

WhistleWire

The Southeast Europe Whistleblower Journal



Whistleblower Emir Mešić
photo: interview.ba

EMIR MEŠIĆ: THE BATTLE CONTINUES

"An investment in the future of Bosnia and Herzegovina"

In 2018 Emir Mešić, a senior tax officer at the Indirect Taxation Authority of BiH, addressed the Prosecutor's Office due to irregularities and corruption in the workplace.

He reported that revenues from customs terminals were poured into the pockets of private individuals in an illegal and non-transparent way. In return and regardless of the status of "protected whistleblower" acquired by the Agency for Prevention of Corruption and Coordination of the Fight against Corruption, he was transferred to another workplace with a lower salary and threatened with dismissal. The latter happened as Mešić received a decision on termination of employment and is currently appealing this decision.

Welcome to **WhistleWire**, the magazine of the Southeast Europe Coalition on Whistleblower Protection

The termination of his employment was a result of disciplinary proceedings initiated against him in May 2020 for a breach of duty that occurred two years earlier. This makes us consider the forms of pressure used against whistleblowers and subsequently, the gaps within the legislation and the competent authorities to provide efficient whistleblower protection.

Emir Mešić is one of the only eight people in Bosnia and Herzegovina who have been granted the status of protection as a whistleblower since 2014. A total of 28 people have applied for this status in the last seven years.

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Emir Mešić's story is not an isolated one but emphasizes the problems that go beyond his case and concern all whistleblowers. Reports show that only in two cases did the Agency for Prevention of Corruption and Coordination of the Fight against Corruption impose protective measures to reinstate applicants. This puts into question the work of the Agency in using its full capacities and legal authority to provide protection. In 2017 only, the Agency received 130

reports indicating corruptive behavior but took into account only seven of them.

Despite the non-responsiveness of the institution that is entitled to provide special protection and the procrastinating on the side of the Prosecutor's Office, Emir Mušić remains optimistic in continuing the fight and considers his struggle an investment for the future of Bosnia and Herzegovina.

Adapted with thanks from coverage by interview.ba

BLOWING THE WHISTLE DURING THE PANDEMIC: THE CASE OF FISNIK THAQI IN KOSOVO

October 22, 2020: Fisnik Thaqi, a technician at the University Clinical Center of Kosovo, exposed poor safety conditions by showing images of his working place and pointing at the fact that the management was perfectly aware of this situation:

"It's horrible. Workers and hospitalized patients suffer from radiation because the protective doors cannot be shut because they were poorly installed. What's worse, is that the clinic was renovated a year ago. The management is aware of this."

Less than a week later, Radiology Department Head Bujar Gjikolli filed a request for disciplinary measures against Thaqi. The argument was that the publication of images and information concerning the institution was forbidden without prior consent from internal institutional authorities.

However, Thaqi's whistleblowing act falls under the category of public whistleblowing, which is recognized by the law in cases of actions that endanger life, public health, and security. Kosovo Law Institute advised the head of Radiology department to immediately withdraw this request and reminded him that otherwise he would be breaking the law on whistleblower protection.

The latter foresees a fine or a two-year imprisonment against anyone who initiates an act of retaliation to someone who has reported actions that endanger public interest. Fisnik Thaqi did not apply for any kind of whistleblower protection but expressed his interest in receiving some legal advice and assistance.

For this purpose, Kosovo Law Institute offered to help Thaqi at no charge. The disciplinary measures against Thaqi are ongoing, however, he continues to work as before in the University Clinical Center of Kosovo.



**Whistleblower
Fisnik Thaqi**
photo: Facebook

The case of Fisnik Thaqi is an indicator of the current situation in Kosovo regarding whistleblower protection. It indicates the need towards a better understanding of the law and its protection mechanisms so that disciplinary proceedings like those against Thaqi cannot be initiated in such open violation to the law and secondly, it indicates the need for state institutions to react once intimidating acts against whistleblowers happen.



NEW LEADERSHIP FOR A NEW ERA

Is it the end of stagnation for
whistleblower protection in Slovakia?

*Zuzana Dluhošová is the new head of
Slovakia's Whistleblower Protection Office*

For almost six years there has been a law on whistleblowing in Slovakia, yet Slovakia is still among the EU countries with the lowest willingness to report corruption.

Public opinion polls show that people are not willing to report corruption out of fear of losing their jobs. These polls conducted regularly since 2002 show an increase in willingness to report until 2009.

The culmination was reached in 2016, when Zuzana Hlávková, as an employee of the Ministry of Foreign Affairs raised concerns regarding suspicious contracts at the ministry during the Slovak EU Presidency. However, in the following years there is a negative trend, with less and less people willing to report corruption or wrongdoings in their workplaces out of fear of losing their jobs. A commitment to enhance whistleblower protection is a major step in the fight against corruption.

Since March 1, 2019 when the Whistleblower Protection Act took effect, Slovakia has been struggling with the setup of a whistleblower protection office. Finally, after two years of stagnation, MPs elected on February 5, 2021, lawyer Zuzana Dluhošová as head of the Slovak Whistleblower Protection Office.

The recommendations of Coalition member Transparency International Slovakia have been taken into consideration in that the newly-established office will not operate within the Ministry of Justice. The law was designed so that the office is completely independent, including from ministries - it will have its own personnel, budget and will present annual reports

directly to the Slovak Parliament.

The main activity of the Office is to support and protect employees who report corruption and unfair practices. It should also raise awareness of legal protection. Moreover, it should offer training to employers in order to establish internal processes of reporting in an effective and responsive way. The main tasks of the Office are providing protection to whistleblowers as well as expert opinions and advice on the application of the law; and control whether the law is being observed. It also rewards those who report on unlawful activities.

The Office will also be responsible for raising public awareness and for counselling in collaboration with non-governmental organizations. According to the law, NGOs also participate in filling the positions in the Office - this has already been done during the interrogation of candidates for the position of Chairman.

"The lack of public awareness of the law as well as distrust on functional protecting mechanisms are considered two major challenges to be overcome by the new office. If people do not know that there are legislative guarantees protecting them against retaliation, they cannot use it. Under-reporting might be considered as a consequence of the law awareness, too," said Zuzana Grochalová of TI Slovakia when asked about what this step means for the future of whistleblowing in Slovakia.

She also added that "qualifications of the person in charge of reviewing the merits of whistleblowers' reports at the working place have to be specified as they are not established in the Act and no formal training courses, seminars nor certificates for responsible persons have been introduced."

BLOWING THE WHISTLE DURING THE PANDEMIC: THE CASE OF DR. ILIR ALLKJA IN ALBANIA

March 10, 2020: Dr. Ilir Allkja finds himself left with no other alternative but to attend, without protective clothes, three patients suspected of having COVID-19. He addressed his concerns regarding this situation and lack of safety to his superiors but received no official response.

"Frightened for health and my life, the next day I launched a proactive, positive video message for a better management of the situation and the protection of as many lives as possible. Prime Minister Rama found a photo of me wearing protective clothes and accused me of being a liar and publicly lynched me using that photo as an alibi. Let me explain to the public that protective clothes are for single use, i.e. for every case, every patient, new clothes are needed," Allkja said.

Three days later, exactly at midnight, Dr. Allkja was asked to not show up at work and was given no explanation or official document regarding this request.

But Allkja's act of whistleblowing, whose importance was not recognized and was penalized by University Hospital Center (QSUT), had a major impact. Following media coverage, the decision was withdrawn two days later and the doctor returned to work. Nonetheless, instead of assessing the matter fairly, emergency department head Skënder Brataj was harsh to the doctor.

"You cannot be called a front-line professional, how many patients with COVID have you visited in a month and a half? 3-4-5? How can a doctor oppose a life-saving health service? Doctor Iliri, do not tell me the urgency of Italy, France and Germany, because I know it very well," Brataj reacted.

Allkja did not stay silent but continued to appeal for improving the health system. For months he warned authorities about problems since the first cases of COVID-19 appeared in Albania. Understandably, his relationship with the authorities would no longer be the same as before.

"There are various ways, such as complaints to superiors, written requests, and I have used them all. Even in the meeting at the emergency room of QSUT, senior leaders openly expressed to me that 'these are our standards, so either work or leave,' " Allkja said.

It's been four years since the whistleblower protection law was passed in Albania. Yet, only a modest number



Whistleblower Ilir Allkja

photo: Facebook

of suspected corrupt practices has been exposed, whereas public perception of corruption has increased, according to the Albanian Helsinki Committee.

The problem is that even employees who dare to denounce the system often do not know that they can operate within the structure of a law. It seems that even Allkja does not properly understand the law.

"I have applied the golden code of ethics and medical deontology. I have always made a pact with the patient, his health and his rights. I thought, I dismissed Article 55 with my peers in December of '90! The administration of QSUT had to present the whistleblower regulation to us, and we even signed it. Otherwise, I would not have accepted the job, or I would not have broken the 'law,'" Allkja wrote, misunderstanding the whistleblower law by comparing it with the notorious Law 55, which condemned dissidents during the socialist regime.

"I launched a proactive message for better management and the protection of as many lives as possible."

- Dr. Ilir Allkja

It is important to put a spotlight on cases like that of Dr. Allkja, both for social and legal reasons. They are cases that lead to awareness raising on the importance of whistleblowing as an act that benefits the society but are also the true test of the legal protection mechanisms in place and the seriousness with which authorities and the society as a whole treat this phenomenon.

Maybe it is time for a slogan to help people like Allkja, and there's nothing better than what Snowden left us: "I once worked for the state. Now I will work for the public."

Adapted from a Coalition article by Ben Andoni.

HEROES WIN FREE SPEECH AWARDS AT 'SPEAK UP!' CELEBRATION IN MONTENEGRO

International Whistleblower Day 2021 was celebrated in Podgorica. The NGO 35mm organized the final event on 29 April which comprised of three panel discussions and an award ceremony for Whistleblower of the Year and the Free Speech award in two categories, for institutional transparency and contribution to freedom of speech.

The Whistleblower of the Year prize was awarded to Mr. Ganija Jasavić, former head of the Regional Unit of the Forest Administration in Plav, who reported an abuse of half a million EUR. Jasavić accused the head of the forest administration of allowing the concessionaire log in the disputed department without the consent of the Plav forest administration. Jasavić stated that he received a lot of support from

the people, especially in Plav, where there was a public reaction towards the concessionaire for making benefits without giving back to the community.

"It was my duty. They expected me to sell my honor at the end of my career. I refused to do it!," Jasavić said during the discussion.

Part of this panel discussion was also prominent whistleblower Patricija Pobrić who brought into attention her experience at the Ramada hotel, when she, as hotel manager in 2016, pointed out to MP Mladen Bojanić that two Social Democratic (SD) party rallies at the Ramada Hotel were paid by the Railway Directorate with money from the state budget.

The Agency for the Prevention of Corruption (KAS) did not protect Pobrić from the persecution that followed, adding that she was not a whistleblower, but an assistant whistleblower, because she did not go directly to them, but shared her information with the MP.

"They expected me to sell my honor. I refused to do it!" – Ganija Jasavić

To this day, KAS still argues that they did not make any mistakes and blames the Law on Prevention of Corruption for not providing protection to Pobrić. Pobrić does not regret her actions at the time: "I was doing the right thing, regardless of the price and I was willing to deal with the consequences".

Other awards were given to the Ministry of Interior for transparency and to the Organizacija KOD for efforts at enhancing freedom of speech. For the first time during the International Whistleblower Day, the NGO 35mm introduced the Golden Patch to the least transparent institution as a way of pointing out at lack of efficiency and responsiveness towards citizens.

The Golden Patch went to the Real Estate Administration of Montenegro.



Whistleblower of the Year
Ganija Jasavić

photo: 35mm

Executive director of NGO 35mm, Darko Ivanović is hopeful that in the future people will be inspired by whistleblowers such as Jasavić and Pobrić to report corruption and other wrongdoing – but also encouraged by greater institutional protection, and that institutions will increase their efficiency and transparency towards citizens.

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