

**Submission by Reporters Without Borders, an NGO with special consultative status, about
freedom of information in Macedonia**

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Overview of the press freedom situation in Macedonia

Macedonia underwent the first cycle of the UPR process in 2009. As a result, the Government voluntarily accepted two recommendations regarding freedom of the press, namely:

- to adopt all necessary measures to ensure freedom of expression and to prevent any interference with press freedoms (#35); and
- to map out to what extent media owners seek to influence journalists and adopt appropriate measures to prevent the mixing of private interests with journalism (#39).

Unfortunately, since 2009, the Macedonian government has not implemented these recommendations successfully. Rather, the state of press freedom in the country has declined sharply. This is reflected in Macedonia's current rank of 116th out of 179 countries in the 2013 RSF World Press Freedom Index: a decrease of 20 places from 2012 and a shocking 82 places from its position in 2009.

This sharp decrease in rank is due to several factors.

1. Closure of independent and opposition media organisations

The clearest symbol of the decline is the placing into administration of television station *A1*, as well as three daily newspapers: *Vreme* (the most widely-read newspaper in Macedonia), *Koha e Re* (an Albanian-language daily) and *Spic* (a tabloid) in July 2011. The closures were due to a lawsuit brought against the owner of *Plus Produkcija* (the company which owned each media property) Valija Ramkovski. While initially supportive of the government between 2006 – 2008, Ramkovski's media properties had, since 2009, taken a more critical approach in their programming.

The Macedonian government began pursuing Ramkovski in December 2010 for alleged tax fraud and money laundering. In doing so, it froze *Plus Produkcija's* bank accounts. While *A1* and *Plus Produkcija* quickly repaid their initial debts and *A1* managed to resume normal operations, the Government subsequently demanded that both groups settle a further (aggregate) debt of €10,5 million by 8 August – or else accept administration. No staggered repayment plan was offered. *A1* could not repay its share of the debt, and had its broadcasting licence withdrawn on 30 July 2011.

One year later the effects of the Ramkovski trial continued to be felt, with the Broadcasting Council (by then, controlled by the government – see below) deciding to withdraw the licence of *A2: A1's* sister channel. *A2* was also owned by Ramkovski and *Plus Produkcija*. Its accounts had also been frozen during the Ramkovski trial, which had forced the channel to focus exclusively on music and entertainment programming for a time to stay afloat. In May 2012, however, the station announced it had turned the corner and was going to resume broadcasting news and current affairs programmes soon. Nevertheless, just ten days later, the Broadcasting Council demanded that *A2* dedicate at least 5% of airtime to news programming immediately. With *A2* unable to comply in such a short timeframe, three weeks later, the Council withdrew the station's broadcasting licence.

Furthermore, those media properties which have survived are often strongly partisan. Certain large television networks, such as *Sitel* and *Kanal 5*, are closely aligned with the ruling party VMRO-DMPNE. Truly independent editorial content on these networks is rare. For example, several *Sitel* news bulletins have allocated more than 20% of time to official visits from the Prime Minister.

2. Increased government control over regulatory bodies and media management

The Macedonian government has also taken more direct action to attempt to exert control and influence over media properties.

One example is the Government's recent reform of the Broadcasting Council. By a law rushed through Parliament, approved 18 July 2011, the Government increased the number of members on the Broadcasting Council from nine to 15. The new members were all required to be appointed by persons or groups controlled by members of the ruling party VMRO-DMPNE. The effect was to bring the Council entirely under Government control. The change was not subject to a debate with media or civil society organisations.

Another is the executive committee of Macedonia's state television group's decision, also in July 2011, to fire *all seven* of the group's board of directors. While the Macedonia broadcasting law permits the executive committee to shorten directors' terms (which are supposed to last five years), this is only in exceptional cases. Here, none of the exceptions applied, or were even

discussed. While two board directors were approaching the end of their terms, the rest still had a substantial amount of time to serve. Particularly concerning was a report, published in *Utrinski Vesnik* on 9 August 2011, which included testimony from a former director that the decision to “clean out” the committee was in reality an attempted coup, led by head of the executive committee, Slobodan Čašule.

More generally, the ownership structure of TV stations *Sitel* and *Kanal 5* (discussed above) is also cause for serious concern. The owner of *Sitel*, Ljubisav Ivanov, is also leader of the Macedonian socialist party. Similarly, the owner of *Kanal 5*, Boris Stojmenov, is an MP in the ruling VMRO-DMPNE party. This is a direct contravention of article 11 of the Macedonian media law, which prohibits a media owner from also having a political or parliamentary function.

3. Tough working conditions for journalists

These institutional changes are compounded by the tough practical reality of working day-to-day as a journalist in Macedonia.

a. Unjustified lawsuits

Recently, several journalists have faced totally unjustified and psychologically exhausting lawsuits. Of principal concern is the imprisonment of Tomislav Kežarovski: presently a journalist for the newspaper *Nova Makedonija*. Kežarovski was arrested by special forces on 28 May 2013 and imprisoned on the spurious charge of revealing a protected witness’ identity in 2008. The witness had given evidence about a murder in the small village of Orese – evidence which, in February 2013, was subsequently revealed to be false. Furthermore, he did not have protected witness status until 2010. The arrest and imprisonment of Kežarovski three years later was strongly suspicious and contrary to Kežarovski’s right, enshrined in article 16 of Macedonia’s broadcasting law, not to disclose his sources.

Another prominent example is journalist and sexual minority rights defender Žare Trajanovski, who was sued for approximately €50,000 for defamation by another journalist, Milenko Nedelkovski. Nedelkovski is notorious for publishing a list of “traitors to the nation”: journalists who, in his view, are “ruining” the Macedonian people and need to be “eliminated”. Nedelkovski sued Trajanovski after the two had appeared on a political affairs debate programme together. Nedelkovski was also perturbed that Trajanovski had sued *him* in defamation, for repeated attacks he (Nedelkovski) had made against Trajanovski. Trajanovski’s trial was supposed to take place in May 2012, but was postponed after Nedelkovski did not turn up.

b. Threats

Another journalist, Sasho Dimovski, was threatened so severely he was forced to leave the country, fearing for his safety. Dimovski worked for the weekly *Fokus*. The sad background to the incident was the murder of five people near Skopje, and the subsequent arrest of 20 Albanian suspects on 1 May 2012. Those arrested were accused of Islamic fundamentalism. The general climate between the Government and media on the issue, however, was one of tension. Government representatives repeatedly refused to answer questions on the matter.

On 10 May 2012, Dimovski published an article in *Fokus* which included testimony from a witness who supposedly drove the killers to the scene of the crime. The trial court and State prosecutor subsequently accused Dimovski of violating the confidentiality of the trial process, and Dimovski received several threats by telephone that he would be arrested. Fearing for his safety, he fled the country for two weeks, only agreeing to return after a senior police official assured him he would not be arrested.

A subsequent article appearing in *Fokus* revealed that the trial court had called together and demanded to all employees who had “leaked” the information to Dimovski. Dimovski explained that, after he returned, he was under telephone surveillance and his ability to travel generally in Macedonia was severely restricted – placing huge burdens on his ability to do his job.

c. Difficulties covering political matters

Macedonian journalists also face everyday difficulties covering political matters or when involving themselves in political affairs.

On 24 December 2012, journalists were expelled from the Macedonian Parliament before the vote of the 2013 budget, which prompted citizen protests.

Also, in April 2013, a journalist from station *Nova TV* was struck in the face by a member of the ruling party VMRO-DMPNE, who then attempted to take his camera, at a polling place near Skopje. The journalist had been covering the national elections, which according to several sources have been plagued by voting irregularities and the government injecting very large sums of money into advertising in certain regions in the countryside.

d. Position of foreign journalists

Also concerning are proposed new laws regarding foreign correspondents in Macedonia. A draft bill has been proposed which would transfer powers to accredit correspondents to the foreign ministry. The Bill would also require, as a prerequisite to accreditation, an agreement between the journalists’ government and the government of Macedonia. Accreditation would take up to two weeks, and correspondents would only be allowed to renew their status once (technically limiting their stay to two years). Foreign correspondents would also be restricted to bringing in

five copies or less of foreign media publications: an absurd and unjustified restriction on freedom of access to information in the country.

These strict reforms have yet to be finally agreed, but are worrisome even in their current draft form.

4. Media profitability and financing issues

Another major issue is media financing. A May 2012 article in *Kapital* magazine drawing on Macedonian public records revealed that, in 2011, the government-aligned TV stations *Sitel* and *Kanal 5* grew hugely, with profits of €3mil and €1.5mil respectively. Meanwhile, the average media organisation in Macedonia suffered losses of 30%. When called to explain the discrepancies, *Sitel* representatives refused to comment.

At the same time, reports show foreign investors are steadily reducing their investments in Macedonian media, particularly local media.

Finally, journalists continue to face very difficult economic conditions. Unemployment is high and journalists receive very low salaries.

This is made worse by the fact journalists face the potential of high fines for defamation, if they are sued. While recently, a bipartisan bill to decriminalise defamation and remove prison terms was agreed between the Macedonian government and the Association for Journalists, the bill has since stalled because the groups cannot agree on the appropriate size of replacement fines. The government wants fines of up to €80,000 (for the media owner) and €10,000 (for individual journalists). The Association contends that fines of not more than three times an average month's salary (€900) are appropriate.

Recommendations

RSF calls upon the government of Macedonia to:

- Respect the independence of news media organisations, and cease to use periods of financial difficulty and turbulence as excuses to close down media properties;
- Reform the membership of the Broadcasting Council to preserve its independence;
- Ensure that article 11 of its broadcasting law (on media ownership and independence) is respected regarding *Sitel* and *Kanal 5*;

- Ensure that article 137 of the broadcasting law (explaining when board members at Macedonian state television may leave their posts) is respected;
- Condemn strongly the pursuit of trivial or harassing lawsuits, and ensure the judiciary take a careful and exacting approach to such cases and does not permit frivolous or unjustifiable actions to proceed without sufficient proof;
- Amend proposed laws on foreign media accreditation and facilitate the entry of foreign correspondents to Macedonia and assure their freedoms while present in the country;
- Ensure that defamation is only liable to fair and reasonable fines that respect the rulings of the European Court of Human Rights and are proportionate to journalists' mean incomes.

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