



## **Weekly Briefing**

**Slovakia political briefing:**  
**Fighting Corruption in Slovakia during the Coronavirus**  
**Peter Csanyi**


### **China-CEE Institute**

Kiadó: Kína-KKE Intézet Nonprofit Kft.

Szerkesztésért felelős személy: Chen Xin

Kiadásért felelős személy: Huang Ping

 1052 Budapest Petőfi Sándor utca 11.

 +36 1 5858 690

 [office@china-cee.eu](mailto:office@china-cee.eu)

 [china-cee.eu](http://china-cee.eu)

## **Fighting Corruption in Slovakia during the Coronavirus**

*The Slovak government program declaration includes solutions to the most serious problems of the rule of law. Although the COVID-19 pandemics have made everything more complicated, there has already been taken several steps to increase public trust in the judiciary as well as in other institutions.*

*The government continues in its effort to fight corruption in the country: Aside from facing charges of accepting bribes, Special Prosecutor Dušan Kováčik has been charged with founding, masterminding and supporting a criminal group, misuse of powers of a public official and jeopardizing classified information. The chief of the Special Prosecutor's Office was detained along with high-ranking police officer Norbert Pakši, who has been charged with the same crimes. Besides, the National Crime Agency (NAKA) has been carrying out an operation code-named Gale (after the operation code-named Storm). Thanks to this operation various representatives of the judiciary have been detained. The former Supreme Court vice-chair Jarmila Urbancová, Supreme Court judge Jozef Kolcun and former Bratislava I Regional Court vice-chair Katarína Bartlaská are among those who have been detained.*

### **Focused on a Special Prosecutor**

The National Criminal Agency (NAKA) detained Special Prosecutor Dušan Kováčik in October. Besides Kováčik, NAKA is said to have arrested a high-ranking police official from a special unit. They reportedly helped the Takáčovci organized crime group. The arrests are also said to be linked with the September detention of Ľudovít Makó, who had been working at the Financial Administration, and has since decided to cooperate with the police.

Although Kováčik is a special prosecutor, there are no special steps or procedures concerning his arrest and potential prosecution in custody, like requiring consent from the General Prosecutor's Office or the Constitutional Court.

A very interesting fact about the prosecutor is that in 2017 Dušan Kováčik did not file any criminal lawsuits in all the cases he had been supervising in eight years at the post. He has been in the office since 2004 and filed 12 criminal lawsuits between 2004 and 2008. Statistics concerning 61 cases published by media are deceiving. Charges were pressed in only 16 cases,

therefore, criminal lawsuits could be submitted only in these 16 cases. To compare, prosecutors who deal with corruption file 30 criminal lawsuits per year. Even those who deal with complicated economic cases file at least lawsuits yearly. Prosecutors who investigate organized criminal groups file about two criminal complaints per year.

Dušan Kováčik has stopped some of the most serious scandals in Slovak history. For example, he halted an investigation into the funding of the Smer-SD party. The case concerned an audio recording dating back to the election campaign before the 2002 parliamentary elections, featuring a voice deemed to be similar to the party's Robert Fico, boasting about securing 75 million Slovak crowns (almost €2.5 million) for the party.

The media reports on the Threema communication of mobster Marian Kočner have also suggested that Norbert Bődör, the son of Nitra-based businessman Miroslav Bődör, was a liaison between Kočner and Kováčik, and that Bődör and Kováčik were meeting regularly for information. Kováčik responded that he had information about his so-called friendship with Bődör only from the media. He met him at cultural and sports events about eight to 10 years ago, but has no relation, not even a so-called above-standard relationship with him, as he has reiterated on several occasions.

Kováčik has also been suspended as prosecutor, the first deputy general prosecutor, now acting general prosecutor Viera Kováčiková, has decided. He faces charges of accepting a bribe; founding, organizing and supporting an organized crime group; abuse of powers by a public official and of threatening classified information. Kováčik is in detention and the assigned prosecutor of the Special Prosecutor's Office, which he headed, has yet to decide whether they will propose pretrial custody for their former boss. The charged persons are now undergoing procedural actions, but due to the character and content thereof, the public has no more detailed information. The Special Prosecutor's Office will now be led by deputy special prosecutor Alexander Bíró. As it was mentioned the National Criminal Agency also detained Norbert Pakši, who now faces similar charges as the detained special prosecutor. Pakši is reportedly a high-ranking police official from a special department assigned with conducting wiretapping. The charges are linked to his alleged cooperation with a Bratislava underworld group.

### **The Raid against Corruption in Courts Continues:**

The action code-named “Gale” was carried out at the end of October by officers of the Slovak National Criminal Agency (NAKA). Representatives of the judiciary were detained:

among them are judges, including judges of the Supreme Court, as well as a well-known lawyer. Officially, it has not been announced in which case the operation, code name “Gale”, refers to a similar operation “Storm”, carried out by the NAKA in March, when 13 judges were arrested.

The detainees include former vice-president of the Supreme Court Jarmila Urbancová, Supreme Court judge Jozef Kolcun and former vice-chairman of the District Court in Bratislava, Katarína Bartlaská. The media also writes about the detention of the well-known lawyer Zoroslav Kollár, who has been accused of the opinion that he can settle any case in the courts. In the evening of the action “Gale” former Deputy Minister of Justice Monika Jankovská, who was arrested in March, spent nine hours at the seat of the special prosecutor’s office in Pezinok near Bratislava to negotiate the terms of the settlement, including testimony on crimes she is aware.

Businessman Zoroslav Kollár, who appeared on the mafia lists, as well as judges Jarmila Urbancová and David Lindtner, will be prosecuted in custody. They were detained during the mentioned Operation “Gale”: focused on the corruption at Bratislava-based courts. The Specialized Criminal Court issued the decision on the morning of October 31, claiming that they could try to influence the witnesses. They are all charged with accepting bribes and trying to interfere with the independence of the courts.

Another judge, Jozef Kolcun of the Supreme Court, will be prosecuted at liberty as the Constitutional Court did not agree on his custody. He has been charged with accepting bribes of €30,000 and €10,000. The decision is not valid yet as it was challenged by both the accused and the prosecutor of the Special Prosecutor’s Office. The Supreme Court will have the final say in the case.

### **Election of a new General Prosecutor**

Altogether seven candidates will run for the post of general prosecutor. The post is currently empty, as former general prosecutor Jaromír Čižnár left it in mid-July after his tenure had expired. He was temporarily replaced by First Deputy General Prosecutor Viera Kováčiková, who will stay until the parliament elects a new general prosecutor. The election in the parliament will take place at the session that starts on November 24.

Before the actual selection, all candidates will have to undergo public hearing. Only one of them is not a prosecutor. The change was adopted by the current ruling coalition first in summer and then in early September, after the legislators had accepted the comments of

President Zuzana Čaputová, who had vetoed the law. The coalition parties shared the conviction that the respective legislation needs to change first, to ensure more quality and transparency in the election process. Therefore a group of MPs representing all coalition parties proposed a law in the parliament to that effect on May 19. They earned criticism for what some saw as tailoring the law for a specific candidate, namely former minister and now noted attorney Daniel Lipšic (who is featured, among other high-profile cases, in the Kuciak murder trial as the Kuciak family attorney). Justice Minister Mária Kolíková repeatedly complained that the debate about the selection of the next general prosecutor is centered on the names rather than the rules and the process that should correspond to the process.

The whole election may be complicated by the Constitutional Court, which received a motion from Kováčiková, claiming that the new rules for elections are unconstitutional. If the court suspends the effectiveness of the law, the election will have to be postponed.

The candidates include prosecutor at the General Prosecutor's Office Jozef Čentěš, prosecutors at the Special Prosecutor's Office Ján Hrivnák, Tomáš Honz, Ján Šanta and Maroš Žilinka, prosecutor from the Regional Prosecutor's Office in Banská Bystrica Rastislav Remeta and Supreme Court judge Juraj Kliment.

Nominations for the post could be submitted until October 9, 2020. Parliament is set to hold a vote to select the chief prosecutor at the session due to be held on November 24. The candidates will be questioned by the constitutional committee before this election takes place. The hearing is scheduled for November 19-20. The General Prosecutor is appointed by the president in Slovakia.