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# Rule of Law- South East Europe

## Press Review May 2020

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# Regional

## Democracy Digest: Frustration looms over Western Balkans

<https://balkaninsight.com/2020/05/08/democracy-digest-frustration-looms-over-western-balkans/>

May 8, 2020 - Akri Cipa, Tirana, BIRN

As millions across Southeast Europe find their lives turned upside-down by the pandemic, the future looks vexed, to say the least. What are the big pressure points?

This week's Democracy Digest rounds up major uncertainties facing countries in Southeast Europe as the corona virus crisis upends normal life and highlights the fragility of the region's democracies.

A Western Balkans-wide recession seems all but unavoidable in 2020. According to a World Bank report released in late April, the region as a whole is projected to experience negative growth of between three and 5.6 per cent.

Linda Van Gelder, the World Bank's director for the Western Balkans, was unequivocal in stating that the corona virus "is wreaking havoc on lives around the region — taxing health care systems, paralysing economic activity and undermining the wellbeing of people".

The International Monetary Fund — which has also projected economic contraction this year for all the countries of the region — expects an economic rebound in 2021.

IMF experts estimate that economic growth in 2021 will range from 3.5 per cent in Bosnia and Herzegovina to eight per cent in Albania. Yet with all the recent volatility, that might not be enough to provide much reassurance.

Recession will result from a drop in domestic and foreign demand. Without a vaccine, scientists say a second wave of the pandemic is likely. Continued travel restrictions, physical distancing guidelines and other protective measures will continue to hit tourism and services that dominate the economies of the Western Balkans.

Unlike their counterparts in Western Europe, countries here have weak economies plagued by low wages, high poverty and unemployment and weak growth.

The closure of many small and family-owned businesses plus a strain on public budgets and a lack of financing opportunities all pose big challenges for local economies.

But even as economies suffer, the pandemic has highlighted critical political and democratic deficiencies in the region.

In **Serbia**, people have expressed their dissatisfaction with the autocratic rule of President Aleksandar Vucic and his ruling Serbian Progressive Party (SNS) by blowing whistles and banging pots and pans from their homes.

Those taking part in the daily protests are angry about so-called state capture by ruling elites, the erosion of democratic institutions and perceptions that Vucic's rule is increasingly

dictatorial. Protesters also object to the government's draconian steps to stop the virus spreading, which include weekend-long curfews and measures to limit free speech. They see them as exaggerated and riding roughshod over basic freedoms and rights.

In **Kosovo**, the recently elected government was ousted during the pandemic thanks to political scheming by entrenched political elites. In a surreal development, pot-banging protests took place to express support for the outgoing government and urge leaders to refrain from creating an artificial political crisis in the middle of a health crisis. The government will serve in a caretaker role until the Constitutional Court rules on whether the country needs a fresh election or the formation of a new government is possible without elections.

**Albania** suffers from the fact that it does not have a real and representative opposition. Following last year's unprecedented decision by opposition lawmakers to resign en masse and renounce their parliamentary mandates, experts say there is no effective check on the excesses and abuses of the government.

**North Macedonia**, meanwhile, is battling the pandemic with a caretaker government and had to postpone snap parliamentary elections scheduled for April 12.

Across the region, the collusion between powerful businessmen and governing elites feeds unfair practices, harms economic competition and discourages investment, analysts say.

The COVID-19 crisis risks serving as an opportunity for companies to engage in anti-competitive practices while there is less scrutiny of government mismanagement and corruption in public procurement.

Not that the pandemic is to blame for stagnant reforms and backsliding on democratic standards. But experts say it has thrown those deficiencies into sharp relief. Amid draconian measures, secretive decision-making on procurement and selective distribution of resources for groups hit by the virus, local efforts to promote transparency and accountability have morphed into a Sisyphean struggle.

In the meanwhile, even positive news like the EU's decision to start accession negotiations with Albania and North Macedonia went largely unnoticed.

More than the pandemic itself, the main factors overshadowing the talks are scepticism about the pace of much-needed domestic reforms and doubts about the viability of EU membership in the short-to-medium term.

As countries move towards reopening, analysts predict that the strange mix of economic shock, institutional fragility and frustration with dysfunctional politics will lead to renewed and strengthened calls for change.

The leaders of the region have benefitted in the recent past from migration as a valve to release pent-up frustration. Rather than asking for change at home, those dissatisfied with the economic and political realities mostly went quietly and tried their luck in Western countries. As the West is itself hit by economic uncertainty, this option will be less available and attractive. Dissatisfaction will have to express itself differently.

Optimists say this period represents a new opportunity to channel the overwhelming desire for change. They say the region needs to forge ahead at last with real reforms that lead to fairer economies, stronger institutions and more prosperity.

But the window of opportunity after the pandemic will not be open for long. If time is squandered, disillusionment risks' turning into the region's defining emotion for years to come.



# Albania

## Albania's Democracy in Decline; Freedom House Report

<https://www.albaniandailynews.com/index.php?idm=42018&mod=2>

May 06, 2020 - Albanian Daily News

Albania's democracy is in decline, according to the latest report of Freedom House where country is classified as partly free with a hybrid regime.

When people dislike the direction an institution is moving in, they have two choices, according to economist Albert Hirschman: they can voice their concerns, or they can leave. When people make the first choice over the second, Hirschman argues, it is because they feel a sense of loyalty to the institution. This paradigm helps explain why the institution of parliament functions, and when it does not. In a functioning

parliament, the opposition may not like what the ruling majority is doing, but because it accepts that parliament is the right place to register its dislike, it continues to participate in debating and voting. However, this loyalty is not without limits. If the ruling majority refuses to engage with it, the opposition is no longer motivated to voice its concerns inside the parliament. So, it leaves," says the report.

Increasingly, the second scenario is coming to pass in countries surveyed by Nations in Transit including Albania. In 2019, the opposition in 4 of the 29 countries (Albania, Bulgaria, Montenegro, and Serbia) surveyed, according to the report, boycotted parliament altogether, while a brief parliamentary boycott took place in a fifth country, Georgia, in early 2020. The underlying conditions for these walkouts can be observed more widely across the region, as ruling parties took steps to marginalize the opposition in Freedom House describes the situation of democracy in Albania as follows:

"The opposition demanded fresh elections after an investigation revealed that the governing Socialist Party had enlisted the help of organized crime networks in the 2017 vote that brought it to power. Undeterred, the Socialists have put off electoral reforms while working to stifle the country's media and proceeding with plans to oust the president." The report then details how the Opposition boycotted local elections but the Socialist Party "pressed ahead with local elections...leaving voters with no meaningful choice."

Dropping from 3.89 to 3.82 in 2019 Albania is considered a 'hybrid regime'. It received particularly bad scores for its judicial framework and independence (3.25) and corruption (2.75). It also got less than satisfactory results for national democratic governance (3.25), and independent media (3.75).

In terms of its position among its Western Balkan neighbours, it was surpassed by Croatia (4.25), Montenegro (3.86), and Serbia (3.96). Its overall score of 3.82 is the median for the region. The median score for Central Europe is 5.4, falling to 1.39 in Eurasia.



## Former SP Minister: Decision Sent to Euralius, Anti-constitutional

<https://www.albaniandailynews.com/index.php?idm=42044&mod=2>

May 06, 2020 – Elmaz Sherifi\*, Albanian Daily News

The Justice Reform experiment has failed miserably. The High Judicial Council carries out its activity in accordance with the constitutional legal norms and law no. 115/2016 "On the governing bodies of the justice system".

The President of the Republic of Albania since May 2019, has asked the High Judicial Council to approve the normative bylaws that enabled the completion of the High Court with its members to make it functional. But this very important institution does not seem to have the professional skills to exercise its constitutional and legal powers and violated the legal deadlines, delaying the completion of the High Court and meaninglessly asking for Euralius V assistance, as it is doing now. To respond to the request of the Head of State, regarding the replacement of the member of the High Court, Dvorani, whose legal mandate ended years ago. The decision to send the request back to Euralius V is an anti-constitutional and anti-legal procedure and is showing in the clearest way that the Justice Reform experiment has failed miserably. The High Judicial Council decision with political overtones, if it were a body that would create the model of how the judiciary is governed after the Justice Reform, should not expect a request from the President to declare the end of Dvorani's term, as he de jure has completed his years, but, respecting the legal norms of articles 65, 83, 85, and 86 of law no. 115/2016, would declare the end of the mandate and would propose to the President the new candidate. With much pain I find obvious professional incompetence, if the decision taken, there are no political overtones. But, even if it has no political influence, it is portrayed in front of Albanians as an institution that does not create trust to realize justice as impartiality. The fact that the decision to fail Euralius V was made with 7 votes in favor and 4 against, shows that not the whole body is affected and incompetent. The situation becomes even more worrying, as the request for interpretation of the case has no legal basis, but state institutions are being ignored, and in this case the Constitutional Court. To the rhetorical question, that there is no Constitutional Court, the absurd precedent set by the Albanian Parliament, which I have named the Improvised Assembly, answers. In the institutional conflict with the Head of the State over some laws, the Assembly addressed the Venice Commission, and in the most justifiable case of incompetence, the High Judicial Council had to address the same institution. The failure of the Justice Reform has been predicted by many experts in the field. The decision is convincing even those who do not have a constitutional legal knowledge.

\*Former Minister of Socialist Party

## High Judicial Council and the Eternal Mandate

<https://www.albaniandailynews.com/index.php?idm=42042&mod=2>

May 06, 2020 – Eduard Halimi\*, Albanian Daily News

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## High Judicial Council and the Eternal Mandate

BY EDUARD HALIMI\*

Albanian Daily  
News

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In Albania, the issue of staying in a constitutional position (from high-level judges, the General /Special Prosecutor to the Prime Minister or the President) is still with a specific limited mandate of years. At least still so if we don't walk into any other patterns of the east. It is the same in almost all countries of Civil Law (Europe) and Common Law (UK, USA) as well.

But the HJC yesterday took a decision which has opened debates. My purpose in the following article is entirely technical and aims to respond to the situation created regardless of the names of today's or tomorrow's debate.

The President of the Republic has addressed the HJC regarding the continuation of the duty held for 16 years, i.e., beyond the 9-year term, of a judge at the High Court. The judge is not a career judge, he does not come from the justice system, that is, from other levels of the judiciary. He was appointed by Parliament in 2004 from the prominent lawyers for a nine-year term. The President wants a solution to this issue as staying in office for more than 16 years (in eternity) is far from the 9-year term that the judge received from the 2004 Parliament, just as the Constitutional Court has previously expressed. After fulfilling the will of the HJC (in a very positive loyalty in these times of conflict) by appointing three new members proposed by the HJC itself, even those from outside the system, the President says that the condition of the successor is fulfilled, not by one but by three, therefore the eternal mandate must be terminated.

Albania's constitution is clearly against the eternity of anyone with a constitutional mandate. In this case, it has defined it exactly in 9 years, neither 10, nor 12, nor 16. The constitutional mechanism is substitution and not eternity. But this mechanism is blocked. Until a month ago (before the appointment of three new judges of the High Court) even the most skeptical acknowledged that this was not a matter of any "constitutional" or "scientific" interpretation, but that it was a problem artificially created by vetting; that there were no judges left; that the High Court could not be locked; that the lot for the Justice Appointments Council as provided by the Constitution could not be cast because he was the only one, and so on.

So the "blocking" of the constitutional mechanism of the system, (whoever ends the constitutional mandate must leave, as soon as the successor comes; now three have come) is an artificial, "technical" or "mechanical" situation, as Yuval N. Harari says in his latest book, *Homo Deus*, created exactly by the people of this story. It has not been created by the Constitution or the law or the evolution of the implementation of the law or the scientific legal opinion in Albania, it is not a situation where the law or the Constitution are unclear or have a vacuum.

Thus, the government of the judiciary, the HJC, must solve the "technical / mechanical" problem, unlock the system and end eternal mandate.

I do not know the President's intentions but I am inclined to believe that he did not seek "scientific opinion" from HJC members, as I believe it is clear that HJC members elected by Parliament with lot and those elected by the system by vote, they are not there to give "scientific opinion", doctrinal or international jurisprudence. If he needed such an opinion, it probably should have been addressed not to the HJC but to the Constitutional Court or even the Venice Commission as has happened in recent years. If it were a matter of some deep reform of the justice system, it would probably not be directed at the HJC but should seek to involve international partners as has been the case here for 30 years. If you had to think about eternal mandates, you would probably have to turn to legal experts in Russia or any other country in Asia. If you had to think about physical eternity, you would probably have to turn to Bill Maris, chosen by Google Ventures, who is working on solving the problem of eternity in the world with the "Calici" project.

But no. Presidential experts know this better, but I don't think so. He seems to have sought a solution to the problem of eternity in office beyond the constitutional deadline of a member governed by the HJC. This is a technical problem created artificially and that every child who has finished first grade, after learning to read and solves very quickly as it is easy to think that the ninth ends as soon as the tenth comes and that the 16th is much bigger than 9th.

That is it. Simple. And this simple problem must be solved by the Government of the Judiciary because this is the reason that was created and demanded by 99% of Albanians. Nobody else. If they don't solve it, it's not that they don't know it, they don't understand it, but that they don't want to or they are not allowed to solve it. And this is then a precedent, and we go back to zero. New justice institutions were created to solve problems in the justice system and not to hide behind them, forever.

\* Former Minister of Justice



## **Beware Albanians, Doing These 10 Things May Land You in Jail**

<https://www.albaniandailynews.com/index.php?idm=42050&mod=2>

May 07, 2020 – Albanian Daily News

The recently approved amendments to the Criminal Code, enter into force on Thursday. The amendments criminalize for the first time the quarantine breach in time of pandemic as well as the psychological pressure on family members, while increasing the sentence to 3 years in prison for domestic violence from 2 years that it was. As of today, 10 acts constitute a criminal offense and are punishable by imprisonment. To date, such behavior has not been banned or they simply constituted a minor offense, which could be punishable by a fine. Seven new criminal offenses are related to breaking the quarantine and spreading the infection intentionally or not. As of this Thursday, violating the orders of state authorities at the time of the coronavirus is punishable by up to 6 months in prison.

-10 actions that lead you to jail:

1. Violation of the rules in time of pandemic, when the offender has previously been fined, is punishable by a fine or imprisonment of up to six months
2. Opening of commercial activities, during pandemic time, is punishable by a fine or imprisonment of up to two years.
3. Failure to comply with the order given by the competent authorities for quarantine shall be punishable by imprisonment up to two or three years.
4. Violation of quarantine rules by the person carrying the infectious disease is punishable by imprisonment up to two or three years.
5. Deliberate spread of infectious disease is punishable by two to five years in prison.
6. The spread of infectious disease by negligence, is punishable by a fine or imprisonment of up to two years.
7. Deliberate or negligent spread of infectious disease, causing serious health consequences or risk to human life, is punishable by three to eight years in prison.
8. Psychological pressure on the spouse, ex-spouse, cohabitant or former cohabitant, against the person in a relationship or former intimate relationship with the perpetrator, with consequent violation of his physical, psycho-social and economic integrity, is punishable by imprisonment of up to three years.
9. Violence and psychological pressure against persons of the opposite sex (prenatal, postnatal, siblings, uncles, nieces, nephews, nieces, nephews of siblings), or close relatives (father-in-law, mother-in-law, daughter-in law, son-in-law, brother-in-law, stepfather, stepmother, stepfather), is punishable by up to three years in prison.
10. Repeated violence and psychological pressure on all members of the family circle, including those in a relationship or former intimate relationship, is punishable by one to five years in prison.

## Charges on DP Leader Dropped

<https://www.albaniandailynews.com/index.php?idm=42300&mod=2>

May 14, 2020

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## Charges on DP Leader Dropped

BY A. BEQIRAJ

Albanian Daily News

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May 14, 2020



Appeal Chamber upheld the first instance Court's decision, permanently dismissing the case against DP Leader, Lulzim Basha and two other DP officials, Arben Ristani and Ilir Dervishi, on the issue of document forgery.

Head of the Democratic Party was accused of not declaring to have spent more than half-a-million US dollars on lobbying in US before the 2017 elections. Tirana prosecutors started an investigation on November 2017 into suspected falsification or false statements in connection with consultancy contracts between the Democratic Party and US-based companies.

Tirana Court in the preliminary trial that took place on January 13 decided to dismiss the lobbying case on Basha and the two other officials of the Democratic Party.

Judge Lazer Sallaku considered invalid two years of investigation by the Tirana prosecutor's office, dismissing the accusation filed by the prosecution against Lulzim Basha and the two other DP officials, regarding lobbying in the US, as according to him, such a thing is not proved.

The prosecution did not agree and decided to appeal, but the Appeal Chamber finally decided to close this case.

Earlier, Basha's lawyer, former MP Eduard Halimi, said that the parties did not present any evidence to the prosecution, which appealed the decision to dismiss the charges.

## **Protesters, Police Clash over Theatre Demolition in Tirana**

<https://balkaninsight.com/2020/05/17/albania-premier-edi-rama-destroys-national-theatre/>

May 17, 2020 - Gjergj Erebara, Tirana, BIRN

Albanian police on Sunday clashed with opposition supporters and activists, protesting against the long-disputed demolition of the National Theatre – which the Albanian President called a ‘moral crime’.



*Demolition workers bulldozing the National Theatre in Tirana, Albania, on May 17, 2020. Photo: Nensi Bogdani/BIRN*

Hundreds of protesters in Tirana clashed with police on Sunday after an Albanian state body dealing with illegal construction bulldozed the historic National Theatre, after police stormed the site and arrested protesters who had gathered to defend it.

The demolition was bitterly opposed by activists, opposition politicians and artists who wanted the buildings originally constructed during World War II during the Italian occupation to be renovated.

Prime Minister Edi Rama, on the other hand, said that those who opposed his plan for a new theatre “don’t love development”.

After the demolition, several hundred protesters battled the police. A number were arrested after hitting police with bottles of water. Police also arrested a journalist, Alfred Lela.

President Ilir Meta intervened in the dispute on the side of the protesters, calling the demolition of the theatre “a moral crime that cannot be granted amnesty.” He also criticized the violence used against protesting artists and journalists by police.

The EU Delegation in Tirana also criticised the demolition of the theatre, saying it had come at a time when “we called for dialogue between authorities and civil society before an irreversible decision is taken.”

“We regret that this call has not been followed up by the relevant national and local institutions,” it said.

Previously, the EU Commissioner for Culture, Mariya Gabriel, urged Albanian authorities to try dialogue before going ahead with demolition work.

“Dialogue with civil society and experts of #cultural heritage is necessary before taking an irreversible decision on #NationalTheatre #Tirana. We strongly encourage all relevant national institutions to engage now in a constructive dialogue with heritage stakeholders,” she tweeted.

Edmond Budina, a film director and one of those who protested against the destruction of the buildings, called the event a turning point in Albania’s democracy. “This is not the destruction of a building. This is also the installation of a dictatorship,” he said.

The Municipal Council of Tirana apparently decided to destroy the buildings three days ago, but council decisions only enter force 10 days after their publication, making the demolition legally questionable.

It is unclear what prompted the Socialist Prime Minister, who was behind the original plan to demolish the old theatre and build a new one, to move forward with the plan during a time of health crisis.

The battle over the Italian occupation-era theatre has lasted for two years.

Rama’s previous plan was to build a smaller theatre on the same site through a public-private partnership, giving the rest of the land to the private partner. That failed a few months ago. It was seen as a victory for those who defended the old buildings.

The clashes on Sunday came after opposition politicians and activists on Friday vowed to stop the government and the municipality from demolishing the theatre.



## **Demolition of the Albanian NT in Cloak-and-Dagger Operation**

<https://www.albaniandailynews.com/index.php?idm=42544&mod=2>

May 21, 2020

*The article below is based on the May 2020 Country Report "Albania: Autocratic Measures in the Shadow of Corona" published by Dr. Tobias Rüttershoff, head of the KAS Country Bureau Albania.*

*The original in German language as well as the English translation can be found under:*

<https://www.kas.de/de/web/albanien/laenderberichte/detail/-/content/albanien-autokratische-massnahmen-im-schatten-von-corona>

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## **Demolition of Albanian NT in Cloak-and-Dagger Operation**

Albanian Daily News

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May 21, 2020





The Mayor of Tirana engaged in a cloak-and-dagger operation to demolish the capital's historic National Theatre (NT). This is not the only controversial decision taken by the ruling socialists during the Corona crisis.

The demolition became a reality in the early morning hours of 17 May 2020: following a two-year struggle to save the historic building of the Albanian National Theatre in Tirana, during which time above all artists, civil society and the opposition under the leadership of the Democratic Party (DP) fought against its demolition, the Mayor Erion Veliaj had the theatre forcibly evacuated and demolished. It appears as though the ruling Socialist Party (SP) under Prime Minister Edi Rama, is exploiting the Covid-19 crisis to present a *fait accompli* such as in the "tedious" theatre situation.

#### Agenda Setting During the Pandemic

Just like the majority of countries around the world, the Covid-19 pandemic has brought public life in Albania to a standstill. After the first official cases of Covid became known in Albania in early March, the government's first reaction was to close schools and universities, then bars and restaurants, followed by the order of a lockdown, which was only lifted for a few hours a day to allow people to buy food or medication. The land and sea borders were closed and even the airport discontinued passenger traffic. However, decisive action taken by the government paid off: on 18 May, the level of total confirmed infections was 581, with at least 31 people having died from a Covid-19 disease so far, 714 are recovered.

Even political discussion languished at the start of the pandemic, though it became clear that the government continued to pursue its projects in some other areas. They are operating in an increasingly authoritarian way especially in the fight against independent media. Hence, at the outbreak of the pandemic, Prime Minister Edi Rama warned against any telephone call via voice message: "Wash your hands, don't leave the house for leisure, ventilate it as often as you can and protect yourself against the media". What's more, on 15 May the health authority ordered the closure of anti-government private TV broadcaster Ora News, since there were too many studio guests on the shows. Still, the demolition of the National Theatre now represents the culmination of these events.

#### Destruction of a Cultural Asset

The theatre (Albanian: Teatri Kombetar) was the most important theatre in Albania. The complex with the National Theatre's buildings and the experimental theatre was a historic ensemble, bearing testimony to various architectural and technical styles and approaches of the past. The buildings were constructed in the 1930s under the strong influence of Italian futurism as part of the so-called "Circolo Scanderbeg" - a culture and administrative complex whose function is still preserved to this day. Several ministries and the town hall are located in close proximity. Within Europe, the materials and techniques used for the construction were considered to be innovative for Italy and beyond, while the building also marked an important stage in the history of urban planning and modern architecture.

Following its opening in 1940, the theatre - renamed cinema theatre "Kosova" in 1944 and people's theatre in 1945 - became a hub in which the most important cultural institutions of post-war Albania were erected. Hence, the theatre bore witness to many events connected to the emergence of the Albanian theatre, while also providing a backdrop for artistic, academic and political events. In light of the historical facts, this architectural complex was part of the country's cultural and national identity.

In March 2020, the European association for the protection of historical monuments, "Europa Nostra", included Albania's National Theatre on the list of seven of the most endangered monuments in Europe, as an extraordinary example of modern Italian architecture dating from the 1930s and as one of the most prominent cultural centres in Albania. With its demolition on 17 May, this cultural asset is now irretrievably lost.

#### Fight for the Theatre Since 2018

The discussion surrounding the National Theatre began in March 2018 as the Prime Minister Rama presented a construction project for a new theatre.

At 3.000 m<sup>2</sup>, the new National Theatre project occupied less than half of the original area, however. The rest was intended for the building of high-rises and a shopping centre. Rama argued that renovating the 80-year old theatre building was "impossible", and instead several million euros of public funds had to be spent on a Public Private Partnership (PP).

The building project for the new National Theatre should have been implemented via a special law adopted in the Parliament where Rama holds an absolute majority. The so-called "Fusha Law" (named after the company Fusha shpk, which was to receive the contract), revealed serious shortcomings, such as the awarding of state property without a tender. Once people learnt about the news of a planned special law, artists and activists established the "Alliance for the Protection of the Theatre", which was also joined by many prominent public figures such as historians, academics and journalists. They organised protests, launched a petition, approached national and international organisations and took legal action. For a period spanning 27 months, the Alliance protected the theatre against demolition.

In July 2018, the European Commission, too, had requested that the Albanian Government clarify the reasons for adopting this special law. One of the letter's 15 questions was whether the special law is compatible with Albania's obligations under the Stabilisation and Association Process. Thorsten Frei MdB (Member of Parliament), at that time rapporteur for Albania of the CDU/CSU Parliamentary Group in the Bundestag's Foreign Affairs Committee, also expressed doubts during an interview:

"The special law for the National Theatre is highly ambiguous when it comes to how it complies with EU legislation and the Albanian constitution. As I see it, President Meta was right to send the law back to Parliament [...] The case of the National Theatre will clearly demonstrate how serious Edi Rama is about EU accession".

On 25 July 2019, President Ilir Meta lodged a complaint with the Constitutional Court, requesting that the special law for the National Theatre be declared unconstitutional. Given that the court was not operational at that point, this complaint was only submitted for examination in late 2019. On 30 December 2019, the Constitutional Court called on the Parliament, the Council of Ministers, the Ministry of Finance, the Ministry of Culture and the Municipality of Tirana to put forward their arguments for the special law. Yet, the case had not even been brought before court.

In February 2020, the Municipality of Tirana announced that the project for constructing a new theatre building had fallen through. Fusha shpk was not in a position to implement the project at short notice and in line with the requirements.

#### Escalation Since Early May

Following a long silence on the fate of the theatre, in May 2020, the Albanian Government resolved to assign the land, on which the National Theatre stood, to the Municipality of Tirana in order to make a decision about demolition. President Meta lodged another complaint with the Constitutional Court against this decision. Nevertheless, on the evening of 14 May, the Tirana City Council secretly approved the demolition of Albania's National Theatre.

Decision No. 50 adopted by the City Council on 14 May 2020, states that the building is to be demolished based on the expertise of the Institute for Construction. The report was drawn up only on the previous day, on 13 May, and attests that the building is not suitable for carrying out activities and that, regardless of any renovations, it cannot be made safe. The City Council resolution also authorised the Institute of Territorial Defence to evacuate, enter and then demolish the building. The resolution did not cite a date for demolition.

There was no legal basis for the Municipal Council's vote. On the one hand, the Municipal Council can only take a decision on something that belongs to the Municipality. In this case, although it owns the land on which the theatre stands, the same cannot be said for the building itself. While the expertise document is an administrative-legal act that can only be subjected to judicial review, on the other. A political institution such as the Municipal Council of Tirana does not have any jurisdiction over a legal act put forward by a central government organisation.

Furthermore, it is unclear how the vote took place. No public announcement for the Municipal Council meeting was made public, as prescribed by law.

Finally, a decision by the Municipal Council only enters into force ten days following the announcement, as opposed to with immediate effect.

The Albanian Ombudsman has also initiated an administrative investigation into the transfer of the National Theatre's land ownership to the Municipality of Tirana. The investigation aims to find out whether "actions of state institutions violated against the rights of citizens".



## Failure to Understand the Demolition

President Meta referred to the decision taken by the Government and Municipality of Tirana to demolish the National Theatre as "a well-structured criminal activity"; the government's actions and decisions have been "unbelievable". It is an "unforgivable constitutional, legal and moral crime", especially at a time when the legality of this demolition was still subject to examination by the Constitutional Court.

The Democratic Party (DP) had tirelessly opposed the demolition of the National Theatre, and called for it to be fully renovated while respecting its historical and cultural value. Only a few days ago, the Chairman of the DP, Lulzim Basha, described the theatre's demolition as a "red line" and declared that:

"Any act of demolishing the theatre is an act of war, not only against art and the artists, but also against citizens themselves [...]"

In the wake of the demolition, Basha, accompanied by the leader of the socialist movement for integration (LSI), Monika Kryemadhi, and other representatives of the opposition, blocked the boulevard "Deshmoret e Kombit" in the centre of the capital.

At the international level, the main criticism was a lack of understanding about the way in which it was demolished in the midst of the Covid-19 pandemic, along with the absence of dialogue. In a statement on Facebook, the German Ambassador to Tirana said:

"The hurried demolition of the National Theatre in Tirana today at the crack of dawn is difficult for me to understand in the form in which we witnessed it. Especially during the current state of emergency, dialogue between government and civil society as well as transparent governance are extremely important.

Whereas the Mayor of Tirana, Erion Veliaj, during his first public appearance since the demolition, called on artists to work together to build a new theatre. He described the decision to demolish the building "as the most difficult in his life", but added that "it was the right one". [...] I will support you to create a better project. In the end, the product will prevail", said Veliaj while adding that: "The old theatre is gone, now is the time to come together."

Veliaj explained that the Institute for Construction had classified the building as "dangerous", and that it was not a cultural monument nor was it on the list of protected cultural heritage. Previously, the Prime Minister, Edi Rama, had incessantly preached about how the building was an "old box" that needed to be demolished to build a new, more modern theatre building.

Sixteen civil society organisations have condemned the Albanian Government's demolition of the National Theatre, and the violence exercised against protesters during the clearance. In a press release, they warned that demolishing the theatre during this period harbours the greater danger of suppressing freedom of thought and civic resistance. They called on local and international institutions and embassies to react against the Albanian government's authoritarian tendencies.

The organisations added that democracy, fundamental human rights and the existence of civil society have never been in greater danger in Albania:

"We find ourselves in a difficult situation and are threatened by violence and constant repression from the state."

According to media reports, the Corruption Prosecutor's Office (SPAK) initiated proceedings following a charge made by the "Alliance for the Protection of the National Theatre" on 6 May. The Alliance accuses Mayor Veliaj of abuse of power and corruption. The Alliance has also sued three civil engineers from the Institute that drew up the expert report for demolition for abusing their authority. For instance, the Alliance declared that the expert report presented by the engineers was based on forged documents. It is said that three of the five engineers who drew up the report, had never personally examined the National Theatre building.

### The Legalisation of Cannabis: Shamed Be he Who Thinks Evil of It

The demolition of the National Theatre certainly represents the culmination of a whole host of controversial government plans and decisions during the Covid-19 pandemic. Besides the previously mentioned restrictions on freedom of the press, particularly the discussion surrounding legalising cannabis has recently caused quite a stir.

By 2016, the country had witnessed a huge growth in cannabis plantations until the problem was brought under control with support from the Italian Guardia di Finanza. During a press conference on 9 May 2020, Prime Minister Rama said that the government was preparing a draft law for the legalisation of cannabis for medicinal purposes:

"We have consulted experts in the region from countries that have had positive experiences. Not with the legalisation of recreational cannabis, but with the introduction of medicinal cannabis into the processing industry."

A few days later, the Albanian Attorney General Olsian Cela presented his annual report. According to the report, there were more cannabis plantations across the country in 2019 - making this phenomenon a renewed cause for concern in many regions throughout Albania.

"There was increased activity in Kruja, Gjirokastra und Shkodra", he said. "We don't have any official documents from the police or public prosecutors department that explains the true causes of this phenomenon. I deem it to be a highly disconcerting development, and it will be one of our priorities in the year 2020", explained Cela. In 2018, 292 cannabis plantations were investigated by the local prosecuting authorities across the country. In 2019, this figure amounted to 628, and thus 115% higher.

It still remains unclear whether and which connections could exist between Rama's announcement for a law on legalisation and the growth in cannabis cultivation.

## A Bad Omen for Opening EU Accession Negotiations

The Albanian Government's approach also raises a few questions in terms of the imminent opening of EU accession talks, which are strictly subject to fulfilling the 15 prerequisites. The latter relate primarily to implementing reforms in justice and rule of law, freedom of the press and the fight against corruption and organised crime. The most recent measures have the potential to undermine and damage this process.

As far as the demolition of the theatre is concerned, some people may take a completely different stance: The building was badly in need of renovation and certainly no longer fulfilled the state of the art. Other countries, too, often ask themselves which buildings should remain and what can be demolished and built from scratch. What is important in a democracy, however, is that there is a dialogue between the various sides. Many international actors, such as the embassies of EU Member States in Albania or the EU Commissioner for Culture, Mariya Gabriel, have repeatedly called on the government to seek dialogue with civil society. Though they have failed to do so.

What's more, many legal questions regarding the demolition, such as the special law, the transfer from the state to the city of Tirana, as well as the decision taken by the Municipal Council have not been subject to legal scrutiny. The traditional legal principle for the right to be heard (*audiatur et altera pars*), was reduced to absurdity by irretrievably destroying the theatre. Be that as it may, this cloak-and-dagger operation rendered a judicial review of the highly controversial demolition plan impossible. In turn, it wasted (another) opportunity to seek a reconciliation of interests under the rule of law, and thus to potentially find a solution that is acceptable for a large share of the Albanian population.

The measures taken by the Albanian Government occur at what is a seemingly tactically astute time for them. Albania has weathered the Covid-19 pandemic, and almost all restrictions have now been lifted or considerably relaxed. But the emergency situation whose restrictions include freedom of assembly, will remain in force until 23 June. That may be why the government went ahead with demolishing the theatre now, as they may have expected to encounter less protests as well as the fact that people have other problems owing to the economic and social damage caused by Covid-19. However, it is not yet certain whether the government will pay a heavy price for their victory. Their unilateral decision to demolish the theatre certainly did them a disservice as far as the adoption and application of general European standards is concerned.

(Source: Konrad Adenauer Stiftung)



## Albania Govt Faces Backlash Over Police Force Against Protesters

<https://balkaninsight.com/2020/05/21/albania-govt-faces-backlash-over-police-force-against-protesters/>

May 21, 2020 - Gjergj Erebara, Tirana, BIRN

Top ministers face a chorus of criticism over allegedly unnecessary police violence against protesters on Sunday, who were angered by the sudden demolition of the National Theatre.



*Police guards outside the National Theatre being demolished in Tirana, Albania, 2020. Photo: EPA-EFE/Malton Dibra*

Interior Minister Sander Lleshaj, Prime Minister Edi Rama and the police in general faced growing criticism on Wednesday for the force used to disperse protests in Tirana on Sunday against the demolition of the National Theatre.

While some critics complained that the violence was excessive and disproportionate, others voiced suspicions that it was deliberate – part of a strategy to discourage other protests in future.

The Professional Journalists' Association of Albania called on Prime Minister Rama to personally condemn the violence used against at least two media employees on Sunday.

“Up till now, there has been no public apology and no investigation or prosecution of the perpetrators of the violence,” their statement said. “This leads us to think that the violence against the media was not incidental but was targeted,” it added.

Taunted by social media users on his Facebook page, Rama has repeatedly denied any violence occurred on Sunday. Even when faced with a photo of a police officer with his boot on the head of a protester, Rama suggested it was not be as bad as it seemed.

Meanwhile, eight protesters arrested for refusing police orders and for holding an illegal protest were ordered into house arrest or freed pending trial by a court on Wednesday.

Among them was Broiken Abazi, a leader of the Vetevendosje movement in Tirana, an NGO related to the party of the same name in Kosovo. Abazi published a letter from prison, accusing Rama of using arrests and violence to intimidate protesters.

Meanwhile, Interior Minister Lleshaj rejected criticism of the police in a long Facebook post on Thursday. "The police don't operate on political orders," he wrote.

"It was not a decision of the police to destroy the National Theatre or not," he added, calling many of the critics "shameless", "falcons", "hideous persons", and other negative terms.

Sokol Bregu, a crime reporter who usually refrains from making political observations, called the violence unjustifiable. "The theatre issue is one thing – a battle of different opinions. Your violence is not," he wrote to Minister Lleshaj.

"Never in the last 24 years have I seen such protests, with youngsters holding books and the police beating them," he added.

He was referring to events on Sunday afternoon, after the scuffles between police and protestors had ended, when police approached a group of mostly leftwing students and forcibly removed them from the street. Videos later showed the students had made no provocation, and there was no apparent reason for the police intervention.

Police are also facing questions about why part of the force deployed during Sunday's protest had their identification numbers removed from their uniforms and their faces hidden behind masks.

A police spokesperson did not respond to questions from BIRN by the time of publication about why the police had removed their ID numbers. The episode fuelled speculation in some quarters that it was an attempt to stall a possible investigation of the violence.

Police violence remains a sensitive issue in a country where, as recently as two decades ago, they were seen as a brutal force that often beat people up in the street for no apparent reason.

Reforms starting in 1998 aimed to create a more politically unbiased force that was less aggressive, and in which people might place their trust.

Sunday's events risked turning that process backwards, critics said. "I don't agree with you that the law has been respected in this case," the journalist Bregu wrote, addressing the authorities. "Rather, I fear that I will be the next to be beaten by your police, which is no longer mine," he added.



## **Big Source of Illicit Cannabis, Albania Mulls Legalising Medical Use**

<https://balkaninsight.com/2020/05/25/big-source-of-illicit-cannabis-albania-mulls-legalising-medical-use/>

May 25, 2020 - Fatjona Mejdini, Tirana, BIRN

For almost three decades one of the biggest sources of illicit cannabis in Europe, Albania is now considering legalising the drug for medical use. But experts warn it will not be simple.

It was November 2014 when Albania first debated legalising cannabis for medical use, nudged to consider it by businessman Koco Kokedhima, then an MP for the Socialist Party, who believed the country stood to benefit hugely. His former colleagues in the party, however, ruled that Albania was not ready.

Almost six years later, on May 9, Albania's Socialist Party Prime Minister, Edi Rama, announced that his government had been quietly working for the past year on a bill that would make way for just that – the legalisation of medical cannabis. "The draft will be ready very soon and open for public discussion," Rama said. Yet, even with 22 countries in Europe already allowing the use of cannabis for medical purposes, Albania's announcement has raised eyebrows.

Backers of the idea say that the Balkan country, hit by a devastating earthquake in November last year and braced for a severe economic downturn due to COVID-19, should grab its slice of a global medical cannabis market worth more than \$16 billion last year.

Others are wary, however, pointing out that for almost three decades Albania has been one of the biggest producers of illicit cannabis in Europe. The government bill is expected to contain mechanisms to help reduce unlawful production, but many fear the initiative risks sending the wrong message and further encouraging illegality.

### **Electoral ploy?**

Having taken power in 2013, Rama made a powerful statement of intent when police the following year launched a massive operation to root out cannabis production in the notorious southern village of Lazarat, where hundreds of tonnes were being churned out every year, and later in the northern Dukagjin Highland area, another cannabis hotspot.

The raids made headlines around the world, but cannabis cultivation elsewhere in Albania did not stop. In fact, critics of the government's drugs policy said production had increased. Prosecutors and the opposition warned of collusion between the police, politicians and drug gangs.

Over the last three years, figures suggest the cultivation of illicit cannabis has dropped, but Rama's political opponents say his plan to legalise medical cannabis is ill thought-out. Some see a cynical ploy to win the votes of the many Albanians involved in the illicit cannabis industry who may believe they stand to gain from any step towards legalisation.

"Rama is preparing for the 're-cannabisation' of Albania for electoral gain," said Monika Kryemadhi, leader of the opposition Socialist Movement for Integration, LSI.

Opposition Democratic Party leader Lulzim Basha leveled a similar charge, accusing Rama of trying to manipulate elections due in 2021.

Civil society groups have also expressed scepticism, with Sotirag Hroni, director of the Institute for Democracy and Mediation, IDM, seeing the initiative as a bid to win more votes and divert attention from the real challenges facing the country. "Initiatives like this should come after it has been guaranteed that the institutions are able to fully enforce the law and properly control the territory and the informality in the economy and society," Hroni told BIRN. "Independent reports don't suggest this is the case in Albania." Such moves, he added, need to enjoy broad public and political consensus and may even merit being put to a referendum.

### **Big hopes, complex reality**

Supporters of the initiative say it will boost employment, exports and tax revenues and attract foreign investment.

If carried out properly, Albania stands to benefit significantly, said economics professor Adrian Civici. "If we are going to handle this process based on the best international practices and strictly control the cultivation only for medical, cosmetic and food purposes, then we can hope for big economic benefits," Civici was quoted as telling the Fjala newspaper in May.

But Tom Blickman, a drug policy reform expert at the Amsterdam-based Transnational Institute, said the devil was in the detail. "The details of the Albanian proposal are still unclear, but the involvement of 'foreign advisors' [in the drafting] leads me to suspect that the legislation will benefit foreign cannabis corporations... and not the small growers that are involved in the illicit market," he said.

Blickman said that medical cannabis for European markets must comply with high regulatory standards and that, with a growing number of states trying to get in on the action, prices could drop and gains for those states diminish.

Janaki Mitrovski, a Macedonian lawyer and representative of Bilka, which advocates for the legalisation of cannabis, said Albania should prioritise the sick and the local economy. Referring to the experience of North Macedonia, Mitrovski said that "people in Albania must learn from our mistakes in order not to repeat them and to fully exploit the medical and economic potential of this wonderful plant."

"Four years after the 'legalisation' of medical cannabis, it has failed to fulfil its basic objective – providing Macedonian citizens with legal cannabis for medical purposes as only one out of 51 companies has products for the Macedonian market. All others are export-oriented."

Blickman said Albania should consider going further and look into supplying countries like Luxembourg, which has announced plans to legalise and regulate cannabis for recreational purposes, and the Netherlands. "Many families in Albania depend on income from cannabis," he said

"It is unlikely that an emerging medical cannabis industry will be able to employ them, so they will continue growing for the illicit market in the absence of licit alternatives. The only one benefiting from this situation are Albanian organised crime groups, and legal medical cannabis industry in Albania is not going to change that."



## **Opposition Presents Own Proposals for Electoral Reform**

<https://www.albaniandailynews.com/index.php?idm=42679&mod=2>

May 26, 2020 – Albanian Daily News

The opposition participated on the Electoral Reform round-table meeting on Tuesday where it presented own proposals aimed at removing parties from political corruption, emancipating them with real participation of women and girls, and increasing participation in the process by placing elections at an appropriate time.

Proposals of the opposition at the meeting:

### **1. Party financing**

The opposition is proposing a law that minimizes private party funding and eliminates corruption. The law proposed by the opposition strengthens the rules of transparency, verification of funding and sanctions. One of the opposition's proposals is to exclude private individuals who finance political parties from tenders, concessions and public contracts. In this way, the possibility of their illegal favoring is eliminated.

The opposition proposes that private funding be as much as half of state funding. Currently, parties are allowed to spend as much as 10 times the amount of public funding. The law increases state spending control mechanisms in the electoral campaign, in order to eliminate the use of dirty money in elections. The proposal is in line with international recommendations.

### **2. Gender quotas**

In order to really implement the representation in the lists of not less than 30% women and 1 of the first 3 names on the list to be a woman, the opposition proposes that parties or coalitions have as many candidates as the number of seats in the district. No more candidates should be accepted. Currently, the unlimited list and placing women at the bottom of the list makes the 30% quota ineffective. The sanction for violating the gender quota is no longer a fine, but a refusal to register the list for the respective county.

### **3. Election period**

The opposition is calling for a shortening of the election period in both current seasons. From 3 months it is required to become 1 month. The opposition proposes that the elections not be held during periods that affect the tourist season, but that citizens be given every opportunity to exercise their right to vote. Opposition proposes as election periods April 15-May 15 and October 15-November 15.

## **SPAK against Plan to Set Up Anti-Crime Committee**

<https://www.albaniandailynews.com/index.php?idm=42743&mod=2>

May 27, 2020

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## **SPAK against Plan to Set Up Anti-Crime Committee**

Albanian Daily News

Published  
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The Special Anti-Corruption Prosecution Office (SPAK) have come out against changes proposed to the state police law, which authorize police to conduct interception without the approval of the prosecution. SPAK said the plan to set up an anti-crime committee under the Interior Minister, which would include the general prosecutor and the SPAK, is 'unconstitutional'.

"The involvement of the general prosecutor and the head of the special prosecution office in this committee is contrary to the Constitution and the legal acts in force," the document read.

SPAK also argued that there is no control mechanism over the police, legal reference, or a supporting model from EU countries. It called for the review and re-evaluation of Article 131 as a whole.

"The functions of the general prosecutor and the head of SPAK are independent from the executive, as stipulated in the Constitution," the document read.

Earlier, the General Prosecutor's Office opposed the initiative and suggested not approving its articles and draft laws.

The Interior Ministry has demanded the establishment of an anti-organized crime structure. The initiative foresees that the Anti-Crime Committee be chaired by the Minister of Interior, comprising of the Minister of Justice, the Minister of Finance, the General Prosecutor, the head of SPAK, the director of the State Intelligence Service and the director of the State Police.



# Bosnia and Herzegovina

## Bosnia's 'Raspberry-Respirator Affair' Might be a Fruitful Opportunity

<https://balkaninsight.com/2020/05/04/bosnias-raspberry-respirator-affair-might-be-a-fruitful-opportunity/>

May 4, 2020 - Jasmin Mujanovic, BIRN

Profiteering from a crisis is nothing new in Bosnia, but the latest scandal involving overcharged hospital ventilators is nauseating by any standards – and must not go unpunished.

Amid the global pandemic, government authorities contract a raspberry consortium owned by a local TV host to procure urgently needed medical respirators. This fruit magnate then cooks the import documents and pockets the difference for himself. Worse, his company fails to deliver on all of the promised machines.

It could be the script for an absurdist comedy. It is, in fact, the true tale of Bosnia and Herzegovina's most recent government public procurement scandal. And, although one might be tempted to give the whole thing a cutesy title – perhaps “the raspberry respirator affair”? – the implications here are harrowing.

To begin with, why did the chief of the Federation entity's Civil Protection Directorate, CPD, Fahrudin Solak, contract a raspberry consortium, Silver Raspberry, and its boss, Fikret Hodzic, to acquire respirators in the first place? What possible expertise could such a company have with buying specialist medical equipment?

Moreover, we now know that at least one private medical company offered to acquire the machines for the CPD for about 9,000 marks each, equal to about 4,500 Euros – which is nearly 70,000 marks, or 35,000 Euros, less than what Hodzic's company ended up charging Bosnian taxpayers.

*For the entire content of this article please revert to the link above.*



## **Bosnia Probes Alleged Scam Over Visas for Pakistan Citizens**

<https://balkaninsight.com/2020/05/20/bosnia-probes-alleged-scam-over-visas-for-pakistan-citizens/>

May 20, 2020 - Danijel Kovacevic, Banja Luka, BIRN

The prosecutor's office said it was investigating reports that the Bosnian embassy in Pakistan had issued a suspiciously large number of visas to citizens of that country – claims that the ambassador to Islamabad has denied.

The Bosnian State Prosecutor's Office is investigating a report from the State Border Police about the allegedly illegal issue of visas for thousands of citizens of Pakistan, Boris Grubestic, a spokesman for the Prosecutor's Office, confirmed to BIRN. "The acting prosecutor has requested that certain checks be carried out in Bosnia and abroad," Grubestic said, adding that his office was working on the case together with the police.

Milorad Dodik, the Serbian member of the Bosnian state presidency, said last week that the Security Ministry had warned the state presidency that the Bosnian ambassador to Pakistan had issued 3,000 suspicious visas to Pakistani nationals who had now entered Bosnia and could pose a security threat.

Sakib Foric, the ambassador to Pakistan, has denied the allegation, asking Dodik and Fahrudin Radoncic, the Security Minister, to apologize. "The embassy of Bosnia in... Pakistan has not issued a single forged visa. We reject all the allegations in the statements of the said officials," Foric said in a letter sent to the media on Monday.

He noted that the government in Islamabad was willing to take back its citizens if the information provided by the Bosnian Ministry of Security is shown to be true.

He admitted that the government of Pakistan did not know so many of its citizens were in Bosnia, and that it was not clear to them why the Bosnian authorities had not recorded their presence and informed Pakistan.

Radoncic did not comment on Foric's letter, adding only that the case was now with the Prosecutor's Office.

Relations between Bosnia and Pakistan have become strained in recent weeks, after Radoncic accused the Pakistan embassy of refusing to co-operate on identifying migrants from the country who are in Bosnia. His ministry accused the Pakistan ambassador of "irresponsible behaviour" and said that it "further raises the issue of public confidence in his work and his stay in Bosnia".

However, when the Bosniak member of the Bosnian Presidency, Sefik Dzaferovic, and the Foreign Minister, Bisera Turkovic, met the ambassador, they condemned Radoncic for suggesting that the ambassador could be declared persona non grata unless he cooperated more closely with the Bosnian authorities.

The dispute started in mid-April when Radoncic ordered Bosnia's Service for Foreigners' Affairs, the SFA, to compile a list of an estimated 9,000 to 10,000 illegal migrants to be deported, excluding refugees from war-torn Syria. The minister also said the countries they came from should give Bosnia money to cover the cost of their air flights home.





## **Bosnia Federation Prime Minister Detained in ‘Respirators’ Affair’**

<https://balkaninsight.com/2020/05/29/bosnia-federation-prime-minister-detained-in-respirators-affair/>

May 29, 2020 – Nedim Dervisbegovic, BIRN

Caretaker Federation entity Prime Minister Fadil Novalic and two others were grilled for hours by police on Thursday awaiting transfer to the state prosecution office, as allegations swirl over the allegedly suspect purchase of Chinese respirators to help deal with the corona virus pandemic.



*Federation of Bosnia and Herzegovina Prime Minister Fadil Novalic.*

Fadil Novalic, the caretaker Prime Minister of Bosnia's Federation entity, was detained Thursday overnight by the state law enforcement agency SIPA together with the head of the Civil Protection and the owner of a private company as part of an investigation into the purchase of allegedly overpriced Chinese respirators.

Novalic, Fahrudin Solak, the suspended head of the Civil Protection, and Fikret Hodzic, a TV host who owns the Silver Raspberry (Srebrna malina) company that last month purchased 100 respirators for 10.5 million Bosnian marks [about 5.25 million Euros], were questioned for several hours at SIPA headquarters in East Sarajevo. The trio were to be transferred to the State Prosecutor's office during Friday, Bosnian media reported.

The so-called "Respirators affair" has rocked the Federation, the larger of the two entities in Bosnia, and has clouded its response to the corona virus pandemic.

Strict measures have kept the number of infections and deaths in this entity of Bosnia to 1,059 and 39 respectively. Bosnia has registered 2,462 cases of corona virus and 139 deaths in total. Most other cases were registered in the other entity, Republika Srpska, and some in the District of Brcko.

Novalic and Solak are both members of the main Bosniak party, the Party of Democratic Action, SDA, which rules in the Federation in coalition with the main Bosnian Croat party, the Croatian Democratic Union, HDZ, and another [mainly Bosniak party].

The Federation has been run by a caretaker government since the last general elections were held in Bosnia in October last year, as the main parties have still not agreed on a new ruling coalition.

According to the Law in the Federation, if the prime minister is incapable of carrying out his duties, his deputy takes over running the government.

Novalic's first deputy is Finance Minister Jelka Milicevic, from the HDZ, and his second deputy is Work and Social Politics Minister Vesko Drljaca, from the Alliance for a Better Future, SBB.

# Bulgaria

## Bulgaria's Chief Prosecutor: 15 to 20 Years in Prison for Causing Death on the Road

<https://www.novinite.com/articles/204468/Bulgaria%27s+Chief+Prosecutor%3A+15+to+20+Years+in+Prison+for+Causi+ng+Death+on+the+Road>

May 12, 2020



Chief Prosecutor Ivan Geshev has proposed that the penalty for causing death on the road after using drugs and alcohol should be 15 to 20 years in prison or life imprisonment and confiscation of the motor vehicle.

The proposal has been sent to the Prime Minister, the President of Parliament and the chairmen of all parliamentary groups.

"In 2015, 90 criminal proceedings were instituted for driving after using drugs, and in 2019 their number rose to about 3,000," the prosecutor's office commented. Currently, the penalty for causing death on the road after drug use is 3 to 15 years in prison.

## Corruption-Probing Bulgarian Journalist Dismisses Drugs Bust as 'Theatre'

<https://balkaninsight.com/2020/05/13/corruption-probing-bulgarian-journalist-dismisses-drugs-bust-as-theatre/>

May 13, 2020 by Svetoslav Todorov, Sofia BIRN

Award-winning local investigative journalist Dimiter Petzov says his arrest and charges of possession of drugs are an act of 'theatre' designed to intimidate him over his work.



*Dimiter Petzov, Photo: Access to Information Programme*

An award-winning journalist with the record of investigating local corruption in Bulgaria has accused the local authorities of framing him after he was charged on Tuesday with the illegal possession of drugs.

Prosecutors in the town of Silistra filed charges against Dimiter Petzov on Tuesday for possession of drugs and ordered the imposition of restraining measures.

The associate of the Anti-Corruption Fund in Silistra for about two years told BIRN on Wednesday that he suspected he was arrested on May 2 in order to intimidate him.

He said he would not appeal against the court order prohibiting him from leaving the town. "I've been ordered the lightest measure of restraint, not to leave the town without permission," he told BIRN, adding: "I won't be making an appeal."

After his arrest, police claimed to have found 11.7 grams of ecstasy, 7.2 grams of heroin, 13 grams of amphetamine and 7.2 grams of cannabis in his car. He was held for 24 hours.

But on May 3, he wrote a lengthy Facebook post claiming that one of the police officers during his arrest had indirectly implied that the action was related to "something" that he had written earlier, which allegedly caused "panic".

A few days before his arrest, on April 28, he said he had sought information from the local police about a recent anonymous donor to the police, who has supplying them with food and drinks at their checkpoints since the start of the state of emergency. He said he suspected that his arrest and his previous interest in this topic might be connected.

In an interview for [dnevnik.bg](http://dnevnik.bg) on May 6, Petzov also claimed the arrest was suspicious. “The actions and behaviour of the police officers seemed strange and uncharacteristic to me. I’m in contact with police officers, I have always cooperated, and they have also assisted me in some initiatives,” he said.

“They found what they were looking for surprisingly quickly,” he said, referring to the drugs, adding that the search was also done without the usual presence of witnesses. He denied having obtained drugs or suffering from an addiction.

“It all looked like some kind of a theatre act, which calls into question the legitimacy of the whole action. At one point I told them to just go along with the script they’d been given and not to ask me unnecessary questions,” he said.

In the same interview, he claimed he was beaten up two years ago and that the perpetrator was never identified.

On May 11, by the same time he had been charged, police officers from Sofia had been sent to Silistra to research the case, Radio Free Europe reported.

Suppressing and intimidating local journalism has long been an issue in Bulgaria. The country was ranked 111th globally in terms of press freedom for a third year in a row in 2020 by the watchdog organisation Reporters Without Borders.

Apart from being a freelance journalist, Dimiter Petzov is locally known as civil activist and has been involved in various initiatives in his hometown. In 2017, he was awarded the Golden Key award for his contributions to freedom of information. He also works with the Anti-Corruption Fund in Bulgaria.

## Coronavirus in Bulgaria: Eight women killed by partners as domestic violence reports spike

<https://sofiaglobe.com/2020/05/27/coronavirus-in-bulgaria-eight-women-killed-by-partners-as-domestic-violence-reports-spike/>

May 27, 2020 by The Sofia Globe staff



An emergency fund to combat domestic violence in the context of the Covid-19 pandemic has been launched in Bulgaria, against a background of eight women having been killed by their partners and a spike in reports of domestic violence after the State of Emergency was declared in March.

“A silent pandemic other than that caused by the corona virus has taken over many homes. This is the pandemic of domestic violence. Since the beginning of the isolation the situation in many homes has deteriorated dramatically,” according to the organisers of the fundraising, the Bulgarian Fund for Women, the BCause Foundation and the Bulgarian Donors’ Forum.

In just a month, calls reporting domestic violence on the 116 111 Children’s Hotline jumped by 370.

The fund will support victims of domestic violence and their children by supporting front-line organisations that provide legal, psychological and social services to victims of domestic violence, manage crisis centres for women and children, counselling centres and mobile services in Bulgaria.

Three companies and a foundation have already joined the initiative with a targeted donation – Beiersdorf/Nivea, EasyPay, Experian and Lachezar Tsotsorkov Foundation. The Bulgarian Fund for Women will double all individual donations made on the platform.

Donations will be put to a number of uses, including tests for Covid-19, creating separate premises for temporary quarantine before entering the crisis centres, protective clothing, personal protective equipment (masks, gloves, helmets) and disinfectants, medicines, vitamins, and essential medical supplies.

The money also will be used for additional hours of work by psychologists and lawyers at the centres, due to the increase in the need for help and the more severe cases that require immediate protection.

Funds also will go to temporary accommodation in a hotel in the absence of places at the crisis centres, an increase in mobile services to reach small settlements, increasing technical equipment for online consultations, tablets and laptops for children placed in the services so that they can continue to study remotely, as well as emergency humanitarian aid for women and their children, in cases where they have no income, do not receive maintenance and have serious financial difficulties, extra beds, installation of partitions and emergency retrofitting of

premises, and educational materials and games for the children of the women accommodated at the centres.

Donations may be made to the campaign via the platformata.bg website or by sending a text message "DMS SILA" to the short number 17 777 or via the website of the Bulgarian Fund for Women. To pay via Easy Pay, use the number 4236895688.

## Kosovo

### In Kosovo, Distrust of Hague War Crimes Court Simmers

<https://balkaninsight.com/2020/05/12/in-kosovo-distrust-of-hague-war-crimes-court-simmers/>

May 12, 2020 - Serbeze Haxhiaj, Pristina, BIRN

Delays to indictments, criticism from political leaders and rumours of amnesties have made many people in Kosovo increasingly sceptical about the Kosovo Specialist Chambers, the Hague-based court set up to try wartime guerrillas.

Despite the corona virus pandemic, the Kosovo Specialist Prosecution in The Hague has been pressing ahead with work on charges against former Kosovo Liberation Army guerrillas suspected of wartime and post-war crimes.

The new court is due to renew its initial five-year mandate at the end of this month. Based on a law adopted by the Kosovo Assembly in 2015, its mandate will continue until Kosovo is notified by the Council of the European Union that investigations have concluded and proceedings are complete - until then, no specific actions need to be taken for the mandate to be renewed.

At the end of April, prosecutors sent more indictments of unnamed suspects to a pre-trial judge, who now has six months to review the charges. A first tranche of indictments was sent to a judge in February and these are expected to be confirmed by mid-summer, before expected trials at the Kosovo Specialist Chambers.

The prospective defendants have not yet been publicly named, but more than 150 former KLA members have now been summoned for questioning as suspects or witnesses, and it is believed that the first public announcements are not long away. Among those called in for interviews have been prominent political figures like Ramush Haradinaj, head of the Alliance for the Future of Kosovo, AAK party, who resigned as prime minister when he was summoned, and the former speaker of the Kosovo Assembly, Kadri Veseli, who is head of the Democratic Party of Kosovo, PDK.

Meanwhile in Kosovo, where the so-called 'special court' has never been popular because it is seen as an attack on the KLA's righteous struggle, frustration has continued to grow with what is seen as a biased institution that will only try ethnic Albanians while leaving many wartime crimes by Serbs unprosecuted.

For Bekim Gashi, whose mother and four sisters were killed by Serbian forces in a massacre in their village of Trnje/Terne on March 25, 1999, and whose remains are still missing, the special court is "unfair and farcical". "It would be better for this court to treat crimes against humanity equally," Gashi told BIRN. "Justice cannot be selective like this court's mandate is," he said.



Gashi has had some success in getting justice for his murdered relatives. In 2008, he filed a criminal complaint to Serbia's War Crimes Prosecution against the Yugoslav Army's 549th Brigade. In 2019, Belgrade Higher Court sentenced former Yugoslav Army officer Rajko Kozlina to 15 years in prison for the murder of 27 civilians in Trnje/Terne in 1999, while acquitting his superior, Pavle Gavrilovic.

But many other crimes committed by Serbian troops, police officers and paramilitaries during the Kosovo war have never resulted in indictments. Gashi said that "it is undeniable that some KLA members were involved in crimes against minorities after the war, sometimes to take revenge and in other cases to take their properties". But he argued that prosecutions should not just target wrongdoers from one ethnic group: "All crimes committed against civilians should be punished, whatever their ethnic background," he said.



*Bekim Gashi, whose mother and four sisters were killed in a massacre in 1999. Photo: BIRN.*

### **'Many view the court's mandate as unfair'**

When the Kosovo Assembly voted in 2015 to establish the Specialist Chambers as a 'hybrid court' – part of Kosovo's justice system but based in the Netherlands – the Pristina authorities explained it as a way to clean up Kosovo's image. Its establishment came in response to serious allegations raised by a Council of Europe report in 2010 written by Swiss senator Dick Marty about crimes allegedly committed by KLA members.

Between 2012 and 2014, a European Union task force then looked into Marty's allegations and concluded there was enough evidence for prosecutions for offences like murders, abductions, illegal detentions and sexual violence.

Kosovo's political leaders agreed to establish the court under huge pressure from the country's Western backers, but then in December 2017, President Hashim Thaci supported an initiative by more than 40 MPs to abolish it.

It was unclear why Thaci, one of the KLA's former leaders, changed his position after initially backing the court as a means of proving to the world that the KLA's armed struggle was 'clean'. However, there have been repeated suggestions that Thaci, who was named in the Marty report, could face charges, although he denies any wrongdoing.

Meanwhile many people in Kosovo have grown increasingly dismissive about the court, particularly as five years have passed without any indictments being made public. Public uncertainty about the court has been further fuelled by recent unsubstantiated rumours that it

might be abolished and wartime crimes amnestied as part of a deal to normalise relations between Kosovo and Serbia.

Kushtrim Koliqi, the head of Pristina-based NGO called Integra, whose work focuses on peace, dealing with the past and human rights, said that misinformation and scepticism about the Specialist Chambers is widespread in Kosovo. “Based on our public perception research, Albanians overwhelmingly view the court’s mandate to prosecute war crimes mainly associated with the KLA as unfair, while many Serbs believe it is very unlikely that the court can bring justice,” Koliqi told BIRN. “Kosovo citizens are not against the truth about what happened [during and after the war]. But Kosovo still lacks political leaders who are ready to deal seriously with the legacy of the war and the victims, and not promote war criminals,” he added.

Kosovo Serbs meanwhile are sceptical that the Specialist Chambers can deliver justice in cases in which the victims were mainly Serbs.

A report by Amnesty International in 2009 estimated that some 800 murders were committed during a prolonged outbreak of violence against Serbs and other ethnic minorities in the period when Kosovo was under UN administration after the war ended and Serbian forces withdrew. The majority of people who were allegedly kidnapped by KLA members and then disappeared during the wider period from 1998 to 2000 were either Serbs or Kosovo Albanians labelled as collaborators with Serbia.

Milorad Todorovic, the co-chair of the Missing Persons Resource Centre, whose brother was kidnapped with four other Serbs during the war and is still missing, said that the court has been losing its credibility because of long delays to indictments. “Witnesses are passing away but war crimes do not have an expiry date. Sooner or later, we have to face the truth. There are victims on both sides as well as people who committed those crimes,” said Todorovic.



BIRN.

*Milorad Todorovic, whose brother was kidnapped and is still missing. Photo:*

### **‘Promoting a culture of impunity’**

Outgoing Prime Minister Albin Kurti, whose party Vetvendosje (Self-Determination) has long been outspoken in its criticism of the Specialist Chambers, recently fired his adviser Shkelzen Gashi for saying that individual KLA fighters committed crimes during the 1998-99 war – comments that sparked a furious backlash from Kosovo Albanians.

Gazmend Bytyqi, an MP from the opposition Democratic Party of Kosovo, said that Gashi’s statements were an “attempt to denigrate the glorious fight for freedom”.

For some however, the sacking showed that Kosovo's political leadership wants to perpetuate a culture of impunity. "Political leaders should refrain from such a narrative... Justice must be served for all victims," said Abit Hoxha, a transitional justice researcher.

The potential undermining of any positive impact the court might have on Kosovo society has led to the Specialist Chambers making outreach a priority.

"From the outset outreach has been our focus. The Outreach team travels to Kosovo about once a month to inform people about the court and its activities, to clarify misconceptions and to respond to the questions and concerns that people have," Michael Doyle, the Specialist Chambers' outreach coordinator and spokesperson, told BIRN.

But Hoxha said that there are few expectations that the Specialist Chambers will gain widespread acceptance in Kosovo society at any stage. "When it comes to crimes, we should not look for popular opinion, but justice," he said.

## **Kosovo Tries Again to Establish War Crimes Research Institute**

<https://balkaninsight.com/2020/05/20/kosovo-tries-again-to-establish-war-crimes-research-institute/>

May 20, 2020 - Serbeze Haxhijaj, Pristina, BIRN

The Kosovo government is making a second attempt to set up a War Crimes Research Institute - but experts are sceptical because of the authorities' two-decade-long failure to properly document wartime atrocities.

Kosovo's Justice Ministry decided last week to put together a preparatory team to analyse how to establish a new War Crimes Research Institute, after a previous attempt launched nine years ago was abolished because it did not deliver significant results. The Justice Ministry has tasked a team of 15 people, including state officials, civil society representatives and university professors, with drafting a report by September this year on how the new institute should function.

Back in 2011, the government set up a previous version of the War Crimes Research Institute as part of the Justice Ministry, to gather, process, classify and archive information about crimes committed during the 1998-99 Kosovo war. However, the institute was accused of failing to fulfil its mandate, although it claimed that it was making progress despite serious underfunding.

It was abolished in 2018 on the order of then Prime Minister Ramush Haradinaj. The decision stated that instead of the institute, a Department of Transitional Justice would be established as part of the Justice Ministry. But this never happened.

The Justice Ministry now says that the new institute will be different, although it has not provided any detailed information about its plans. "Of course, the War Crimes Institute will differ in format and content from the previous institute. But this will be part of a broader analysis by the preparatory team," the ministry told BIRN by email.

Ismet Salihu, a recently-retired professor from the Pristina University law faculty who is also the former head of the first War Crimes Research Institute, said that the decision to abolish it was a mistake by former Kosovo Liberation Army guerrillas who held senior positions in Haradinaj's government.

Paradoxically, Kosovo's politicians have repeatedly accused Serbia of committing genocide and threatened cases at international courts, but so far haven't managed to ensure that the crimes they accuse Belgrade's forces of committing are properly documented. "Kosovo has failed to research and document war crimes. Closing the institute is the biggest proof of this paradoxical failure. It means it will take at least 30 years [from the end of the war in 1999] to research and document the war crimes," Salihu told BIRN.

When Salihu led the War Crimes Research Institute, it had only six staff members, too few to carry out such a large task, he said. "We lacked people to work on the ground. How can we research and provide evidence about war crimes committed during the Kosovo war without people to do it in the field?" he asked. During its mandate, the previous War Crimes Research Institute published nine monographs on the scale of the killings during the war, missing persons, economic damage and the destruction of cultural heritage.

Salihu said that Justice Ministry should learn from countries like Germany, which have such mechanisms as part of government. "First of all, this institute should be staffed and funded properly. It must function as an institute of experts from different fields not as a haven for political party activists [who want jobs despite lacking relevant expertise]," he argued.

### **'It is our duty to shed light on the truth'**



*A Kosovo Albanian man looks at the names of missing people from the war, both ethnic Albanians and Serbs, written on a wall in Pristina, Kosovo in April 2011. Photo: EPA/VALDRIN XHEMAJ*

War victims and the relatives of the deceased and missing are understandably keen to see all violations properly documented. "This institute should document all the crimes professionally and independently," urged Agron Limani, head of the Association for Research of the Kidnapped and Missing People. "Its primary focus should be to investigate and document massacres in Kosovo, and list the victims and perpetrators," he added.

Currently the only reliable list of those who died in the war is the one compiled by the Humanitarian Law Centre Kosovo and the Humanitarian Law Centre Serbia. They have verified the identities and circumstances of death of over 13,500 victims, and are also gathering additional information about thousands of victims who were killed in the immediate aftermath of the conflict.

Limani said that he thought that the new institute's findings should form the basis for an unbiased version of history that does not "perpetuate ethnic prejudice" and is not used for political point-scoring. "The institute should investigate all crimes committed against all communities in Kosovo and not function as a mechanism that fuels daily political consumption," he said.

But the closure of the first institute has raised questions about the government's ability to establish a mechanism capable of properly researching and documenting war crimes.

Nora Ahmetaj, a transitional justice researcher, echoed Limani in arguing that the new institute should examine all crimes committed during the war in Kosovo, whichever ethnic group's members were the victims.

Previous similar initiatives have not been very successful because they started out with the wrong premise, Ahmetaj told BIRN. "The primary focus of this institute should be to shed light on unrevealed war cases. If it is only focused on the documentation of crimes committed against Albanians during the 1998-99 war, it will not have any importance. But I am afraid this initiative will fail like others before," Ahmetaj told BIRN. "I think the government should review



what was done before in this field. Firstly they should have a strategy and a working plan for the crimes that this institute will document," she said.

For Salihu, documenting war crimes remains a matter of the utmost importance, out of respect for those who died: "The victims cannot speak for themselves. So it is our duty to shed light on the truth," he said.

## Former Thaci Adviser: 'Kosovo Constitution Demands New Elections'

<https://balkaninsight.com/2020/05/27/former-thaci-adviser-kosovo-constitution-demands-new-elections/>

May 27, 2020 - Jeta Xharra Pristina, BIRN

As Kosovo awaits a Constitutional Court ruling on the legality of the President's nomination of Avdullah Hoti as prime minister, Alexander Borg Olivier, a former legal advisor to President Thaci, says his action has not been in line with the constitution.

Kosovo's Constitutional Court is expected to rule in days on a challenge submitted by the governing Vetevendosje party to the nomination by President Hashim Thaci of Avdullah Hoti as the country's next prime minister.

Hoti belongs to the Democratic League of Kosovo, LDK, which was in government with Vetevendosje. Thaci made the proposal after parliament passed a vote of no confidence in the Vetevendosje government of Albin Kurti in March.

Alexander Borg Olivier, who was the UN Kosovo mission's chief legal advisor for eight years and legal advisor to Thaci during his time as prime minister between 2008 and 2010, says the President's move to form a new government after the no-confidence motion in Kurti – without calling new elections – is not foreseen by the constitution.

In an interview with BIRN, Borg Olivier says that if he was advising the President now, he would tell him that the constitution implies a need for an election – not for a new government composed from the existing parliament. He also voiced concern over the lack of “political culture” in Kosovo, and over the independence of the judiciary that will issue this potentially controversial decision.

Borg Olivier was the key legal advisor to UNMIK involved in setting up the Constitutional Framework for Provisional Self-Government in Kosovo in 2001. This was the constitutional framework that set out the basic stepping stones needed for the former province of Serbia to become an independent state.

He believes the Constitutional Court was right to delay its decision on Vetevendosje's appeal until May 29, given the public health emergency around the corona virus. “This decision gave the country a chance to manage the pandemic in a stable manner. I was afraid the Constitutional Court would just say: ‘Let's go forward with the next government’ and that would have been a disaster,” he said. “You can't form a new government without a clear constitutional basis for doing so, especially when you need stability in a moment of crisis. You can't allow a controversial government to take over and cause division,” Borg Olivier said.



*Hashim Thaci.*

*Photo: EPA-EFE/VALDRIN XHEMAJ*

"It is simple: you had an election in Kosovo, a government [under Kurti] was formed. After 51 days, after international meddling, more specifically after US meddling, you had an engineered motion to bring down a government," he added.

Borg Olivier says the Kosovo constitution does not give supreme powers to the president to nominate new governments. "According to the Kosovo Constitution, the prime minister's position is considered vacant only when he resigns, dies, loses the capacity to exercise his function or is convicted of a crime, which then makes it impossible for him to carry out his functions," he recalled.

"In such a situation, the President may invite the governing coalition to nominate a new Prime Minister. This is emphatically not the situation in which the Republic of Kosovo finds itself in at this moment," Borg Olivier said.

"However, it was the situation that arose in Kosovo in 2019 after Prime Minister Ramush Haradinaj resigned. In compliance with the standards set by the Constitutional Court, the President asked the largest coalition governing Kosovo at that time to select a new candidate. After that coalition refused, the president did not take steps toward the formation of a new government," he explained.

According to Borg Olivier, the constitution does not provide for any other situation in the formation of a new government in the event of a successful motion of no confidence.

"The Constitution ... does not recognise any role for the President of Kosovo or the Kosovo Assembly's right to elect a new government after such a motion. It recognises only the right of the President to dissolve the Assembly in accordance with Article 82.2 of the constitution," he added.

There are exceptions, he noted. According to him, the only situation in which a mandatory recourse to new elections can be avoided is extraordinary circumstances, such as a public health emergency.

"That may warrant the avoidance of elections and the formation of a new government, if there is the unanimous consent of all the political parties represented in the Assembly, without any exception, to form an alternative government – for instance a temporary government of national unity, or a technical government," he told BIRN.

"If such a consensus allowing for a suspension of the constitutional requirement for new elections doesn't exist, the President is left with no other option other than dissolving the Assembly.

"He may delay the date of dissolution, where he deems this to be necessary. This delay would keep the caretaker government in place following the successful vote of no confidence that brought the prime minister's mandate to an end.

"At a time when Kosovo is in a public health emergency confronting the devastating COVID-19 pandemic, the prolongation of the caretaker government of Prime Minister Albin Kurti and

delay of new elections would be the appropriate and responsible course of action in the national interest," Borg Olivier added.

"But in order to have a departure from the norm, you need unanimity among all participants, and then you can suspend that norm and do something different. If you want to depart from the norm, it is not the president who has to do that, it has to be all the parties," he concluded.

## **Kosovo Court Says Govt Can be Formed Without Elections**

<https://balkaninsight.com/2020/05/29/new-kosovo-govt-can-be-formed-without-elections-court-rules/>

May 29, 2020 - Xhorxhina Bami, Pristina, BIRN

Kosovo's Constitutional Court has ruled that a new government can be formed without holding snap elections and that President Hashim Thaci did not breach the constitution by giving a mandate to a new prime minister.



*Kosovo President Hashim Thaci.  
Photo: EPA-EFE/ Valdrin Xhemaj*

The Constitutional Court of Kosovo on Thursday ruled that President Hashim Thaci did not make an unconstitutional decision when he gave a mandate to a new prime minister to form a new administration without holding fresh elections. He took this action after the outgoing ruling party, Vetevendosje, did not nominate anyone for the role.

The court ruling sparked anger from Vetevendosje, which has demanded snap elections since its government was ousted in March in a vote of no confidence, and has threatened to stage street protests.

Outgoing Deputy Prime Minister Haki Abazi accused the Constitutional Court of handing down a political verdict rather than a legal one. "The argumentation and reasoning of the [Court] decision is political and anti-democratic and in no way legal or constitutional," Abazi wrote on Facebook on Friday morning.

Avdullah Hoti, who Thaci tasked with forming the new government as Kosovo, welcomed the ruling. "It is time to unite for the future of the country and our citizens. Nobody has lost," Hoti wrote on Facebook.

The United States, Kosovo's key Western backer, urged state institutions and political parties to respect the Constitutional Court decision. "We ask all leaders to work together for an orderly transition in the interest of peace, stability, and prosperity for all the people of Kosovo," the US embassy in Pristina said in a statement.

Hoti was put forward for the role of prime minister by the Democratic League of Kosovo, LDK, the party that was part of the Vetevendosje-led administration under Albin Kurti, which also instigated the no-confidence vote in March that toppled the short-lived government.



After Kurti's government fell, Thaci consulted all the parties in parliament and most said they wanted a new government rather than snap elections.

Thaci said he would give a mandate to whichever "party or coalition proves it has a majority in parliament".

Vetevendosje, which has most seats in parliament, but not an absolute majority, did not nominate a new premier but did not refuse to nominate one either – a delaying tactic that it hoped would lead to snap elections.

But Thaci pushed ahead with decreeing the LDK nominee Hoti as the next prime minister.

Vetevendosje sent the presidential decree to the Constitutional Court for interpretation, arguing that Thaci had been constitutionally unqualified to do this.

But the court has now ruled that Thaci followed the correct procedure by consulting all the political parties and then accepting the nomination for prime minister from the second-largest party in parliament, the LDK.

"I was convinced that every step I took was in full compliance with the constitution of Kosovo and I am glad that this was confirmed by the Constitutional Court," Thaci wrote on Facebook on Thursday evening.

Kurti had demanded new elections, citing previous practice after a no-confidence motion. But the court said that this was not the correct interpretation of the constitution and the current situation was different to previous ones.

It said that "a successful vote on a motion of no-confidence in a government by the Assembly does not result in the mandatory dissolution of the Assembly and thereby permits the election of a new government".

Kurti has made no public reaction so far, but Vetevendosje posted a video on Facebook of what it called a "rehearsal" for a protest for snap elections and against what it described as a breach of the constitution.

The heated political dispute has seen the Constitutional Court accuse Thaci and Kurti of pressurising it and of using "threatening political discourse".

# Moldova

## CC rejects application concerning fines for violation of preventive measures

[https://www.ipn.md/en/cc-rejects-application-concerning-fines-for-violation-of-preventive-measures-7967\\_1073226.html](https://www.ipn.md/en/cc-rejects-application-concerning-fines-for-violation-of-preventive-measures-7967_1073226.html)

April 30, 2020

The Constitutional Court (CC) rejected the application by which MP Vasile Năstase asked to suspend the Contravention Code provisions concerning the imposition of fines for the non-observance of the epidemic disease prophylaxis, prevention and combing measures, IPN reports.

## Constitutional Court judges notify PGO

[https://www.ipn.md/en/constitutional-court-judges-notify-pgo-7967\\_1073286.html](https://www.ipn.md/en/constitutional-court-judges-notify-pgo-7967_1073286.html)

May 04, 2020



The judges of the Constitutional Court filed a complaint to the Prosecutor General's Office over public figures' statements about alleged following and intimidation against judges of the CC, IPN reports

In a press release, the CC says the PGO was asked to take all the required measures based on the penal and contravention law.

The PGO said that it hasn't taken legal action, hasn't authorized and hasn't requested judges of inquiry to authorize special investigation measures in relation to judges of the Constitutional Court. The information presented by the Ministry of Home Affairs, the Security and Intelligence Service and the National Anticorruption Center shows that none of these institutions took such measures.

MPs Maia Sandu and Sergiu Litvinenco turned down the PGO's invitation to file a

denouncement in support of their Internet postings by which they signaled alleged acts of intimidation and following of CC judges.

## Constitutional Court pronounces on snap parliamentary elections

[https://www.ipn.md/en/constitutional-court-pronounces-on-snap-parliamentary-elections-7967\\_1073352.html](https://www.ipn.md/en/constitutional-court-pronounces-on-snap-parliamentary-elections-7967_1073352.html)

May 07, 2020



The snap parliamentary elections can be held based on the proportional electoral system, but only a year after the modification of this system, which occurred on August 15, 2019. A decision to this effect was passed by the Constitutional Court on May 7, based on an application filed by MPs Sergiu Litvinenko, Alexandru Slusari and Vasile Bolea last October, IPN reports.

The Court said the existing provisions do not ban holding snap parliamentary elections according to the rules of another electoral system than the one used at the ordinary parliamentary elections, if the rule to publish the norms concerning the applied electoral system at least one year before the election day in the Official Gazette is obeyed.

“The legal provisions concerning the elections should be clear and predictable and a broad social consensus should exist on them. The amendments to this effect should take place sufficiently early so that they could be implemented successfully in the electoral process so as to avoid the violation of the right to vote and the right to be elected,” said CC president Domnica Manole, quoting the decision.

Parliament on August 15 decided to restore the proportional representation system after the MPs of the PDM, PSRM and PPEM, at the suggestion of President Igor Dodon, voted to introduce the mixed electoral system in 2017. The mixed system was annulled by 59 votes of the MPs of the ACUM Bloc and the PSRM.

## Lending agreement with Russia declared unconstitutional

[https://www.ipn.md/en/lending-agreement-with-russia-declared-unconstitutional-7965\\_1073366.html](https://www.ipn.md/en/lending-agreement-with-russia-declared-unconstitutional-7965_1073366.html)

May 08, 2020



The agreement with the Government of the Russian Federation concerning the provision of a state loan of €200 million was declared unconstitutional. The judgment was passed by the Constitutional Court in the evening of May 7, after almost nine hours of deliberations, IPN reports.

The Court declared unconstitutional the Government decisions regarding the initiation of negotiations on the agreement and concerning the approval of the bill to ratify the agreement. The law to ratify the agreement adopted by Parliament on April 23 was also declared unconstitutional.

The Court's judgment is definitive and cannot be challenged. It takes effect when it is adopted and is published in the Official Gazette. The full decision will be published within five days.

Constitutional judge Eduard Ababei refrained from taking part in the examination of the challengers referring to the Russian loan. He said that he is related to one of the members of the Government, namely Deputy Prime Minister Sergey Pușcuța, Minister of Finance. But the Ministry of Finance was one of the institutions responsible for the negotiation of the lending agreement with Russia.

The agreement on the lending of €200 million by Russia to Moldova was ratified by Parliament on April 23. The Constitutional Court suspended the agreement until the case is examined based on the challenges filed by MPs of the Pro Moldova group, the PAS and the PPPDA.



## Government seeks disciplinary proceedings against constitutional judge

[https://www.ipn.md/en/government-seeks-disciplinary-proceedings-against-constitutional-judge-7967\\_1073497.html](https://www.ipn.md/en/government-seeks-disciplinary-proceedings-against-constitutional-judge-7967_1073497.html)

May 13, 2020

The Cabinet approved and is to present to the Constitutional Court for examination an application to bring disciplinary proceedings against constitutional judge Nicolae Roşca, IPN reports.

In the Cabinet meeting, Minister of Justice Fadei Nagachevski said that in the May 7 meeting of the Constitutional Court, when the challenges concerning the provision of the Russian loan were examined, judge Nicolae Roşca said: “We didn’t die after US\$ 1 million disappeared from the state budget and will not and will not die after this €200 million either”. However, under the Law on the Constitutional Court, the constitutional judge is obliged not to use the post for propaganda purposes.

Therefore, Nicolae Roşca should have refrained from making any comments on a case that was being examined.

Fadei Nagachevski noted the assertion made by Nicolae Roşca is inadmissible for the status and post of constitutional judge as it seriously affects the image of the Court.

## Retirement age for judges to be increased

[https://www.ipn.md/en/retirement-age-for-judges-to-be-increased-7967\\_1073494.html](https://www.ipn.md/en/retirement-age-for-judges-to-be-increased-7967_1073494.html)

May 13, 2020



The retirement age for judges as of July 1, 2020 will be 50 years and six months, both for men and women. Afterward, the retirement age will annually rise by half a year until the standard retirement age of 53 is reached, in 2045



## **NGOs demand to ratify Istanbul Convention**

[https://www.ipn.md/en/ngos-demand-to-ratify-istanbul-convention-7967\\_1073487.html](https://www.ipn.md/en/ngos-demand-to-ratify-istanbul-convention-7967_1073487.html)

May 13, 2020



The organizations that are members of the National Coalition “Life without Violence in the Family” launched the initiative to collect signatures for ratifying the Convention on preventing and combating violence against women and domestic violence. Through the agency of the petition, these request the male and female MPs of the Republic of Moldova to ratify the Convention by the end of the spring parliamentary session of 2020, IPN reports.

In a press release, Promo-LEX Association, which is a member of the National Coalition “Life without Violence in the Family”, says that by this petition the subscribers ask the authorities that ratify the Convention to take a number of measures, to teach since school the girls and boys how to build harmonious relations and to communicate without violence; to protect the girls and women who are victims of violence and to punish abusers; to train judges, prosecutors, police officers, doctors and nurses; to support organizations that help women and children who are victims of violence; to allocate money for services and awareness-raising campaigns and to collect data about the spread and gravity of violence.

Contacted by IPN for a comment, Natalia Reznyak, communication officer of the “National Coalition “Life without Violence in the Family”, said that this document will protect the victims of domestic violence. “In December 2019, we had a protest that involved many people dressed “in red”, who demanded to ratify the Istanbul Convention. We see reservations as to the ratification of the Convention on the part of the male and female MPs, but this Convention is needed, especially during the current pandemic when the abused women regrettably cannot be protected as they remain face to face with their abuser. If this Convention had been adopted earlier, it would have forced the state to create a mechanism by which to protect these women even in conditions of crisis,” stated Natalia Reznyak.

In the quarantine and self-isolation period, the situation of women who live in violence worsened. Mothers, sisters, nieces, daughters or just female friends and neighbours remain enclosed in four walls together with their abusers, being in situations of big risk. During a month of quarantine, the women’s helpline 0 8008 8008 was used by 35% more female victims of violence. Approximately 30 women die annually in the Republic of Moldova as a result of violence used against them by their partners.



## Moldova Seeks Plahotniuc's Extradition From US Over Theft Charges

<https://balkaninsight.com/2020/05/18/moldova-seeks-plahotniucs-extradition-from-us-over-theft-charges/>

May 18, 2020 - Madalin Necsutu, BIRN

The General Prosecutor's Office said it was charging the fugitive tycoon Vlad Plahotniuc with the theft of 100 million US dollars from the banking system, as US authorities confirmed receipt of an extradition demand from Moldova.



*The ex-leader of the Democratic Party, Vladimir Plahotniuc (R), gestures next to a supporter holding a turkey in the Presidency courtyard. Photo: EPA/Doru Dumitru*

Moldova's General Prosecutor, Alexandr Stoianoglo, on Monday said the fugitive tycoon Vlad Plahotniuc, the former leader of the Democratic Party, PD, had illegally got hold of 100 million US dollars from the banking system.

He added that Plahotniuc was helped in this action by a group of companies belonging to another fugitive tycoon, Ilan Shor, the leader of the Shor Party, which is in opposition in the Moldovan parliament.

US authorities have confirmed that Plahotniuc is currently in the United States and faces extradition procedures. Shor has fled to Israel. Moldova does not have extradition agreements with either country, however.

Plahotniuc also has Romanian and Russian citizenship and so, if he faces extradition, may choose not to return to Moldova.

"We have indisputable evidence that ... Plahotniuc was the beneficiary of money obtained in the form of credit from Banca de Economii through the Shor Group, and covered consequently by the ... National Bank of Moldova," Stoianoglo said.

He added that Plahotniuc used the 100 million US dollars to purchase shares in a bank, an insurance company, the Casa Modei building and the National Hotel in Chisinau, among others.

Stoianoglo said a new indictment would be issued, pressing three charges against Plahotniuc: setting up a criminal organisation, fraud and money laundering on a large scale.

Papers in English would be drafted and sent to the US, asking for Plahotniuc's extradition. "Measures will be taken to prosecute both Plahotniuc's personal assets and his affiliated companies," Stoianoglo said.

When he fled Moldova in last June, Plahotniuc denied all charges against him and blamed Russia for the investigation.

"Moscow now controls the machinery of law enforcement and justice in Moldova and will seek to abuse those levers to meet their goal of destroying me to achieve their goal of turning Moldova into a client state of Russia," he said.

Meanwhile, the General Prosecutor said the authorities wrongly jailed another tycoon Veaceslav Platon, in 2016, on Plahotniuc's orders

"Platon was illegally convicted and is illegally serving his sentence. Based on the accumulated evidence, the Prosecutor's Office will initiate a review of his sentence and will insist on a fair examination of the case," he added.

Platon was jailed since 2016 after being brought back from Ukraine in a joint operation of the Moldovan and Ukrainian secret services and sentenced to 25 years in jail for embezzlement and money laundering. He was one of Plahotniuc's main rivals in the banking sector in Moldova.

The media on Monday released a video on showing Plahotniuc offering President Igor Dodon a bag apparently containing a bribe in June 2019 in one of his hotels in Chisinau. President Dodon said the images were fake and were designed to compromise him.

"Today we witnessed a new episode from the same manipulative scenario of fake images, which were released in June last year ... The oligarchy continues to take revenge for being ousted from power in the summer of 2019," Dodon said, referring to the change of government.



## **Some of provisions of law on prosecution service declared unconstitutional**

[https://www.ipn.md/en/some-of-provisions-of-law-on-prosecution-service-declared-unconstitutional-7967\\_1073688.html](https://www.ipn.md/en/some-of-provisions-of-law-on-prosecution-service-declared-unconstitutional-7967_1073688.html)

May 21, 2020

The Constitutional Court declared unconstitutional a number of provisions of the law on the prosecution service, concerning the procedures for designating the acting prosecutor general, pre-selection of candidates for prosecutor general and dismissal of the prosecutor general. The Court was asked to pronounce by a group of MPs who filed a relevant application last September, IPN reports.

The MPs asked to check the constitutionality of provisions of the law on the prosecution service, Parliament decision of June 30 on the fielding of the candidate for acting prosecutor general and the President's decree of July 31 to appoint Dumitru Robu as acting prosecutor general.

As to the nomination of the acting prosecutor general, the Court held that the Superior Council of Prosecutors is given a short period of time to propose a candidate for acting prosecutor general, but this proposal can be rejected by the Head of State and the Council's role later becomes secondary as the second nomination is made by Parliament.

If the candidate proposed by the Council is rejected by the President, the Council's constitutional role is diminished considerably as the legislature, which is a purely political body, undertakes to propose a candidate for acting prosecutor general and the Superior Council of Prosecutors becomes a supervisory body. The Court held that the offering of a short period of time and the redistribution of powers in the nomination of the candidate can affect the Council's role that is guaranteed by the Constitution.

In a press briefing, Constitutional Court president Domnica Manole said the decision does not affect the procedures for naming the incumbent prosecutor general whose mandate is not affected. "On the contrary, together with the passing of this judgment, the prosecution service becomes more protected in its independence and impartiality to eventual influences from the executive. Not a commission of the executive will nominate candidates for the post of prosecutor general and not a commission of the executive will dismiss the prosecutor general," stated Domnica Manole.

## **Superior Council of Magistracy has new acting president**

[https://www.ipn.md/en/superior-council-of-magistracy-has-new-acting-president-7967\\_1073791.html](https://www.ipn.md/en/superior-council-of-magistracy-has-new-acting-president-7967_1073791.html)

May 26, 2020

Chisinau Appeals Court judge Anatol Pahopol, who is a substitute member of the Superior Council of Magistracy (SCM), will serve as acting president of the Council. This became possible

following the coming into force on May 26 of the new legal amendments that enable to fill the vacant posts [...]

## Registry of Seized and Confiscated Goods should be implemented, statement

[https://www.ipn.md/en/registry-of-seized-and-confiscated-goods-should-be-implemented-statement-7967\\_1073807.html](https://www.ipn.md/en/registry-of-seized-and-confiscated-goods-should-be-implemented-statement-7967_1073807.html)

May 27, 2020



The Registry of Seized and Confiscated Goods should be put into practice and should be made public. Despite the anticorruption projects supported by the development partners, this instrument hasn't been implemented given the existing impediments, including the replacement of three governments during a year, said Lilia Carasciuc, Transparency International Moldova executive director.

Contacted by IPN for a comment, Lilia Carasciuc said the joint EU/CoE Project Controlling Corruption through Law Enforcement and Prevention (CLEP) is over. Besides many very useful activities that were held as part of this project, a very important activity, especially for civil society and the journalists, remained unfinished. This is the Registry of Seized and Confiscated Goods

The TI-Moldova director, who is a member of this project's Board, said the CLEP sent materials related to this registry to the Assets Recovery Agency. "We highly appreciate the contribution made by European institutions to improving the legal and institutional frameworks for preventing and combating corruption in Moldova. But we are concerned about the fact that the European institutions could issue the competent institutions of Moldova with such materials in good faith, but the Moldovan side would show less interest," stated Lilia Carasciuc.

She noted that as three governments changed in 2019, it is hard to monitor a government, to report to the second government and then to ask for results from the third government as part of the same project. Besides, the pandemic intervened with its challenges.

During the last few years, says Lilia Carasciuc, the journalists in Moldova identified cases when property that belongs to persons investigated by the law enforcement agencies suddenly became the possession of state functionaries, institution heads or their relatives. "We would

like the Delegation of the EU and CoE to make sure, together with civil society, that this registry is put into operation and becomes accessible to society,” noted Lilia Carasciuc.

# Montenegro

## Montenegro Activists Criticise Arrest for Mocking Anthem

<https://balkaninsight.com/2020/05/06/montenegro-activists-criticise-arrest-for-mocking-anthem/>

May 6, 2020 - Samir Kajosevic, Podgorica, BIRN

Civic society groups in Montenegro have condemned the arrest of Velimir Cabarkapa for posting altered lyrics of the national anthem on Facebook, referring to drug trafficking

Human rights groups on Wednesday condemned the authorities in Montenegro for putting Velimir Cabarkapa from the town of Pljevlja in custody for 72 hours for the offense of mocking the national anthem. "A criminal complaint has been filed against Cabarkapa and the state prosecutor has stated that he offended Montenegro's reputation in a published post," the police directorate said.

On Sunday, Cabarkapa posted altered lyrics to the national anthem, Oh Bright Dawn of May! in which he stated "we are sons of your cocaine and keepers of your heroin", as "our dear homeland is known for drug trafficking".

The Law on State Symbols prohibits anyone from changing the national anthem and performing it in a way that offends Montenegro's reputation and dignity, stipulating fines of up to 20,000 Euros.

In a joint action, Institut Alternativa, LGBT Forum Progress and journalists of the daily newspapers Dan and Vijesti shared the offending post on Facebook on Wednesday, protesting over the arrest. "By sharing this song on Facebook, we resist the suppression of free speech and freedom of expression, and protect and safeguard the Montenegrin constitution, and thus its dignity and reputation. Share, don't be afraid, they can't arrest us all," they said.

This is not the first arrest for posting on social networks in Montenegro. After the COVID-19 pandemic started, in separate cases, two Montenegrins and one Russian citizen were arrested for spreading fake news on social networks.

On April 9, police arrested an opposition Democratic Front activist for posting fake news about the health of President Milo Djukanovic. Radovan Rakocevic from the town of Bijelo Polje was put in custody for 72 hours for the offence of spreading panic. Rakocevic had shared an article on Facebook from a Belgrade tabloid, Alo, which claimed that Djukanovic had been infected with the corona virus.

Even before the COVID-19 outbreak became more serious in Montenegro, there were arrests for spreading panic about it.

On March 13, the Basic Court ordered 30 days in custody for Milivoje Brkovic for posting a message on Facebook that said state officials were hiding the real number of people suffering from the corona virus in Montenegro. The country confirmed its first two cases on March 17.

On March 23, a Russian citizen was put in custody for posting on Instagram that more than a thousand people had caught COVID-19 in Montenegro. To date, Montenegro has confirmed 252 corona virus infections, two of whom have died.



## Montenegro Detains Bishop For Leading Illegal Street Procession

<https://balkaninsight.com/2020/05/13/montenegro-detains-bishop-for-leading-illegal-street-procession/>

May 13, 2020 - Samir Kajosevic, Podgorica, BIRN

In their latest clash with the Serbian Orthodox Church, the authorities in Montenegro have put a bishop and seven priests in custody for 72 hours for holding a street procession in defiance of the ban on public gatherings.



*Bishop Joanikije of Budimlja-Niksic. Photo: Wikimedia Commons*

The Serbian Orthodox Church and opposition groups in Montenegro have condemned the detention of a senior bishop for conducting a religious procession in defiance of COVID-19 restrictions on public gatherings.

Bishop Joanikije of Niksic and seven other priests were placed in custody for 72 hours on Tuesday for violating the ban on public gatherings after they and Metropolitan Amfilohije led a procession in the town to celebrate St Vasilije's Day on Tuesday with thousands of believers.

As the police detained the clergy, several hundred angry people protested, chanting: "We won't give up our priests".

The opposition Democratic Montenegro party called for a general opposition boycott of parliament in a press release. "All opposition MPs must boycott the plenary sessions until the priests are released. This is attack on the constitution and human rights," it said.

Public gatherings remain prohibited in Montenegro due to the COVID-19 epidemic, although religious processions may take place within places of worship. No more than 20 people may gather in front of the said church or place of worship.

Media reports said Bishop Joanikije had called on believers to respect health measures during the disputed procession. "I beg you to keep a social distance, so we can finish this procession in peace and love. We will pray to our saint to banish this disease from Montenegro," Joanikije said.

The conflict with the Serbian Church, the largest faith group in Montenegro, has drawn in the authorities in neighbouring Serbia.

Serbian President Aleksandar Vucic and Serbian Church Patriarch Irinej both called on the Montenegrin authorities to calm tensions and release the clergy. They also called on the large Serbian community in Montenegro to act peacefully and calmly in, as they stated, times when no reasonable person wants unrest and conflict.

During the corona virus epidemic, police in Montenegro have filed criminal charges several times against Serbian Orthodox clergy for violating government bans.

On March 19, police summoned one of the top Serbian Orthodox priests in Montenegro, Momcilo Krivokapic, and his son, Nemanja, for holding a service at a church in the resort town of Kotor.

On March 20, police put a priest in Budva in custody for 72 hours for violating the measures to prevent the spread of COVID-19.

On April 29, the Serbian Church's top bishop in Montenegro, Metropolitan Amfilohije, was grilled in the state prosecutor's office for leading a funeral service, while he insisted he had respected the government's health measures.

On May 8, police filed a criminal complaint against four Serbian Orthodox priests for holding a liturgy on the streets in the town of Berane, marking St George's Day.

While sometimes defying the authorities over the ban on public gatherings, the Serbian Church has, however, temporarily halted its protest marches held since January against the new Freedom of Religion law, which it claims could result in the seizure of its property by the state.

## Protesters Clash With Police in Montenegro After Priests' Arrest

<https://balkaninsight.com/2020/05/14/protesters-clash-with-police-in-montenegro-after-priests-arrest/>

May 14, 2020 - Samir Kajosevic, Podgorica, BIRN



*Protests against the detention of the Serbian Orthodox clergy in Pljevlja, Montenegro. Photo: Facebook video screenshot*

Violent protests rocked several towns in Montenegro on Wednesday night after police arrested a Serbian Orthodox Church bishop and several priests for leading a religious procession in defiance of the government ban on public gatherings because of the corona virus. Police battled protesters in Pljevlja and Niksic with tear gas, leaving dozens of police officers and protesters injured. Protests also took place in Budva, Berane and the capital, Podgorica.

The protesters demanded the release of Bishop Joanikije of Niksic and seven other priests accused of conducting the illegal procession in the town. While some media accused the police of using excessive force on protesters, the police directorate claimed that some of the protesters had thrown stones, wounding 22 policemen.

The Rector of the Cetinje school of theology, Gojko Perovic, accused the authorities of using excessive force. "We call on them to stop their violent behaviour towards peaceful and non-violent protests. It is clear that the injustice has exceeded every measure," Perovic said in a press release.

Police arrested the bishop and clergy on May 12 and placed them in custody for 72 hours for violating the ban on public gatherings after they and leading Serbian Orthodox cleric in Montenegro, Metropolitan Amfilohije, led a procession in Niksic to celebrate St Vasilije's Day, accompanied by thousands of believers.

Large gatherings remain banned in Montenegro as part of efforts to contain the spread of the corona virus, however, and religious processions may only take place within places of worship. No more than 20 people may gather in front of the said church or place of worship. The detained priests face charges of violating health regulations by organising the procession.

Earlier on Wednesday, supporters of the Serbian Orthodox Church blocked a road in northern Montenegro in another protest, but police broke the blockade with tear gas, arresting some of the protesters.

Most opposition parties condemned the police action, while civic activists warned that rising tensions could lead to more serious rioting. "With an election campaign close and a social crisis, these tensions could create a very risky atmosphere. One angry head can lead to riots," Boris Raonic, from the Civic Alliance, told the daily newspaper Vijesti.

The Montenegrin authorities have a history of rocky relations with the Serbian Orthodox Church, the largest faith group in the country, but which historically opposed the country's separation from Serbia. Earlier this year, the Church organised weeks of street protests against a religious law that it said could strip it of its property. Montenegrin officials repeatedly denied the claims.

## Montenegrin Parliament to House War Crime Document Centre

<https://balkaninsight.com/2020/05/15/montenegrin-parliament-to-collect-war-crime-documents/>

May 15, 2020 - Samir Kajosevic, Podgorica, BIRN

The Montenegrin parliament will collate statements, indictments and trial judgments related to war crimes in which the country was involved in the 1990s for a Documentation Centre that will be set up at the legislature.



*Montenegrin troops were involved in besieging the Croatian city of Dubrovnik in 1991.*

*Photo: Wikimedia Commons/Bracodbk.*

The head of the Montenegrin parliament, Ivan Brajovic, signed a decision on Friday to collect documents related to war crimes for the Documentation Centre at the legislature, saying that Montenegro must face its wartime past.

“Objectively and openly confronting unpleasant episodes from our past is an obligatory step in preventing future acts [of violence]. We are paying tribute to the victims of war crimes, but we are also clearly calling for the perpetrators of those crimes to bear individual responsibility,” Brajovic told media.

The Documentation Centre will be located in the parliament building and will hold statements, indictments, judgments and other source material related to the 1990s wars.

It is being set up as a partnership between parliament and the Youth Initiative for Human Rights NGO, which has already been collecting material for the Documentation Centre.

According to the decision signed by Brajovic, the Montenegrin parliament commits to looking after the material and making it permanently accessible to all interested parties.

As part of Yugoslavia, Montenegro took part directly in the wars in Croatia and Bosnia and Herzegovina under the leadership of Slobodan Milosevic, although it saw no conflict on its own soil.

Analysts say that some former and current politicians had roles in wartime events that they would like to keep under the carpet.

Since Montenegro became independent in 2006, it has held just eight trials for war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo. But only the lowest-level suspects have been tried, including guards, cooks, drivers and military volunteers.

The European Union has been urging that war crimes should be a high priority for Montenegrin prosecutors as the country makes progress in accession talks.

But despite this, Montenegro did not initiate a single new war crimes case in 2019, senior wartime officers suspected of offences remain unprosecuted, and only one low-ranking soldier was convicted.

On December 2019, former Yugoslav Army soldier Vlado Zmajevic was sentenced to 14 years in prison for the murder of four ethnic Albanian civilians in Kosovo in 1999. It was the first war crime trial verdict in Montenegro since 2016.



# North Macedonia

## North Macedonia Activists Protest as Court Scraps Anti-Discrimination Law

<https://balkaninsight.com/2020/05/18/north-macedonia-activists-protest-as-court-scraps-anti-discrimination-law/>

May 18, 2020 – Sinisa Jakov Marusic, Skopje, BIRN

Human rights activists have voiced anger and dismay after the Constitutional Court cited a procedural omission to strike down the much-anticipated Anti-Discrimination Law passed last year.



LGBT and human rights activists in North Macedonia have voiced outrage after the Constitutional Court last week scrapped the new Anti-Discrimination Law passed last year, citing procedural omissions.

The court deemed the voting procedure lacking, saying the law should have been passed by a majority of all 120 MPs in parliament. Instead, it was passed only by a majority of MPs present in the chamber at that time.

Activists say that following their big victory of last year, when the law was passed and for the first time included sexual orientation as grounds for discrimination, the country had now taken a big step backwards.

“With the scrapping of the law, the state and also this government show that LGBTI persons, as well as other marginalised groups, are invisible and unimportant for society. They are again forced to return to living in fear and shame, and to suffering from violence, which they already face on a daily basis,” Lila Milic, an activist for sexual workers and transgender persons, said.



Parliament passed the much-anticipated Anti-Discrimination Law in May 2019, and it was soon signed by President Stevo Pendarovski, after which it entered into force.

The key novelty of the law, over which the country was much criticized by international watchdogs in the past, was that it now included sexual orientation as grounds for discrimination.

The new law was seen as a major victory for human rights and was praised by the local LGBT community as well as by the Venice Commission, the EU and the OSCE. It followed almost a decade of resistance to that change by the former ruling conservative VMRO DPMNE party.

VMRO DPMNE was finally ousted from power in mid-2017 and replaced by a Social Democrat-led government which, under the slogan "One Society for All", pledged finally to change the provision, which it then did last year.

"This shows how long this fight [for rights] will last, because some people who consider themselves more legitimate than others find it hard to give up their privileges," said Koco Andonov, a programme director at the Skopje-based LGBT support centre. "But we have no second life, second country or second planet – and we will fight till the end for the equality of all because every life counts," he added.

Ironically, the move to scrap the law was filed by members of the former state Anti-Discrimination Commission, which, under the VMRO DPMNE government, saw no fault in what was then the existing law.

The annulment of the law comes at a bad time for its supporters. Parliament was dissolved at the start of the year for now postponed April 12 parliamentary elections, and a caretaker government formed, drawn from both ruling and opposition parties.

Amid a health crisis caused by the corona virus pandemic, parliament remains closed, awaiting a possible new date for elections this summer, after the state of emergency is lifted.

In its reaction to the anger voiced about the bill, the Social Policy Ministry said that after the next elections, work on a new law will be its "first priority" – if the government continues to be led by the Social Democrats, that is.

Over the weekend, President Pendarovski told the media that "the fight for equality must continue".

He refused to accept any blame for signing into law a bill that had not been voted on properly, insisting that he had to sign it because it had been passed by a second vote in parliament, although he had known it might be problematic.

The second vote took place because Pendarovski's conservative predecessor as president, Gjorgje Ivanov, whose term in office ended in May last year, earlier refused to sign the bill.

## **North Macedonia's Abandoned Judicial Reforms Face Election-time Resurrection**

<https://balkaninsight.com/2020/05/26/north-macedonias-abandoned-judicial-reforms-face-election-time-resurrection/>

May 26, 2020 – Sinisa Jakov Marusic, Skopje, BIRN

With polls in the air, Social Democrat leader Zoran Zaev is again dusting off long forgotten promises to vet the judges – after his other reforms to the country's heavily politicised justice system were deemed lacklustre.

Back in mid-2017, when the Social Democrats under Zoran Zaev finally toppled the right-wing, authoritarian government of Nikola Gruevski, many hoped the change of power would mark a turning point in the fight against corruption and political influence in the judiciary.

During Gruevski's 11 years in power, numerous international reports had noted the tight grip of politics on the justice system, while the EU had complained of the "state capture" of many key institutions.

Three years on and the country has put many promised reforms to the judiciary under its belt, drawing commendations from Brussels.

But, at home perceptions about the judiciary have improved little.

*For the entire content of this article please revert to the link above.*

# Romania

## Laura Codruța Kövesi: European Court of Human Rights rules in favour of ousted anti-corruption chief

<https://www.euronews.com/2020/05/05/laura-codruta-kovesi-european-court-of-human-rights-rules-in-favour-of-ousted-anti-corrupt>

May 05, 2020 by Pauline Bock



*Romanian magistrate Laura Codruța Kövesi, former DNA (National Anti-corruption Department) chief in Bucharest on March 29, 2019*

Romania's sacked anti-corruption chief was ousted from office for criticising the government's anti-graft legislation, according to the European Court of Human Rights (ECHR).

The ECHR today ruled Laura Codruța Kövesi, who was fired in July 2018, had her human rights violated by the controversial dismissal.

The court said Kövesi — later appointed the EU's first chief prosecutor — was denied freedom of expression and the right to a fair trial to contest her ousting.

"Her right to freedom of expression had been violated because she had been dismissed for those criticisms, which she had made in the exercise of her duties on a matter of great public interest," said the ECHR.

"One of her duties as [Romania's] anti-corruption chief prosecutor had been to express her opinion on legislative reforms which could have an impact on the judiciary and its independence, and on the fight against corruption.

"It appeared that her premature removal had defeated the very purpose of maintaining judicial independence and must have had a chilling effect on her and other prosecutors and judges in taking part in a public debate on legislative reforms affecting the judiciary and judicial independence."

Romania's then justice minister, Tudorel Toader, called for Kovesi's sacking in early 2018 because of "acts and facts intolerable to the rule of law".

Other reasons he gave for wanting to dismiss her included "excessively authoritative behaviour" and "denigrating the judiciary by giving interviews to international media", sources told Euronews.

Kovesi said the ECHR ruling would help strengthen judicial independence across the continent.

"We all know that my dismissal was part of an intimidation campaign against the justice system, in an attempt to discourage the fight against corruption," Kovesi told Romanian news channel Realitatea Plus.

"This ruling by the ECHR strengthens the position of all European magistrates, defending them from discretionary political interference."

Kovesi spent five years as the head of the Romanian Anti-corruption Directorate and was widely praised for her achievements, which included the indictment of 14 Cabinet members, 53 lawmakers and a Romanian member of the European Parliament. In Romania, her removal was seen as political retaliation for her department's successes.

She became a vocal critic of the judicial reform led by the Romanian Social Democrat party (PSD), which opponents said would compromise the independence of judges and weaken the country's fight against corruption.

Romania is ranked as one of the EU's most corrupt states by Transparency International and Brussels has been keeping its justice system under special monitoring since it joined the bloc in 2007.

# Serbia

## **Serbian Police 'Allow Pro-Govt Protesters to Breach Curfew'**

<https://balkaninsight.com/2020/05/05/serbian-police-allow-pro-govt-protesters-to-breach-curfew/>

May 5, 2020 – Sasa Dragojlo and Milica Stojanovic, Belgrade, BIRN

Police have been accused of turning a blind eye to masked pro-government groups lighting torches on rooftops and carrying out other stunts while violating the evening curfew.

A conflict has been raging in Serbia over the past several days between protesting citizens dissatisfied with the government on one side and pro-government supporters backed by officials on the other.

For more than a week, thousands of anti-government protesters have been staging their protests from their homes, blowing whistles on terraces, playing loud music, shouting and banging on pots and pans and other kitchen utensils.

The protests, entitled 'Noise against Dictatorship', which have become increasingly popular, were initiated by the Ne Davimo Beograd (Let's Not Drown Belgrade) movement and begin every evening at 8.05pm, just after the start of the overnight curfew imposed to curb the spread of the corona virus.

"I am protesting because of the dictatorship of [President Aleksandar] Vucic and the corrupt, criminal regime controlled by him. They don't think of the ordinary man, only how to fill their pockets with money," said one protester, Danilo Beatovic from Belgrade, who joins in each evening with the whistling and banging of pots.

Beatovic told BIRN that the form of the protest frees people from fear and makes them aware that they are not alone. "In Serbia there are many frightened and blackmailed people. This noisy protest helps them to see that there is an opposing side," he said.

However, in the last few days, Vucic's supporters have organised their own counter-protests, holding flaming torches from the tops of buildings and playing recorded insults directed at opposition politicians from loudspeakers.

The Belgrade Centre for Security Policy, along with 11 other civic associations, asked the Serbian Ombudsman on Monday to check what the Interior Ministry has been doing to ensure that the counter-protests are legal.

BIRN also contacted the Interior Ministry, asking whether the police had identified any of the instigators or filed misdemeanour charges, received no reply by the time of the publication.

However, while anti-government protesters are demonstrating from their own homes, and not breaking any law, pro-government groups have often flouted the curfew while responding.

Police have been accused of taking no action. In the city of Nis in southern Serbia, after a torch was thrown from the terrace of an apartment of a local member of the ruling Serbian

Progressive Party on April 29, no police response was registered even though it almost caused a fire.

Some of the pro-government groups have tried to enter buildings, which has led to altercations with the residents, but police have also ignored complaints about this, or decided that such actions involved no irregularities.

Sometimes, police claimed that the groups had permits for moving around during the curfew, without any explanation of how they got them or on what grounds.

Curfew violations in Serbia are treated as misdemeanours and, during the current state of emergency it is misdemeanour courts that have fined people for violating movement bans.

When BIRN asked misdemeanour courts in the country's three biggest cities of Belgrade, Novi Sad and Nis whether they had received any complaints from the police regarding the alleged curfew violations by pro-government protesters, all three confirmed that they had not received any such complaints\*.

The pro-government counter-protests started on April 29, when the Serbian parliament held its first session since the state of emergency was imposed.

Speaking about the noisy opposition protests, a Serbian Progressive Party MP, Vladimir Djukanovic, called on government supporters to respond. "I urge all people at 8.30pm to create a real civic reaction to their nonsense," Djukanovic said on April 29.

Images of Djukanovic firing up a torch on the roof of a building with several other people were posted on social networks.

Vesna Rakic Vodinelic, a legal expert, said that she and some colleagues will file a criminal complaint against Djukanovic, accusing him of instigating illegal incidents.

However, on Sunday, President Vucic insisted that the Serbian Progressive Party had nothing to do with the incidents.

"My party did not organise anything because I would not allow them to, though I cannot forbid people who want to respond to something somewhere... that is organised by some youth association or something," Vucic told TV Pink.

The Association for the Protection of Youth, the organisation to which Vucic alluded, is officially an NGO but is only known publicly for holding events to support the government every time there are protests against it. It has not made any statement about the current protests so far.



## Serbia's Graft Agency Ignores BIRN Probe Into Minister's Husband's Deals

<https://balkaninsight.com/2020/05/07/serbias-graft-agency-ignores-birn-probe-into-ministers-husbands-deals/>

May 7, 2020 – Sasa Dragojlo, Belgrade, BIRN

The anti-corruption agency ACAS has yet to respond to BIRN's investigation into the lucrative state contracts won by firms linked to the husband of Justice Minister Kuburovic.

Serbia's Anti-Corruption Agency, ACAS, has not responded to a BIRN investigation, published on Friday, which revealed that companies connected to the Justice Minister's husband had won public deals worth around 26.8 million Euros in recent years.

BIRN contacted ACAS, asking whether it had started probing potential corruption worth tens of millions of Euros in public procurement deals, which were won by companies connected to Bojan Kistic, husband of Justice Minister Nela Kuburovic. No response arrived by the time of publication.

The BIRN investigation, *Company Linked to Serbian Minister's Husband Gets State Contracts*, has revealed that, since 2013, the NITES companies have been awarded at least 27 public contracts in recent years worth around 26.8 million Euros, mostly in consortium with powerful state companies and private enterprises linked with the ruling Serbian Progressive Party, SNS. Kistic is chief executive officer of the Czech-based NITES A.S.

Besides being a minister's husband and an executive for NITES, Kistic is a brother of the epidemiologist Dr Darija Kistic Tepavcevic who is one of the leading members of State Crisis Committee dealing with the corona virus pandemic.

In April alone, under the state of emergency in Serbia, NITES won three contracts worth 3.2 million Euros with the Ministry of Health, including for the maintenance of the health information system. Dr Tepavcevic did not respond to BIRN's questions about her brother's involvement in IT deals involving the public health system.

Questioned about BIRN's findings about the lucrative contracts companies connected to her husband made with the state, Minister Kuburovic denied any impropriety had occurred.

"Our country has one of the most developed corruption prevention agencies, which is an independent body and is solely responsible for deciding whether or not there has been a conflict of interest somewhere," Kuburovic previously told BIRN.

### **Not much hope of a thorough investigation:**

Zoran Stojiljkovic, a former member of the Anti-Corruption Agency's board, told BIRN that ACAS had a duty to investigate such claims, but he doubted its capacity to be objective owing to the growing political influence on its work.

"The people who work in the agency are qualified but they've decided not to deal with cases in which top state or ruling party officials are involved. It wasn't good when I was a member of ACAS, but now it is much worse," Stojiljkovic told BIRN.

Serbia's anti-corruption laws are in line with EU legislation and standards in theory, but are not fully implemented in practice.

In May 2019, Serbia adopted a new Law on Prevention of Corruption, which, as explained by the government, extended the competence of ACAS and its independence.

Under new provisions, state officials have to report not only their own property but also that of married or non-married partners and of children under 18.

The agency can also demand information about so-called "related parties", such as parents, brothers or sisters. However, this law will only come into force in September 2020.

Nemanja Nenadic, programme director of the watchdog organisation Transparency Serbia, told BIRN that the procurements NITES won were suspicious already, so the BIRN investigation just added an extra reason for conducting an audit.

"There are good reasons to analyse these procurements," he said. "But we should not have high hopes [of any action] because of recent experiences with politically sensitive cases," Nenadic said.

**Agency now headed by former donor to ruling party:**

The agency is supposedly an independent institution headed by non-party political members.

However, parties in government have always angled for influence in politically sensitive cases. In recent years, the agency was accused of turning a blind eye in many cases related to top officials.

When BIRN revealed last year that a company connected to the Interior Minister's father had bought weapons at preferential prices from the state weapons manufacturer Krusik, the agency insisted it saw no reason for an investigation, despite the publicly available evidence.

It was similar with Defence Minister Aleksandar Vulin, who could not prove the origins of the 205,000 Euros he used to pay for his apartment in 2012.

When that affair went public in 2017, ACAS' then director, Maja Krsikapa, told the media that the case was already closed and would not be reopened.

Political influence on ACAS became even more obvious on January 17, 2018, when Dragan Sikimic was elected its director, just after leaving the ruling Progressive Party, as the daily paper Danas disclosed, even though membership of a party is forbidden by the Anti-Corruption Law,

BIRN also revealed that Sikimic had been one of the donors to the Progressive Party and a candidate for the party as a councillor in the local elections in Zemun in 2016.

Sikimic never denied these claims, while ACAS has never confirmed or denied whether its director had ever been a member of the SNS.

Stojiljkovic said Sikimic's appointment was the last nail in the coffin of ACAS' independence. "It was the end," he said.

“Someone who was an active member of the party just before being elected, and also a campaign donor, cannot be the head of ACAS. That creates justifiable doubts about his impartiality,” Stojiljkovic told BIRN.

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