



Weekly Briefing

Slovakia political briefing:
The fifth anniversary of the murder of investigative
journalist Ján Kuciak
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The fifth anniversary of the murder of investigative journalist Ján Kuciak

Summary

Ján Kuciak's murder provoked protests across Slovakia and eventually led to resignation of the then PM Robert Fico, but also to the arrest of Marián Kočner who was accused of the murder along with three others - Alena Zsuzsová, Tomáš Szabó and Miroslav Marček. Kočner and Zsuzsová were believed to have ordered and arranged Kuciak's and his fiancée's murder, Marček admitted to pulling the trigger and killing the young couple, while Szabó acted as Marček's driver on the night of the murder. Marček was sentenced to 25 years in jail, the maximum sentence in Slovakia, as well as Szabó, who was found guilty of assisting in Kuciak's murder and another murder. Middleman Zoltán Adruskó was sentenced to 15 years jail in a separate trial. In September 2020, the alleged organizers of the murder, Kočner and Zsuzsová, were acquitted. Kočner was only found guilty of one count of possessing ammunition, which he had already confessed. He was later sentenced to 19 years in prison for fraud in a separate case. In the meantime, Zsuzsová was charged with involvement in the attempted murders of some prosecutors in the Kuciak case. The retrial verdict for the suspected mastermind of the 2018 murder of Ján Kuciak and his fiancée is scheduled for April 2023.

Introduction

On February 21, 2023 Slovakia commemorated the fifth anniversary of the murder of investigative journalist Ján Kuciak, his fiancée Martina Kušnírová, which triggered some of the largest protests in the country's history, as media stakeholders call for more government protection. Kuciak and Kušnírová were shot and killed in their home in 2018. At the time, Kuciak was investigating businessman Marián Kočner and had received numerous threats regarding his reporting on his shady business dealings.

Following the murder, Robert Fico's (Smer-SD) government collapsed amid public pressure and accusations of inaction and links to organized crime. Kuciak was also investigating high-level government corruption at the time of his death, including matters involving Fico.

The verdict in the ongoing retrial of the alleged mastermind Kočner and his accomplice Alena Zsuzsová is set to be announced on April 24, according to the prosecutor Matus Harkabus. The retrial at the Special Criminal Court started after the Supreme Court had quashed in June 2021 the acquittal of Kočner and Zsuzsová in the first trial.

The situation in Slovakia five years after the murder

In Slovakia's modern history, the end of February marks a bitter anniversary: the killings of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová. They were murdered in their home in Veľká Mača, a small town located about 60 kilometers away from Bratislava on February 21, 2018.

Though the police were quick to detain and charge not just the persons who they believed had fired the shots, but also those alleged to have ordered Kuciak's murder, the families of the murdered couple have not learned the final verdict to date.

While several people involved in the killings have already pled guilty, those considered the masterminds of the double murder, Marián Kočner and Alena Zsuzsová, continue being tried in what is now a retrial. This was after the Specialized Criminal Court acquitted the pair in 2020, but was ordered to retry the pair by the Supreme Court almost a year later.

Today, the court is handling two different criminal cases in the retrial; apart from the two murders, judges will also decide on Kočner and Zsuzsová allegedly plotting the murders of three prosecutors in 2017 and 2018. Following Specialized Criminal Court Judge Ružena Sabová's earlier statement that the verdict could be delivered in April 2023, hopes that the retrial will come to an end after five years and justice may be served are high in Slovakia.

Soon after Robert Fico's government found itself mired in controversy following the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová on February 21, 2018, Marián Kočner was worried about the future of Fico's Smer-SD party, which he portrayed in the Threema messages as a tool to provide cover for his crimes. According to Kočner, the then PM Fico was coming across very badly.

After five years, it turns out that Kočner was right to be worried: the law has reached into the Slovak criminal hierarchy, affecting scores of people who previously appeared to act with impunity, including him. However what Kočner underestimated was the ability of Robert Fico, who has been a constant presence in Slovak politics for more than 30 years, to mobilize his

voters irrespective of the multiple, major scandals that have dogged him. Five years after the murder, Fico remains leader of Smer-SD, which consistently polls second in political opinion surveys, hard on the heels of Hlas-SD – itself a breakaway group formed in 2020 by Fico’s former protégé Peter Pellegrini.

The then-prime minister Robert Fico was forced to step down three weeks after the killings to avoid early elections. Another member of Fico’s Smer-SD party, Peter Pellegrini, was appointed the new prime minister, an unsatisfying change to many. Still, the already launched international investigation of the case, confirming the soundness of Kuciak’s journalistic stories on economic crimes linked to people around Smer-SD along the way, began to unearth how the state under three Smer-SD-led governments had gradually fallen under the sway of oligarchs and organized crime.

Two years later, pledges and slogans to root out corruption and organized crime secured the populist movement Ordinary People and Independent Personalities (OLaNO), led by Igor Matovič, a landslide victory in the March 2020 parliamentary elections. The movement formed a coalition government, and Smer-SD ended up in opposition.

The same year, the country saw three men convicted of involvement in Kuciak and Kušnírová’s murders. Yet in September, the Specialized Criminal Court acquitted the alleged masterminds of the double murder, businessman Marián Kočner, a main character in some of Kuciak’s stories, and his alleged conspirator Alena Zsuzsová on all accounts for a lack of evidence. But the pair, who are today serving long prison sentences for other economic and murder crimes, have been back in the dock in a retrial since last February following the Supreme Court’s ruling that scrapped their acquittal and ordered a retrial.

The retrial, which has almost disappeared from local media coverage, is expected to hear the new verdict in late April. This time around, the ruling will also take into consideration Kočner’s coded messages from the Threema encrypted messaging app together with an analysis explaining the codes, which the court previously refused to accept as evidence in this case.

And while the parents of the murdered couple are still waiting for some closure in the case, if the past few weeks and months are anything to go by, journalists in the country are also far from being any safer from attacks by high-profile politicians and other groups. The Bratislava-based Ján Kuciak Investigative Journalism Center has found that 66 per cent of journalists said they had faced a verbal attack or a threat in the past year.

For example, Robert Fico is notorious for making repeated attacks on journalists and their critical reporting. However, Fico is not the only party leader who attacks journalists. The populist ex-prime minister Igor Matovič (OĽaNO) also blamed journalists from relevant media outlets for people's increased trust in disinformation, and for spreading lies and hatred against him and his party.

Even aside from Matovič's targeting journalists, the governments led by his OĽaNO party have done little to protect journalists during their time in power over the past three years. However, the much-needed amendment to the Criminal Code providing aggravated penalties for crimes committed against journalists due to their work remains parked in the Justice ministry. Despite recently updated media and media ownership legislation, journalists can still be convicted of defamation in Slovakia and sentenced to up to eight years in prison.

Conclusion

The path to full justice for the double murder has been slow. The hitman and an intermediary are behind bars serving hefty sentences. Now the verdict in the retrial of the alleged mastermind, Marián Kočner, and his associate is expected in the coming months.

Against this backdrop, the messages conveyed during commemorative events continue to be the need for full justice, an end to the corrosive culture of corruption and impunity in which the assassination took place, and the need to honor Kuciak's legacy.

The five-year anniversary also offered an opportunity to look back and reflect on whether, half a decade later, the changes in Slovak politics, judicial authorities, media and society at large have been systemic enough to ensure such an appalling crime is never committed again.

Much has changed in Slovakia since February 21, 2018. Much has not. And while the landscape for press freedom has undergone clear improvement in recent years, there is a palpable sense that, as the country heads into early elections, these gains appear increasingly fragile.

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