



## **Weekly Briefing**

**Slovakia political briefing:  
Investigative Journalist's Murder Trial Began  
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## **Investigative Journalist's Murder Trial Began**

*It will soon be two years since investigative reporter Ján Kuciak was killed in his house in Veľká Mača. His fiancée Martina Kušnírová was shot dead along with him. Very soon after their dead bodies were discovered on February 26, 2018, the police said that the murder was most likely linked to Kuciak's journalistic work. Unlike most cases of murdered journalists in the world, the police detained and charged not just the persons whom they believe to have fired the shots, but also those who ordered the murder. The trial with Marián Kočner, Alena Zsuzsová, Tomáš Szabó and Miroslav Marček started on January 13, 2020, almost two years later since the murder occurred. Zoltán Andruskó, who has admitted to having acted as the middleman between those who ordered the murder and those who executed it, was sentenced to 15 years in prison on December 30, 2019 in a separate proceeding, based on his plea bargain deal. He has thus become an important witness in the case against the four persons.*

For Slovakia, the murder of a journalist was an unprecedented event and it quickly became clear that it would be a watershed moment, particularly given the immediate reaction among the public. The protests that followed forced then PM Robert Fico to step down with his third government, and major reshuffles in the cabinet followed.

As the investigation of the murder progressed and as media published various materials leaked to them in the process and facts they found while working on stories, including some that Kuciak himself had been working on before he was killed, Slovakia's public learned many disturbing details about how the state and its bodies had been working. Ties between ruling politicians and high state officials and judges to the criminal environment have been uncovered.

Two years of disturbing revelations in the press on a regular basis have led to considerable frustration among voters. Observers believe this to be reflected in the growing support for extremist movements. On the other hand, many, including President Čaputová, see the events of the past two years as an opportunity for Slovak society to cleanse itself.

## **What do we have to know about Marián Kočner?**

Nowadays, many Slovaks is wondering who Marián Kočner is. Kočner has long been notorious, but never ranked among the most prominent or wealthy of the Slovak oligarchs who have pulled political strings. He owned mountain hotels and high-end apartment blocks. But he did not build football stadiums or highways or collect exotic animals. Kočner's specialty was collecting people – politicians, prosecutors and judges were his favorite. Only now is the shocking extent of Kočner's power, his connections and string-pulling at the highest levels of the Slovak state, coming to light, since he was charged with ordering the 2018 murder of 27-year-old investigative journalist Ján Kuciak.

The killing was, allegedly, a ruthless bid to silence Kuciak's reporting on Kočner's corrupt dealings. It claimed the life of his 27-year-old fiancée too, and unleashed a wave of popular anger that brought down a prime minister and helped install a liberal newcomer as president.

A series of leaked conversations extracted from Kočner's phone and published over the summer by Denník N and Aktuality.sk show the businessman mocking Kuciak after his death, discussing his preferred personnel changes in the courts and public prosecution, picking people to handle court cases and bragging about his political connections. Kočner's list of contacts reads like a who's who of the Slovak political and economic elite.

His conversations reveal how he got tax and property cases against him dismissed, and how he and another oligarch, Norbert Bődör, went out of their way to support the ruling Smer-SD political party and its leader, former PM Robert Fico.

The killing of Kuciak and his fiancée, Martina Kušnírová, may go down as a watershed moment in Slovakia's post-communist history – a crime that forced a reckoning with the cosy and corrupt alliance of politics and big money that had hollowed out Slovak democracy. In a fact for more than two decades, Kočner was untouchable. Kuciak had reported him to the police a few months before he died, after Kočner threatened him in a phone call. The police did nothing for weeks and then dismissed the case without even interviewing Kočner.

After the murder, investigators focused their efforts elsewhere, until mass protests forced Fico to resign and brought a change in command in law enforcement. Several cases that local media had reported on in recent years were suddenly taken up by the police, including fraud allegations against Kočner that Kuciak had reported on.

Soon after a new president of the Police Corps, Milan Lučanský, was installed in June 2018, Kočner was arrested for financial crimes stemming from a multi-million euro case involving an attempted takeover of TV Markíza. Kočner has been in custody since June 2018 and in March 2019 was charged with ordering Kuciak's killing.

Slovak investigators, working with Europol, the European Union's law enforcement agency, cracked Kočner's phone and gained access to encrypted communication via the instant messaging app Threema. According to the special prosecutor overlooking the case, police found tens of thousands of messages in which Kočner talks to or about top state officials, politicians or law enforcement officers. The messages from Kočner's phone began leaking to the press and intensified over summer 2019.

They expose Kočner as a puppet master, pulling strings in the justice system to instigate criminal cases and dismiss others. He boasts about "handling" a case before the Supreme Court last year in which judges rejected a call to ban the far-right People's Party Our Slovakia, refers to former PM Fico as "the boss" and appears to discuss with Monika Jankovská, a former senior Justice Ministry official nominated by Smer-SD, bribes for her and a number of judges for their help in the TV Markíza case.

According to the messages, Kočner was in direct contact with former Interior Minister Robert Kaliňák and with party leaders in the ruling coalition, while Bödör had meetings with the head of the special anti-graft prosecution, Dušan Kováčik. Jankovská has since resigned. Police seized her mobile phone and she, along with several judges, is under investigation on suspicion of taking bribes or abusing public office. Fico has denied any involvement and said it is thanks to Smer-SD that Kočner is behind bars, although investigator's report show an evidence that Kočner and Norbert Bödör acted in favor the Smer-SD political party.

### **Changes in the Judiciary**

The consequences of the changes taking place in Slovak society following the murder of Kuciak and Kušnírová were only reflected in the judiciary in 2019, mainly due to the messages leaked to the Slovak media from Kočner's phone. It turned out that Kočner had led lively conversations and dealings with a number of judges and prosecutors, including in top posts.

In January 2019, René Vanek was forced to leave the post of the deputy general prosecutor for the non-criminal division following General Prosecutor Jaromír Čížnár's decision, due to Vanek's communication on Facebook with Zsuzsová. Denník N highlighted

the names of Vanek and then deputy parliament's speaker Martin Glváč among the powerful contacts of Zsuzsová's in its report about the investigation of the murder.

Less than three months after Vanek, first deputy general prosecutor Peter Šufliarsky gave up his post following a scandal involving text messages he exchanged with Kočner. He left the office on April 1, 2019.

In September 2019, Justice Ministry's state secretary (deputy minister) Monika Jankovská resigned from her post and returned to her job as judge after the media reported that she too had regularly communicated with Kočner through Threema. On August 22, Jankovská and several judges had to submit their phones to the police as part of the investigation of Kočner's cases. It later transpired in media reports about Threema that Jankovská had several judges on call for Kočner, including a judge who decided in Kočner's case against the Markíza television network regarding the promissory notes he stands accused of having forged. The messages show that Jankovská directly ordered Maruniaková on how to decide on the promissory note case. Jankovská currently faces disciplinary proceedings as a judge and is put out of service.

In November 2019, Judge of the Bratislava I District Court, Miriam Repáková, was the first judge to remove her judge's robe due to the communication with Kočner via Threema. She was one of the judges whose phone the police seized in August 2019.

Former general prosecutor Dobroslav Trnka has been facing criminal charges since mid-December 2019. The information about the charges was preceded by the publishing of a leaked audio recording and a leaked video, which show that Trnka was subservient in relation to Kočner and even let the mobster install a hidden camera in his general prosecutor's office.

## **The Trial**

The trial with the gang accused of murdering Kuciak and his fiancée Martina Kušnírová started on January 13, 2020 with the first hearing, the key witness, an ex-chief of Slovak counter intelligence Peter Tóth. He accused Bödör of financing the surveillance of Kuciak taking place a few months before his murder. Of course, the local oligarch denied everything few days later, when the trial continued with more testimonies from him and Jaroslav Haščák, who is the second richest man in the country (the chief of powerful company Penta Investments) and was frequently meeting up with Marian Kočner.

Bödör is also accused of having access to information from the police file about Kuciak's murder investigation. Bödör allegedly knew that police was planning to summon him in advance. He came to the police by himself before the police had time to file a formal request to question him.

The jury then questioned Haščák, who knows Marián Kočner since 1998. He confirmed that Kočner was part of his wider circle of acquaintances, friends, he was keeping contact with him.

The next witness, who appeared in front of the court in Pezinok, is René Nyitray, a resident of Veľká Mača, the same village Ján Kuciak lived in and where he was later murdered. Nyitray confirmed that several days before the murder, he spotted a suspicious car. It was supposed to be the same car which drove Miroslav Marček, who admitted to murdering Kuciak and Kušnírová, to Veľká Mača. The driver, who took Marček to Veľká Mača, is supposed to be Marček's cousin Tomáš Szabó.

Also Marián Sehnal, a friend of Tomáš Szabó, appeared at court hearing in Pezinok. Just days ago he was already sentenced for adjusting the murderer's weapon. He now says that he didn't know about the planned murder of Kuciak.

The hearing are to be adjourned and the trial will continue in February or March 2020.