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# Rule of Law - South East Europe

## Press Review August 2021

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# Regional

## **Cases Closed: Deaths of Ageing Balkan War Suspects Thwart Justice**

<https://balkaninsight.com/2021/08/26/cases-closed-deaths-of-ageing-balkan-war-suspects-thwart-justice/>

August 26, 2021 - Milica Stojanovic, Haris Rovcanin and Anja Vladisavljevic, Belgrade, Sarajevo, Zagreb, BIRN

Years after the 1990s wars, Bosnia and Herzegovina, Croatia and Serbia have continued to slowly prosecute wartime crimes – but with increasing numbers of ageing suspects falling ill or dying, it's likely that some cases will never see verdicts.

When the trial of a group of Serb fighters accused of the abductions and killings of passengers who were seized from a train in Bosnia during the war in 1993 continues at Belgrade Higher Court next month, there will be one fewer defendant in the dock.

That is because one of the accused, Ljubisa Vasiljevic, died in early July – the most recent of several dozen war crimes defendants in the former Yugoslavia who have died before the verdicts in their trials, making it even harder to get justice for the victims of the crimes committed during the 1990s wars. [...]

Vasiljevic was the second defendant on trial for the Strpci crime to have died this year. The case against former Bosnian Serb Army soldier Vuk Ratkovic, who was being prosecuted in a parallel trial in Sarajevo, was terminated in April due to his death. The indictment in Bosnia and Herzegovina was issued in 2015, and the trial began the same year, while in Serbia, the indictment was filed in 2018 and the trial started in 2019. Both cases were progressing slowly until 2020, when the coronavirus pandemic slowed them down even more. When Ratkovic and Vasiljevic died, the verdicts in their trials were still a long way off.

Ratkovic was the 26th war crimes defendant to die during the course of his trial in Bosnia and Herzegovina over the past six years. The total number of war crimes indicted who have died before justice was done in Bosnia, Serbia and Croatia is over 35.

More than three decades after the wars in the former Yugoslavia began, all three countries insist they are committed to continuing to launch new war crimes investigations and issue new indictments.

But as the years pass, and witnesses and suspects become older, fall ill and die, the slow pace of judicial progress increasingly raises the question of whether final verdicts will ever be delivered in cases that are opened so long after the crimes were committed.

Vehid Sehic, a former Bosnian judge and head of an NGO called the Forum of Tuzla Citizens that promotes democratic, multi-ethnic values, agreed that the passing of time is a major problem, but pointed out that judiciaries and political elites in all former Yugoslav countries also bear a large portion of the blame for failing to properly support war crimes prosecutions.

“Unfortunately, we live in countries where states protect people suspected of committing war crimes, and when the state behaves like that, then you have a situation in which there are slow proceedings, proceedings that will probably never be completed,” Sehic told BIRN. “Many people are dying; not just the suspects, many witnesses who could be of use in these proceedings are dying, so many war crimes will not end with a final judgment,” he added.

## Bosnia: Suspects die before trials begin



*War crimes defendant Vuk Ratkovic, who died earlier this year. Photo: BIRN.*

Besides Ratkovic, five other people who were charged with war crimes in Bosnia and Herzegovina have died since the start of 2020. [...]

The OSCE Mission to Bosnia and Herzegovina said earlier this month that there was a significant decline in 2020 in the number of war crimes cases that were completed, and that the number of new indictments also fell.

The OSCE also said that at the end of 2020, the Bosnian judiciary had a remaining backlog of 571 unresolved war crimes cases, involving 4,498 suspects.

The length of time that has elapsed since the crimes in the 1990s also hampers investigators, making it hard to obtain material evidence, Sehic pointed out.

If such evidence has not already been gathered by prosecutors, making a successful case and getting a conviction will be much harder, he said: "Where you have almost nothing, where you have only witnesses, it is very difficult to deliver a judgment that must be based on indisputably established facts."

## Serbia: Few indictments, even fewer convictions



*The village of Lovas in Croatia, where crimes were committed during the war by Serb forces. Photo: Wikimedia Commons/Panoramio/Slovas.*

In November 2020, Belgrade Appeals Court issued a final verdict convicting a group of wartime Serb policemen, soldiers and paramilitaries of the killing of Croat civilians in the Croatian village of Lovas in October 1991 – some 29 years after the crime.

The verdict marked the end of proceedings that had dragged on for 13 years in Serbia. Those 13 years saw many changes in the case, most notably a reduction in the number of defendants and, as a consequence, a reduction in the number of victims mentioned in the charges. The convicted men's sentences were also reduced on appeal. [..]

A total of 14 people were initially indicted in the Lovas case in 2007, but the final verdict only dealt with eight of them, and just six were convicted. "In the Lovas [case], of the 14 who were originally accused, five defendants died during the proceedings and one became incapacitated, so that the number of victims in the charges has in fact more than halved," Marina Kljajic, a lawyer from the Belgrade-based Humanitarian Law Centre who was the victims' representative in the case, told BIRN.

Including last month's death of Ljubisa Vasiljevic, five war crimes defendants have died during court proceedings in Serbia in the last half-decade, according to the Humanitarian Law Centre's data. Kljajic also said that seven more defendants have become unable to stand trial.

As well as being disparaged for its slow pace of prosecutions, Serbia has often been criticised for not bringing to justice high-ranking army and police officials who were involved in crimes in the Croatian, Bosnian and Kosovo wars.

### **Croatia: Suspects unreachable across the borders**



*Croatian police. Photo: EPA-EFE/ALEX HALADA.*

Croatia shares some of the same problems as Bosnia and Herzegovina and Serbia in bringing to justice suspects from the 1991-95 war in the country. It has the additional problem that some of those suspects left the country long ago and have no intention of returning.

In August this year, Pero Vincetic, a former member of the Croatian Defence Council, the Bosnian Croat wartime force, died shortly after being charged with war crimes. [...]

War crime trials are sometimes delayed or even prevented from taking place altogether because the suspect is in another country and cannot be extradited.

In 2010, the Osijek County State's Attorney's Office in eastern Croatia charged Enes Taso, commander of the Yugoslav People's Army Motorised Brigade, with failing to prevent civilians from being tortured, killed or illegally imprisoned in the village of Dalj during the war. Taso was in Serbia, and although evidence was submitted to the War Crimes Prosecutor's Office in

Belgrade, it refused to initiate criminal proceedings. Taso then died without ever being tried, and the case was closed in 2019, the Croatian State Attorney said.

Another Serb suspect, Dragan Kovacic, a wartime member of the armed forces of the self-proclaimed Republic of Serbian Krajina rebel statelet in Croatia, who was charged with shelling civilian buildings in the Croatian city of Karlovac in 1993, also evaded trial when he died in 2016.

The exact number of war crimes suspects and defendants in Croatian cases who have died before their final verdicts is unclear. According to the Croatian State Attorney's Office's annual reports, charges against 16 people were dropped in 2019 and 2020 "either due to the death of a potential suspect, or due to the lack of reasonable suspicion".

The issue of ageing defendants poses a real problem for prosecutors in the Balkans, experts agree, although under international law, genocide, crimes against humanity and war crimes are not subject to any statute of limitations. Elsewhere in the world, trials of elderly suspects accused of committing crimes during World War II are still very occasionally held, more than seven decades afterwards.

Kljajic argued that although a lot of time has passed since the 1990s wars in the former Yugoslavia, new cases can still be investigated and brought to court.

"Of course it is possible to conduct investigations in the future, because despite the fact that witnesses die or become incapable of testifying, statements that can be used have often been given to the relevant authorities before that, and there is evidence that has already been collected, but there are also witnesses who can testify in court," she said.

"It is more difficult than it would have been 20 or 25 years ago, but anyway, proceedings can be conducted successfully."



# Albania

## **Albania, UK Prisoner Deal Waits on Albanian Parliament**

<https://balkaninsight.com/2021/08/03/albania-uk-deal-to-transfer-albanian-prisoners-faces-postponement/>

August 3, 2021 - Fjori Sinoruka, Tirana, BIRN

Albania and the United Kingdom have signed a revised agreement to allow the resumption of prisoner transfers from UK prisons, a step that could potentially affect more than 1,500 Albanians serving time in the UK.



*Albanian Minister of Justice Etilda Gjonaj and UK Minister of Justice signed an agreement to transfer Albanian criminals back home. Photo: British Government website*

Albania's Ministry of Justice told BIRN on Tuesday that the new agreement with the UK would need to be ratified first by the Albanian parliament to enter into force and before initially dozens of criminals come to Albania to serve their sentences.

According to official UK data, with more than 1,500 behind bars in England and Wales, Albanian nationals account for the highest percentage of foreign national inmates in the UK at around 10 per cent.

An Albanian prisons official said the UK would provide donations to the Albanian prison system.

"It has been declared, but this is not part of the agreement," Femi Sulfaq, Deputy Director of Prisons, told BIRN. "There's nothing concrete so far, but they (will help) with assistance and maybe investment."

Albanian Justice Minister Etilda Gjonaj and UK Justice Minister Chris Philip signed a Prisoner Transfer Agreement in London in late July under which Albanian prisoners in the UK can be returned to Albania and banned from entering the UK again.

The move comes after problems in implementing a previous 2013 agreement that stalled 50 transfer requests lodged by the UK between 2017 and 2020.

“The deal means more offenders can be sent back to serve their full sentence in Albania, with victims assured they will still serve the full sentence imposed on them by a British judge,” the UK government said in a statement.

The agreement works both ways, though there are very few British nationals in Albanian prisons. The ministry said “misunderstandings and difficulties” had dogged implementation of the original 2013 agreement.

Also in July, the UK and Albania signed a separate agreement regulating the removal of Albanians illegally residing in the UK.

In October 2020, BIRN published an investigation into the routes taken and money paid by Albanians to enter the UK illegally.

The story identified six main routes: Calais to Dover by lorry; by lorry from the Netherlands; by lorry from Belgium; by ferry from Spain; by plane from Italy or Greece; and by plane from Italy to the UK via Dublin.

Another BIRN investigation published in June 2019 looked at how Albanian gangs in the UK recruit illegal immigrants from Albania’s remote, mountainous north, where poverty is rife.



# Bosnia and Herzegovina

## **Christian Schmidt: Glorifying War Criminals is 'Unacceptable'**

<https://balkaninsight.com/2021/08/04/christian-schmidt-glorifying-war-criminals-is-unacceptable/>

August 4, 2021 - Aida Trepanic, Sarajevo, BIRN

At his first press conference, the new High Representative in Bosnia said there was no excuse for glorifying war criminals and he had not come to Bosnia to 'drink coffee' but to move things forward

"There is absolutely no acceptable reason for glorifying convicted war criminals," the new High Representative to Bosnia and Herzegovina, Germany's Christian Schmidt, said.

He explained that many things needed to be understood when looking at the past. "My understanding is such that I'm not here to bring my own narratives ... it's necessary that we see history, we respect history, especially that we respect victims," the High Representative said.

Schmidt also mentioned the recent film on the Bosnian war, *Quo vadis, Aida?* directed by Bosnian Jasmila Zbanic. "The last scene - where you see ... children and young people belonging to all ethnic groups, we must ask ourselves what we are doing for them, and not say. 'I don't like this one, I like this one.' No. We are responsible," he said.

"I have chosen to come here because I feel accountable, especially as a German who knows that his country contributed to many bad things in this region in the last century," Schmidt said.

Commenting on the authority of the Office of the High Representative, OHR, which is hotly disputed in Bosnia and elsewhere, he said that it was up to him to manifest its legitimacy. "I am not someone who is here for a journey or who has come here to drink coffee or wine, I am here to move certain things forward, which means I understand that task very seriously," he said, adding that one thing was very clear.

"Dayton and the Peace Agreement - I really give a recommendation to read those again. We are here to solve problems and I'm convinced that through meaningful discussions and things we can come to adequate results with all three representatives," he said, referring to the main communities of Bosniaks, Croats and Serbs.

He also explained what the international community required from Bosnia and Herzegovina. "The answer is simple - nothing special. We want to help Bosnia and Herzegovina be 'a normal' state and reliable partner," Schmidt said.

The former food minister in Germany, aged 63, took up his post on August 1 succeeding Austria's Valentin Inzko.

## **Bosnia's Proposal to Prosecute Croatian Generals Sparks Controversy**

<https://balkaninsight.com/2021/08/09/bosnias-proposal-to-prosecute-croatian-generals-sparks-controversy/>

August 9, 2021 - Anja Vladislavljjevic, Zagreb, BIRN

Croatian officials reacted indignantly after state prosecutors in Bosnia and Herzegovina reportedly asked Zagreb if its judiciary can prosecute Croatian wartime generals for crimes allegedly committed during the Croatian Army's Operation Flash in 1995.



*Croatian President Zoran Milanovic attends a commemoration of the Croatian Army's 1995 Operation Flash in May this year. Photo: Office of the President of the Republic of Croatia/Marko Beljan.*

Controversy simmered on Monday in the wake of media reports at the weekend that the Bosnian state prosecution has asked Croatia if it can take over proceedings against 14 Croatian generals who are reportedly suspected of committing war crimes during the Croatian Army's 1995 Operation Flash.

Josip Salapic, state secretary of the Ministry of Justice and Administration, confirmed to N1 TV on Monday that Croatia has received "an international request for certain legal assistance" and that the Ministry will be assessing whether it will forward the documentation to the State Attorney's Office, which can then decide "whether to launch an investigation or not".

Salapic also expressed discontent with the Bosnian proposal to prosecute officers involved in the Operation Flash, which saw the Croatian Army oust Serb rebel forces in and around the Croatian town of Pakrac. "We are not happy with what is happening in Bosnia and Herzegovina. The legal defence of the country from aggressors cannot be used for [Bosnia's] everyday political purposes," he said.

The Croat member of the Bosnian tripartite presidency, Zeljko Komsic, said on Monday that if the legal request involves Operation Flash or 1995's Operation Storm, there is no legal basis for it. "Even if there was such a crime, it was not committed on the territory of Bosnia and Herzegovina or against Bosnian citizens," Komsic said.

Croatian media have reported that 14 senior Croatian officers are under suspicion, including wartime commander generals Pavao Miljavac, Mladen Markac, Marijan Marekovic, Davor Domazet Loso and Luka Dzanko.

Reports said that the generals are suspected of issuing orders during Operation Flash for indiscriminate shelling and artillery fire against civilian targets and on the undefended Bosnian towns of Bosanska Gradiska and Kozarska Dubica from territory controlled by the Croatian Army.

But General Miljavac insisted on Sunday that Operation Flash "was a legitimate Croatian Army operation and there was no particular intention of putting Bosnia in danger".

Operation Flash on May 1, 1995 saw the Croatian Army mount a surprise attack on the town of Pakrac, rapidly taking control of the whole area from rebel Serbs and reintegrating it into Croatia. Around 30,000 Serbs fled the area to Serb-held land in Bosnia, or to Serbia. According to Serbian NGO Veritas, 283 people were killed during the operation, although the Croatian Helsinki Committee for Human Rights said the number of deaths was below 90.

The Bosnian state prosecution has not yet made a public statement about the case, while Croatian Justice Ministry official Salapic gave no details about the specific accusations.

Croatian President Zoran Milanovic also criticised the Bosnian request last week during the anniversary commemorations for Operation Storm. "Even today in neighbouring countries, including Bosnia and Herzegovina, which I want to believe is our friend, we are still witnessing accusations piling up against Croatian wartime commanders for unproven or fabricated crimes of collective or command responsibility from 26 years ago. This is not good for our joint relations," Milanovic said in a speech.

# Bulgaria

## **Prosecutor General Geshev Attended Hearing at Parliament**

<https://www.novinite.com/articles/210821/Prosecutor+General+Geshev+Attended+Hearing+at+Parliament>

August 19, 2021

Prosecutor General Ivan Geshev was given a hearing by the parliamentary Legal Affairs Committee at the invitation of its Chairperson Andrey Mihaylov on Thursday.



Commenting on video footage of police brutality shot at the time of anti-government protests in 2020, Geshev said any violence is unacceptable. "What I saw is inadmissible," he said. The Prosecutor General refused to comment on the facts of the case because he has no control functions in specific pre-trial proceedings.

Geshev said he watched the video for the first time last Friday, shortly after it was first shown during a sitting of the parliamentary committee probing police brutality during the 2020 protests, and then went viral. The video with shocking scenes of police kicking and punching handcuffed and helpless citizens away from the public eye behind the columns of the Council of Ministers' building in central Sofia, caused an outrage.

Parliament held an extraordinary sitting August 17 to hear the Interior Minister about the actions taken to establish and punish the violent officers. It transpired there that an Interior Ministry probe into complaints of police brutality during the protests had only been perfunctory and that a check by prosecutor's office had found no wrongdoing.

Geshev explained that committees in the legislature cannot exercise parliamentary oversight of the judiciary. He argued that a provision to the contrary effect in the National Assembly's Rules of Procedure contravenes the Constitution and that he would ask the Constitutional Court to declare it unconstitutional. "Since the effective provision of the Rules of Procedure says I can be invited, I am here with part of my team out of respect for the institution and the MPs," he added.

"I hope we will have a normal dialogue consistent with the principle of the separation of powers because there are important crime-related problems which can be solved only through interaction and legislative revisions," said the Prosecutor General./bta

# Kosovo

## **Kosovo Hopes Trials in Absentia Will Boost War Crimes Convictions**

<https://balkaninsight.com/2021/08/06/kosovo-hope-trials-in-absentia-will-boost-war-crimes-convictions/>

August 6, 2021 - Serbeze Haxhijaj, Pristina, BIRN

In the absence of legal cooperation with Serbia, Kosovo has changed its legislation to make it easier to try suspects in their absence - but sceptics say this doesn't necessarily mean that more war criminals will go to jail.

Lulzim Ademi, an ethnic Albanian from the northern Kosovo town of Mitrovica, was charged in 1999 with committing war crimes against civilians while he was a paramilitary fighter, acting in collaboration with Yugoslav Army troops, Serbian police and Serb paramilitaries. Ademi was accused of involvement in forcing ethnic Albanian citizens from their homes and killing at least 12 people. He was arrested and kept in custody until February 2000, when he escaped. The court decided to try him in absentia. After an appeal against the ruling, the Supreme Court ruled that the trial could proceed in the defendant's absence, and Ademi was sentenced to 20 years in prison.

In another case dating from 1999, Bozur Bisevac, a Serb from Mitrovica, was charged with setting fire to houses, shooting at villagers and forcing them to flee their homes. In August 2000, Bisevac also escaped from jail, but the court continued to try him in absentia.

But then in January 2001, the head of the UN's mission in Kosovo, UNMIK, which at that time had executive and legislative power in the country, adopted a regulation prohibiting trials in absentia "for serious violations of international humanitarian law". After it came into force, the court abandoned the prosecution of Bisevac. Ademi was jailed, and Bisevac was never arrested again.

UNMIK Regulation 2001/1 stated that "no person may be tried in absentia as defined in the applicable Yugoslav Criminal Code or the Rome Statute of the International Criminal Court" that was issued in July 1998.

After 2009, almost all of UNMIK's regulations were repealed or superseded by proper laws, but trials in absentia were not included in Kosovo's legal framework.

Then in 2019, in an attempt to boost prosecutions of war crimes, the Kosovo Assembly adopted an amendment to the Criminal Procedure Code to allow trials in absentia in cases involving the offences against international humanitarian law and international criminal law that were committed between January 1990 and June 1999. These were years in which Kosovo Albanians were struggling for liberation from Serbian rule, and the amendments were mostly intended to deal with cases of war crimes committed in Kosovo during the 1998-99 armed conflict. Despite the changes, in the two years that followed, no one was prosecuted or convicted in absentia, and recently the Kosovo Assembly amended the Criminal Procedure Code again.

In June this year, the Venice Commission, a Council of Europe advisory body on constitutional law, said that the new provisions "are largely in line with the European Convention on Human Rights and Fundamental Freedoms as interpreted by the Strasbourg court and international standards".



Based on the new amendments, there is no need for a defendant to be sought in the state where he or she is believed to be before putting him or her on trial. A summons for questioning to an absent suspect will also not have to be sent out five times before the case proceeds any further.

Vasfije Krasniqi Goodman, who was a victim of rape during the war and who became a MP this year, believes that the amendments will help to increase prosecutions of the wartime sexual violence cases. "I think prosecution and sentencing in absentia might be a good opportunity to confirm via a trial in court that rape as a war crime has happened. Such procedures [trial in absentia] are also in accordance with positive European law," Krasniqi Goodman told BIRN. "Rape is the most unprosecuted crime in Kosovo and trials in absentia would encourage victims to come forward," she added.

### **Kosovo-Serbia impasse prevents justice being done**



*A banner supporting former Kosovo's President and other members of the Kosovo Liberation Army (KLA) is placed on the main square in Pristina. Foto: EPA-EFE/VALDRIN XHEMAJ*

Trials in absentia are used by some EU countries, but not by other European states that consider such proceedings to be a violation of the defendant's right to be present to answer the charges against them. The majority of international tribunals have required the defendant to be present, although suspects have been tried in absentia at the Special Tribunal for Lebanon.

Kosovo has the specific problem, however, that many of those wanted for trial for wartime crimes live in Serbia, which does not recognise Kosovo's independence or legal system, and will not extradite suspects to stand trial. This means that any Serb who has been charged with such crimes is unlikely to be brought to court in they remain in Serbia.

Amer Alija from the Humanitarian Law Centre Kosovo, which has spent years documenting crimes committed during the war, stressed the need to establish legal cooperation with Serbia in order to bring cases to trial.



Alija said that the issue should be addressed within the context of the ongoing EU-mediated negotiations to normalise relations between Kosovo and Serbia.

“The government of Kosovo should insist on including legal cooperation on the agenda of the negotiations with Serbia, because it is the main condition for the effective prosecution of war crimes and delivering justice to the victims,” he told BIRN. “With the new amendments [to try defendants in their absence], there could be more indictments of individuals who will be inaccessible to the judicial authorities of Kosovo. But there will be no positive change in the serving of sentences by people who are convicted in absentia,” he pointed.

Lars-Gunnar Wigemark, the head of the EU’s rule-of-law mission in Kosovo, EULEX, welcomed the legal change. “Trials in absentia will allow Kosovo authorities to take forward the numerous investigations carried out by EULEX for war crimes allegedly committed by individuals who are still at large, including suspects known to be living in Serbia,” Wigemark said.

But he added that they should only be permitted if the defendant’s right to a fair trial is ensured. “Trials in absentia under the new Kosovo legislation should only be permitted in exceptional circumstances and provided that effective procedural safeguards for defendants are in place,” he said.

Islam Qerimi, a professor at the University of Mitrovica’s law faculty, also said that he thought that trials in absentia were only acceptable in very specific circumstances. “A trial in absentia is permissible in a case in which the accused is continually disrupting the trial, or during the hearing at which the charges are confirmed,” Qerimi told BIRN.

In Serbia, the War Crimes Prosecution has used trials in absentia to prosecute Kosovo Liberation Army, KLA guerrillas, convicting several of them of terrorism in their absence.

But without any legal cooperation or mutual agreement on extradition between Pristina and Belgrade, many other cases are likely to remain untried and unpunished. “Without cooperation between Kosovo and Serbia, there will be great difficulties in successfully prosecuting war crime cases,” said Drita Hajdari, the head of the War Crimes Department at Kosovo’s Special Prosecution Office.

## Kosovo Serbs Furious About Jailing of MP for 'Ethnic Hatred'

<https://balkaninsight.com/2021/08/26/kosovo-serbs-furious-about-jailing-of-mp-for-ethnic-hatred/>

August 26, 2021 - Xhorxhina Bami, Pristina, BIRN

Serb judges in Kosovo staged a one-day strike after MP Ivan Todosijevic was jailed for two years for inciting ethnic hatred for claiming that a wartime massacre of Kosovo Albanians by Serbian forces in 1999 was faked.



*Ivan Todosijevic. Photo: Kosovo Ministry of Local Government Administrationx.*

Serb judges in the town of Mitrovica in northern Kosovo refused to work on Wednesday in protest after MP Ivan Todosijevic was convicted of ethnic, racial or religious intolerance for his comments about the January 1999 massacre of 45 Kosovo Albanians in the village of Racak/Recak, which he claimed was staged. The Serb judges argued that the so-called Brussels Agreement on normalisation of relations, signed by Serbia and Kosovo, was violated at Todosijevic's trial. They argued that in cases that involve ethnic Serb defendants, the trial panel should consist of two Serb judges and an ethnic Albanian, but that this did not happen in the case of Todosijevic.

Mayors of four Serb-majority municipalities in Kosovo backed the judges' strike, saying it was "a clear message to Pristina that it is unacceptable to violate the Brussels agreement on justice to the detriment of the Serb people". Todosijevic's conviction means that he will have to step down as an MP. His party, the Belgrade-backed Srpska Lista, called the verdict "politically motivated" and "anti-Serb".

Serbian President Aleksandar Vucic also slammed the verdict in a video posted on Instagram. Vucic claimed that Todosijevic was sentenced to two years in prison "just because he told the truth – the truth about Racak, the truth about everything that has happened to the Serbian people".

Todosijevic made his statement about the Racak/Recak massacre at a ceremony to mark the anniversary of the NATO bombing of Yugoslavia, which was aimed at making Serbian leader Slobodan Milosevic end his military campaign against ethnic Albanians in Kosovo. The Racak/Recak massacre was one of the incidents that helped to spark NATO's intervention. "The reason for the [NATO] aggression in our country was the so-called humanitarian catastrophe in Kosovo and the fabricated Racak [massacre in 1999], and the Albanian terrorists are the ones who made all this up and committed the biggest crimes in Kosovo," Todosijevic said.

Todosijevic was minister for administration and local government in the Kosovo government until he was sacked for making the comments in March 2020.

# Moldova

## **National Anticorruption Center director will be named by Parliament**

[https://www.ipn.md/en/national-anticorruption-center-director-will-be-named-by-parliament-7965\\_1083736.html](https://www.ipn.md/en/national-anticorruption-center-director-will-be-named-by-parliament-7965_1083736.html)

August 13, 2021



The director of the National Anticorruption Center (NAC) will be named to post by a majority of votes of MP, at the proposal of at least 20 MPs, not based on a contest, as until now. A bill to amend the law on NAC was passed by Parliament after being given a first reading on August 13, IPN reports.

The NAC director will be appointed with the consent of the commission for appointments and immunities for a five-year term, without the possibility of holding

a new term. The commission will determine if the candidates for the post of NAC director meet the requirements and will present the conclusions to Parliament.

The bill authors, a group of PAS MPs, said the adoption of this bill will enable NAC to become fully involved in the implementation of the strategy for ensuring the independence and integrity of the justice sector for 2021-2024 and the action plan for putting this into practice and to fulfill its duties in corruption fighting.

## **Prosecutor General evaluation amendment passes final vote**

[https://www.ipn.md/en/prosecutor-general-evaluation-amendment-passes-final-vote-7967\\_1083963.html](https://www.ipn.md/en/prosecutor-general-evaluation-amendment-passes-final-vote-7967_1083963.html)

August 24, 2021



Parliament today adopted in the final reading a bill that introduces the Prosecutor General's evaluation.

Under the procedure, a commission will evaluate the job done by the Prosecutor General, based on which the Superior Council of Prosecutors will rate it as 'excellent', 'good' or 'unsatisfactory'. In case of an 'unsatisfactory' rating, the Superior Council of Prosecutors will propose to the President the dismissal of

the Prosecutor General. The procedure can occur once a year.

The Bloc of Communists and Socialists voted against the bill after their second-reading proposals were rejected.

## **NGOs ask Parliament not to examine bills as matters of urgency “without plausible justification”**

[https://www.ipn.md/en/ngos-ask-parliament-not-to-examine-bills-as-matters-of-7965\\_1083733.html](https://www.ipn.md/en/ngos-ask-parliament-not-to-examine-bills-as-matters-of-7965_1083733.html)

August 13, 2021



A number of civil society organizations call on Parliament to respect decisional transparency and to refrain from examining bills as matters of urgency “without a plausible justification”, IPN reports. The request was formulated after Parliament came together for an extraordinary sitting on August 13.

The agenda included the adoption of eight bills, most of which address issues with an important impact, such as the method of choosing the NAC director, amendments to the legislation on NIA and the prosecution service. They are put to the vote shortly after being registered, without public consultations (except for the bill on NIA) and without a reasonable justification for such a hurry. Seven of the eight bills were registered in Parliament fewer than ten days ago.

The signatories ask Parliament to organize authentic and inclusive public consultations on the aforementioned bills, by strictly obeying the legislation on transparency in decision making or confidence in the newly elected Parliament will be eroded. So far the call was signed by 13 organizations, but the list remains open. The call was signed by the Legal Resources Center from Moldova, “WatchDog.MD” Community, the Association for Participatory Democracy “ADEPT”, the Association for Efficient and Responsible Governance, the Institute for European Policies and Reforms, the Center for the Analysis and Prevention of Corruption, “Promo-LEX” Association, Amnesty International Moldova, the Foreign Policy Association, the Center of Policies and Reforms, East Europe Foundation, “Acces-info” Center, and the Independent Think Tank “Expert-Grup”.

The document was sent to Parliament Speaker Igor Grosu and other decision makers of the legislature.



# Montenegro

## **Montenegro Presses Serbia Again Over Fugitive ex-President's Extradition**

<https://balkaninsight.com/2021/08/05/montenegro-presses-serbia-again-over-fugitive-ex-presidents-extradition/>

August 5, 2021 - Samir Kajosevic, Podgorica, BIRN

Montenegro's Deputy Prime Minister says Serbia needs to get on with extraditing Svetozar Marovic, as his prison sentence will expire in 2026 – after which he will be a free man.



*President of Serbia and Montenegro Svetozar Marovic at a Council of Europe session. Photo: EPA/BARTLOMIEJ ZBOROWSKI POLAND OUT*

Montenegrin Deputy Prime Minister Dritan Abazovic on Wednesday called on Serbian authorities to extradite the fugitive ex-president Svetozar Marovic, pointing out that his jail sentence expires under the statute of limitations in 2026, meaning he would be free in five years. The former president of the now-defunct State Union of Serbia and Montenegro, and once a close associate to Montenegro's President, Milo Djukanovic, has hidden from justice in Serbia since 2016, avoiding serving a prison sentence at the home of three years and nine months for corruption. "For justice and the fight against organised crime, it would be good for Serbia to extradite Marovic. Every form of protection, and the fact that he feels comfortable in another country, devalues the state authorities of Montenegro," Abazovic told Serbian Television Nova. "In the meantime, the deadline in which he could be in prison is expiring. Now everything has taken on a new dimension," added Abazovic.

Marovic was president of the State Union of Serbia and Montenegro from 2003 to 2006, before the latter regained its independence following a referendum. He was arrested in Montenegro in 2015 over a string of corruption charges linked to his hometown of Budva and, after signing a plea deal, was sentenced in September 2016 to three years and nine months in prison. He was also fined just over a million euros. On July 26, the Kotor Basic Court said that the one-year jail sentence handed to Marovic as a substitute for the unpaid million-euros fine expired on June 28. Marovic's remaining prison sentence of three years and nine months still stands. But the court added that the statute of limitations for this part of the sentence expires on October 10, 2026. His son, Milos, also pleaded guilty to involvement in an illegal land sale in a village near Budva that prosecutors said cost the municipality 1.4 million euros. He was sentenced to a year in prison and ordered to repay 380,000 euros. He also fled the country and both men have reportedly lived since then untouched in Serbia.

Montenegro issued a warrant for Marovic's arrest and formally sought his extradition from Serbia in 2019. In December 2020, after BIRN published an investigation, reporting that Milos Marovic had built up landholdings in Serbia worth more than a million euros, the new government in Montenegro said it had renewed its request for their extradition.

## **PM Krivokapic and seven ministers fined**

<https://www.cdm.me/english/pm-krivokapic-and-seven-ministers-fined/>

August 3, 2021 – VIJESTI



The Agency for Prevention of Corruption has determined that Prime Minister Zdravko Krivokapic and the majority of his ministers violated the Law on Prevention of Corruption as they failed to report all their property and incomes, Vijesti daily writes. Therefore, public officials Mladen Bojanic, Jelena Borovinic Bojovic, Olivera Injac, Jakov Milatovic, Djordje Radulovic, Tamara Srzentic, Ratko Mitrovic and Zdravko Krivokapic will be fined EUR 500 for failing to report their assets.



# North Macedonia

## **Council of Europe anti-torture Committee publishes report on its 2020 visit to North Macedonia**

<https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-its-2020-visit-to-north-macedonia>

August 29, 2021

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has published today the report on its ad hoc visit to North Macedonia carried out from 7 to 9 December 2020 together with the Government's response.



The main objective of the visit was to examine the treatment and conditions of detention of prisoners held at Idrizovo and Skopje Prisons as well as of persons detained by the police in the Skopje area.

The visit also included talks with the Prime Minister Zoran Zaev and the Minister of Justice Bojan Maricikj regarding the ongoing reform of the prison system, in the light of long-standing recommendations such as the need to establish a professional prison service with clear reporting lines and effective management oversight which the CPT had reiterated in the report on the previous visit to the country in 2019.

The findings of the 2020 ad hoc visit indicate that, despite some improvements consisting of the renovation of one wing of the remand section of Skopje Prison and the closure of three problematic wings of Idrizovo Prison, most of the longstanding concerns of the CPT in respect of the cramped, unhygienic and decrepit conditions in prisons persisted (in particular, in the so-called 'ambulanta' unit and the closed-regime wings of Idrizovo Prison as well as in the unrenovated wings of Skopje Prison).

The situation was further exacerbated by the lack of purposeful activities for remand prisoners who were locked up in their cells for 23 hours per day at Skopje Prisons and for sentenced prisoners at Idrizovo Prison.

Moreover, remand prisoners continued to be denied visits by their children.

The CPT emphasised that concerted action must be taken by the relevant authorities to eliminate various shortcomings which may amount to inhuman and degrading treatment of prisoners and to combat the phenomenon of corruption in prisons.

To this end, the development of a professional management approach of the prison system including a transparent process of appointment of prison senior managers based on merit rather than political affiliation and the deployment of sufficient numbers of well-trained prison officers in prisons was needed.

The Committee also called upon the Ministry of Health to take urgent steps to improve the provision of health care to prisoners.

As regards the treatment of persons deprived of their liberty by the police, the CPT has received once again numerous allegations of physical ill-treatment of criminal suspects by police officers (such as of slaps, punches, kicks and blows with truncheons or other objects), in the context of apprehension after the person concerned had been brought under control or inside a police establishment for the purpose of extracting a confession.

The authorities were urged to deliver a strong message of zero tolerance of ill-treatment to all police officers and to take steps to improve the implementation in practice of fundamental safeguards against ill-treatment (i.e. notification of a third person and access to a lawyer and a doctor).

In their response, the authorities of North Macedonia provide information on the adoption of anti-corruption measures in prison, a closer oversight by the prison administration over the work of prison directors, the introduction of a system of incentives in place for prison staff and the development of their career path.

The response also contains an update on the plans for the renovation of wings at Skopje Prison and the construction of new facilities at Idrizovo Prison.

As regards the police, reference is made to a renewed message of zero tolerance of ill-treatment sent through the hierarchy to all police officers, ongoing training activities of police officers on the use of force and interviewing techniques and the renewed synergies in processing complaints of alleged victims of police ill-treatment by prosecutors with the assistance of the Department for Internal Control of the Ministry of the Interior.

# Romania

## **Justizminister kritisiert Chef der Justizinspektion**

<https://adz.ro/inland/artikel-inland/artikel/justizminister-kritisiert-chef-der-justizinspektion>

10. August 10, 2021 - Bukarest

„Einschüchterung von Richtern und Staatsanwälten“



Justizminister Stelian Ion | Archivfoto: gov.ro

Justizminister Stelian Ion (USR-PLUS) hat am Montag harsche Kritik am umstrittenen Chef der Justizinspektion, Lucian Netejoru, geübt, nachdem dieser letzte Tage Disziplinarverfahren gegen weitere fünf Richter eingeleitet hat – und zwar wegen Meinungsdelikts. Die Richter gehören zu den schärfsten Kritikern der Gegenreform der PSD im Justizbereich, die Netejoru – ein Protegé von Ex-PSD-Chef Liviu Dragnea – nun vom Justizrat abstrafen lassen will.

Es sei „empörend“, dass die Justizinspektion Disziplinarverfahren gegen Richter lostrete, bloß „weil diese bei einer geschlossenen Facebook-Gruppe ihre Meinung frei geäußert haben“ – dies sei ein „augenscheinlicher Einschüchterungsversuch“ der fünf, die ein Recht darauf hätten, „politische, legislative oder verwaltungsrechtliche Beschlüsse zu kritisieren – sogar öffentlich“, so der Ressortminister.

Die wichtigsten Justizbeamte-Verbände werfen Netejoru schon seit geraumer Zeit vor, einen wahren „Rachefeldzug“ gegen jene Richter und Staatsanwälte losgetreten zu haben, die in Zeiten der PSD-Dauerattacken auf die Justiz den Gerichtshof der Europäischen Union (EuGH) angerufen hatten.

# Serbia

## **Serbia 'Misused' Money Laundering Laws to Target Critics, Reuters Reports**

<https://balkaninsight.com/2021/08/06/serbia-misused-money-laundering-laws-to-target-critics-reuters-reports/>

August 6, 2021 - Milica Stojanovic, Belgrade, BIRN

News agency says Serbia was one of five countries that has used laws passed to counter money laundering and terrorism financing to get banks to hand over data on critical journalists, NGOs and lawyers.

Serbia is among several countries that have misused legislation passed to meet Financial Action Task Force, FATF, standards to combat money laundering and terrorism financing to investigate critical voices and NGOs, Reuters reported on Thursday.

According to Reuters, in Uganda, Serbia, India, Tanzania, and Nigeria, the legislation was “used by authorities to investigate journalists, NGO workers, and lawyers”. “Through constant assessments of countries’ measures, the FATF plays a little-known but key role in shaping financial crime legislation and in dictating governments’ security priorities,” the news agency explained. “Across the globe, it has strengthened laws to crack down on money laundering and terrorist financing.” “But by pressuring nations with weak democratic frameworks to adopt and bolster such laws, the FATF has unwittingly handed a new legal instrument to authoritarian governments, according to a dozen researchers at think tanks and human rights groups,” it added. Reuters cited Tom Keatinge, director of the Centre for Financial Crime at the Royal United Services Institute in London, as saying that FATF standards “are increasingly not just being misunderstood, but are being purposefully abused”.

When it comes to Serbia, Reuters recalled a request that the Finance Ministry’s Administration for the Prevention of Money Laundering made to banks in July 2020. This was to provide “client data on some 50 NGOs and media outlets known for criticizing what they consider to be President Aleksandar Vucic’s increasingly autocratic rule”. The list included Balkan Investigative Reporting Network, BIRN, and a number of BIRN employees.

Reuters further reported that, “after news of the letter leaked, Finance Minister Sinisa Mali told a local television channel the intelligence unit was ‘doing its job’ and the data requests shouldn’t be a problem for the targets ‘if nothing is hidden”.

No individuals have been charged so far as a result of these probes, Reuters reported.

Reuters reported that Maja Stojanovic, director of Serbia’s nonprofit Civic Initiatives, which was named in the letter, told the news agency she believes the Serbian government is using the data for smear campaigns to undermine NGOs’ work. “When Stojanovic and other targeted NGOs consulted the banks about the requests, the banks said they couldn’t disclose what information they shared with authorities”, the news agency reported.

Reuters said it asked three of the banks, Banca Intesa Beograd, OTP banka Srbija, and Erste Group Bank, to comment, all of whom declined to do so.

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