied by violence and abuse.

“Due to COVID-19 restrictions, access to asylum-seekers’ accommodation centres was restricted, forcing NGOs providing free legal aid and psycho-social support to stop their work,” the report added.

Bosnia and Herzegovina, it said, “failed to provide effective access to asylum and adequate reception conditions for thousands of migrants and asylum-seekers travelling through the country on their way to the EU”.

Amnesty also said that during the pandemic, Serbia, Bosnia, Kosovo and Montenegro relaxed efforts to prosecute and punish perpetrators of war crimes committed in the wars of the 1990s.

“Serbia failed to indict any former senior police or military commanders for war crimes and resolution of the fate of missing persons stalled,” it pointed out.

[...]

Media Freedom Deteriorated in Europe amid Pandemic, Report Warns

<https://balkaninsight.com/2021/04/20/media-freedom-deteriorated-in-europe-amid-pandemic-report-warns/>

April 20, 2021 - Hamdi Firat Buyuk



Photo Illustration: Pixabay / AndyLeungHK

Reporters Without Borders, RSF, released its annual Press Freedom Index report on Tuesday with a warning that media freedom has deteriorated across the world during the coronavirus pandemic, with governments using the crisis to assert more control over the press.

In 2020, there was a “dramatic deterioration in people’s access to information and an increase in obstacles to news coverage”, the RSF report says. “The coronavirus pandemic has been used as grounds to block journalists’ access to information sources and reporting in the field,” it adds.

The situation deteriorated significantly in some countries in Central and South East Europe in 2020, says the report, which ranks 180 countries around the world according to their level of media freedom, evaluating media pluralism, independence from government, national legislation and how safe journalists are in each country.
[...]

The situation is possibly worse in the Balkans, according to the report. “The various press freedom violations have contributed to a sharp deterioration in the EU/Balkans Abuses indicator. Acts of violence have more than doubled in the region, compared with a 17% deterioration worldwide,” it says.

In Serbia (in the same position at 93rd), President Aleksandar Vucic's administration is setting an example for other countries in the region with increasing government control on the media, daily verbal attacks on journalists and legislation to limit press freedom during the pandemic.

"Serbia is a country with weak institutions that is prey to fake news spread by government-backed sensational media, a country where journalists are subjected to almost daily attacks that increasingly come from the ruling elite and pro-government media," the report says. "The government used the coronavirus crisis to pass draconian legislation – later repealed – under which journalist Ana Lalic was held overnight in a cell in April 2020 after being arrested at her home for a report about a local hospital," it adds.

The government of Albania (up one position at 83rd) took control of two independent TV channels on the grounds that their owner had been charged with drug trafficking, while in Montenegro (up one at 104th), investigative reporter Jovo Martinovic has continued to be prosecuted on allegedly trumped-up charges.

In Bosnia (in the same position at 58th) and Kosovo (down eight at 78th), media remain divided along ethnic lines, like most other institutions in both countries. The report notes that nationalistic discourse increased in 2020, creating a hostile environment for press freedom.

In Croatia (up three at 56th), journalists who investigate corruption, organised crime or war crimes are often subjected to harassment campaigns, according to the report. RSF notes that in North Macedonia (up two at 90) senior government officials continued to threaten and insult media outlets, while cyber-harassment and verbal attacks against journalists increased on social media.

In Bulgaria (down one at 112), the lowest EU country in the rankings, "the situation of the media is very worrying because no one is interested in investigating or condemning violence against journalists", the report says.

In Romania (in the same position at 48th) and Moldova (up two at 89th), access to information remains a major problem for journalists, particularly during the pandemic. [...]

Albania

Parliament Simplifies Requirement for Appointment of Constitutional Court Members

<https://exit.al/en/2021/04/01/parliament-simplifies-requirement-for-appointment-of-constitutional-court-members/>

April 1, 2021 - Megi Ndrejoni



Legal changes made by the Albanian Assembly have simplified the appointment of the remaining 3 members of the Constitutional Court (CC).

The CC has only 6 of its 9 members now – 3 appointed by the Assembly and 3 by the President. The remaining 3 members should be appointed by the High Court (HC). The latter has only 7 of its 19 members now. The amendments to the Law on the constitutional Court made on March 23 lowered the High Court quorum needed for the appointment of members to the CC from three fourths to half of members, i.e., from 14 to 9 members.

This means that once 2 more members of the High Court are appointed, they can appoint members to the Constitutional Court, thus speeding up the process.

Another change made to law related the re-appointment of CC judges to other positions once their term in office has ended. The law now specifies that prosecutors and judges among Constitutional Courts members will be assigned to the Court of Appeals after their term ends, while before it said they would be assigned to similar positions they held before becoming CC members. They must have served as prosecutor or judge for at least 7 years in a first instance court.

A last legal amendment concerns the drafting of Constitutional Court candidate lists by the Judicial Appointments Council (KED). It was required to provide separate lists of magistrates and those coming from outside the justice system when the Constitutional Court has two empty seats. The amendments require the KED to provide only one list now.

Albania Prosecutors Investigate Socialists' Big-Brother-Style Database

https://balkaninsight.com/2021/04/16/albania-prosecutors-investigate-over-socialist-party-big-brother/?utm_source=Balkan+Insight+Newsletters&utm_campaign=c9925dfc09-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-c9925dfc09-319834862

April 16, 2021 - Gjergj Erebara

Exposure of the ruling Socialist Party's vast database on the country's voters, apparently drawing on data gathered from state institutions, has caused shockwaves across the country.

Albania's Special Structure Against Corruption and Organized Crime has summoned Andi Bushati and Armand Shkullaku, owners and editors of Lapsi.al news website, for questioning about a database purportedly created by the Socialist Party, which contains the names of 910,000 voters in the Tirana region, along with personal data, including employment and family background records in what critics call a massive tracking system. Bushati said the prosecutors asked him where the information came from, and he said he had refused to reveal his source, calling the meeting "a short meeting without much substance" while suggesting that the prosecutors should instead investigate how the data of citizens ended up in the hands of a political party. The prosecutors have not inspected any party office or commented publicly on what they are investigating.

The news about the database revealed last Sunday sent shockwaves across the political spectrum and the population.

Ruling Socialist Party officials acknowledge that a database exists, but insist the data was provided voluntarily by citizens. They have also claimed that the published excerpts are not theirs.

Socialist parliamentary Group Taulant Balla immediately called the news "Lies!" "The Socialist Party has built its database over years in door-to-door communication with the people," he added. Days later, he claimed that the database published was not the one belonging to the Socialist Party.

Edi Rama, the Prime Minister, has acknowledged that his party has a "system of patronage" of voters but said their database is more complex, and that the one leaked is probably an old one. Other Socialists have denied that the leaked database is theirs at all.

The opposition Democratic Party claims the data included in the database was stolen by the Socialist Party via the government service website E-Albania, where people apply for different services.

Many citizens who have had access to the database claim the data there are those they supplied to state institutions, and say the database seems well updated.

This E-Albania website was used by the government of Prime Minister Rama to issue permits to go outside during the lockdown in spring 2020. In their forms, citizens had to provide phone numbers and email addresses.

The database, which BIRN has seen, contains some 910,000 entries of names, addresses, birthday, personal ID cards, employment and other data. For each voter, a party official known as a “patronazhist” a word derived from the French patronage, is assigned. If they want to know where somebody works, a search in the database can provide that information. For each voter, there is data on how they voted in the past and what their likely preference is today. In a separate column titled “comments”, party officials write notes on voters. In one, a party official notes that “the voter requested the employment of his wife” while in another, “the voter didn’t thank [the party] for obtaining his house deeds”. Property issues are widespread in Albania and various governments have been accused of handing over ownership deeds as campaign bribes. The issue of such deeds in election times is forbidden. In several cases, officials noted that some voters do not participate in elections because they are “Jehovah’s Witnesses,” or “extremist Muslims who are not permitted by their religion to vote”. In one case, the comment indicates that voters’ social media pages are checked by officials: “By investigating his Facebook profile, we can conclude he votes for the SP,” a note reads while in another case it reads: “This one has previously voted for the PDIU party; should be kept under monitoring.” A note for a voter identified as a business owner reads: “We should contact him over his employees”. In another case: “The mother of the voter is employed in the municipality”. Even family conflicts do not escape the observing eye of the party: “Xxx is relative of xxx but they are not on speaking terms,” a note reads.

The Albanian Helsinki Committee, a rights group based in Tirana, underlined that systematic monitoring of voters by a political party may violate the secrecy of the ballot and is especially concerning if done without a voter’s consent.

On Friday, 12 rights organisations called on the authorities to investigate the matter after indicating that at least the law on the Protection of Personal Data had been violated. “This case involves the illegal collection, elaboration and distribution of personal data of some 1 million citizens without their consent,” the statement reads.

While scores of citizens are interested to know which Socialist Party official is tracking them, Big Brother, Albanian style, apparently does not lack a note of comedy. In the database, Socialist Party head and PM Rama is shown as a voter who works at the Councils of Ministers and is under the “patronage” of a certain Elvis Husha, a party official. Husha is under patronage of another party official.

Andi Bushati, who first exposed the database, said chances are slim that the prosecutors will do their work. “I don’t really believe that the prosecutors will find the truth about this. When a crime appears, it remains without author,” he commented.

Albanian Government Prevents Emigrants from Voting, Imposes Quarantine

<https://exit.al/en/2021/04/20/albanian-government-prevents-emigrants-from-voting-imposes-quarantine/>

April 20, 2021



The Albanian government has imposed a mandatory two-week quarantine for those entering the country from Greece and North Macedonia. It means that those eligible to vote among the roughly 600,000 Albanians living in Greece are effectively banned from voting in the April 25 elections.

The decision was announced on Monday by Deputy Minister Mira Rakacolli in a meeting of the Technical Committee overseeing the pandemic. She said the committee suggested the measure relying on last year's analysis of coronavirus spread by emigrants entering the country from Greece on the Orthodox Easter.

"Our experience on last year's Easter but also Christmas showed that the movement of people put the country in an aggravated epidemiological situation. We assess for a two-week quarantine to be imposed starting from tomorrow on those who enter [Albania] from North Macedonia and Greece," Rakacolli stated.

On the Orthodox Easter, many Albanian emigrants travel to their families in Albania due to extended holidays and some to celebrate. This year, Easter falls on May 2, two weeks from now. However, the implementation of the mandatory two-week quarantine started today, Tuesday, five days ahead of general elections in the country, and it will last until after Easter, May 3.

Also prevented from voting in these elections are the over 25,000 people infected with coronavirus, despite the violation of the Albanian Constitution and related decisions of the European Court of Human Rights (ECHT), which guarantee the right to vote as a fundamental right of every citizen.

Freedom House: Hybrid-Regime Albania Registers Eight-Year Democracy Low

<https://exit.al/en/2021/04/28/backslidingdemocracy/>

April 28, 2021 - Alice Taylor

Albania's democracy score has plummeted to an eight-year low according to the Freedom House Nations in Transit report 2021. It scored just 3.75 out of a possible seven, falling from last year's position of 3.82. The last time it fell to such a low level was in 2013, the year that Prime Minister Edi Rama took office for the first time. It increased slightly over the subsequent years, registering the first drop of his mandate during 2020.

The country scored just 2.75 out of 10 for corruption, 3.25 for judicial independence, 3.50 for independent media, and 3.25 for national democratic government.

The report ranks the country as only 46% democratic, less than half. It comes 14th in the region, behind North Macedonia, Montenegro, Serbia, Croatia, Romania, Bulgaria, and Poland.

This score categories Albania as a "hybrid regime", just above the threshold for a semi-consolidated authoritarian regime.

One of the issues raised in the report was that of the local media environment.

"The Albanian media environment, which has long been plagued by oligarchic control like much of the coverage region, has also been affected by the increased use of strategic lawsuits against public participation (SLAPPs). In addition, controversial anti-defamation legislation threatened to restrict online speech there.'

Overall, the report found that "Incumbent leaders and ruling parties are corrupting governance and spreading antidemocratic practices across the region." The report notes that these leaders are fueling a deterioration in conditions that will have global implications on the cause of human freedom. It accuses them of "paying lip service to the democratic model".

"Over the past decade, however, amid the erosion of the liberal democratic order and the rise of authoritarian powers, the idea of democracy as an aspirational end point has started to lose currency in many capitals. Existing institutions' failure to address pressing societal concerns, increasing polarization, and growing inequality have fueled uncertainty and anger, and major democracies' mismanagement of the COVID-19 pandemic has provided additional fodder to those interested in exploiting disillusionment with the traditional champions of democratic governance."

They added that countries all over the region are turning away from democracy and find themselves trapped in a cycle of setbacks and partial recoveries.

Bosnia and Herzegovina

Bosnia Under Pressure to Adopt Srebrenica Genocide Denial Law

<https://balkaninsight.com/2021/04/16/bosnia-under-pressure-to-adopt-srebrenica-genocide-denial-law/>

April 16, 2021 - Nejra Dzaferagic

After the latest in a decade-long series of unsuccessful attempts to pass a law banning the denial of the Srebrenica genocide, Bosnia and Herzegovina's top international official could take action to impose legislation from above.

At a session last week of the Bosnian parliament's House of Peoples, Serb and Croat lawmakers voted against changes to the country's criminal code to prohibit the denial of facts about the Srebrenica genocide. It was the latest in a series of failed attempts over more than a decade to adopt legal changes or a new law to outlaw denial of the 1995 genocide of Bosniaks from Srebrenica. Despite repeated calls for a ban from High Representative Valentin Inzko, the international official who monitors the implementation of the peace accords that ended the Bosnian war, the proposals have never received enough votes to pass.

Zlatko Miletic, who was one of the two lawmakers behind the proposal that was defeated in the House of Peoples on April 8, said it was high time that legislation is adopted for the sake of the victims - "to at least leave the dead in peace". Denis Becirovic, the other lawmaker behind the proposal, said that because deputies from the main Bosnian Serb and Croat parties, the Alliance of Independent Social Democrats, SNSD, and the Croatian Democratic Union, HDZ, did not back the changes, it is now time for Inzko to step in and impose a solution. "It is obvious that they have now completely paved the way for the international community and the High Representative to impose such a law," Becirovic argued.

Organisations representing victims of the Srebrenica genocide have also called on High Representative Inzko to impose a law, which he could do under his so-called 'Bonn powers', which are intended to allow him to over-ride nationalist politicians' obstruction of legislation vital to maintaining the peace.

Inzko said in July 2019 that he expected that genocide denial legislation would be adopted by July 2020. After that deadline passed, he has now said he is ready to impose legislation if it is not adopted by July 2021. The last time that Inzko imposed a law in Bosnia was 11 years ago, but advocates of a ban on genocide denial believe that there is no other way to get the legislation adopted. However, the Bosnian Serbs oppose the 'Bonn powers' and would be infuriated if Inzko used them to bring in a law to ban denial of a crime that they do not accept constituted genocide.

A matter of political will'

The first initiative to change Bosnia and Herzegovina's criminal code to prohibit the denial, justification or glorification of genocide, the Holocaust and war crimes was launched in 2009.

But Lejla Gacanica, a researcher and author of a pamphlet entitled 'Calling War Atrocities by their Right Name', argued that this was too soon after the war and that society and the state were not "mature" enough to deal with it. Nor had final verdicts been handed down in some of the major Srebrenica-related trial in The Hague.

The adoption of a law prohibiting genocide denial was then proposed but rejected in 2011, and then again in 2016, and changes to the criminal code were proposed but rejected for a second time in 2017. "However, by that time we had already realised that getting the legislation was not a matter of the maturity of the state and of society, but exclusively a matter of political will," Gacanica said.

At the House of Peoples session on April 8, six members voted for the changes to the law, while seven voted against and there was one abstention. The vote divided along ethnic lines, with Serbs and Croats opposing Becirovic and Miletic's initiative and Bosniaks backing it. Marina Pendes of the Croat HDZ party, who voted against the changes, claimed that Becirovic was using the legislation for his own political purposes and that it was "nothing to do with genocide denial. That is a plain lie," she said. Miletic tried to counter the criticism by saying that the changes would only introduce three new articles to the criminal code.

One would define what is meant by hatred; the second would provide for sentences ranging from six months to five years' imprisonment for those who publicly deny or justify genocide, crimes against humanity or war crimes as established by the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia or a domestic court; while the third would prohibit the glorification of war criminals.

The proposed changes would also provide for sentences ranging from six months to five years' imprisonment for granting awards and privileges to convicted war criminals or naming streets and other public places after war criminals. The changes would also allow for those who abuse their office or powers to commit these criminal offences to be sentenced to between one and ten years in prison. "These are not big changes to the law, they are minimal," Miletic insisted.

Munira Subasic, president of the Mothers of Srebrenica and Zepa Enclaves association, which represents war victims, said the House of Peoples' decision came as a surprise, particularly as HDZ president Dragan Covic, who was among the lawmakers who voted against the changes, actually helped her organisation build the Srebrenica memorial park. "He was the finance minister, he exempted us from paying taxes and donated

5,000 Bosnian marks [around 2,500 euros], helped us conduct an opinion poll on building the cemetery in Potocari [near Srebrenica], instead of [further away] in Kladanj, where our government planned to put it," Subasic said. She argued that by failing to adopt the law, politicians "are still sending a message that there is no reconciliation, there is no humanity".

BIRN was unable to get Covic to comment on his vote on the proposed changes.

'Denial contradicts European values'

In July 1995, more than 7,000 men and boys from Srebrenica were massacred by Bosnian Serb forces and over 40,000 women, children and elderly people expelled. Verdicts handed down by the International Criminal Tribunal for the Former Yugoslavia, the International Court of Justice and the Bosnian state court have defined the crimes as genocide. However, Bosnian Serb politicians reject this definition.

In its annual progress report on Bosnia and Herzegovina last year, the European Commission raised concern that political leaders in the country continued to deny the facts about war crimes established by the courts and to glorify their perpetrators. "Revisionism and denial contradict the most fundamental European values," the report said.

Gacanica said that next time Bosnian politicians say they are in favour of European integration, "we should perhaps recall that those politicians are keeping the society in a state of frozen conflict, practicing the glorification or denial of war crimes and war criminals, contrary to messages from the EU, which directly warns that such practices are unacceptable".

On the 24th anniversary of the Srebrenica genocide in 2019, High Representative Inzko vowed to advocate for the adoption of the genocide denial law. "We shall certainly have such a law next year on the 25th anniversary of the genocide [in 2020]," the Austrian diplomat said. But this did not happen.

The Office of the High Representative told BIRN that it regretted that the House of Peoples voted against the legislation this month. "By adopting this law, parliamentarians in Bosnia and Herzegovina would demonstrate readiness and determination to leave evil in the past and focus on creating a favourable environment for reconciliation and building a better, unburdened future for all Bosnian citizens," it said.

After the lost vote in the House of People, the spotlight is now on what Inzko will do next, after he declared in November that he will impose the law if it is not adopted by July 11, 2021, the next anniversary of the genocide. "Let's be completely clear, I am ready," he said.

Bulgaria

Bulgaria: CEC Members Arrested for Vote Buying

<https://www.novinite.com/articles/208781/Bulgaria%3A+CEC+Members+Arrested+for+Vote+Buying>

April 4, 2021



CEC Members were arrested in the town of Slavyanovo, Pleven region. The arrest came after a number of reports on vote-buying, one of which was lodged by "Stand up! Mafiosi out!" this morning, reported Maya Manolova's team. According to information from the coalition's election headquarters, in Pleven the police are currently collecting testimonials on the case and conducting searches in the homes of the detainees.

Alerts for buying votes on the coalition platforms were also received from Ruse, where, in the reporter's words, the price of vote was BGN 30, Stara Zagora - BGN 50 and Devnya - 100 BGN per vote.

Citizens also reported a controlled vote in Ihtiman and Asenovgrad, Manolova's team complained.

In Kardzhali, Tsveta Karayancheva (GERB) filed a complaint with the regional election committee in connection with an unauthorized agitation by the Deputy Mayor of Chernoochene municipality Ferhat Ferhat, who stood in front of the section in the village of Gabrovo and instructed the people who to vote for.

In section No.105 in the village of Chiflik, Kardzhali municipality, Mayor Nefide Isa Ali has stated she was ready to provide personal data from the village card index for 106 voters in order them to be added to the voter lists, which is in violation of the Electoral Code, another complaint states.

Bulgarian prosecutors freeze, impound more than 800 000 leva intended for vote-buying

<https://sofiaglobe.com/2021/04/06/bulgarian-prosecutors-freeze-impound-more-than-800-000-leva-intended-for-vote-buying/>

April 6, 2021



Archive photo: Interior Ministry press centre

Bulgaria's Prosecutor's Office said on April 6 that prosecutors had attached or impounded the equivalent of more than 800 000 leva, in leva and euro, that had been intended for vote-buying in the parliamentary elections two days earlier.

The statement did not say on behalf of which candidates, parties or coalitions the vote-buying had been intended.

The attachments and impounding of the sums had taken place between the beginning of the election campaign and April 6, the statement said.

It said that various prosecutor's offices had applied for the attachment of more than 425 000 leva, while cash in leva and euro to the value of 383 000 leva had been confiscated.

According to the statement, this was the first time that the step of attaching and impounding money intended for vote-buying had been taken.

The Prosecutor's Office said that 41 pre-trial proceedings had been initiated in connection with violations of citizen's political rights, since the beginning of the election campaign. This was fewer than the 99 initiated at the time of Bulgaria's previous parliamentary elections in 2017, the statement said.

Charges have been lodged against 13 people. In all, 728 case files have been opened in connection with breaches of electoral legislation, the statement said.

Bulgaria's Prosecutor General Voices Concern over New Special Prosecutor

<https://www.novinite.com/articles/209044/Bulgaria>

April 20, 2021



"Tangible risks have been created for arbitrariness and violation of rights of the participants in the criminal proceedings, including the prosecutor general and his deputies under investigation," stated Prosecutor General Ivan Geshev in a written statement submitted to the Constitutional Court (CC) concerning the changes in the Criminal Procedure Code (CPC) and the Judiciary Act, which created the figure of a special prosecutor for the investigation of No.1 Prosecutor. Some of them were challenged by President Rumen Radev, and the Constitutional Court suspended the procedure for electing the first special prosecutor, Lex reported.

According to Ivan Geshev, the amendments "guarantee absolutely disproportionate procedural and administrative-organizational uncontrollability of the prosecutor investigating prosecutor general or his deputy, but not impartiality and independence of the investigation."

He raises the issue saying that the new prosecutor is both part of the prosecution but at the same time does not belong to any of its units listed in the Judiciary Act. In addition, this prosecutor will participate in all phases and stages of criminal proceedings and before all court instances.

"The prosecutor tasked with investigating the prosecutor general or his deputy will simultaneously perform the functions of a prosecutor from the Specialized, Appellate Specialized and Supreme Cassation Prosecutor's Offices, which is in serious conflict with the established rules for compliance of the prosecutor's office structure with those of the courts and CPC-regulated procedural powers of the prosecutor in court proceedings, " Geshev stated before the Constitutional Court.

Bulgaria: Prosecutor General Obligated to Report to Parliamentary Legal Committee Every Three Months

<https://www.novinite.com/articles/209098/Bulgaria%3AProsecutor+General+Obligated+to+Report+to+Parliamentary+Legal+Committee+Every+Three+Months>

April 22, 2021



With 189 votes in favor, the deputies unanimously obliged the Prosecutor General to appear before the Committee on Legal Affairs every three months. This happened after the MPs adopted texts in the Rules of Procedure for the organization and activity of the National Assembly, BNT reported.

The Committee on Legal Affairs will hear out the Prosecutor General at least every three months in connection with the implementation of the law on the activities of the prosecution and investigative bodies, including legislative changes, resource provision, difficulties related to the performance of these bodies, results in combating crime, including corruption, writes FOCUS News Agency.

At the suggestion of Hamid Hamid (MRF), an addendum was adopted, according to which the Committee on Legal Affairs will hear the Chairman of the Supreme Court of Cassation and the Chairman of the Supreme Administrative Court at least once every three months.

Parliament extended its working hours until the amendments to the Rules of Procedure are adopted.

Bulgaria's New Parliament Passes Amendments to Electoral Code at First Reading

https://m.novinite.com/view_news.php?id=209119

April 23, 2021



Bulgaria's National Assembly voted overwhelmingly on April 23 to approve the first reading of amendments to the Electoral Code, tabled by television presenter Slavi Trifonov's party There Is Such a People.

In the 240-seat House, the outcome was 210 for, none against and one abstention. Other drafts of amendments to the Electoral Code, tabled by the GERB-UDF coalition, Democratic Bulgaria coalition and the Stand Up! Mafiosi Out! coalition were rejected.

Provisions in the approved amendments include using only voting machines, not paper ballots, at polling stations with more than 300 voters. They also include video surveillance of vote-counting at polling stations and district electoral commissions, replacement of the current Central Election Commission (CEC) and downsizing its membership to 15 people, and experimental electronic voting in the autumn 2021 presidential election. Other provisions include electronic remote voting for Bulgarians abroad, but under certain conditions, creating a separate constituency for Bulgarians abroad and allowing them to exercise preferential voting and for an independent candidate, and scrapping the limit of no more than 35 polling stations in countries outside the European Union.

A second-reading vote may take place in about two weeks' time, with the timing influenced by Parliament's rules of procedure, the upcoming series of holidays beginning with the Orthodox Easter Friday on April 30, and the unfolding process outside Parliament that will determine whether a government will be voted into office. It remains to be seen what changes lie in store for the amendments before the second-reading stage.

For example, it is not clear if the provision to disband the current CEC and replace it with a new one will have sufficient support at the second-reading stage. For now, it is clear that this proposal has the backing of Trifonov's ITN party, Democratic Bulgaria and "Stand Up! Mafiosi Out!" but it is not certain that GERB, the Movement for Rights and Freedoms and the Bulgarian Socialist Party will support it. It also is not clear if, at the point the bill is debated clause-by-clause, the provision for experimental electronic voting in the presidential elections will survive.

Speaking in the first-reading debate, ITN parliamentary group leader Toshko Yordanov said that the probability of early parliamentary elections was "huge".

If early elections are held, the Electoral Code must be amended so that the vote is as fair as possible, he said. If this Parliament was to have a long life, then there would be calm talk about changing the electoral system, Yordanov said, but added that no one knows which of the two options will happen.

The day in Parliament also saw controversy after media reports that by amending the rules of procedure on April 22, MPs had voted themselves a 25 per cent salary increase. MPs dismissed this as a lie and a misinterpretation, because the figure refers to additional sums that may be paid to those serving, for instance, as presiding officers, heads or members of committees.

In the April 22 vote, MPs rejected a proposal by Maria Cappone of "Stand Up! Mafiosi Out!" that the additional remuneration be paid by bank transfer and not, as is long-standing practice in Bulgaria's Parliament, as cash in envelopes.

On April 23, "Rise Up! Mobsters Out" group leader Maya Manolova said that the salaries of members of Parliament should be reduced to the average salary in Bulgaria, which if accepted would mean a cut from a basic salary of close to 7000 leva (about 3500 euro) to 1400 leva a month. Manolova said that the group also wanted a serious reduction in salaries of the Prime Minister, deputy prime ministers, Cabinet members and heads of government agencies.

The Bulgarian Socialist Party said that it wanted the provision for up to 25 per cent in salary supplements to be scrapped altogether, and the salaries of members of the 45th National Assembly frozen at the level of the final month of the 44th National Assembly. The BSP also proposes the abolition of the mechanism by which MPs' salaries are updated every three months on the basis of the size of the average salary in the public sector in Bulgaria.

Bulgaria Constitutional Court strikes down rules on party financing

<https://sofiaglobe.com/2021/04/27/bulgaria-constitutional-court-strikes-down-rules-on-party-financing/>

April 27, 2021



Photo: Clive Leviev-Sawyer

Bulgaria's Constitutional Court said on April 27 that it ruled several provisions in the Political Parties Act and the Electoral Code, concerning private financing of political parties, to be unconstitutional.

The provisions in question were included as a rider on the Budget Act revision passed by the previous National Assembly in July 2019, which also reduced the state subsidy for political parties. At the time, President Roumen Radev vetoed the bill and, after MPs overturned his veto, filed a formal complaint with the Constitutional Court.

The amendments allowed “legal entities and sole proprietors” to make donations to political parties, but parties were not allowed to accept donations from such entities that had overdue tax arrears or were registered in “jurisdictions with a preferential tax regime.”

This added a new source of revenue for political parties, in addition to others allowed under the law, namely membership fees, donations and inheritance of individuals, as well as interest earned on bank loans.

Political parties that receive more than one per cent at parliamentary elections also receive a state subsidy. Parties are banned from any commercial activities, the only exception being intellectual property and publishing activities, which is limited by law to “disseminating party propaganda content.”

In its ruling, passed without any dissenting opinions, the court said that the constitution did not preclude political parties from receiving donations made by legal entities or sole

proprietors, but did require that such funding had “equally clear rules as those on public financing.”

The financing rules outlined in the amendments passed in 2019 did not meet certain restrictions set out in the constitution, the court said, because they did not preclude state financing of political parties by means other than the direct public subsidy.

As formulated, the law would allow donations from the state, state institutions that are legal entities, municipalities, state- or municipality-owned enterprises, as well as companies in which the state or municipalities held a stake.

“The possibility of direct or indirect financing of political parties by the state and municipalities outside the funding stipulated in the state budget is constitutionally inadmissible,” the court said.

Additionally, the court said that “the addition of private financing, which is voluntary and without limits on size, endangers political pluralism.”

Only a system that limited an individual donor’s contribution would guarantee political pluralism and the restrictions imposed by the current law did not achieve that goal, the court said.

The court also ruled that a change in language, to stipulate that the activity of political parties “may be financed” by its own revenues and the state subsidies – as opposed to the previous formulation of “is financed” – was unconstitutional.

The change made it a legal possibility for the state to finance political parties, rather than a legal imperative, according to the ruling. The constitution does not allow Parliament to decide whether to provide public funding for political parties that meet the criteria set out by law, it can only set the size of such financing, the court said.

Croatia

Croatian War Crime Trials Stalled Again in 2020, Report Warns

<https://balkaninsight.com/2021/04/15/croatian-war-crime-trials-stalled-again-in-2020-report-warns/>

April 15, 2021 - Anja Vladislavljevic

Croatia made little progress in war crimes prosecutions in 2020, but commemorations of wartime anniversaries started to shift towards a more favourable environment for building trust, said a report by Human Rights House Zagreb.

Human Rights House Zagreb said in its annual report published on Thursday that there has been “no significant progress in the prosecution of war crimes in 2020” in Croatia.

“Hearings in numerous criminal proceedings for war crimes were not scheduled,” the NGO’s report said, adding that there are still problems with the lengthy duration of court proceedings, which go on for two years or more.

However, the report said that a “shift” in the culture of remembrance at commemorations of 1991-95 war events, which were previously exclusively focused on Croats.

The report noted that the draft of a law that will set out the rights of civilian victims of the 1990s conflict was submitted to parliament at the end of 2020, but that “civilian victims of the war still face many problems and challenges in exercising their human rights”.

“The biggest challenge in determining the status of a civilian victim of war is medical documentation. Specifically, in most cases, medical documentation, which civilian victims of war have from the time they were injured, is not sufficient to exercise the right to the status of a civilian victim because the medical documentation often does not state the exact cause of injury,” it explained.

The report also highlighted the difficult situation of the Serb ethnic minority in Croatia.

“Many Serb [post-war] returnees live in underdeveloped rural areas, traffic-isolated and in poor living conditions, and are still unable to exercise their property rights, and their property remains exposed to usurpation and destruction,” it said.

A devastating earthquake in December in central Croatia and the Banija region “further aggravated the already difficult socio-economic situation” of all residents from “one of the poorest parts of Croatia, where [also] a significant number of members of the Serb ethnic minority live”.

According to the report, physical attacks, hate speech, verbal threats and the destruction of property of Croatian Serbs were also recorded last year.

One well-known incident happened in July when members of a Dinamo Zagreb football fan group put up a banner in the city's Kustosija district that bore the words "We'll f*** Serbian women and children" and the 'U' symbol of the World War II fascist Ustasa movement.

However, the report also noted "a shift in the field of culture of remembrance and the creation of a more favourable atmosphere for building trust in a society based on mutual respect and tolerance".

In September last year, Prime Minister Andrej Plenkovic, leader of the conservative Croatian Democratic Union, HDZ, and representatives of the country's Serb minority commemorated the 25th anniversary of the killings of Serbs in the village of Varivode – one of several incidents that happened in the wake of the Croatian Army's Operation Storm, which saw the Croatian Army defeat rebel Serb forces and take back large amounts of territory.

In August, Plenkovic told a ceremony to celebrate the 25th anniversary of Croatia's victory in Operation Storm that the operation was Croatia's "greatest victory", but also expressed sympathy for all the victims, "not only Croats but also Serbs".

Another development that hinted at steps towards reconciliation was the attendance of Deputy Prime Minister Boris Milosevic from the Independent Democratic Serb Party, which represents Croatia's Serb minority, at the state celebration of Operation Storm.

Kosovo

In Kosovo, System 'Failing to Protect' Domestic Abuse Victims

https://balkaninsight.com/2021/04/06/in-kosovo-system-failing-to-protect-domestic-abuse-victims/?utm_source=Balkan+Insight+Newsletters&utm_campaign=9723699be8-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-9723699be8-319834862

April 6, 2021 - Adelina Ahmeti

Police in Kosovo are handling a rising number of domestic violence cases, but the way authorities deal with the issue is not helping.

At one point, during the beatings, Magbule [not her real name] thought her only choice was whether to endure the violence or take her own life. "I had nowhere to go," she said. "I was severely beaten, but I endured it all. On the day I was thrown out, I could not cope anymore." Magbule was driven out of her home by her family in a remote region of southern Kosovo last year. Today, Magbule – whom BIRN cannot identify or describe – is one of seven residents of a safe house for victims of domestic abuse in the southern Kosovo city of Prizren. For the time being at least, she is safe from violence, but statistics suggest a growing number of women in Kosovo are not.

The safe houses that can help them are struggling to cope financially, and experts say the way authorities deal with cases of domestic violence is not helping.

System 'failed to protect'



Kosovo citizen holds a picture of Antigona Morina who died from bleeding three days after marrying, as they take part in a march to mark International Women's Day in Pristina, Kosovo, March 8, 2019. Morina's family accuses her husband for worsening her condition. He was eventually sentenced with two years in prison for not fulfilling family obligations. Photo: EPA-EFE/VALDRIN XHEMAJ

The number of cases of domestic violence reported to police has risen steadily, from 1,541 in 2018 to 1,915 in 2019 and just over 2,000 in 2020. In the first six months of this year alone, a further 165 cases were registered.

At the end of last year, Kosovo's government at the time allocated 105,000 euros for shelters. But Jubilea Kabashi, director of the Prizren shelter, said it was not enough, not least because some women end up staying longer than the three to six months the shelter usually provides for. "We had a case that lasted 14 months until recently,"

Kabashi told BIRN. "Municipalities need to provide greater support and increase the support budget."

Support organisations for victim of domestic abuse say the perpetrators frequently escape justice. In February, protesters gathered outside the Basic Court in Prizren to voice their anger at a 15-year prison sentence handed down against Ilir Haxhiaj, who was charged after beating his wife, Hatije Dina, in 2019. Dina died from her injuries, but Haxhiaj was charged with grievous bodily harm. The protesters held banners that read, 'Justice for murdered women', 'Murder of women is political' and 'Court, it's murder, not grievous bodily harm.' "We have dozens of cases where after reporting domestic violence to the police, these women were killed by their husbands," the Feminist Thought and Action Collective, CFTA, told BIRN. "In this case, our system has failed to offer protection." "Unjustified sentences for the murder of women cause us to lose faith in our justice system," the CFTA said. The fact that women in Kosovo are being killed after reporting their abusers to police "proves the fact that our system has failed to protect abused women."

'We should not have to protest'

Rina, whom BIRN also cannot identify by her real name, said she too was kicked out of her home by her former husband. "He told me to leave the house and leave the children behind," said the mother of two. "But I did not leave them and then he started to hit me until he left me on the ground unconscious." Eventually, Rina did leave, and turned to her local welfare centre. "They tried to take me back to my ex-husband, but I didn't agree to it because I knew that there would be violence again and I could not bear it anymore," Rina told BIRN. "I decided to go to Austria and there they gave me permission to stay for two years but my husband accused me of kidnapping my children and then the authorities there returned me to Kosovo." Rina has since moved back to the town where she grew up and she and her children are living with relatives. Her case is still before the courts.

Worryingly, it is also not unusual for police officers to be the perpetrators. According to the Kosovo Police Inspectorate, PIK, in 2019 there were 11 cases in which police officers were accused of domestic violence and nine in 2020.

The CFTA said protests, appeals and the symbolic efforts of activists had helped secure a greater degree of justice, but the education was also needed. "We consider as primary the study of gender issues, the theoretical side and the factors that affect the oppression of women in general and specifically the violence they experience," it said. "But we also consider as very important the work done by non-governmental organisations in putting pressure on institutions to regulate mechanisms that deal with the protection of women's lives." "We should not have to protest for perpetrators to receive the punishment they deserve."

Kosovo War Rape Survivors' Painful Road to Recognition

https://balkaninsight.com/2021/04/08/kosovo-war-rape-survivors-painful-road-to-recognition/?utm_source=Balkan+Insight+Newsletters&utm_campaign=9723699be8-BI_PREMIUM&utm_medium=email&utm_term=0_4027db42dc-9723699be8-319834862

April 8, 2021 - Serbeze Haxhiaj

Over 220 women who applied to a Kosovo government committee to verify victims of wartime sexual violence have been rejected, showing how difficult it can be to establish facts about assaults that happened more than 20 years ago during the war.

As thousands of Kosovo Albanians who had been displaced from their homes by the war walked from one village to another on the outskirts of the town of Drenas/Glogovac, seeking a safe refuge, Sadije was worrying about her youngest son, who was six months old and who had been ill several days beforehand. Sadije recalled that it was a sunny afternoon on April 30, 1999 when the column of displaced Kosovars was intercepted by Yugoslav Army troops a few kilometres further along the road to the town of Skenderaj/Srbica. After they were forced to spend the night by the roadside, Serbian policemen and soldiers then separated the men from the women, and forced the women into two houses. In the evening, they took some of the women away and raped them in other buildings nearby, said Sadije, whose name has been changed because she asked to remain anonymous. "There were 11 or 12 other women in the two houses but I did not recognise them," she said. The fact that she did not know the other female victims' names turned out to be crucial many years later when she was trying to prove what happened to her. Sadije said she was detained for three days and systematically raped by two soldiers and one police officer. "One of them, a policeman, was a bit fat and brown. They called him Commander," she recalled. When the police officers dragged her violently to a storehouse to rape her, her left leg was injured, and three months later, after the Kosovo war was over, she underwent surgery. However, she continued to suffer pain in her leg and in 2007 she had to undergo another operation.

In February 2018, the Kosovo authorities began receiving applications for the status of survivor of wartime sexual violence. Being granted this status not only bestows official recognition of a victim's suffering, but also makes them eligible for benefits such as monthly payments of 230 euros. Since it started work, the government's Commission to Recognise and Verify Survivors of Sexual Violence during the Kosovo War has received more than 1,220 applications, and more than 900 of these applicants have been granted the status of wartime victim of sexual violence.

But 222 applicants have been rejected, and Sadije was one of them. Fidgeting constantly in her chair and pausing twice to cry, Sadije said that the interview with the verification commission was embarrassing for her. "They asked me more about my financial situation [than the assault]. They didn't let me talk much," she said. She said she was made to feel like she was "cheating" the commission. Her unprocessed trauma, confusion and mental dissociation, as well as her lack of witnesses and documents to prove she was raped, made her seem unconvincing and lacking in credibility to the

verification commission. Her application had also been filled out by a lawyer who was not from an NGO licensed by the Kosovo government to do so.

The government licensed four NGOs, Medica Gjakova, Medica Kosova, the Kosovo Centre for the Rehabilitation of Torture Victims and the Centre for the Promotion of Women's Rights to help victims to complete and file their applications. "Most of the rejected applicants are those whose applications were not filled out by licensed NGOs," Feride Rushiti, the head of the Centre for Rehabilitation of Torture Survivors, told BIRN. In most cases, the verification commission asks for medical reports from applicants, particularly from those who have not been registered as war victims previously, or who do not have any witnesses to back them up. But commission officials deny that the application criteria are harsh or too complicated. The head of the commission, Minire Begaj, told BIRN that all applications are reviewed with "professionalism and seriousness".

"The reasons for refusals are in cases when the commission is not convinced about the alleged traumatic event," said Begaj. "The commission does not say that the claims are not true, but it says that it did not reach the conclusion that the status should be approved," she explained. Mustafe Prenku, the head of the Organisation of Invalids and Civilian War Victims, said it was "really disappointing how the commission is rejecting victims, and only asking for medical reports or witnesses".

Fear of social ostracisation if people find out that they were raped is one of the reasons why many women no longer have medical documents to prove their case, Prenku told BIRN. "Many victims have destroyed their documents because they were afraid they will be exposed. The commission should be more focused on their trauma," he explained.

'Women's psychological trauma is the main evidence'



Vasfije Krasniqi Goodman gave a groundbreaking interview about wartime sexual violence to Kosovo's public broadcaster RTK in October 2018. Photo: BIRN.

Veprorë Shehu, the head of Medica Kosova, which provides psychosocial, legal and economic support for victims of sexual violence in the 1998-99 war, raised concern that the rejected cases will discourage other victims from applying. "For some members [of

the government commission], the approach to this process requires evidence-based verification, while for most victims, the women's psychological trauma is the main evidence," said Shehu. "Some rejected applications reflected inconsistencies or disassociations in describing traumatic experiences, casting doubt on their credibility," she added.

In cases in which victims applied through the four Kosovo NGOs that have been licensed to accept applications, rape survivors have the opportunity to appeal against rejection decisions. If an applicant is rejected again after a decision is reviewed, they can take their case to court. But those who submit their applications directly to the commission often don't know how to appeal for a review or approach a court to challenge a decision.

Shehu also said that the rejection of applications is also a consequence of some victims' inability to provide documents and witnesses. "They have destroyed medical reports due to the fear of keeping them. Also in most of the cases, they didn't know the other victims," she said. Another wartime rape victim, whose application was initially rejected but then approved after a court then decided in her favour, confirmed this point. "They asked me for eyewitnesses [to the rape] but I didn't know the others who were in the same house," she told BIRN.

Wartime rape survivors struggled for recognition in Kosovo for more than two decades, but since the verification process opened, many have hesitated to apply, fearing stigma and ostracisation.

Vasfije Krasniqi Goodman, a survivor who was recently elected as an MP, argued that the verification process should be more sensitive and empathetic because the prolonged trauma suffered by the victims means that some cannot clearly establish what happened to them. "I think their psychological condition is proof of what they experienced. Most of them still suffer physical and psychological trauma from the horror they lived through," Krasniqi Goodman told BIRN. "I hope that those who are still hesitating to apply will not be discouraged," she added.

Rushiti, the head of the Centre for Rehabilitation of Torture Survivors, pointed out that it is hard for victims who haven't had psychological help to file applications. Victims also have to wait for a long time for courts to deal with their cases if they appeal, and the final deadline for applications is in 2023. "We have asked the president of Pristina Basic Court to treat these cases as a priority. We are also asking parliament to extend the mandate of the government verification commission in order to prolong the time for applications because we have only less than two years left and many victims haven't been to apply," Rushiti said.

A month after her application was rejected, Sadije is still deeply upset about it. She insisted that she told the government verification commission the story of the sexual assault as honestly as she could. "When I think about this, it breaks my heart even more," she said. "I told it as I knew it and as I could express it, as God is my witness."

Kosovo Human Rights Council Calls for Prisoners with Tertiary Diagnoses to Be Released

<https://exit.al/en/2021/04/21/kosovo-human-rights-council-calls-for-prisoners-with-tertiary-diagnoses-to-be-released/>

April 21, 2021 - Die Morina van Uijtregt



The Council for Defense of Human Rights and Freedoms (CDHRF) in Kosovo proposed the amendment of the Law on Execution of Penal Sanctions, in order for those convicted inmates with tertiary diagnoses to be released and serve their sentences with house arrest.

The reaction of CDHRF came after a prisoner diagnosed with malignant cancer died on Tuesday evening. They said that it is clear that the Health Department of Prisons of Kosovo, despite the will, does not have sufficient professional capacity to handle cases with tertiary diagnoses, and treatment in the respective Clinics is followed by many obstacles and problems, from logistics to security.

“In addition to convicting perpetrators of criminal offenses by applicable laws, the state must also take into account the humanitarian aspect of cases that inevitably end in fatality for prisoners,” CDHRF says. They say that as long as there will be ambiguity and lack of the relevant legal basis, there will be more prisoners with tertiary diagnoses dying and family members suspecting the institution did not provide the necessary health service.

CDHRF explains that the prisoner R.S. who died on Tuesday was serving his sentence in 2016 and was being treated in Dubrava prison and later at the Neurological Clinic which all the time was cooperating with the Clinic of Oncology. “It should be noted that this case was among 25 similar cases that, with the beginning of the pandemic, was sent to the court and other competent institutions seeking their release but was rejected in the absence of the relevant legal act,” CDHRF says.

Hague Prosecution Contests Challenge to Hashim Thaci Indictment

<https://balkaninsight.com/2021/04/27/hague-prosecution-contests-challenge-to-hashim-thaci-indictment/>

April 27, 2021- Xhorxhina Bami

The prosecution at the Kosovo Specialist Chambers argued that the indictment clearly explains the crimes committed by ex-president Thaci and his co-defendants, and urged the court to reject the defence's challenge to the charges.



Former Kosovo Liberation Army leaders turned politicians Hashim Thaci (top), Rexhep Selimi, Kadri Veseli and Jakup Krasniqi (bottom left to right) in court in The Hague in March. Photo: Kosovo Specialist Chambers/Screenshot.

The prosecution at the Kosovo Specialist Chambers in The Hague has asked the pre-trial judge to dismiss the defence's motions challenging the indictment of former Kosovo President Hashim Thaci and three other former Kosovo Liberation Army guerrillas turned politicians, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi.

"The indictment sets forth a concise statement of the material facts of the [prosecution's] case and of the crimes and modes of liability charged," the prosecution said in its written response to the defence motions.

The defence had criticised what it described as the prosecution's failure to provide information about the identities of alleged perpetrators by referring to them as "KLA [Kosovo Liberation Army] members", and also about the identities of the alleged victims. "It is also vague about the locations of some crimes and insufficiently details Mr Thaci's link to the crimes, as well as the role he is accused of playing," it said.

But the prosecution's response, which is dated April 23 but was made public on Tuesday, insisted that the indictment "describes in sufficient detail 'who did what, when, where and against whom'".

The indictment alleges that Thaci and three other former Kosovo politicians committed war crimes and crimes against humanity when they were senior figures in the KLA in the late 1990s.

They are accused of having been 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". They have all pleaded not guilty.

The common purpose of the joint criminal enterprise "encompassed widespread, continuing, and recurring crimes against hundreds of opponents", the defence response said.

It said that the crimes "formed part of a campaign of persecution throughout Kosovo and northern Albania".

"The indictment details incidents of persecution, imprisonment/arbitrary detention, other inhumane acts/cruel treatment, torture, murder, and enforced disappearance at or in connection with more than 40 locations in at least 16 municipalities throughout Kosovo and two districts of northern Albania," it added.

The Kosovo Specialist Chambers were 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.

Freedom House: Kosovo Marks Decrease on Its Democracy Level

<https://exit.al/en/2021/04/28/freedom-house-kosovo-marks-decrease-on-its-democracy-level/>

April 28, 2021 - Die Morina van Uijtregt

Kosovo marked a decrease in its democracy score according the Freedom House Nations in Transit report 2021.

Out of 1 to 7 (with 1 being the lowest) the overview of democracy score changes show Kosovo has 3.14 points comparing to 3.18 it had in the previous year.

The report shows that the democracy percentage in the country is 36, while it is categorized as transitional government or hybrid regime.

“While important transfers of power took place in Montenegro in 2020 and Kosovo in 2021, it is still unclear whether they will lead to an improvement in democratic institutions. And without such institutional transformation, any political opening is extremely difficult to sustain,” report reads.

It points out the stance of Vetevendosje’s leader and Kosovo’s Prime Minister Albin Kurti, who said that in case a referendum would be held he would vote in favor for a unification with Albania.

“While the victorious Vetëvendosje party in Kosovo represents a genuine break from the status quo, its qualified support for unification with Albania could unsettle the wider region,” report says.

Vetevendosje had more than 50% of votes in the last Kosovo parliamentary elections on February 14.

“Nevertheless, it is always the case that when corrupt or repressive incumbents lose power through elections, there is at least an opportunity for change in a more democratic direction,” Freedom House’s report reads.

The report also points out that alongside Montenegro, Moldova, and Slovakia, Kosovo perform far worse on Nations in Transit’s corruption ratings than on any other indicator.

Moldova

PSRM's application concerning nomination of Natalia Gavrilița for PM inadmissible

https://www.ipn.md/en/psrms-application-concerning-nomination-of-natalia-gavrilita-for-pm-7965_1080766.html

April 2, 2021



The Constitutional Court rejected the Socialist MPs' application by which they asked to pronounce on the constitutionality of the presidential decree to nominate Natalia Gavrilița as a candidate for Prime Minister as inadmissible, IPN reports.

The Court noted that based on the challenged decree, Natalia Gavrilița asked for a vote of confidence from Parliament for her government program and the Cabinet members.

On February 11, 2021, the legislative body examined the candidate for premiership's request and didn't support her. By rejecting the request to vote in the Government, the challenged decree had its effect. The challenge lacks content and cannot be accepted for examination.

On March 24, representatives of the PSRM asked the CC to pronounce on the constitutionality of the presidential decree to nominate Natalia Gavrilița as a candidate for Prime Minister as this was published in the Official Gazette later than it was too.

Also, the decree runs counter to Article 98 of the Constitution as the nomination of Natalia Gavrilița for Prime Minister and the presentation of the government program and the Cabinet were aimed not at obtaining a vote of confidence, but at triggering the dissolution of Parliament.

Moldova Court Ruling Empowers President to Dissolve Parliament

<https://balkaninsight.com/2021/04/15/moldova-court-ruling-empowers-president-to-dissolve-parliament/>

April 15, 2021

Moldova's highest court has ruled in favour of President Maia Sandu's request to dissolve parliament, paving the way for early parliamentary elections in which her pro-Western allies hope to do well.

The Constitutional Court ruled on Thursday that the circumstances justifying the dissolution of parliament have been met, enabling President Maia Sandu to sign the dissolution decree and bringing early elections closer.

The court agreed to allow the dissolution of the parliament citing “the impossibility of forming a government”, the president of the court, Domnica Manole, explained. The ruling is irrevocable and cannot be appealed.

Sandu appeared earlier before the Constitutional Court to present her case arguing the need to dissolve the parliament. She argued that the President is obliged to dissolve parliament if attempts to form a government have repeatedly failed.

Former President Igor Dodon, leader of the pro-Russian opposition Socialists, criticised the ruling, saying the decision was given in favour of political interests. He argued that the court had violated its own rulings issued over the past years, and the Council of Europe’s and the Venice Commission’s recommendations.

“Today’s decision is comparable to the Constitutional Court’s decisions before June 2019, when [convicted tycoon Vladimir] Plahotniuc had the Constitutional Court in his pocket,” Dodon said. Dodon threatened non-recognition of the Constitutional Court’s decision and a vote of no confidence in the three court judges, demanding their resignation. He appealed also to international partners “to intervene and stop these attempts at a constitutional coup and restore the rule of law in Moldova”.

Fearing poor results in an early election, and wanting to maintain their current strength in parliament, the Socialists have tried constantly to pressure the court to reject Sandu’s requests to dissolve parliament and hold early elections.

The pro-EU president hopes elections will end the current standoff with parliament by creating a new majority in favour of her pro-Western political agenda.

The Justice Minister, Fadei Nagacevschi, and the Speaker of the Parliament, Zinaida Greceanii, both Socialists, send petitions to the court urging it to reject Sandu’s request for dissolution and snap elections.

Socialist and For Moldova MPs adopt statement on CC capture

https://www.ipn.md/en/socialist-and-for-moldova-mps-adopt-statement-on-cc-capture-7965_1081219.html

April 23, 2021



The MPs of the Party of Socialists and the parliamentary platform For Moldova, which includes the MPs of the Shor Party, on April 23 adopted a statement on the usurpation of power by the Constitutional Court by which three of the CC judges are given a vote of no confidence. The PAS MPs left the assembly hall immediately after the draft statement was added to the agenda, saying they do not want to take part in “cheap circus”. The PPPDA MPs also left the hall after the draft statement was presented, IPN reports.

“As it was expected, I refer to the PSRM-Shor alliance, today it will be a day of populism and attacks on the state institutions, particularly the Constitutional Court. The PAS will not take part in this circus. I think the citizens will see how desperate this alliance is now that the snap parliamentary elections are inevitable,” said the head of the PAS group Igor Grosu.

Socialist MP Vasile Bolea noted they are concerned that the only authority of constitutional jurisdiction, the Constitutional Court, is captured by the evidently arbitrary and unconstitutional actions of judges Domnica Manole, Liuba Șova and Nicolae Roșca, who, by the taken decision, violated the oath taken on August 16, 2019.

"We ascertain the totalitarian character of the Constitutional Court's decision, whose impact materializes into an attack on the sovereignty of the people and its dictatorial and non-democratic character," said Vasile Bolea, reading the statement. According to him, the Court allowed the President to dissolve Parliament even if there were the elements needed to vote in a Government.

"The mentioned constitutional judges repeatedly committed constitutional deviations and violated the Constitution. We, the MPs, are obliged not to allow backsliding to dictatorship by building the rule of law and democracy in the Republic of Moldova," stated Vasile Bolea, noting they call on the international organizations to assess the related situation in Moldova.

Before his group left the assembly hall, PPPDA MP Alexandru Slusari said this is a show and another sterile statement of the many adopted by Parliament so far. Instead of focusing on important bills that should be adopted before the dissolution of the legislature, the farce is continued.

"This is an attack on the independence of the Constitutional Court. What we do now is something unprecedented. In the history of the Republic of Moldova, I haven't seen such moves that will produce nothing good on the political arena. I refer to the character of this Parliament decision," noted Democratic MP Nicolae Ciubuc.

Pro Moldova group leader Andrian Candu said the MPs should remember the year 2019, when they maintained that the state, the state institutions, including the CC, were captured. Either they like it or not, the Constitutional Court is protected by law and its decisions should be obeyed.

Democratic leader Pavel Filip said the current Court was "created" by the PSRM and the ACUM Bloc. The statements are adopted if they suit the political players.

The statement was passed by the votes of 54 MPs.

Moldovan top court declares as unconstitutional parliament decisions of 23 April

<https://www.moldpres.md/en/news/2021/04/27/21003108>

April 27, 2021

The Constitutional Court today declared as unconstitutional the parliament decisions of 23 April 2021 on revocation of a constitutional judge and appointment of another judge.

Today, the magistrates considered the notification submitted by MPs Sergiu Litvinenco and Dinu Plîngău on control of the constitutionality of the Parliament Decision on annulment by partial withdrawal of the Parliament Decision No121 of 16 August 2019 on appointment of a judge of the Constitutional Court, and of the parliament decision of 23 April 2021 on the appointment of a judge of the Constitutional Court.

Domnica Manole participated in the examination of the notification, although initially her recusal was requested.

On 23 April MPs of PSRM, Shor Party and For Moldova canceled the decision on the appointment of Domnica Manole as a judge of the Constitutional Court. Subsequently, the deputies voted for Boris Lupaşcu's candidacy for the position of judge at the CCM. He took the oath in the absence of the head of state.

This morning, Boris Lupaşcu submitted a statement to the Chancellery of the Parliament in which he requested the annulment of the documents that were the basis for his appointment as a judge at the Constitutional Court, in connection with the voluntary renunciation of the mandate.

Decree to dissolve Parliament signed

https://www.ipn.md/en/decreed-to-dissolve-parliament-signed-7965_1081339.html

April 28, 2021



President Maia Sandu signed the decree to dissolve Parliament. The announcement was made by President Sandu in the evening of April 28 after the Constitutional Court ruled that the Parliament decision to declare a state of emergency is unconstitutional. The snap parliamentary elections will be held on July 11, IPN reports.

In a press briefing, Maia Sandu said that by this decision, the way for the citizens to elect a new Parliament that will serve their interests was opened. The power is in the people's hands. "The power is in your hands. I'm confident that our citizens will choose the correct path towards building a developed and democratic state in which the people will live in peace and welfare," said President Sandu.

According to her, the elections will take place on July 11. "After the elections, we will name a responsible government that will be backed by a stable majority and we will improve things in the country," said Maia Sandu, noting that the Government is to allocate money from the state budget for organizing and holding the snap parliamentary elections.

The Parliament decision by which a state of emergency was instituted for the period between April 1 and May 30 was declared unconstitutional. The CC's decision is final, cannot be disputed, takes effect when it is adopted and is published in the Official Gazette. CC judges Vladimir Țurcan formulated a separate opinion in this case, but this hasn't been published yet.

Moldovan parliamentary committee to consider kidnapping of former Ukrainian judge

<https://www.moldpres.md/en/news/2021/04/09/21002691>

April 9, 2021

Today MPs set up a commission to investigate circumstances of the alleged kidnapping of former Ukrainian judge Mykola Chaus.

The Commission will include nine members, MPs of all parliamentary factions. The position of head will be held by Vasile-Andrei Năstase, Adrian Lebedinschi will be deputy head and Grigore Novac - secretary. The commission will also include lawmakers Alexandru Jizdan, Vladimir Cebotari, Grigore Repeșciuc, Vadim Fotescu, Oazu Nantoi, Fiodor Gagauz.

The legislative initiative belongs to a group of MPs of the PSRM faction, who claim that one of the objectives of the commission of inquiry will be to collaborate with the state institutions whose competence is related to solving such situations. Also, the commission will submit proposals for an efficient and rapid elucidation of the circumstances, in order not to admit the serious violation of human rights and the criminal legislation of the Republic of Moldova.

Another significant task of the commission would be to propose amendments to the normative acts, which would be applied in order not to admit analogous cases.

Former Ukrainian judge Mykola Chaus, whose application for political asylum was examined by the courts of the Republic of Moldova on 3 April 2021 was kidnapped by a group of armed people in central Chisinau.

Council of Europe launches two projects to continue supporting reforms in criminal justice in Moldova

https://www.ipn.md/en/council-of-europe-launches-two-projects-to-continue-supporting-reforms-7967_1081198.html

April 22, 2021



Two Council of Europe projects were launched in the Republic of Moldova to continue supporting reforms in the criminal justice sector. These are: “Strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions in the Republic of Moldova” with the duration of 36 months (“SPPRH Project”) and “Strengthening the human rights compliant criminal justice system in the Republic of Moldova”, with the duration of 30 months (“SHRCCJ Project”). Both projects are financed through the Council of Europe Action Plan for the Republic of Moldova (2021-2024), IPN reports, quoting a press release of the CoE.

William Massolin, Head of Council of Europe Office in Chisinau, said SPPRH Project aims at supporting the enhancement of the prison management practices, the improvement of the quality of the provision of health care to inmates (including mental health care), supporting the probation in raising its profile, promoting the value of community sanctions and measures among all actors of the criminal justice system and strengthening of treatment programs and protocols for patients in psychiatric establishments (including forensic patients).

SHRCCJ Project is focused on pre-trial detention, criminal sentencing and enhancing the effectiveness of the mechanisms of control and monitoring over prison conditions

(including the mechanisms available to the Ombudsperson Institution and the National Preventive Mechanism) and thus contributing to reducing overcrowding in prison and encouraging the use of community sanctions and measures. Its key objective is to make the criminal justice system in Moldova more in line with the human rights standards.

The two Projects are closely interlinked and together form a comprehensive approach towards solving key criminal justice issues in Moldova.

Alexandru Pleșca, State Secretary of the Ministry of Justice of the Republic of Moldova, said that for overpassing the current precarious situation in the justice system, further intervention and support is still needed.

Both Projects will contribute to further strengthening the criminal justice system in the country, which is also grounded in the analysis of the findings and recommendations of the Council of Europe and other international bodies.

Cornel Lebedinschi, State Secretary of the Ministry of Internal Affairs of the Republic of Moldova, noted that the Projects' work plan shall add value to each of the beneficiary involved in the Projects.

The overall Work Plans of the Projects and operational Work Plans for 2021 were discussed and endorsed by the Steering Committee members.

Montenegro

Čović and Simonović dismissed from Intelligence and Security Directorate

<https://m.cdm.me/english/covic-and-simonovic-dismissed-from-intelligence-and-security-directorate/>

April 4, 2021 – Pobjeda



Defense Minister Olivera Injac has passed decisions on dismissing Majors Radule Čović and Ivica Simonović from the Intelligence and Security Directorate (OBD) and reassigning them to other duties, even though they were appointed to the OBD sector less than 2 months ago, Pobjeda has learnt.

According to Pobjeda, Minister Injac was forced to make such a move after several urgencies of NATO security experts towards the Ministry of Defense and the Government of Montenegro.

This has confirmed that with a series of wrong moves, all according to instructions from the top rungs of the Montenegrin Government, Minister Injac practically collapsed the security system in the army in a short time and significantly compromised the almost flawless cooperation with Western allies.

Montenegro Police Re-arrest Regional Drug Gang's Alleged Boss

<https://balkaninsight.com/2021/04/21/montenegro-police-re-arrest-regional-drug-gangs-alleged-boss/>

April, 21 2021 - Samir Kajosevic

Slobodan Kascelan, alleged kingpin of the so-called Kavac drug gang from Kotor – who was released on bail in 2019 – has been re-arrested by police in Montenegro in what authorities are hailing as a major triumph for the rule of law.



Police footage of Slobodan Kascelan's arrest in Kotor, Montenegro. Photo: Twitter/Police Directorate

Montenegrin police on Tuesday re-arrested Slobodan Kascelan, the alleged leader of the notorious Kavac drug gang, on suspicion of organising a criminal group that had committed and planned several serious crimes.

Kascelan, 58, is listed in Montenegro police records as one of the leaders of the drug gang based in the Montenegrin town of Kotor. But in 2019 such claims or any involvement in drug trafficking.

On Wednesday, Deputy Prime Minister Dritan Abazovic confirmed the arrest, hailing it as one of the biggest successes of the police in Montenegro in a decade.

"We are dealing with criminal groups with regional influence. Montenegro will deal with organised crime ... We promise that organised crime will not rule this country," Abazovic told the media.

The gang has been involved in a six-year-long war with the rival Skaljari gang, also from Kotor. At least 40 people have been killed in Montenegro, Serbia, Austria and Greece as part of the conflict.

The Kavac and Skaljari gangs take their names from the neighbourhoods of Kotor, a medieval town of some 20,000 inhabitants in Montenegro's Boka Bay.

The Kavac-Skaljari conflict started in 2015, after 300 kilos of cocaine vanished from an apartment in Valencia, Spain, in 2014.

In May 2017, the Special State Prosecutor's Office charged Kascelan with organising a criminal group involved in criminal acts of extortion – loan sharking, illegal possession of weapons, sale of drugs, enabling the use of narcotics, giving bribes, serious crimes against public safety and money laundering.

In December 2018, he was arrested in the Czech Republic, under a red wanted notice issued by Interpol Podgorica. Police said he was wanted for criminal prosecution in Montenegro on suspicion of attempted murder, creation of a criminal organisation and loan sharking.

But the Higher Court in Podgorica released him on bail in 2019, after the court accepted bail of more than 500,000 euros in real estate. So far, he is accused only of organised loan sharking.

In January 2021, the Special State Prosecutor's office said police had prevented Kascelan's murder. The prosecutor said Kascelan was supposed to be killed on January 22 while arriving for trial in the Higher Court in Podgorica in an armoured car.

"Kascelan was supposed to be attacked at one of the traffic lights in Podgorica while he was in the car; the criminal group planned to activate an improvised explosive device, which was supposed to be attached to his vehicle with a magnet from a moving motorcycle," Special Prosecutor Sasa Cadjenovic explained.

Organised crime has deep roots in Montenegro, a former Yugoslav republic of some 630,000 people that for years has served as a transit point for illicit cigarettes and drugs.

A UNESCO World Heritage site and popular tourist destination, Kotor made headlines a decade ago when it emerged that notorious Balkan drug baron Darko Saric, jailed in Belgrade in 2015 for smuggling cocaine from Latin America, had begun investing huge sums of money in the town, mainly in tourism.

New prosecutorial law submitted to Assembly of Montenegro: Election of new Prosecutorial Council envisaged

<https://europeanwesternbalkans.com/2021/04/26/new-prosecutorial-law-submitted-to-assembly-of-montenegro-election-of-new-prosecutorial-council-envisaged/>

April 26, 2021



Prime Minister of Montenegro Zdravko Krivokapić at a parliamentary session in Podgorica. Photo: Parliament of Montenegro

The ruling majority in Montenegro has submitted a new proposal for amendments to the Law on State Prosecution to the Assembly, following the criticism to the previous proposal, submitted in February. The law changes the composition of Prosecutorial Council and envisages election of new members, among other changes.

Prosecutorial Council, which is the principal body managing the the careers of prosecutors and the independence of their work, is currently composed of five state prosecutors, four jurists elected by the Assembly and one official at the Ministry of Justice.

The new law would decrease the number of prosecutors from five to four and increase the number of jurists from four to five, one of which would be nominated by the civil society. The law envisages the launch of the procedure for the election of the new Prosecutorial Council within eight days of its adoption when it comes to jurists elected by the Assembly and 30 days when it comes to the prosecutors elected by their peers.

Among other changes to the laws is enumeration of the categories of people that cannot be members of the Prosecutorial Council, including former state prosecutors, elected officials or a relative of the highest state officials.

The proposal was signed by the presidents of five groups which formed a shaky ruling majority last year – Democratic Front, Movement for Changes, Socialist People's Party, "Peace is our Nation" and "Black on White". They expressed hope that the Law would be on the agenda of the Assembly on 11 May. "This is one of the most important acts and laws that we will adopt... There is no need to waste words on the need for changes, the current prosecution has shown the need for changes and in the end all European Commission Reports note the need for changes in the prosecution", said Miloš Konatar, chairman of the "Black on White" parliamentary group during a press conference.

He added that special care was taken of the opinion of the Venice Commission and that the goal was to enter the European Union as soon as possible, Vijesti report.

On the other hand, Danijel Živković, chairman of the Democratic Party of Socialist opposition group, said that the proposal went against the position of the Venice Commission and that its adoption would be a "legal violence" and confrontation with the European partners, Analitika reports.

New VC's opinion on prosecutorial laws by 10 May

<https://www.cdm.me/english/new-vcs-opinion-on-prosecutorial-laws-by-10-may/>

April 28, 2021 - Dan



FOTO: Savjet Evrope

The Venice Commission (VC) is to submit an opinion on the draft amendments to the Law on the State Prosecutor's Office of Montenegro by 10 May, the VC Secretary Simona Granata Menghini, has confirmed for Dan. She explains that the DPM Dritan Abazović's cabinet sent another request for an opinion, and it is expected that it will be completed by 10 May.

She has stated that the VC remains a reliable partner, always ready to help reach the best solutions.

The Montenegrin parliamentary majority has announced that amendments to this law are to be on the agenda of the session starting on 11 May. The VC has issued an adverse opinion on proposed amendments to the prosecutorial laws sent to it by the Montenegrin Government in March.

EP to discuss prosecutorial law on 18 May

<https://m.cdm.me/english/ep-to-discuss-prosecutorial-law-on-18-may/>

April 30, 2021



The European Parliament (EP) will adopt the Progress Report on Montenegro at its session in Strasbourg on 18 May, in which a special part will be dedicated to the announced judicial reform and the adoption of the law on amendments to the Law on the State Prosecutor's Office, Dan reports.

Once adopted, the Report will take on the character of the EP resolution. At the session on 18 May, the main points from the Report will be explained by the EP rapporteur for Montenegro Tonino Picula, followed by a discussion, after which the MEPs will decide on the document as a whole.

Former Minister Branko Vujovic detained

<http://www.rtcg.me/english/montenegro/318979/former-minister-brankovujovic-detained.html>

April 26, 2021

In the case of state guarantees for the loans of Aluminum Plant Podgorica (KAP), the police this morning arrested several people, among whom is the former Minister of Economy Branko Vujovic, learns RTCG (Radio Television of Montenegro (RTCG).

The Special State Prosecutor's Office (SDT) opened an investigation earlier this month in the case of guarantees for KAP.

The investigators, as we find out, are connecting 14 people with that case. "Several people were detained due to abuse of office. Criminal charges were filed against 14 suspects. They are members of the former commission for control of state aid from the Ministry of Finance and certain officials of the Ministry of Economy," the police learned.

Vujovic was the Minister of Economy in the Government of Montenegro from 2009 to 2013 during the period of issuing guarantees which amounted to more than 130 million euros.

The State Audit Institution's report from 2013 states that no risk assessment was performed before issuing guarantees to KAP.

North Macedonia

North Macedonia Claims to Bust Police Gang Forging Passports

<https://balkaninsight.com/2021/04/07/north-macedonia-claims-to-bust-police-gang-forging-passports/>

April 7, 2021 - Sinisa Jakov Marusic



North Macedonia's Interior Minister, Oliver Spasovski. Photo: vlada.gov

North Macedonia's claims to have cracked a passport forging operation involving the police have become emeshed in a political row with the opposition – which claims the gang exists – and is run by government officials.

Police in North Macedonia have arrested nine police officers, and are still searching for one other person, as part of Tuesday's crackdown on a suspected criminal gang supplying false passports and identity documents, Interior Minister Oliver Spasovski said. They will be charged with issuing 215 fake passports to foreigners, including members of international crime groups and drug cartels. One additional passport was issued to a North Macedonian national.

"The true identity of the persons who obtained passports with stolen identities was determined thanks to the international police cooperation through the US's regional security office and the general secretariat of Interpol," Spasov said, adding that the police had been working on busting the group since 2019. "Some of these persons are members of international organised crime groups, narco-cartels, people engaged in serious crimes, meaning people with high-risk profiles and persons wanted under international warrants," the minister added.

The story has assumed political connotations since the police launched the crackdown just one day after the main opposition VMRO DPMNE party on Monday told media said the criminal ring existed – and accused Minister Spasovski and Prime Minister Zoran Zaev of masterminding it.

During Tuesday's bust, the opposition insisted the police operation was a cover-up, and that only the "small fish" would be arrested to cover the tracks of top officials' involvement.

Spasovski rebuffed these claims, and accused the opposition of trying to expose the investigation and so foiling attempts to bust the passport forgers. He added that the prosecution should investigate this. "VMRO DPMNE and its leader Hristijan Mickoski directly published info linked to the investigation that could have directly endangered everything that our police and our strategic partners from Interpol have been working on," Spasovski said. "After these attempts failed, the publication of fake news continued, alleging that this [police] operation was launched by [the former caretaker interior minister from VMRO DPMNE who led the ministry in early 2020] Naue Culev, and that after that the Interior Ministry did nothing. This is an absolute fabrication, directly linked to the attempt to sabotage the police action. The vast police action started in 2019," Spasovski insisted. In a subsequent live appearance on Wednesday at a media debate aired online, Spasovski added that his suspicions of opposition attempts to foil the bust had been additionally fueled by the fact that "one of the arrested [police officers] is in close connection, [and had] direct and daily contacts with the opposition leader [Hristijan Mickoski]".

On Tuesday VMRO DPMNE repeated that "Spasovski and Zaev are on top of this affair", which the opposition dubbed a "Mafia". It added that the two "enabled logistical support to the narco-bosses, and are now transferring responsibility to common [police] employees". Among VMRO DPMNE's allegations is a claim that the controversial Turkish businessman Sedat Peker obtained a passport and identity documents under the false identity of Xhadin Ademovski.

Another name mentioned by the opposition was that of Montenegrin national Jovan Vukotic, who according to a report in July 2020 by the Geneva-based Global Initiative Against Transnational Organized Crime, is the "head of the Skaljari", one of the two biggest drug Balkan gangs.

The party asked how it was possible that after North Macedonia arrested and deported Peker to neighbouring Kosovo in January 19, about which there was a police press release, only four days after he appeared again in a police station in North Macedonia to take a picture for the fake passport that he then obtained. "It's impossible that Peker, whom we saw on social networks strolling through Skopje with 20 people from his security, passed undetected by the Interior Ministry. It is the same with the case of Vukotic," VMRO DPMNE said.

At Tuesday's press conference Spasovski did not reveal the names of the alleged criminals that obtained fake passports or identification documents, saying it was still a matter of the international operation.

North Macedonia Convicts Ex-Secret Police Chief of Procurement Scam

<https://balkaninsight.com/2021/04/13/north-macedonia-convicts-ex-secret-police-chief-of-procurement-scam/>

April 13, 2021 - Sinisa Jakov Marusic

The former head of North Macedonia's secret police, Saso Mijalkov, was convicted of the illicit purchase of telecommunications surveillance equipment for the intelligence service and sentenced to eight years in prison.



North Macedonia's former secret police chief Saso Mijalkov in court in Skopje in 2019. Photo: EPA-EFE/STR.

The Criminal Court in Skopje found Saso Mijalkov guilty in a first-instance verdict on Tuesday of abuse of office and authority for the illicit purchase of surveillance equipment under the former authoritarian regime led by the secret police chief's cousin, Nikola Gruevski.

The former head of Mijalkov's office Toni Jakimovski, and the former Assistant Interior Minister, Nebojsa Stajkovic, were sentenced to five years in jail each for the same offences as Mijalkov. A fourth former secret police official, Goran Grujevski, who was tried in absentia because he fled the country in 2017, was sentenced to 15 years in jail for helping them.

According to the court, Mijalkov and the other defendants procured equipment from British company Gamma International between 2010 and 2012 through a company called Finzi from Skopje, as an intermediary, instead of buying it directly from the company, which would have been cheaper.

The court found that the ultimate hidden beneficiary of Finzi was Mijalkov. After the equipment arrived, the defendants also paid Finzi on several occasions for training and phoney maintenance of the equipment. This cost the state budget 48 million denars – around 778,000 euros.

The court said that Finzi was originally founded by an offshore company in the United States, and that before being used by Mijalkov and his accomplices for the illicit purchase of the surveillance equipment, it was originally owned by the currently detained businessman Orce Kamchev, which Kamcev has confirmed.

The court found that Finzi did not have a single employee during the time of the illegal purchases, and that it was also completely inexperienced in trading with or maintaining surveillance equipment.

The first manager of Finzi was Vladislav Stajkovic, the brother of defendant Nebojsa Stajkovic, who appeared as a witness during the trial, but whose testimony the court rejected as not credible. Later on, the manager of Finzi was Kosta Krpac, whose death in 2016, although officially registered by police as a suicide, sparked suspicions of foul play.

These suspicions were fuelled when the Special Prosecution confirmed that Krpac had been willing to cooperate with it as a witness.

Due to its suspicious capital and origins, the Finzi company is also part of a much wider investigation in which Mijalkov and Kamchev are also suspects.

The court on Tuesday also ordered seizure of the bank accounts and property of Finzi to the value of 170,000 euros, and ordered the defendants to pay some 600,000 to compensate for the rest of the cost to the state budget.

During the trial, Mijalkov pleaded not guilty, with the defence claiming that he had nothing to do with Finzi, nor did he in any way influence the British company to sign an agreement with it to be the exclusive distributor of the equipment for North Macedonia.

The defence said it will appeal against Tuesday's verdict.

This is the second jail sentence in less than two months for the once-powerful former chief of the secret police. On February 26, the Criminal Court in Skopje, in a first-instance verdict, jailed Mijalkov for 12 years for masterminding the illegal wiretapping of thousands of people between 2008 and 2015.

Mijalkov is currently in detention after he mysteriously vanished for two days in February and then reappeared, embarrassing the Interior Ministry and the government.

North Macedonia to Recognize Identity of Transgender People

<https://balkaninsight.com/2021/04/28/north-macedonia-to-recognize-identity-of-transgender-people/>

April 28, 2021 - Sinisa Jakov Marusic

North Macedonia's government has passed a draft law that aims to make it much easier for transgender persons to change their gender identities.



A Pride Parade in Skopje in June 2019. Photo: EPA-EFE/GEORGI LICOVSKI

Law changes submitted by the Justice Ministry, and approved by the government last night, aim to amend the Law on Birth Registry in North Macedonia, allowing transgender persons to more easily and without scrutiny change their gender identities.

The amendments that have yet to pass parliament for the first time note a distinction between sex characteristics and gender. "Sex refers to the physical characteristics of the individual ... Gender identity refers to the internal and individual feeling about gender of each individual person, which might not correspond with the sex determined at birth, including personal feelings about the body and the other manifestations of gender, including clothing, speech, manners," the draft reads.

If the changes pass through parliament, the procedure for legal recognition of gender will no longer require submission of proof that a person has undergone a surgical procedure, hormone therapies or any other psychiatric, psychological or medical treatments. Thus, the birth registry will be able to be amended without notifying in documents that the person's gender has been changed, and this information will remain private.

North Macedonia promised to amend the law in February 2019, just a month after the European Court of Human Rights issued a ruling against the country in a case where a transgender person whose identity has remained a secret sued for infringement on his basic rights and got 9,000 euros in damages. The government then determined that the current law had to be changed as there was no clear procedure for changing sex designation in ID documents in line with gender.

The new draft, the government said, would allow legal recognition of transgender changes through a procedure in which a person can change his or her sex in the birth registry accordingly. Thus a person will be able to change his ID to match his gender.

Romania

Ministry releases Romania's national strategy on recovering proceeds of crime

<https://www.nineoclock.ro/2021/04/09/justice-ministry-releases-romanias-national-strategy-on-recovering-proceeds-of-crime/>

April 9, 2021

On Thursday, the Ministry of Justice released Romania's national strategy on the recovery of proceeds of crime designed to increase the efficiency of the National Agency for the Administration of Impounded Assets (ANABI) in recovering and capitalising on proceeds of crime.

Justice Minister Stelian Ion acknowledged at a news conference that the recovery of damages is not an "extraordinary" one at this moment.

"We need this strategy, because we need to know where we are and where we want to go. We need to recognise that the situation is not extraordinary in terms of recovering damages and we have a lot to do in that regard. We are in a situation where we have impounded assets that we have no place to store. This strategy comes up with investment measures. We have investment from the national budget as well, we also have requests under the National Recovery and Resilience Plan (PNRR), non-reimbursable funds will be accessed. The strategy also regards legislative changes that we will bring up to Parliament this autumn," said Ion, according to Agerpres.

Senior official with the Ministry of Justice Mihai Pasca underlined the fact that ANABI is the central point of this strategy, an institution that must get involved from the very early stages of the criminal investigations.

"We are talking about the early capitalisation of some impounded assets that have a degree of perishability or whose value decreases over time. We are talking about the involvement of ANABI in the early stages of investigations, because, as part of joint investigation teams, ANABI can bring its contribution to cut the time and chances of the investigated persons to hide or shelter their proceeds of crime; it is important that ANABI has immediate access to information so that precautionary measures can be taken. We are talking about an integrated approach, with teams of specialists from several institutions with powers of identifying, impounding, taking over, appraising, managing and, finally, capitalising. The activity of ANABI must be efficient. We are not interested in it getting involved in the administration of assets whose costs may exceed what is finally recovered. Efficiency will be one of the keys to this strategy," said Pasca.

Strafprozesse: Rechtskräftige Urteile nur mit Begründung - Haftantritt ohne Urteilsbegründung verfassungswidrig

<https://adz.ro/artikel/artikel/strafprozesse-rechtskraeftige-urteile-nur-mit-begrueendung>

9. April 2021



Foto: pixabay.com

Das Verfassungsgericht (VG) hat am Mittwoch einem Antrag auf Feststellung der Verfassungswidrigkeit stattgegeben und befunden, dass rechtskräftige Urteile in Strafprozessen künftig von der Urteilsbegründung des Spruchkörpers begleitet werden müssen. Die Umsetzung eines rechtskräftigen Gerichtsentscheids, etwa im Sinne eines Haftantritts, sei ohne die einschlägige Urteilsbegründung verfassungswidrig, befanden die Verfassungshüter mehrheitlich.

Rechtsexperten bezeichneten das VG-Urteil als „historisch“, da es de facto mehrere Artikel der Strafprozessordnung (Art. 400 - Abs.1, 405 - Abs. 3 und 406 – Abs. 1 und 2) für nicht verfassungskonform befand. Besagte Artikel sahen vor, dass der Gerichtsinstantz, die in einem Strafprozess das letztinstanzliche und damit rechtskräftige Urteil fällt, anschließend eine 30-tägige Frist zur Verfügung steht, um ihren Urteilsspruch zu begründen.

Die Verfassungsrichter befanden nun jedoch, dass „ohne die zeitgleiche Begründung des Urteils“ dem Verurteilten die „Garantie der Rechtsfindung“ versagt bleibe, zudem werde gegen dessen Recht auf freien Zugang zur Justiz sowie auf einen fairen Prozess verstoßen.

Chef der Justizinspektion sorgt für neuen Eklat - Disziplinarverfahren gegen kritische Richter

<https://adz.ro/artikel/artikel/chef-der-justizinspektion-sorgt-fuer-neuen-eklat>

27. April 2021

Der umstrittene Chef der Justizinspektion, Lucian Netejoru, hat am Wochenende abermals für einen Eklat gesorgt, nachdem er Disziplinarverfahren gegen fünf Richter einleitete und beim Justizrat (CSM) überdies die Suspendierung vom Amt weiterer drei beantragte. Tausende Justizbeamte warfen dem als Protegé von Ex-PSD-Chef Liviu Dragnea geltenden Chef der Justizinspektion daraufhin vor, einen „Rachefeldzug“ gegen jene Richter und Staatsanwälte losgetreten zu haben, die in Zeiten der PSD-Dauerattacken auf die Justiz den Gerichtshof der Europäischen Union (EuGH) angerufen hatten – sowohl wegen der umstrittenen Sonderermittlungsbehörde für Justizstrafsachen (SIJ) als auch wegen Netejorus strittiger Ernennung zum kommissarischen Chef der Justizinspektion. Das „Forum der Justizbeamten“, das mehr als 2000 Richter und Staatsanwälte zu seinen Mitgliedern zählt, kritisierte Netejorus jüngsten Vorstoß in einer Presseaussendung – dieser leite Disziplinarverfahren gegen Richter ein, bloß „weil diese sich erdreistet haben, bei einer geschlossenen Facebook-Gruppe bzw. in privatem Raum ihre Meinung frei zu äußern“. Visiert seien ausschließlich reformorientierte Richter, die den EuGH wegen fragwürdiger Maßnahmen der Justizinspektion oder des früheren Ressortministers Tudorel Toader angerufen hatten, hob der Verband hervor. Justizminister Stelian Ion (USR-PLUS) stellte am Wochenende klar, dass „das Recht auf freie Meinungsäußerung“ ein Grundrecht ist, Rumänien dürfe „nicht zulassen, dass Justizbeamte in ihrer Freizeit beschattet und bespitzelt werden“. Der Mut vieler Richter und Staatsanwälte habe in den letzten Jahren eine Katastrophe verhindert, sie alle seien ersucht, „sich weder zu fürchten noch zu schweigen“, schrieb der Minister bei Facebook.

Geldwäsche-Bekämpfung: Bestimmungen verschärft

<https://adz.ro/artikel/artikel/geldwaesche-bekaempfung-bestimmungen-verschaerft>

28. April 2021

Staatspräsident Klaus Johannis hat zu Wochenbeginn Zusatzbestimmungen zum novellierten Rechtsrahmen bezüglich der Vorbeugung und Bekämpfung von Geldwäsche und Terrorismusfinanzierung ausgefertigt, wie die Präsidialverwaltung in einer Presseaussendung mitteilte. Die jüngste Gesetzesnovelle passt vor allem den hiesigen Rechtsrahmen an das einschlägige EU-Regelwerk an und sieht u. a. vor, dass rumänische juristische und natürliche Personen im Fall des Verdachts auf Geldwäsche selbst dann haften, wenn sie diese ihre Straftat außerhalb der Landesgrenzen bzw. einem Staat begangen haben, in dem Geldwäsche nicht strafbar ist bzw. nicht als Delikt gilt. Die Gesetzesnovelle war von der Regierung noch im vergangenen Jahr verabschiedet und von der Legislative nun vergangenen Monat abgesegnet worden. Die Gesetzesnovelle tritt nach ihrer Veröffentlichung im Amtsblatt in Kraft.

Serbia

Prosecution, Defence Lawyers Spar as Serbian Officials' Retrial Concludes

<https://balkaninsight.com/2021/04/14/prosecution-defence-lawyers-spar-as-serbian-officials-retrial-concludes/>

April 14, 2021 – Milica Stojanovic

The prosecution and defence disputed each other's assertions on the last day of closing arguments in the retrial of former Serbian State Security officials Jovica Stanisic and Franko Simatovic at the UN war crimes court in The Hague.



Franko Simatovic (right) and Jovica Stanisic in court in The Hague in June 2017. Photo: EPA/Michael Kooren/Reuters Pool.

The third and final day of closing arguments in the retrial of former Serbian State Security officials Jovica Stanisic and Franko 'Frenki' Simatovic at the International Residual Mechanism for Criminal Tribunals in The Hague on Wednesday saw disputes between prosecution and defence over incidents from the 1990s.

Stanisic, the former head of Serbian State Security, and Simatovic, his former deputy, are being retried for alleged participation in a joint criminal enterprise along with Slobodan Milosevic and others, whose aim was the forcible and permanent removal of the majority of non-Serbs, mainly Croats and Bosniaks, from large areas of Croatia and Bosnia and Herzegovina in the period from 1991 to 1995.

Stanisic and Simatovic are accused of establishing, controlling, financing and deploying paramilitary units that committed crimes in Croatia and Bosnia and Herzegovina.

Defence lawyers claimed on Tuesday that a speech made by Simatovic in Kula in Croatia in May 1997 to celebrate the anniversary of the founding of State Security's Special Operations Unit, in which Simatovic spoke about the battles the unit had been involved in and the weapons it used, was "exaggerated" in order to impress Milosevic, who was present.

But prosecutor Douglas Stringer said that Stanisic had green-lighted the speech by his subordinate Simatovic. "Not only did Stanisic necessarily approve Simatovic's speech, as he was duty-bound to do, but when he later awarded and applauded his unit, Milosevic had already left the room. This belies any claim that the ceremony was just a show for Milosevic," Stringer told the court.

But Stanisic's lawyer Wayne Jordash responded by insisting that "it's obvious that the Kula award speech does not contain the truth".

The prosecution and defence also argued about what power Stanisic and Simatovic really had over paramilitary units like Zeljko 'Arkan' Razmatovic's Serbian Volunteer Guard, compared to officials from the Yugoslav Federal Defence Ministry, Yugoslav People's Army and the Serbian Interior Ministry Public Security Department.

Neither of the defendants has been present during the three days of closing arguments as both are on provisional release.

The prosecution has urged the UN court to give them both life sentences, while the defence has called for acquittals.

The two defendants pleaded not guilty to the charges in the retrial, which was held after the original verdict acquitting both of them was overturned in December 2015.

Closing Wednesday's hearing, judge Burton Hall said that the court will "issue a scheduling order for the pronouncement of the judgment in due course".

The prosecution and defence disputed each other's assertions on the last day of closing arguments in the retrial of former Serbian State Security officials Jovica Stanisic and Franko Simatovic at the UN war crimes court in The Hague.

Hague Tribunal Urged to Report Serbia to UN Security Council

<https://balkaninsight.com/2021/04/16/hague-tribunal-urged-to-report-serbia-to-un-security-council/>

April 16, 2021

A judge at the UN tribunal said Serbia should be reported to the Security Council for failing to comply with requests to arrest two Serbian Radical Party politicians and send them to The Hague to stand trial for contempt of court.



A Serbian Radical Party rally in support of Ratko Mladic in Belgrade in May 2011. Photo: EPA/KOCA SULEJMANOVIC.

Judge Liu Daqun of the International Residual Mechanism for Criminal Tribunals in The Hague issued a ruling on Friday calling on the president of the court to “notify the [UN] Security Council of Serbia’s failure to comply with its obligations” for failing to arrest wanted Serbian Radical Party politicians Petar Jojic and Vjerica Radeta.

Jojic and Radeta, both former Serbian MPs, are charged with contempt of The Hague court during the ultranationalist Radical Party leader Vojislav Seselj’s trial.

They are accused of threatening, blackmailing and bribing witnesses to either change their testimonies or to not testify at all.

Daqun said that “it is undisputed that the accused are in Serbia and that Serbia has not complied with the repeated requests” to arrest them and send them to The Hague. He noted that more than a year has passed since the UN court’s decision in February 2020 which “confirmed with finality Serbia’s obligation to arrest and transfer the accused” to face trial.

The Serbian authorities have been in dispute with the UN court for several years over the arrest and extradition of the Radical Party politicians. The court initially submitted a warrant ordering their arrest in January 2015.

But in May 2016, Belgrade Higher Court ruled that there were no legal grounds for extraditing Jojic and Radeta because Serbia's Law on Cooperation with the Hague Tribunal obliged Belgrade to extradite people charged with war crimes, but not those charged with contempt of court.

Daqun said that last month, Serbia reiterated its position, arguing that its obligation to cooperate for the arrest and transfer of indictees is "limited to those charged with serious violations of international humanitarian law".

Serbia repeated that it is willing to try the Radicals in a domestic court – an offer that The Hague Tribunal has rejected.

The UN court has already reported Serbia to the UN Security Council several times for non-cooperation in the case.

Radical Party leader Seselj was convicted of wartime crimes by the Hague Tribunal in April 2018 and sentenced to ten years in prison, but did not serve any jail time because of the years he spent in custody prior to sentencing.

A third Radical Party member who was also accused in the contempt case, Jovo Ostojic, died in 2017.

Sources

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