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# ABUSE OF STATE FOR POLITICAL PARTY PURPOSES



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## South-East European Partnership for Media Development

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# ABUSE OF STATE FOR POLITICAL PARTY PURPOSES

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MACEDONIAN — MEDIA  
INSTITUTE FOR — 

Subtitle: Macedonia has failed to respect human rights and freedom of expression for the past eleven years. The entire state machinery was involved to serve one political party and its establishment so as to enable them to control the politics, the business, the journalism, and the non-governmental sector all together

## Introduction

The end of the eleven-year rule of the rightist VMRO-DPMNE (August 2006 - June 2017), and the change of government in Macedonia, have brought serious challenges upon the country. In addition to the devastated economy, poverty, human rights violations and the decline in European and Euro-Atlantic processes in Macedonia - the new ruling coalition comprised of SDSM, DUI and the Alliance for Albanians, as well as the civil sector, have a serious task before them, i.e. to restore freedom of expression and freedom of speech to its rightful place in every democratic state. This basic democratic category has been completely destroyed in many aspects in the last decade. The close link among business and politics, party interests, abuse of institutions for party goals, influence in the media, intimidation and control over the citizens, has almost eliminated the right to freedom of expression and speech in Macedonia.

The international organizations, *Freedom House*, *Reporters Without Borders* and *Amnesty International* in their reports warn that freedom of expression and media freedom in Macedonia have been seriously jeopardized. In several reports, the previous government was criticized for their promotional campaigns, which increased the economic dependence of the media, and brought about the creation and control of pro-government media. In the latest report by *Reporters Without Borders*, Macedonia is listed as “*the Balkan’s bad boy*”.<sup>1</sup> The report noted that the erosion of the rule of law was most visible, the political instability affected the work of journalists, while during the 2016 protests, there were many reports of assault, threats, violence, and intimidation of journalists, but of those responsible, few were charged.<sup>2</sup>

The fundamental values provided for in the Constitution of the Republic of Macedonia were interpreted and respected only as required, more often they were ignored and violated. Article 16 of the Constitution of the Republic of Macedonia guarantees the freedom of conviction, conscience, thought and public expression of thought, the freedom of speech, public appearance, public information and the free establishment of public information institutions. This article also guarantees free access to information, the freedom to receive and transmit information, the right to reply in the media, the right to protect the source of information in the

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<sup>1</sup> Reporters without borders, “*Balkan’s Bad boy: Macedonia*”, RSF, 2016. Available at: <https://rsf.org/en/macedonia>.

<sup>2</sup> Ibid.

media, while censorship is explicitly prohibited. Although the Constitution guarantees the political rights and freedoms, as well as the freedom of expression, in the last decade, and especially since 2008, practice has shown a serious abuse of power, institutions, and judiciary in order to silence the critical voices, and at the same time prevent the truth regarding key issues from coming to the surface.

The need to hide the truth at the beginning of the rule of the former political structure began with the more extensive financial projects, such as “Skopje 2014” (a construction project that completely changed the face of the capital of Macedonia which raises serious doubts in terms of financial abuses) or the amount of state subsidies for foreign investors, as well as with political scandals - the murder of Martin Neshkoski at the celebration of the election victory of VMRO-DPMNE<sup>3</sup> on 7 June 2011, the financing of political parties etc. In the last years, even the travel costs of politicians in the country and abroad have become a matter of “national security”.

In short, although formally Macedonia has legal regulations mainly harmonized with EU standards, it has become a state of silenced and controlled media and frightened citizens, divided along party lines. The state and institutional machinery was instantly instigated against those who “raised their voice”, who researched and published specific information and data, taking measures (including draconian court sentences) in order to silence the critical voices in the public discourse.

This analysis was conducted during period April-May 2017, before the election of the new Government at the end of May.

## **CLIENTELISTIC RELATIONS BETWEEN POLITICAL-BUSSINESS CENTERS AND MEDIA**

The key role in silencing the critical voices in Macedonia, especially in the media, was played by the business sector and the politics, or rather the political parties. Previous experience has shown that politics and business are in symbiosis, making it difficult to make any parallel or distinction whatsoever between their influence and the responsibility they have.

The political and government corruption of the media during the rule of the coalition VMRO-DPMNE and DUI<sup>4</sup> was not even a secret. The very fact that the former government was the chief sponsor to part of the media made the influence of the government structures in the

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<sup>3</sup> The Internal Macedonian Revolutionary Organisation (eng. translation), right oriented

<sup>4</sup> Democratic Union for Integration (eng. translation), center right oriented

media quite obvious. The amount of money the former government had given to advertise state projects over the past decade remains a secret. The former government, under the pressure from the European Commission, released data only for 2012, 2013 and the first half of 2014. They show that 18 million euros from the budget funds were spent for this purpose.

*“... The government is the second largest TV advertiser in the country after ‘Procter & Gamble’, and before ‘The Coca Cola Company’, but with several times more seconds in announcements than any other company from the list of the largest advertisers in Macedonia. (...) Such examples are nowhere to be found in the democratic world. It suggests enormous opportunities not only for suffocating freedom of speech and press freedom in the state, but also for corruption and crime that no one will discover, prosecute, and let alone sanction. With this policy implemented over the years, the Government policies have received the media treatment they desired, and not the one they deserved”,* wrote the journalist Sasho Ordanoski in the text for Deutsche Welle on 23 September 2014, when the data on Government ads were first published.<sup>5</sup>

The fact that all these years we had state advertisements that were broadcast in the name of the public interest, but actually, the party interest was what mattered in the first place, we can conclude that a number of media were publicly corrupt, and therefore became a political outpost of the government. Some of them did not hide that, but served it under the pretext that the media are businesses.

The analysis of the ownership structure of the media shows serious business and political influences in the media, especially in those media which were not critical of the government. As an illustration, one of the biggest businessmen in Macedonia, who according to Forbes was named the richest Macedonian, Jordan Kamchev, until recently owned the three key print media – “Utrinski vesnik”, “Dnevnik” and “Vest”, which recently shut down. There are reasonable doubts that after being purchased through VMRO-DPMNE’s logistics from the German publishing concern Westdeutsche Allgemeine Zeitung (WAZ), in addition to being under serious pressure to change their editorial policy and after changing several chief editors, these three media were systematically bankrupted by withdrawing money from their accounts, which resulted in making them economically unsustainable. Kamchev, who invests in many big businesses in the country, did not hide his close relationship with former Prime Minister, Nikola Gruevski, and his first cousin Sasho Mijalkov, who was the Director of the Administration for Security and Counterintelligence (ASCI) in the former government.

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<sup>5</sup> Blazevska, K., “Vladinite reklami ‘alfa’ za vladinata politika, ‘omega’ za nezavisnosta”, Deutsche Welle, 23 September 2014. Available at: <http://bit.ly/1WVpxqE>.

Although formally media ownership in Macedonia is clear, the secret connections of the media, the business centers and the political parties still exist. The list of interconnections among the business, the politics and the media is long. But, in recent years, the tendency in Macedonia to open new media, especially the Internet portals, such as “Republika”, “Kurir” or “Netpress”, whose ownership is secret, with deep roots in tax havens like Belize, has also been noticeable. In 2011, the first independent A1 television was closed, as were the newspapers “Vreme”, “Shpic” and “Koha e re”. They were closed after a lawsuit for tax evasion, money laundering and abuse of official position was filed against their owner Velija Ramkovski, members of his family and several associates.

Media and Communications University Professor, Sefer Tahiri, believes that in Macedonia there is a synergy between business and politics in media control. His assessment is that the freedom of expression and speech in the media is threatened by many aspects - the political and business elites that work and influence to keep control and power, but also the companies that influence the content, which affects them through their advertisements in the media.

*“In addition to the fact that the media in Macedonia are under direct political influence, many of them are influenced by the business centres, as well. This can be seen not only in the part of the ownership structure, where we have direct connections between the media and politics, as well as the business, but also, it can be seen through the analysis of the content in the part of the reporting on the companies that advertise in certain media. I am primarily talking about the big companies in the food industry, construction, mobile telephony, energy industry, banking ... Only because certain companies advertise in certain media, very often the media directly protect them. Sometimes they report only in the affirmative connotation, and sometimes they hide specific information concerning disputes or times of crisis in certain companies. There are situations in which, almost daily, the media violate Article 6 of the Code of Journalists, which states that the personal benefit should not prevail in the reporting. The public interest should be the one that should lead the journalists in their work. In fact, there is actually no border between informing and marketing. In a large number of cases, there is a link between the news and the advertisement, that is, the advertisement is broadcast to the public and presented as news, without having an informative value”, says Tahiri.<sup>6</sup>*

The concentric circle in which the media are found, especially the journalists in Macedonia, and the impossibility for the free thought to come to the service due to business and political

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<sup>6</sup> Interview with Sefer Tahiri, University Professor, Skopje, 19 June 2017.

interests, is precisely written in the “White Paper on Professional and Labour Rights of Journalists”, published by the Independent Union of Journalist and Professional Workers.<sup>7</sup>

“The journalist should publish correct, verified information, and will neither conceal essential data, nor forge documents. The journalist will respect the laws of the state, but they will not publish or hide anything contrary to the public interest”, stresses the Ethical Code of Journalists in Macedonia.

*“Yet, events remain unreported by many media on a daily basis. As if they did not happen. Journalistic teams cover those events, they record statements, and afterwards there is no word in the media about the events. For some of the colleagues we talked with, it is totally usual to go to a press conference, only to be told afterwards in the newsroom that the event will not be covered. And they all agree that professional integrity is a luxury many cannot afford. (...) The fact that, in Macedonia, the journalist Tomislav Kezharovski ended behind bars for a published text, in which he allegedly revealed the identity of a protected witness, sends a very strong and clear message that the consequences of writing for a political, business, or otherwise known magnate, go beyond losing one’s job. The fear of a reputational lawsuit that can mean thousands of euros in fines for the journalist, editor and owner plays an important role as well,”* as noted in the “White Paper”.<sup>8</sup>

Tahiri concludes that in Macedonia there is very little to talk about free media, but there is a lot to talk about media with a critical attitude towards certain political and social issues.

*“When we talk about business, we have many clientelistic media, which are in direct relations or connections with the business centres, with various companies. That should be one of the issues that the media community should focus on in the future. That represents, in some way, a restriction for the journalists, especially, for those that follow the economy, to do their job”,* adds Tahiri.

## **INSTITUTIONS WHICH DO NOT WORK IN PUBLIC INTEREST**

The former rightist government had several methods to deal with their opponents in order to silence them or to discredit them, so as to diminish their criticism. The state institutions were used as instruments to put pressure in some cases, while in others were ignorant and did not react when the public interest was jeopardized.

On 20 December, last year, right after the Parliamentary Elections, held on 11 December, almost in sync, **the Public Revenue Office (PRO)** controlled the financial operations in 20 non-governmental organizations. In addition to the Open Society Foundation, financial controls

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<sup>7</sup> Independent Union of Journalists and Media Workers, *White Paper*, Skopje, 2014. Available at: <http://ssnm.org.mk/wp-content/uploads/2014/05/Bela-kniga-mak.pdf>.

<sup>8</sup> Ibid. Pg. 54

were also conducted in the Helsinki Committee for Human Rights, the Youth Educational Forum, the Macedonian Centre for European Education (now Eurothink), Metamorphosis and in fifteen others. All of the afore-stated organizations, which, among others, provide money for their work from the Open Society Foundation, USAID and foreign embassies, are an important segment of the civil sector as a controller of the work of the government. The control of the PRO followed after Prime Minister Nikola Gruevski, on 17 December 2016, read the so-called proclamation of VMRO-DPMNE, in which he said that “desoroization” should be conducted and that the “regulation of the financing of NGOs” should be initiated as soon as possible.

The Executive Director of the Foundation Open Society Macedonia, Fani Karanfilova-Panovska, in her statement for the daily newspaper “Focus”, on 20 December 2016, assessed this action as “an attempt to stifle the civil sector”. She emphasized that the action was orchestrated and it targeted 20 non-governmental organizations that are always awake and, when necessary, critically react to the decisions of the government, and thus arouse suspicion that the action in question was an attempt to put pressure on the civil society in order to stifle the civil movement.<sup>9</sup>

The PRO responded to the accusations by stating that the performed controls were in accordance with their legal authorizations and had no relation to the current political developments.

Immediately after VMRO-DPMNE’s proclamation on 17 December 2016, when Gruevski assessed that some ambassadors have interfered too much in the country's internal affairs, funeral photos of certain ambassadors in the country, among which were the U.S. Ambassador Jess Baily, former E.U. Ambassador Aivo Orav, the Ambassador of the United Kingdom, Charles Garrett, the German Ambassador, Christine Althausen and others, appeared on the social media. The ruling VMRO-DPMNE condemned this act, but **the state institutions** did not find the perpetrators.

In the past period, there have been a number of other cases of discrediting and attacking the critics and opponents of the previous government. A funeral wreath was left at the door-step of the journalist and owner of the portal “Nova TV”, Borjan Jovanovski, while on a different occasion, the car of the journalist and columnist, Branko Trickovski, was set on fire. However, **the police** did not solve any of these cases.

In 2016, some of the pro-government media released personal information about some of the critics of the government, showing how much money they received from the non-governmental

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<sup>9</sup> Smileva, K., “Pocna ‘desoroizacijata’ na Gruevski, UJP vleguva vo 20 nevladini organizacii”, “Fokus”, 20 December 2016. Available at: <http://fokus.mk/pocna-desoroizatsijata-na-gruevski-ujp-vleguva-vo-20-nevladini-organizatsii/>.

sector, in order to prove that the critics' attitudes were not personal but rather “bought”. The list included the names of critical journalists, as well as non-governmental sector activists. In this case, it was obvious that **state institutions were abused for party purposes**, since the published data on the income of natural persons are not publicly available and can be found only in specific state institutions.

The most prominent example of how institutions do not serve the interest of the citizens, but only work for the interests of the government, is the case of the ***State Commission for the Prevention of Corruption*** (SCPC). This body, which was formed to fight corruption in the system and control the work of state officials, did everything in its power to hide the asset declaration of former Prime Minister Nikola Gruevski from the general public in April 2016. According to the Law on Prevention of Corruption, the elected and appointed officials are obliged, at the beginning and at the end of their mandate, to submit asset declarations to the SCPC that accurately state their property status (Articles 33 and 34). Although the data from the asset declaration is considered public information, except for the data protected by law and published on the SCPC website (Article 35), the President of the Commission at that time, Goran Milenkov, did not allow the review of Gruevski's property status at the end of his mandate as Prime Minister. Journalists were interested in his asset declaration, but the form was withdrawn from the website, although by law everyone has the right to access the document. *“I would kindly ask you if we could close this issue, once and for all, Amen,”* said Milenkov to the reporters in April 2016.<sup>10</sup>

***The Commission for the Verification of Facts***, which led the lustration process in society, played a key role in the “hunt of the opponents” in the past years, until it was abolished in August 2015. This was also noted in the Annual Report on Human Rights Practices for Macedonia in 2015, drafted by the U.S. State Department: *“The government continued to use lustration - the primary goal of which was to publicly identify persons collaborating with secret services during the communist era and to forbid them to perform public functions or to enjoy any state benefits - to attack political opponents and disloyal former associates”*.<sup>11</sup> The report states that on 22 August 2015, the Assembly adopted a law to abolish the lustration process, but individuals that were already lustrated still have no right to run or take office, five years from the date of the legally binding decision for their lustration. Among the lustrated were the journalist and editor of the critical newspaper “Fokus”, Jadranka Kostova, former ministers and active critics, Gjorgji

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<sup>10</sup> Georgievski, B., *“Korupcijata ja zarobi Makedonija ‘za vek I vekovi, amin”*, Deutsche Welle, 25 January 2017. Available at: [http://www.dw.com/mk/корупцијата-ја-зароби-македонија-за-век-и-векови-амин/a-37253180?maca=maz-rss-maz-pol\\_makedonija\\_timemk-4727-xml-mrss](http://www.dw.com/mk/корупцијата-ја-зароби-македонија-за-век-и-векови-амин/a-37253180?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss).

<sup>11</sup> U.S. State Department, Democracy, Human Rights and Foreign Affairs Bureau, *Annual Report on Human Rights Practices*, 2015. Pg. 10. Available at: [http://photos.state.gov/libraries/macedonia/8573/ArchivePDFs\\_May2016/MACEDONIA2015HUMANRIGHTSREPORTMKD.pdf](http://photos.state.gov/libraries/macedonia/8573/ArchivePDFs_May2016/MACEDONIA2015HUMANRIGHTSREPORTMKD.pdf).

Spasov, Ljubomir Frchkoski, former director of the Open Society Foundation, Vladimir Milchin, former President of the Constitutional Court, Trendafil Ivanovski, writer Bozhin Pavlovski etc.

***The Member of the Agency for Audio and Audiovisual Media Services*** (AAAMS), Zoran Fidanoski, who is the representative of the Association of Journalists of Macedonia, estimates that, in order to deal with the opponents, the governing structures often defined their positions as hate speech, after which they convinced the general public that they, in fact, belittle or insult the ordinary citizens. However, he adds, there have been many actual cases of hate speech that have not been sanctioned.

He refers to Article 48 of the Law on Audio and Audiovisual Media Services concerning special bans which state that the audio and audiovisual media services must not contain programs that jeopardize national security, encourage violation of the constitutional order of the Republic of Macedonia, call for military aggression or armed conflict, encourage or spread discrimination, intolerance or hatred based on race, gender, religion or nationality.

Nevertheless, Fidanoski believes that this article is insufficient, because AAAMS has no right to sanction - but only to determine, after which they can only inform the prosecuting authorities, more specifically the Public Prosecutor's Office, which is responsible for initiating a procedure.

*“The problem is that the Public Prosecutor's Office has never opened cases of hate speech until now, even though there have been plenty of such cases, because some of the favourites of the former government should have been subject to criminal prosecution. I will only give you the last example. The Agency, through extraordinary supervision, determined that several days before the elections held on 11 December, with a series of articles and an editorial reviews, TV Sitel produced hate speech and discrimination along ethnic lines. The findings, together with the report, were sent to the Public Prosecutor's Office and the Commission for Protection against Discrimination - neither of the institutions initiated the procedure - they explained all that as freedom of speech and achievement of a political goal - which is nonsense, because the said medium did not run in the elections”,* says Fidanoski.<sup>12</sup>

In any case, he warns that we must be careful – as to what qualifies as hate speech - because not all insults or defamations are by definition hate speech. Of course, the institutions must not be abused to limit the freedom of expression.

*“In addition, our society has to ensure in practice - that every public figure, especially an elected official, must have a higher threshold of tolerance towards the media - because they are the ones who, on behalf of the general public, keep a watchful eye of both their public and private lives”,* adds Fidanoski.

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<sup>12</sup> Interview with Zoran Fidanoski, Member of the Council of the Agency for Audio and Audio Visual Media Services, Skopje, 18 June 2017.

## SECURITY CENSORSHIP

The announcement of *the Ministry of Foreign Affairs* published in the Macedonian media on 16 June 2017, according to which the new Minister, Nikola Dimitrov, had adopted a decision that abolished the confidentiality of all documents related to the official trips of the Head of Diplomacy and all his employees in the Ministry of Foreign Affairs, was welcomed in the Macedonian public as a symbolic victory in the battle for transparency and accountability. Dimitrov, in fact, abolished the previous decision of the Deputy Minister of Foreign Affairs, dated 14 February 2017, for the classification of all documents related to official trips of the Minister and all employees in the Ministry, as well as all official trips of persons who were part of the Delegation or their escort.

Dimitrov's move was followed by other ministers, after the new government earlier ordered the ministers to declassify all information about official trips and representation that their previous colleagues had deemed classified.

The confidentiality of the travel expenses was just one segment of the policy practiced by the governing structure of VMRO-DPMNE, whose eleven-year rule was marked by non-transparency. This caused a devastating blow to investigative journalism, as well as to the control of the work of state institutions. The unjustifiable classification of most documents as “restricted” had made it impossible for the public to find answers to many questions, starting from how were the budget funds used, how much money was allocated to foreign investors on the basis of subsidies, how much money was spent on the project “Skopje 2014”, how many employees there are in the state administration etc. All these questions, as well as thousands of others remained unanswered for years, due to the abuse of state mechanisms. With the classification of information as “restricted”, only persons with a security certificate could access that information, with the explanation that the disclosure could endanger the security of the state. However, the suspicions that this was actually a matter of abuse of the mechanisms have been confirmed by the information that the representation expenses in the Ministry of Defense, the salaries of the members of the Anti-Corruption Commission, the money for advertisements provided by the ministries to the national televisions were considered classified information... These are all data relating to the spending of budget funds for which there is no logic or explanation to be on the “classified” or “personal/private” list, yet, in order to hide them from the public eye, some officials abused their positions and thus prevented the citizens from knowing how their money was spent.

The journalist from the Balkan Investigative Regional Network (BIRN), Meri Jordanovska, said that this was in fact the biggest obstacle for investigative journalism in Macedonia.

“In the publicly available information we requested and received, what we exactly needed was crossed out and marked with “XXX”. In the database on foreign investments in Macedonia, among others, BIRN aimed to show the amount of the budget allocated to foreign investors as state aid, but in every reply that was sent to us, this amount was marked with “XXX”. Therefore, during the preparation of the database, we decided not to use this data at all, but only to make a list of companies that received state aid. In this way the readers were denied the right to know about the amount of the budget allocated to these companies and whether this manner of granting state aid could be justified”, she explains.<sup>13</sup>

This policy of the previous government, she adds, did not jeopardize, but literally killed the freedom of expression in Macedonia. “The state institutions that are funded by the citizens’ money began to resemble private firms, acting offended when asked for public information in the interest of the citizens. For 10 years, they managed to find and perfectly improve all possible ways of hiding information, and at the same time we did not live to see any official answering for the abuse of this service, which inevitably leads to the conclusion that it was a network of well-established institutions that wisely hid what the citizens should, but must not find out”, Jordanovska concluded.

#### **THE BIG BROTHER IN THE HOUSE OF OVER 20 THOUSAND CITIZENS**

At the beginning of 2015, the leader of the largest opposition party at that time, SDSM, Zoran Zaev, revealed the biggest scandal in the region, which jeopardized the privacy of many citizens. Zaev accused that the Secret Service, headed by Sasho Mijalkov, the cousin of the then Prime Minister and leader of VMRO-DPMNE, Nikola Gruevski, tapped the citizens to have control over all the processes in the country.

According to the data released by Zaev, and later confirmed by the Special Public Prosecutor's Office (which was originally designed to investigate who wiretapped and how) over the period from 2008 to 2015, more than 20,000 citizens were reportedly illegally tapped in the country. Most of the wiretapped citizens were politicians from both the government and the opposition, ministers, members of parliament, lawmakers, journalists, judges, members of the non-governmental sector. Yet, despite the seriousness of the wiretapping scandal and the doubts arising from the wiretapped material related to the abuse of office and the committed criminal offenses, the Public Prosecutor's Office did not initiate any serious investigation, neither to protect the privacy of citizens, nor to undertake a concrete initiative to investigate the suspicions of criminal activities. On the contrary, they launched a process against Zaev and several others who were accused of coup attempts. However, after the strong domestic and international pressure, a Special Prosecution Office was established.

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<sup>13</sup> Interview with Meri Jordanovska, journalist at BIRN, Skopje, 21 June 2017.

The university professor Vladimir Pivovarov, an expert on security issues, says that in the case of wiretapping, there is a whole range of situations of abuse of state institutions at the expense of citizens' freedom and privacy. He recalls several cases in which state institutions unequivocally stood on the side of the party, as opposed to the interests of the citizens and the protection of their rights. *“Starting with the President of the country who tried to pardon both those who were involved in the wiretapping, but also those who were involved in the criminal activity, all the way to the Security and Intelligence Directorate, which, despite the court order, initially refused to cooperate with the Special Public Prosecution Office, the judiciary, and even down to the private mobile operator, who for months, refused to give data on the wiretapping of the competent prosecutor's office”*, explains Pivovarov.<sup>14</sup>

To him, it is unclear as to how it can be possible in a law governing state, that Macedonia declares itself to be, a mobile operator does not respond to the requests of the Special Public Prosecutor's Office, which are part of the investigative procedure. *“According to the law, any person who is subject to investigation or at the request of the Public Prosecutor's Office is obliged to immediately submit the data. Otherwise, they are committing a crime. Unfortunately, this is a failed legal system, and even if one files a lawsuit to the court, nothing will happen. How would the mobile operator have acted if they did not respond to a prosecutor's request in Germany? That is the difference between the functioning and the rule of law in one state”*,<sup>15</sup> Pivovarov concludes.

The fact that the human rights situation in Macedonia is concerning has also been stated in the Report of the European Commission expert group, advocated by Reinhard Priebe (June 2015), which scanned the situation in the country following the wiretapping scandal.<sup>16</sup> According to this Report, the content of a large number of these recordings points to certain unlawful actions and abuse of power by senior government officials, possibly attributed to the high concentration of power within the Administration for Security and Counter-Intelligence (ASCI) and the inadequate functioning of the mechanism for supervising the operation of the ASCI. The report states that the illegal wiretapping material has made several serious violations of the

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<sup>14</sup> Interview with Vladimir Pivovarov, University professor, Skopje, 19 June 2017.

<sup>15</sup> Ibid.

<sup>16</sup> *The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015*, Brussels, 8 June 2015. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf).

law, including the basic rights of the persons concerned, as well as serious violations of the legal provisions for the protection of personal data.<sup>17</sup>

## **OTHER ACTORS THREATING FREEDOM OF EXPRESSION**

A fairly wide representation of the freedom of expression and speech has been observed on the Internet media and on the social networks. So far, there has been no institutional restriction of the expression on the Internet. This, according to the AAAMS member Fidanoski, played a significant role in the process of communicating the truth, when the majority of other media, television and print media were stifled by pressure and influence.

*“I, personally, am an opponent of regulating the Internet media, because it is a 21<sup>st</sup> century issue, and realistically, we are still in the 20<sup>th</sup> century with our mental framework. The Internet was the only free space in the past period, figuratively speaking, the only space with pure oxygen, in a totally poisoned environment. If it were not for the internet media and social networks, we would have been deprived of many truths, we would not have known about a series of things and events, scandals, scams and affairs. That is the reason such a trend should continue. On the other hand, the ethical issues cannot be resolved and regulated by law. It is a matter of ethics, of professional journalistic standards that anyone who considers themselves a journalist and a medium should have in practice. Therefore, I am in favour of the registration of online media - only by the Council of Media Ethic of Macedonia (CMEM) - the self-regulatory body. Macedonia needs only the European regulation of broadcasting and self-regulation of the media. Nothing more. Because, most often, such questions began with the so-called 'soft' regulation, and in non-democratic societies ended with a ban on access to global Internet media and networks - such as YouTube, Facebook and Twitter,”* he warns.

However, despite the freedoms seen on the Internet, there is information in the public that certain large companies - mobile operators, companies in the oil industry, are subtly pushing their employees not to express their political views through social networks, and not even to express any opinions on the situation in the company. There are direct pressures and threats on the media if they want to open an issue related to a private company. Such a case occurred at the beginning of June this year, when a team of Television 24 attempted to record video footage and was attacked by the security of the new shopping centre in Shtip, which allegedly has been built illegally. An unknown person with a security agency badge attacked the cameraman, Ivan Kamchev, hitting the camera and partially damaging it, saying that the crew should never shoot there again, or he would break their camera.

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<sup>17</sup> Ibid.

At the beginning of the year, the case with the employee Ergin Azis, who claimed that the company “Van Hool” had dismissed him from work because he was a supporter of the then opposition party SDSM, was in the public eye. The company denied these allegations and said that Azis was fired due to his absence from work. The Belgian Van Hool factory is a direct foreign investment, which was subsidized by the previous government. This is not the first case for workers to blame companies for political discrimination and poor working conditions with foreign investors. Earlier, in the German factory “Dräxlmaier”, a worker died, and those who were striking because of her death, were fired. What is worrying is that despite such clear examples, the institutions do not have a proper reaction.

Although Macedonia is a multi-religious society (30 percent of the population is of Islamic faith), there are no special legal restrictions regarding blasphemy. In Macedonian society this issue opens incidentally. One of the events that included religion as a matter of wide debate in society and in the media was the traditional Vevchani carnival, which is held in the village of Vevchani, near Struga, each year in January. In 2012, representatives of the Islamic Religious Community and some of the politicians reacted that the Prophet Muhammad's masks were insulting to the Muslim population living in Macedonia. That was the reason for the demonstrations that were organized in the city of Struga, where the Mufti of the Struga Muftiat and the Mayor of the Municipality of Struga addressed the protesters. After this event, in the course of the following week, offensive graffiti were written on several churches and mosques in the region, and there were attempts to burn religious buildings. The media coverage of these events was marked by examples of strong ethnocentrism, negative stereotypes, and symptoms of xenophobia and intolerance to the religion of the “other” cultural groups. However, this situation did not result in a concrete initiative for legal regulation of blasphemy.

Translated into English by Marina Kimovska

**Bibliography:**

Blazevska, K., “Vladinite reklami ‘alfa’ za vladinata politika, ‘omega’ za nezavisnosta”, Deutsche Welle, 23 September 2014. Available at: <http://bit.ly/1WVpxqE>.

Georgievski, B., “Korupcijata ja zarobi Makedonija ‘za vek I vekovi, amin’”, Deutsche Welle, 25 January 2017. Available at: [http://www.dw.com/mk/корупцијата-ја-зароби-македонија-за-век-и-векови-амин/a-37253180?maca=maz-rss-maz-pol\\_makedonija\\_timemk-4727-xml-mrss](http://www.dw.com/mk/корупцијата-ја-зароби-македонија-за-век-и-векови-амин/a-37253180?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss).

Independent Union of Journalists and Media Workers, *White Paper*, Skopje, 2014. Available at: <http://ssnm.org.mk/wp-content/uploads/2014/05/Bela-kniga-mak.pdf>.

Reporters without borders, “Balkan’s Bad boy: Macedonia”, RSF, 2016. Available at: <https://rsf.org/en/macedonia>.

Smileva, K., “Pocna ‘desoroizacijata’ na Gruevski, UJP vleguva vo 20 nevladini organizacii”, “Fokus”, 20 December 2016. Available at: <http://fokus.mk/pocna-desoroizatsijata-na-gruevski-ujp-vleguva-vo-20-nevladini-organizatsii/>.

*The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015*, Brussels, 8 June 2015. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf).

U.S. State Department, Democracy, Human Rights and Foreign Affairs Bureau, *Annual Report on Human Rights Practices*, 2015. Available at: [http://photos.state.gov/libraries/macedonia/8573/ArchivePDFs\\_May2016/MACEDONIA2015HUMANRIGHTSREPORTMKD.pdf](http://photos.state.gov/libraries/macedonia/8573/ArchivePDFs_May2016/MACEDONIA2015HUMANRIGHTSREPORTMKD.pdf).

#### **List of interviews:**

Interview with Meri Jordanovska, journalist at BIRN, Skopje, 21 June 2017.

Interview with Zoran Fidanoski, Member of the Council of the Agency for Audio and Audio Visual Media Services, Skopje, 18 June 2017.

Interview with Sefer Tahiri, University Professor, Skopje, 19 June 2017.

Interview with Vladimir Pivovarov, University professor, Skopje, 19 June 2017.

