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Fero Múčka, editor-in-chief

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The role of Kočner and Sklenka in the fight for „Eset Men“ and Mikurčík for Carlton hotel



After buying the Carlton. From the left: Maroš Grund, Erik Mikurčík, Eric Assimakopoulos, Rudolf Hrubý.
Photo – Hotel Carlton

There are many statements in Threema by an important judge of how he affected the proceedings on the dispute over the most famous hotel in Bratislava, and we tried to analyse them. *(Note: We quote a number of messages from Threema word for word in the article. We also left hints of original vulgarisms where it was necessary to understand the meaning of messages. Quotes contain also original grammar and stylistic errors to keep the wording as accurate as possible.)*

One of the first decisions already made by the court during the proceedings on the murder of Martina Kušnírová and Ján Kuciak is the recognition of Threema as relevant and legal evidence. The court reacted similarly in the proceedings on the economic crime in the case of bills of exchange. In the past, Postoj newspapers and other media provided a series of articles based on the information from Threema that revealed unhealthy relationships in the judiciary and led to several changes and measures in the judicial administration.

Take a deposit!

Dialogues of Marian Kočner and his acquaintances in the judiciary through Threema most often relate to his own business, and to business of others that he was interested in.

They were talking in their own language, but part of their conversation has already been clarified thanks to the media.

Members of the Judicial Council identified the parts of conversation between the judge Vladimír Sklenka and Marián Kočner clarified by the media to be extremely serious. By documenting his claims by the media, the Judicial Council decided to remove him from office. According to the President of the Judicial Council, Sklenka could not explain them plausibly, significantly undermining the credibility of the judiciary. In her opinion, the information provided by the media were serious enough for her to do so.

The conversation with the judge Sklenka is particularly subject to the public interest because it is claim by the judge of a high status, since, at that time, he served as Vice-president of the District Court and should have been absolutely trustworthy person.

But he doesn't seem so.

Plus 7 dní Daily has recently clarified the conversation between Sklenka and Kočner about taking deposits, which indicates a corruption.

For example, in the case of dispute over a certain residential property on the Hviezdoslav Square, Kočner told him: "I arranged Christmas for you on the Hviezdoslav Square for 40." Sklenka then wanted to know what he should do as a judge: "And now what? Approve the suit or reject?!" And when he received info from Kočner regarding the decision, he just said: "OK."

"When will you take the Hviezdoslav? Tomorrow, OK?" Kočner wanted to know in the end of November 2017. The judge agreed.

Whiskey plus a bonus

A similar hint of Sklenka taking a bribe arises also from another conversation. In October 2017, Sklenka told Kočner about a "thank you" he received. It seems like he was not satisfied with it. "If this is a thank you, we will give them a hard time. And we will knock Relevans' block off, too," he complained. Later it becomes clear that he complained about receiving two bottles of whiskey.

A week later, Kočner wanted to know, "Good morning, those two whiskey bottles, was that all?"

Sklenka responded: “Good morning, oh no it wasn’t. They really appreciate me.“

It is clear from the context that whiskey and some other bonus were related to the case of Carlton hotel, because Kočner wrote: "I have new info about Mikurčík (party of the dispute, editorial note). At the end of the day, he will win it, believe it. And you better slow down your activity, you've done enough for those two whiskeys. Zoro took the side of the Eset Men, so let them pay you off.“

Words “Mikurčík” and “Eset Men” suggest that the entire conversation was about the well-known case of the Carlton hotel, one of the most expensive real estate in Slovakia.

What is it about

More than two years ago, the media reported on the dispute of the Carlton hotel shareholders. One party of the dispute was called "Eset Men", because these are two partners of the software company Eset. The case had nothing to do with the company itself. It was a commercial matter of these two of the six co-owners of Eset. But not only media called them Eset Man, but also the vice-chairman of the Bratislava District Court I and he state secretary Jankovská and also Marián Kočner.

The other party of the dispute were real estate dealer Erik Mikurčík and his wife Zuzana Kalamánová.

In 2016, Mikurčík and Eset Men bought the Carlton hotel from Eric Assimakopoulos. Mikurčík came up with this business and also led negotiations for the group. The tender consisted of several rounds and the American finally decided to choose Mikurčík’s offer, even though it was not the highest one.

Resources were provided by Maroš Grund and Rudolf Hrubý, co-owners of Eset, mainly in the form of credit and funds from VUB, in the amount of EUR 59 million in total.

However, about a year later, there were disagreements that gradually turned into a cycle of dozens of both commercial and criminal disputes. And there was a fight for Carlton.

Grund was an old friend of Mikurčík, and they own another company together till now. Through Maroš Grund also Rudolf Hrubý entered the project. Technically, the involvement

happened by Hrubý and Grund buying shares in another older company of Mikurčík ADS Property. This company then owned Carlton Property, which owned the hotel.

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First there was a dispute over competencies in companies, mainly over the managing positions.

Mikurčík interpreted this dispute as an attempt to get him out of the project. Therefore, he arbitrarily decided to terminate the agreement on the entry of Hrubý and Grund in the ADS Property, which finally controlled Carlton.

His pretext for this was that Eset Men did not pay him the purchase price of two thousand euros. But compared to the amount of EUR 59 million that they brought to the company as a loan, this was clearly just a “formal” shortcoming. And according to their claim, Mikurčík rejected this symbolic amount and considered the matter to be settled.

In this state, after the termination of the contract, Mikurčík, as the only owner of Carlton, decided to transfer the property to himself. He said that he acknowledged all the obligations to his former partners and wanted to settle them by involving the foreign investment fund in the project.

More than five hundred messages

The courts have still not decided on the legitimacy of this procedure, namely the termination of the contract by the partner. But this led to several other acts and dozens of disputes. And here is the point where the story starts to concern also Kočner and mainly the judge Sklenka. Although he did not decide on or proceed in any matter in the chain of disputes as a judge, it is clear that he was interested in the matter and "dealt with" it.

Sklenka acted as if he should have handled things in court for the benefit of one party. At the same time, he informed Kočner that it is not just him who acted like this and that there were other judges at his court and at the Regional Court in Bratislava that were deciding for the benefit of one party.

After a more detailed comparison of the conversation with the development of events in the Carlton case, it is obvious that a relatively large part of the dialogue between Sklenka, Kočner and Jankovská referred to this case. There are more than five hundred messages sent through Threema, where the conversation can be related to the case of Carlton.

However, the communication in Threema has been recorded only since the autumn of 2017, at a time when the dispute over Carlton has been in place for a year. It is therefore clear from their conversation that they were talking about this matter much sooner, meaning there were more messages.

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It does not follow from the conversation that Maroš Grund or Rudolf Hrubý, or their lawyers from the Relevans law firm, directly managed these matters, committed illegitimate proceedings or knew about any unlawful conduct in this case.

Eset Men and their lawyers reject such actions or knowledge about it, their more detailed statements can be found below.

Sklenka and Kočner spoke only in hints about whom Sklenka contacted in this matter and who managed his acting and provided him the remuneration.

Crisis of the Kočner-Sklenka relationship

The quoted debate about whiskey bottles took place in the autumn of 2017. In February 2018, there was a big personal dispute between Sklenka and Kočner regarding the Carlton case.

"What's new in the hen house?" Kočner asked Sklenka in early February. But Sklenka ignored him. Which is strange, because mostly it was Sklenka who started the debate.

Kočner wrote him also two days later, but again without any response. "What's wrong with you, bro? This is serious." Kočner wrote to Sklenka. About three days later, Sklenka answered philosophically: "I am trying to find a concept and definition of Friendship!"

It follows from later communication that Sklenka is offended for Mikurčík's complaint submitted to the regional court, which forwarded it to the District Court BA1, where Sklenka is Vice-chairman.

Mikurčík described in the complaint the alleged unlawful construct, by which the official decisions were taken in the dispute over the Carlton, including the abuse of the system or entering into the Commercial Register.

Sklenka believed that Kočner informed Mikurčík about this.



Hotel Carlton. Photo - Profimedia.sk

„It was definitely not his own idea. And ONE thing is the most important. The author told the story to only one PERSON. To FRIEND,” Sklenka complained to Kočner and described himself as the author.

They continued talking in this tone, Sklenka was attacking Kočner for telling Mikurčík the information he got from Sklenka. According to Sklenka, Kočner wanted to harm Eset Men, “because you don’t like the men from Eset and DenníkN” (Hrubý and Grund are minor co-owners).

This dialogue kept going in this tone. Sklenka reiterates that he did not disclose to anyone, "not even to Eset Men", the things that Mikurčík described in the filing. Therefore, Sklenka insists that Kočner betrayed him, as he was the only one to know this information.

As an evidence that Kočner knew this information and broke the confidentiality, Sklenka stated the exact time, when he told Kočner all the details.

Kočner did not accept the blame, saying he was not a rat, looking for other suspects of telling this information, starting with the Eset Men, but Sklenka refused it. He said that it was definitely not the Eset Men, because "They don't know everything... So how the fuck could he describe on five pages what no one knows? I wrote and told this to you only."

As an evidence that Kočner knew this information and broke the confidentiality, Sklenka stated the exact time, when he told Kočner all the details: „ When you went to Welten to the meeting with Mr. H., you asked me to make it clear to you and to introduce the issue to you.“

Kočner repeatedly insisted that he did not tell anything to Mikurčík and they had to meet in person so that Sklenka could see his eyes and trust him. This is the only section from Threema where Kočner intensively submitted to Sklenka, even calling him "my dear friend". Finally, he promised Sklenka that "I will personally fuck Mikurčík and bring you his head".

Why was Sklenka mad?

Mikurčík stated two main reasons in his complaint about Sklenka.

The first one: Based on indications, such as purchase of government stamp or unusually short intervals (seconds) between court actions, Mikurčík claimed that Sklenka managed a random selection of filing office so that the proposal to delete the old managers and register new ones was passed to particular senior court clerk who worked for Sklenka.

This particular senior court clerk had the authority to assess whether documents of the request for change were correct, corresponded to the actual state, and then he had the authority decide on the change in the Commercial Register.

Further conversation in Threema refers to this suspicion of Mikurčík. Since Mikurčík filed a criminal complaint in this matter, police asked the Sklenka's court to release this senior court clerk from confidentiality. Sklenka wrote to Kočner in this matter: "Sasinkova (police

headquarters, editorial note) is under control. I will not release anyone from confidentiality. I have already told this to the vice-chairmen. And they're f***ed.”

The police at Sasinkova actually notified Mikurčík that they could not investigate the case, because the court had not released the clerk from confidentiality.

The second one: Mikurčík described in the filing the event that happened during one of the proceedings between him and Eset Men, when, during the hearing on the control of the Carlton Property, the judge announced that the hearing will be adjourned. However, according to Mikurčík, she received instructions from the visit in office during a short break, changed her mind, continued in the hearing, and finally decided to the detriment of Mikurčík.

Mikurčík suspected Sklenka of organizing all of this. He claimed in the filings that in the past, when he wanted to review the file, he found out that Sklenka had its parts, even though Sklenka had not decided in this matter and had nothing to do with this case in the position of judge. Sklenka later wrote to Kočner that Mikurčík was a liar and made things up in his filings.

Sklenka's suspicions that Kočner revealed the details to Mikurčík was not completely unfounded, because there is also conversation between Mikurčík and Končer in Threema. They clearly met at the turn of 2017 and 2018 during New Year's Eve party in Kočner's hotel in Donovaly. Sklenka knew that, as he was there on New Year's Eve, too.

It follows from the conversation that Kočner and Mikurčík talked about the case there. Kočner recommended Mikurčík to contact his lawyer Marek Paro in this matter. However, this cooperation did not happen. Kočner wrote to Sklenka and Norbert Bödör that it was because he “f***ed Mikurčík off”... “Para was contacted by the idiot from Carlton to defend him, very interesting offer financially but he was refused thanks to my intervention, “ he also wrote to Norbert Bödör.

As follows later, Kočner eventually joined the side against Mikurčík.

Judge Sklenka: Arrange NAKA for me!

In the context of the Carlton case, Kočner and Sklenka kept returning to how to use the elite NAKA police force to eliminate uncomfortable people by having them investigated. For example, Sklenka wanted to get rid of the chairwoman of his court Anna Kašajová in this way.

Kočner replied: „I will deal with her. NAKA. Regarding Mikurčík. Prepare a brief report about actions of Kaša with Mikurčík, when they met, what they talked about, what she advised him, all “facts”, everything we know, and they will start investigating her.“

Ten days later they returned to this topic and Sklenka wrote: „I will get that d*ck Mikurčík fucked off. He will regret that, his companies will be declared bankrupt and he will be done.” At the same time, it is clear that he had information from police about this case: “NAKA is about to decide on him currently.”

The next day, Sklenka wanted to initiate a proceeding against Mikurčík through NAKA again. “I want to file a criminal complaint, so that NAKA will investigate him. Will you help me with NAKA and the prosecutor's office?” the judge Sklenka asked Kočner.

Kočner replied: „There is nothing to help with. There are already people helping as if I would need help. NAKA is going at full stretch.“

Kočner replied: „There is nothing to help with. There are already people helping as if I would need help. NAKA is going at full stretch.“

Finally, on 23 February, Sklenka wrote to Kočner about how the NAKA case had progressed. “Please, NAKA BA? Because that d*ck Mikurčík still annoys us here.” Kočner replied: “NAKA works against M.”

NAKA actually dealt with the case, but it is not clear whether it was at the instigation of Kočner, or his acquaintances. Given that suspicions of Mikurčík's crime in the fight for Carlton may, regarding the price of the hotel, be included in the category of serious crime, NAKA could deal with it due to the nature of the matter.

Further testimony

The importance of Sklenka's words about influencing judges in the Carlton case is also increased by the fact that he was not the only one in the judiciary who informed Kočner about influencing judges. Another source of information was the then State Secretary of the Ministry of Justice Monika Jankovská and their information is the same.

When Kočner asked Jankovská who controlled the Senate deciding on Carlton case, Jankovská replied: “As far as I know the avenger had an influence. My last info was that E asked the avenger for help.”

The Avenger is a nickname for a person elsewhere described by the alien pictogram or as Zorro (hence the nickname Zorro - the Avenger). We have quoted Kočner's report above, where he told Sklenka that Zorro has taken the side of the Eset Men.

Kočner also communicated on this topic with the contact written in Threema as Matúš Bološ. Kočner started this topic with the words “Zorro is already working hard there” and Bološ replied: “I think they are quite far ahead of Erik.” We contacted the lawyer Matúš Bološ in this matter, because it should relate to him. He did not answer our questions about the authorship, meaning and source of this information.

The Este Men representative: We will sue you

Postoj repeatedly asked Sklenka about his statements, already in last October. He did not reply and did not communicate with other media that contacted him with other matters.

Grund and Hrubý responded only through a lawyer, Relevans law firm. At the beginning of the letter, Relevans asked Postoj for a formal apology for the earlier article, in which Postoj reported on the factual statements provided by judge Sklenka in Threema.

It also threatened to take further steps in the case of disclosing this part of Threema, even though investigation of suspicions of corruption is of particular public interest in the judiciary. And the media were also appreciated for the clarification of cases of judicial corruption through Threema by the leaders of the Slovak judiciary.

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According to lawyers representing Maroš Grund and Rudolf Hrubý, “there is not even a small indication (or we are not aware of it) that our clients have ever met with Mr. Kočner ... Our clients and our office have no information that the mentioned judge is performing any action in the Carlton case. The judge in question was not assigned to any case where our clients were

parties to the proceedings. We are neither aware of any remuneration. Connecting any of our clients or us to such activity would be unprecedented. My clients, as well as myself on behalf of all the people in our company dealing with the Carlton case, strongly and categorically reject any remuneration to the judge for any acts performed in the Carlton case.”

Unworthy of judge

Based on conversations in Threema, nor it can be claimed that Sklenka would have taken his actions at the instigation of Grund, Hrubý or their lawyers, neither that they knew about the things described by Sklenka.

However, Sklenka proved himself guilty for acting in this matter at some instigation and for proceeding in a way unworthy of judge.

The trade dispute over Carlton is not the match where you would like to pick your favourite. Neither party gives reasons by its actions to receive sympathy of an impartial observer. After a short joint operation, there were disputes that both sides decided to get resolved by courts and legal acts.

Independent judges must ensure that justice is respected in such cases.

Judge Vladimír Sklenka was one of those who were entrusted by the company with the task of protecting justice in these disputes. In addition, he had the privileged position of Vice-President of the Court.

However, it follows from his words that he misused his powers and considered other than the public interest in his decisions and did definitely not act to the best of his knowledge and conscience.

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<https://www.postoj.sk/51345/uloha-kocnera-a-sklenku-v-bitke-esetakov-a-mikurcika-o-hotel-carlton>