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**MEDIA
DEVELOPMENT
CENTER**

**MONITORING OF IMPLEMENTATION OF
MEDIA LEGISLATION, OF THE MINISTRY
OF INFORMATION SOCIETY AND
ADMINISTRATION, OF THE ASSEMBLY
OF THE REPUBLIC OF MACEDONIA,
OF THE AGENCY FOR AUDIO AND
AUDIOVISUAL MEDIA SERVICES AND OF THE
MACEDONIAN RADIO AND TELEVISION**

SKOPJE, APRIL 2015

USAID PROGRAM FOR STRENGTHENING INDEPENDENT MEDIA IN MACEDONIA,
PROJECT FOR RESPONSIBLE MEDIA AND MEDIA LEGAL REFORM

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1ST QUARTERLY REPORT

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INTRODUCTION

The Media Development Centre (MDC), under the programme for monitoring of the implementation of the Law on Audio and Audiovisual Media Services (LAAVMS) and the Law on Media (LM), monitored the work of the Agency for Audio and Audiovisual Media Services (AVMS), the Assembly of the Republic of Macedonia, the Ministry of Information Society and Administration (MISA) and the work of the Macedonian Radio and Television (MRT) in the period January – April 2015.

The implementation of the laws was analyzed primarily through the impact of the legal provisions on the competent institutions and the media. During this period, the monitoring of the work of AVMS and MRT focused closely on the process of appointment of some of their internal bodies, the manner of operations and the

transparency and accountability in their work and operations.

The monitoring relied on the following tools: Presence in the sessions of the AVMS Council and the sessions of the Assembly of the Republic of Macedonia that discussed matters related to the implementation of the media legislation, analysis of documents published on the websites of the institutions, analysis of documents secured through freedom of access to information (FOI requests), and direct communication with the stakeholders.

This monitoring is implemented under the auspices of the USAID Programme for Strengthening of Independent Media in the Republic of Macedonia and the Project for Media Legal Reform and Responsible Media.



AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

In the period from December 2014 through April 2015, AVMS Council held more than 15 sessions in which it adopted about 20 rulebooks and other by-laws. During that period, AVMS also adopted the 2015 Working Programme and the 2015 Financial Plan. AVMS adopted the 2014 Annual Report and submitted it to the Parliament of the Republic of Macedonia within the legal deadline expiring on March 31, 2015.

During the period covered by this report, the AVMS Council replaced the licences for television and radio broadcasting and, on March 23, organized the first public session for 2015.¹

The procedure for appointment of Deputy-Director of the Agency, which was terminated and then postponed indefinitely in October 2014, has not been completed by the time of publication of this Report.

WORKING PROGRAMME AND FINANCIAL PLAN FOR 2015

In its third session in 2015, AVMS Council adopted the consolidated texts of the 2015 Working Programme and the 2015 Financial Plan.

The adopted changes to the Financial Plan, which is an integral part of Agency's Programme, cut down the planned income proposed in the Draft-Financial Plan to the total of 208,959,270 MKD (app. €3.4 million). 131,530,000 MKD (app. €2.1 million), or 62.9% of the total budget, are earmarked for capital investments.

MDC has already issued several warnings

about the lack of transparency of financial operations of the Agency, especially regarding the spending on the new building and its furnishings, and the practice to put funds in timed deposits without any accountability to the public for such transactions. Back in January 2015, MDC, under the Law on Free Access to Public Information, submitted three inquiries referring to the 2015 Working Programme to the Agency. We asked for the following information:

a. Which budget lines in past budgets contributed to the accumulated funds in the line "Funds carried over from previous years" in the 2015 Programme?

b. What are the grounds for the expected earned interest in 2015, listed in the 2015 Programme?

c. What is the total amount of funds AVMS placed in timed deposits and in which banks?

The Agency responded within the legal deadlines, but they don't offer enough information and merely the words in the Programme.

According to AVMS, the accumulated funds in the Programme Line "Funds Carried Over from Past Years" refer to the funds earned in past years in accordance with the Broadcasting Law and the Law on Audio and Audiovisual Media Services. Regarding the projected funds, the Agency responded that it expected to earn those funds through placing deposits in timed MKD accounts. At this moment, the Agency has one time deposit account to an amount of MKD 25 million. On the last inquiry, the Agency presented a table that groups the timed deposits per year, but the table doesn't answer our question and is not clear enough. The Agency didn't

¹ http://avmu.mk/index.php?option=com_content&view=article&id=2175%3A2015-03-23-15-16-35&catid=88%3Asoop-stenija-media&Itemid=313&lang=mk

give any answer to the second part of the third inquiry, in which banks were the timed deposits opened.

The Media Development Center reiterated the position that the Agency, as an independent regulatory body, should not engage in the practice to earn income from timed deposit accounts, a practice that we find ethically questionable. On the other hand, if it did place funds in timed deposit accounts, the citizens have the right to know the amounts, the conditions and the banks in which said timed deposit accounts were opened.

REPLACEMENT OF BROADCASTING LICENSES

During the period covered by this report, AVMS Council replaced the existing licenses for performance of broadcasting activity with new licenses for television or radio broadcasting to all 133 broadcasters that submitted applications for replacement of licenses.

The Council also terminated the license for TV BTR Skopje, because of outstanding debts², and replaced the licences for TV Studio TERA and TVM with licenses to broadcast television programmes over a public electronic communications network that don't use limited resources on regional level. In the same session, the AVMS Council confirmed the termination of the broadcasting license of Radio Moris (TRD RADIO MORIS PLUS DOOEL) for reasons of bankruptcy of the company.

In accordance with Article 76, paragraph 7 of the Law on Audio and Audiovisual Media Services, the AVMS Council, during the period covered by this report, adopted the following decisions: Granted a license for television broadcasting via public electronic communication network that doesn't use a limited resource on national level to TV ART Artan DOOEL Tetovo; granted a license for television broadcasting via public electronic communication network that doesn't

use limited resource on local level – for municipalities of Kumanovo, Lipkovo and Staro Nagoričane - to Ivana Petrovska from Dobrošane, Kumanovo; granted a license for television of predominantly entertainment television programming services with national coverage to “Company 21” Ltd from Prishtina, the Republic of Kosovo.

PUBLIC MEETING

In accordance with the legal obligation to hold four public meetings per year (at least one public meeting per quarter), the Agency held its first public meeting in 2015 on March 23.

In the meeting, it presented the Annual Working Programme; the results of the expert supervision conducted in February 2015, which covered the broadcasters that completed the procedure for replacement of television broadcasting licenses, and tested if they met the technical, spatial and HR conditions listed in the Rulebook on minimal spatial, financial and personnel conditions for allocation of radio and television broadcasting licenses; and the Plan to promote the right to reply and correction.

In the meeting, the Association of Journalists of Macedonia asked the Agency about its position on the political situation in the country and the reporting (and the lack thereof) that some media dedicated to the so-called “bombs” presented by the opposition. The question was aimed primarily at the way the Macedonian Radio and Television, as a public service broadcaster, did or didn't report the current political events and affairs. The director of AVMS Zoran Trajčevski gave a short answer that that Agency has no business interfering in the editorial policies of the media, and added that AVMS presented its view in a statement of February 27, 2015, published on the Agency's website.³

That statement, on the other hand, is too general in tone and offers a mere reminder to the media of their legal obligations:

² http://www.avmu.mk/images/Odluka_za_odzemanje_na_dozvolata_za_TV_emitovanje_na_TRD_TV_BTR_Nacional_Zoran_DOOEL_Skopje.pdf

³ Press release http://avmu.mk/index.php?option=com_content&view=article&id=2067%3A2015-02-27-15-00-24&catid=88%3Asoopstenija-media&Itemid=313&lang=mk



“The Agency for Audio and Audiovisual Media Services, in the context of the broadcasters' coverage of current events and affairs in the state, reminds the media professionals that, when performing their task to inform the public, they should adhere to the professional journalistic standards and principles, and the principles listed in Article 61 of the Law on Audio and Audiovisual Media Services.

Starting from the right of the citizens to be informed about all events and developments in the country, the newsrooms need to secure that the reported events shall get a journalistic approach that will meet the principle of "objective and impartial presentation of events, providing equal treatment to different views and opinions and allowing the audiences to freely form an opinion on individual events or issues. Should they choose to present statements that contain libellous or slanderous elements, or even elements of "hate-speech", they should be obligated to provide an additional factual context so as to avoid to further spread such statements and become source of "hate-speech" themselves.

AVMS ON MRT

In the 13th session of the Council in 2015, Council Member Zoran Fidanoski proposed to the Agency to issue a public call to MRT, demanding from the public service broadcaster to comply to the legal provisions on objective, impartial and professional public broadcasting service that informs the citizens about all current social and political events.

Fidanoski noted that MRT didn't air the recordings of wiretapped calls presented by the opposition at all, using as an excuse the public statement issued by the Office of the Public Prosecutor of February 3, which demanded from the media to refrain from publishing the materials presented by the opposition. According to Fidanoski, that demand is illegal and the Public Prosecutor can't place himself in a position to act as editor-in-chief of the media outlets. He noted the provisions of Article 6, paragraph 1, indent 6 of the LAAMS, which obligate AVMS to protect the interests of the citizens in the area of audio and audiovisual media services.

The proposal provoked strong reaction by other Council members. Council Member Alma Mašović advised Fidanoski "to focus his energy on something more essential and more important", adding that MRT works in a impartial and objective manner. The Chairman of the Council Lazo Petruševski, on the other can, cited several provisions from the LAAMS and the Law on Media on the independence of editorial policies of the media and said that he won't support Fidanoski's motion.⁴ After a prolonged discussion, AVMS decided that it shall not issue a public call to MRT.

The Media Development Center reacted

⁴ Minutes recorded in the 13th Session, p. 9-10, available at URL http://avmu.mk/images/Zapisnik_od_13-ta_sednica_-_30.03.2015.pdf

to that decision of AVMS on February 4, 2015⁵, noting that the members of the press are not responsible for the manner in which their sources acquired the information, including information secured through illegal and unauthorized surveillance of communications. The case-law of the European Court of Human Rights relieves the journalists from responsibility for publication of confidential or private data and information if they themselves didn't engage in violation of some law or other rule in the acquisition of the information. Therefore, MDC believes that the decision of MRT not to report fully the current political affairs is unfounded and in collision with its legal obligations as a public broadcasting service, and that AVMS should have responded positively to Fidanoski's initiative, in accordance with its prerogatives under Article 6, paragraph 1, indent 6 of LAAMS, and protect the interests of the citizens in the area of audio and audiovisual media services.

NON-PROFIT MEDIA

On December 31, 2014, AVMS issued a call for public debate on the subject of non-profit media.⁶ The call aimed to result in a preparation of a concept for development of community media, with focus on community radio.

The Media Development Center prepared a policy document⁷ with proposals and suggestions on the future development of non-profit

⁵ "MDC Calls on Journalists Not to Neglect Public Interest in Coverage of "Putsch" Affair" <http://mdc.org.mk/crm-gi-povikuva-novinarite-da-ne-go-zapostavat-javniot-interes>

⁶ avmu.mk/index.php?option=com_content&view=article&id=1976%3A2014-12-31-09-01-18&catid=88%3Asoopstenija-media&Itemid=313&lang=mk

⁷ See in the Annex



media in the Republic of Macedonia and submitted it to the Agency within the set deadline. The document offers several proposals on how to ensure the sustainability of non-profit media (community radio) and addresses, above all, the need for financial stimulus packages necessary for non-profit media to take roots. The key proposal that should facilitate the operation of non-profit media is the possibility to secure free-of-charge frequencies that would be reserved exclusively for non-profit media (community radio stations). Such a decision would stimulate the so-called time-sharing use of frequencies that would allow several non-profit media, operated by different interest based communities to meet the legal requirement to air a minimum of four hours of programming per frequency. Furthermore, it will promote and stimulate the production and airing of diverse programming contents.

MDC supports the revival of non-profit media in Macedonia with the hope that this topic will stir the interest of other actors in the society. At the first public meeting in 2015, the Agency announced that MDC was the only organisation that submitted proposals within the prescribed deadline and that, for that reason, the deadline for submissions was extended.

SUPERVISION OF BROADCASTERS' OPERATIONS

In mid-December 2014, AVMS reported that it conducted inspection of the offer of translations of foreign programming services retransmitted in the digital packages of operators of public electronic communication networks. The inspection found that for some foreign programming services, in addition to Macedonian and Albanian, other languages were offered on the list of available translations.

The Agency concluded that, in accordance with Article 64, paragraph 2 of the LAAMS, the programming services retransmitted by the public electronic communication networks must be subtitled in Macedonian language or the language of a non-majority community spoken by at least 20% of the citizens of the Republic of Macedonia. On basis of that provision, the

Agency ordered the cable operators to immediately remove the other offered languages on the lists of subtitles, leaving only the subtitles in Macedonian and/or Albanian language.

That is just one case when the Agency and the stakeholders read the same provisions of the Law differently. The operators, and part of the media community, believe that the Agency applies extremely restrictive interpretation of the Law, causing damage to both the cable operators and the citizens who paid for the service to be able to follow the programmes in a language other than Macedonian or Albanian.

The Law doesn't prohibit the existence of translations in other languages, but emphasizes that the programmes have to be translated into Macedonian or Albanian. Other languages offered by the operator and acceptable to the consumers can't be seen as a violation of the Law. Also, we have to bear in mind the wider social context and the need to allow the members of smaller linguistic communities to receive programmes in the language they speak or understand.

The only intervention available to the Agency would be to conduct a joint control with the Ministry of Culture to determine if the translation is appropriate, standardized and licensed. Any other intervention would constitute a restriction of the right of viewers from the other ethnic communities living in Macedonia to follow programmes subtitled in their mother tongue.

The Agency should review the decisions to terminate the translations in the other languages. If it still faces a dilemma regarding the legal provision, it should ask for an authentic interpretation from the Assembly of the Republic of Macedonia. That would clarify the current situation which, instead of promoting pluralism of the media installs yet another restriction at the expense of the other minority communities in the country.

Another decision by AVMU that interferes in viewers' rights, the rights of users of cable television services, were the orders to remove the programmes of TV stations from the region of

Southeast Europe that advertise Macedonian companies. In the effort to protect Macedonian broadcasters, the Agency has ordered, on two occasions - in December 2014 and in January 2015, the removal of several popular sport, culinary and education TV channels.

The Agency explained that, in the cases of those channels, the operators of public electronic communication networks violated the provisions of the Law (Article 69 on the permits to broadcast programmes in the Republic of Macedonia), and the provisions of Article 8 of the Rulebook on the contents and form of application for entry into the registry of operators that retransmit programming packages and the certificate of registration of programming packages⁸.

In the report on the conducted inspection of January 27, 2015⁹, the Agency states that the inspection found that the operators of public electronic communication networks retransmit programmes for which they failed to present a valid broadcasting permit from the regulatory bodies that have jurisdiction in their respective countries of origin.

Afterwards, the Agency came forward in public (but also in the debate on the matter in the AVMS Council), with several problematic positions. One such position is that the carrying of channels intended for Macedonian linguistic community would be possible only with a permit issued by Macedonian regulatory body and that in some cases, it wasn't really "retransmission" but "transmission", because "one couldn't retransmit something that is not emitted anywhere". That interpretation collides with the fact that the operators of public electronic communication networks receive the foreign channels they carry from the satellite, which means that it can't be considered "original transmission" in any case.

The Macedonian legislation in that area collides with the provisions of the EU Directive on

Audio and Audiovisual Media Services. MDC consulted representatives of European Commission's Directorate General on Communication Networks, Contents and Technology. In their view, the demand to the cable operators to present an affidavit of a permit issued by the competent regulatory body that has jurisdiction in the country of origin can be seen as a form of additional regulation, contrary to the policies on which the Directive is based and its provisions. The spirit of the Directive is that, should any misunderstandings emerge related to the jurisdiction over television channels carried over the satellite, the obligation to determine which country has jurisdiction should be the task for the domestic regulatory body, not the operators of public communication networks. We should note that Macedonia accepted, with the signing of the Stabilisation and Association Agreement, the obligation to align its legislation with the European legislation, including the Directive on Audio and Audiovisual Media Services.

The freedom of reception and retransmission of audio and audiovisual media services from EU member-states and other states parties to the Convention on Transfrontier Television of the Council of Europe is guaranteed in Article 44 of LAAMS and can be restricted only in a number of specific instances.

Therefore, suspicions appeared in public that the whole action of AVMS was motivated by the intent to protect domestic media and prevent local advertising budgets from moving to regional broadcasters. That has already been the case and some of the retransmitted channels carried advertisements by Macedonian companies. Instead of adopting restrictive and questionable decisions, the Agency should engage in a public debate with broadcast media and cable operators on the quality of the programmes offered by domestic TV stations, consider the issue of advertising of Macedonian companies and possible solutions for detected problems.

The last decision and the order to remove sports channels from the offer of cable operators and the decision that the problem shall be resolved by moving from "Serbian" to "Croatian"

⁸ http://www.avmu.mk/images/Pravilnik_za_sodrzinata_i_formata_na_prajiavata.pdf

⁹ http://www.avmu.mk/images/Pismen_izvestaj_za_izvršen_vonreden_nadzor_na_den_27.01.2015_-_za_na_veb.pdf



market, which doesn't carry ads from the whole region, indicates that the decision was on shaky ground and is not based on the Law. Instead of sanctions, which are utterly unpopular measure that impacts the viewers directly, what is necessary is to consider, in the process of approval of packages, all related issues, especially the matter of copyright regulations and the scope of the market they cover.

Even if there was a clear legal provision to protect the domestic media market, it will have to be corrected because such solutions can't be protected by such solutions, nor can they increase their ratings. The trust, the ratings and the decisions depend solely on the quality of the programmes offered by the broadcasters, and not on restrictions or attempt to force the audience to watch only domestic TV channels. The experts from the European Commission's Directorate General on Communication Networks, Contents and Technology pointed out to us that the main aim of the AVMS Directive was the protection of open common market.

In the meantime, the Agency for Electronic Communications adopted a new Rulebook on General Conditions that need to be listed in any agreement cable operators sign with citizens, which should include a list of all TV programmes included in the package covered by the agreement. Such agreements should be signed between the users (viewers) and cable operators and IPTV operators. If an operator removes any of the programmes on the list covered by a valid agreement, the user shall have the right to terminate the agreement unilaterally without the need to pay penalties.

The Rulebook states that, after the signing of the subscription agreement with a cable or other commercial provider, the latter shall be bound by the list of channels for which it has to have regulated all copyright related issues. If any of the above has not been met during the time of duration of subscriber agreement, the user may terminate the agreement unilaterally. AEC's new regulation aims to prevent the existing practice of cable operators to change the catalogues of programmes they offer without seeking con-

sent from the subscribers. The adoption of the Rulebook obligates the cable operators to renew their agreements with subscribers to include the catalogues of channels they offer. A significant number of cable operators were working without agreements in the past and this Rulebook is expected to create some problems, especially in situation when the catalogue needs to suffer changes because of objective reasons: A TV channel has closed operations, changes of ownership structure (mergers and acquisitions of channels), etc.

MACEDONIAN RADIO AND TELEVISION (MRT)

PROGRAMMING COUNCIL

It was during the period covered by this report that the Parliament of the Republic of Macedonia finally voted in the Programming Council of MRT several months after the expiration of the legal deadline.

From the moment the Law on Audio and Audiovisual Media Services was adopted, MDC has repeatedly noted that the legal provisions on the composition of the Programming Council of the public broadcasting service leaves ample space for direct political/party influence on MRT. For example, of the total of 13 members of the Council, the Parliamentary Committee on Elections and Appointments nominated 5, and the Association of Units of Local Self-Government (ZELS) nominates another three members.

The new composition of the Programming Council confirmed MDC's fears, having in mind that a significant portion of its members are people close to the current government.¹⁰ Snežana Klinčarova, civil servant working for Butel Municipality and nominated by ZELS was elected Chairwoman of the new Programming Council.

On January 26, 2015, the Programming Council adopted the new Statute of MRT¹¹, which regulates the work and obligations of the public broadcasting service, its bodies and their competences, internal organisation, the financing of the public broadcaster, etc. Without getting into a detailed analysis of the Statute and its provisions, we should note the fact that the Program-

ming Council has violated the very Statute it voted in place from the very beginning. Article 40, paragraph 3 of the Statute states: "The agenda, the minutes recorded in the sessions of the Programming Council of MRT, the adopted decisions and the voting of the members of the Programming Council on a given matter, together with the rationale of the vote, shall be published on MRT's website, no later than seven days from the day on which the session was held." With the exception of the Statute, no other document adopted by the Programming Council was published on the public broadcaster's website since the constitution of the Programming Council.

The new Statute of MRT prescribes that the sessions of the Programming Council are public. Therefore, MDC submitted a request to be allowed to sit in the sessions of the Council and to be informed in a timely fashion about the time and the venue in which all sessions of the Council are held. By the time of writing of this report, MRT has not responded to our request, originally submitted on February 16 and then renewed on March 24, 2015.

In accordance with the new Statute, the Programming Council adopted the Decision to announce a public call for selection of the members of MRT Supervisory Board and the Decision to open a public call for selection of Director and Deputy Director of MRT. The decisions were adopted on January 26, and were publicly announced on February 2, 2015. The two calls were published on the website of the public broadcasting service the following day, on February 3, 2015. After a while, the two calls disappeared from MRT's website.

In view of the fact that MRT releases no information on the procedure of selection and appointment of the Director, the Deputy Director

¹⁰ The debate in the Parliament and the voting on the proposals are available for viewing on URL <http://sobranie.mk/materialdetails.nsp?materialId=40ab2222-919d-484d-ad2f-e70ca-8146ea4>

¹¹ MRT Statute is available for viewing on URL <http://mrt.com.mk/node/19974>



and the members of the Supervisory Board, on March 27, 2015, MDC filed a request for information under the Law on Free Access to Public Information. By the time of writing of this report, we have received no response from MRT on the progress of the procedure.

(NON)TRANSPARENCY

MRT continues the practice of opaque work and operations. Its website offers little information and few documents. Regarding the access to public information, its actions on submitted requests are slow, while it commonly waits to present the requested documents right before the expiration of the legal deadlines or exceeds those deadlines. Some documents were never presented.

For example, MRT responded to a FOI request submitted in November 2014 only after the expiration of the 30-day legal deadline, and after MDC filed a complaint to the Commission for Protection of the Right to Free Access to Public Information. The request referred to information which institution secured the funds for the prizes awarded at the Skopje Festival and, if they were secured by MRT, which budget line they came from. The response noted that the funds were secured by MRT internally, from the collected broadcasting fee and from sales of advertising time, and that they were listed in the budget under the expenditure line “Costs of festival prizes and other prizes and awards”. MDC sought that information after the emergence of different information in public about the source of the prize fund for the Festival, which mentioned MRT and the Government as the main source of the prize money.

The situation with the second FOI request is more dramatic, knowing that the public service broadcaster hasn’t yet responded to the request submitted on October 17, 2014. The request refers to the proposed co-production projects submitted to MRT, the decisions to approve individual projects and agreements signed on basis of public calls announced on November 20, 2013 and May 30, 2014. Such actions by MRT bring about the question why would the public ser-

vice broadcast hide with whom and under which conditions it concludes its co-production agreements.

DISMISSAL OF EDITORS

The editor of the Albanian Language Programme of Macedonian Radion Bekim Laci was removed from his position on January 30, 2015. Laci came forward in public with information that he was removed for political reasons, i.e. he was subject to prolonged pressure to stop publishing critical articles in other media. MRT didn’t offer any official reaction on Laci’s removal from his editorial position.

In the debate “What kind of media system Macedonia needs?”, organized by MDC on April 2, 2015, journalist Ida Protugjer-Veljković noted that Duško Arsovski wasn’t part of the editorial team of MRT’s newsroom. Protugjer-Veljković added that Arsovski himself had informed her in response to Journalists’ Plenum’s invitation to participate in a meeting that would discuss the situation at MRT. The Macedonian Radio and Television didn’t offer any information to the public on that matter either.

That behaviour is another example and illustration of how closed and opaque MRT is. The citizens, who finance MRT and whom MRT is supposed to serve, have the right to know who are the editors of different programmes and to be informed when editors are appointed or dismissed from their positions.

Supervision and Financial Operations

The Agency for Audio and Audiovisual Media Services conducted four supervision actions of the work and operations of MRT during the period covered by this report. The regular supervision of MRT’s work for the period January 1 – November 25, 2014¹² found that MRT violated the provisions of Article 92, paragraph 8 and 9 of the LAAMS, on the obligation of the public broadcasting service to produce and air at least 30 hours of domestic feature and 30 hours of domestic documentary programmes between

¹² http://www.avmu.mk/images/lzveshtaj_od_redovniot_nadzor_na_MRT.pdf

07:00 and 23:00 hours. The Agency issued a warning to MRT and ordered it to align its operations to comply with the provisions of the LAAMS.

AVMS conducted the second round of supervision on February 20, 2015, covering MRT's programmes aired on February 17.¹³ The supervision found that MRT violated the provisions of Article 92, paragraph 2 of the LAAMS and aired 47.78% of programmes originally created and produced in the Republic of Macedonia, instead of the legally prescribed 50%. The Agency issued a warning to MRT and ordered it to align its operations to comply with the provisions of the LAAMS within a period of 30 days.¹⁴

The 3rd and the 4th supervision activities were conducted on March 9, 2015. The supervision, covering the programmes aired on February 11, found a violation of Article 50, paragraph 3 of LAAMS, and Articles 19 and 22 of the Rulebook on Protection of Minors.¹⁵ The supervision covering the programmes aired on February 17, found a violation of Article 92, paragraphs 2 and 14 of LAAMS, on the obligation to air at least 50% of programmes originally created and produced in the Republic of Macedonia.¹⁶

MRT repeatedly violates LAAMS and other legal acts and by-laws that regulate its work and operations, demonstrating that it evidently doesn't care about the public interest.

The Parliament of the Republic of Macedonia, in its 39th Session of March 18, 2015, adopted the 2015 Financial Plan of the Macedonia Radio and Television with 59 votes for and one vote against the proposed draft. MDC already commented on the Financial Plan in the 4th Quarterly Report for 2014. This time, the MRT's 2015 Annual Working Plan was also published on the website of the Parliament, something that MRT itself failed to do on its website within the legally prescribed deadlines. The Annual Programme

13 http://www.avmu.mk/images/Redpven_nadzor_na_MRT_1.pdf

14 http://www.avmu.mk/images/MPT_1_Skopje.pdf

15 MRT1- http://www.avmu.mk/images/Redoven_nadzor_MRT_1.pdf MPT2- http://www.avmu.mk/images/Redoven_nadzor_MRT_2.pdf

16 http://www.avmu.mk/images/MRT_2_redoven_nadzor.pdf

abounds in general remarks and aims and offers few concrete information on planned programming. It explicitly mentions the compliance with legal obligation to air 30% of originally produced programmes, 60% European audiovisual works and production of 40% domestic music production, probably as a result of the measures and warnings issued by AVMS.

Regarding its financing and financial operations, it should be noted that MRT found itself in the 18th place on the list of biggest debtors on their tax accounts kept by the Public Revenue Office. MRT owes at total of 91,566,138 MKD (app. €1.48 million) in unpaid VAT and earnings tax.¹⁷

In January 2015, the public was informed that the management of MRT wasn't able to pay the December salary to its employees because the company accounts were blocked. The information was presented by the Deputy Prime Minister Zoran Stavrevski who said, responding to MP's inquiries in the Parliament, that MRT's account was blocked. Stavrevski said that the Government was seeking solutions for the situation.

The fact that MRT is not able to secure the necessary funds from regular operations and through collection of broadcasting fee, and is forced to seek assistance from the Government, is a cause of concern. That reaffirms the financial dependence of MRT on the executive branch, dependence that places it in a "subservient" position.

On March 16, MRT published the Annual Financial Report for 2014. According to the Report, in 2014, MRT earned income of 1,326,335,743 MKD (€21.56 million), approximately 139 million MKD less than projected. The biggest underachievement of projected earnings was noted with the planned funds from collected broadcasting fee, with almost 100 million MKD less collected than planned. On the other hand, the contributions from the State Budget increased significantly. In stead of planned 125 million MKD, MRT received 240 million MKD, 115 mil-

17 The list is available on URL http://www.ujp.gov.mk/mk/otvoreni_povici/pogledni/208



lion MKD more. The tendency to earn less than planned is a cause of concern, indicating that the public service doesn't engage in sustained long-term planning activities. The high proportion of contributions from the State Budget is another cause of concern.

PROTESTS IN FRONT OF MRT AND DEMANDS FOR RESIGNATIONS

During the period covered by this report, MRT found itself in the focus of social and political attention. The work of the public broadcasting service was mentioned in a number of recorded wiretapped conversations released by the opposition. One of the key demands of the opposition, announced on March 10, 2015, which in its view would lead to an exit from the ongoing political crisis, is for a resignation of the managerial team of the MRT.

General Stojanče Angelov with his supporters launched a series of civil protests in front of the MRT, demanding from the public broadcaster to report the opposition's campaign to release recordings of wiretapped phone conversations objectively and impartially. Angelov also filed criminal charges against Dime Ratajkovski, the Editor in Chief of the First Programming Service of MRT.

In the meantime, Ratajkovski threatened to file defamation action lawsuit against Muhamed Zekiri, managing editor of Alsat M TV, for a personal opinion on the situation at MRT, published on Facebook.

MUSIC PRODUCTION

Regarding the implementation of the Law on Support for Domestic Music Production, on January 26, 2015, MRT announced another Decision for change of the Decision adopted on December 29, 2014, on the 3rd Quarterly Public Call in 2014. The Decision eliminated three compositions that were allocated funds on basis of the 3rd Quarterly Call. The first composition of the author Kristijan Lukarov was eliminated because he already received support for three com-

positions in previous public calls. In the cases of Arta Memedi and "Orhideja" Band, it was found that they violated the provisions of Article 18, Paragraph 3 of the Law, that is, it was found that members of the teams that produced the compositions - composers, writers, performers or producers, sat on the selection commission. This is a serious incident, raising the question why it took so long for MRT to find the existence of conflict of interests and why it took almost a month to publish the Decision on the website of MRT.

On February 3, 2015, MRT announced the decision for selection of performers and compositions that applied to the 4th Quarterly Call in 2014. Robertino Sazdov, who already chaired the Selection Commission in the first Quarterly Call, was again elected Chairman of the Commission. On February 13, 2015, MRT announced the Decision to change and amend the Decision on the 4th Quarterly Call, deleting the support for one composition by performer Gjorgji Krstevski, who has already received support for three compositions, the legal maximum, in 2014.

Regarding the quarterly public calls for 2015, MRT opened an extended public call for candidates for the list of nominees for members of the Selection Commission. MRT also announced a call for public debate on the preparations for the draft-Law on changes and amendments to the Law on Support for Domestic Music Production.

MDC remains on the position that the Law is unproductive, that it further undermines the independence of the public service broadcaster, reducing it to mere implementer of Government policies. At the same time, the monitoring of the implementation of the Law indicates violations of its provisions and that certain performers constantly win support for their songs or have sat on the Selection Commission on several occasions.

CONCLUSIONS

- The procedure for appointment of Deputy-Director of the Agency, which was terminated and then postponed indefinitely in October 2014, has not been completed by the time of publication of this Report.
- AVMS Council replaced the existing licenses for performance of broadcasting activity with new licenses for television or radio broadcasting to all 133 broadcasters that submitted applications for replacement of licenses. AVMS Council terminated the licence held by BTR Skopje TV because of outstanding debts.
- AVMS refused the initiative by Council Member Zoran Fidanoski for the Agency to issue a public call to MRT, demanding from the public service broadcaster to comply to the legal provisions on objective, impartial and professional public broadcasting service that informs the citizens about all current social and political events. Fidanoski noted, in his initiative, that MRT violated the law by choosing not to air the recordings of wiretapped calls presented by the opposition, and that it didn't act as a public service for the citizens.
- In mid-December 2014, AVMS reported that it conducted inspection of the offer of translations of foreign programming services retransmitted in the digital packages of operators of public electronic communication networks. The inspection found that for some foreign programming services, in addition to Macedonian and Albanian, other languages were offered on the list of available translations. The Agency should review the decisions to terminate the translations in the other languages. If it still faces a dilemma regarding the legal provision, it should ask for an authentic interpretation from the Assembly of the Republic of Macedonia. That would clarify the current situation which, instead of promoting pluralism of the media installs yet another restriction at the expense of the other minority communities in the country.
- Another decision by AVMU that interferes in viewers' rights, the rights of users of cable television services, were the orders to remove the programmes of TV stations from the region of Southeast Europe that advertise Macedonian companies. In the effort to protect Macedonian broadcasters, the Agency has ordered, on two occasions - in December 2014 and in January 2015, the removal of several popular sport, culinary and education TV channels. Therefore, suspicions appeared in public that the whole action of AVMS was motivated by the intent to protect domestic media and prevent local advertising budgets from moving to regional broadcasters. That has already been the case and some of the retransmitted channels carried advertisements by Macedonian companies. Instead of adopting restrictive and questionable decisions, the Agency should engage in a public debate with broadcast media and cable operators on the quality of the programmes offered by domestic TV stations, consider the issue of advertising of Macedonian companies and possible solutions for detected problems.
- The Parliament of the Republic of Macedonia finally voted in the Programming Council of MRT several months after the expiration of the legal deadline. From the moment the Law on Audio and Audiovisual Media Services was adopted, MDC has re-



peatedly noted that the legal provisions on the composition of the Programming Council of the public broadcasting service leaves ample space for direct political/party influence on MRT. For example, of the total of 13 members of the Council, the Parliamentary Committee on Elections and Appointments nominated 5, and the Association of Units of Local Self-Government (ZELS) nominates another three members. The new composition of the Programming Council confirmed MDC's fears, having in mind that a significant portion of its members are people close to the current government.

- MRT continues the practice of opaque work and operations. Its website offers little information and few documents. Regarding the access to public information, its actions on submitted requests are slow, while it commonly waits to present the requested documents right before the expiration of the legal deadlines or exceeds those deadlines. Some documents were never presented.
- The editor of the Albanian Language Programme of Macedonian Radion Bekim Laci was removed from his position on January 30, 2015. Laci said in a public statement that he was removed for political reasons, while MRT didn't offer an official statement on his removal from office. That behaviour is another example and illustration of how closed and opaque MRT is. The citizens, who finance MRT and whom MRT is supposed to serve, have the right to know who are the editors of different programmes and to be informed when editors are appointed or dismissed from their positions.
- During the period covered by this report, AVMS conducted four supervision activities of the work of MRT and found violations of several legal provisions that regulate its programming contents. MRT repeatedly violates LAAMS and other legal acts and by-laws that regulate its work and operations, demonstrating that it evidently doesn't care about the public interest.
- Regarding its financing and financial operations, it should be noted that MRT found itself in the 18th place on the list of biggest debtors on their tax accounts kept by the Public Revenue Office. MRT owes at total of 91,566,138 MKD (app. €1.48 million) in unpaid VAT and earnings tax.
- During the period covered by this report, MRT found itself in the focus of social and political attention. The work of the public broadcasting service was mentioned in a number of recorded wiretapped conversations released by the opposition. One of the key demands of the opposition is for a resignation of the managerial team of the MRT.



HQO INFO-CENTER

ANNEX 1

MONITORING OF MEDIA COVERAGE OF TOPICS RELATED TO MEDIA LEGISLATION AND FREEDOM OF EXPRESSION

(JANUARY-MARCH 2015)

PREPARED BY:
ELENA SIMONOSKA
BILJANA BEJKOVA

SKOPJE, APRIL 2015

INTRODUCTION

The NGO Infocentre, under the auspices of the USAID Programme for Strengthening of Independent Media in the Republic of Macedonia and the Project for Media Legal Reform and Responsible Media implemented by the Media Development Center, conducted a continuous monitoring and analysis of the public debate in Macedonian media.

This analysis covers the implementation of the Law on Media (LM) and the Law on Audio and Audiovisual Media Services (LAAVMS), and the topics related to the media freedoms and freedom of expression in general.

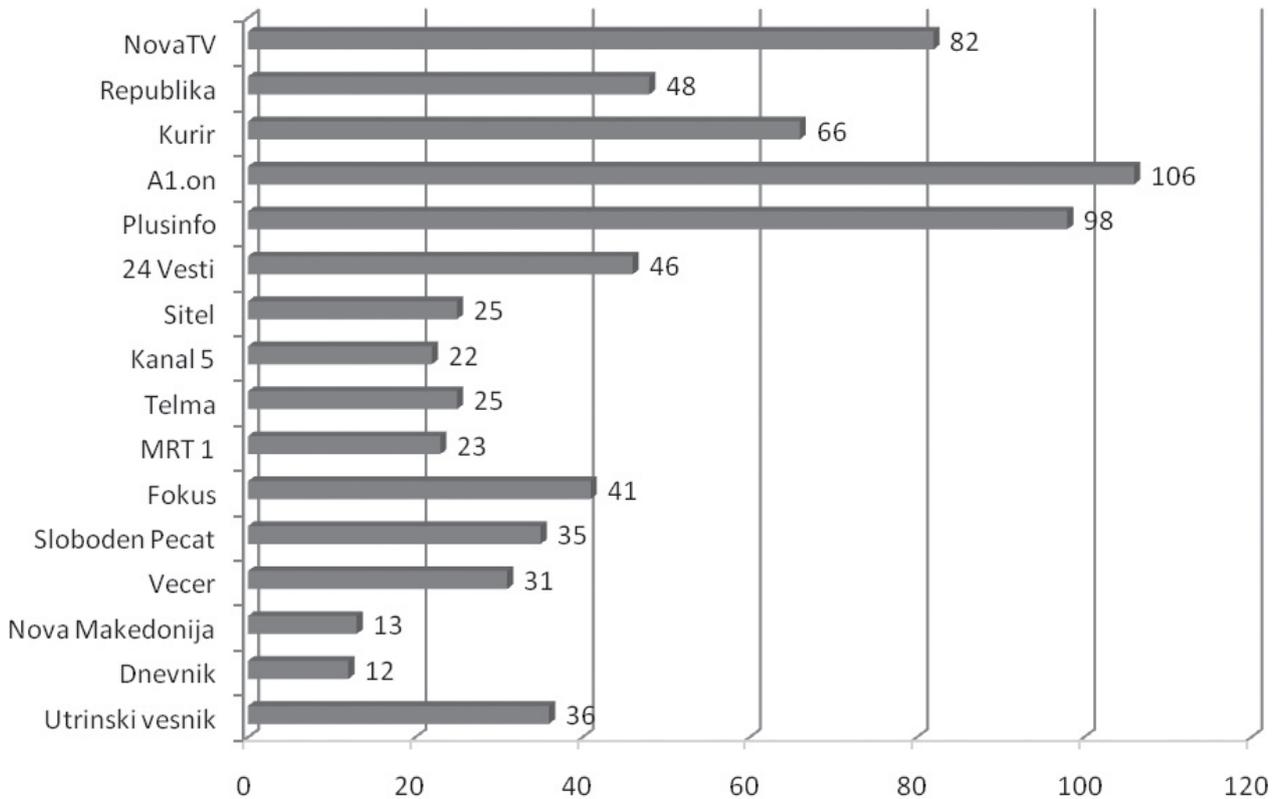
A total of 16 traditional and online media outlets were included in the this monitoring: the daily newspapers - Utrinski vesnik, Nova Makedonija, Dnevnik, Sloboden pecat and Vecer; one weekly - Fokus; main newscasts of the television stations: Kanal 5 TV, Telma TV, MRT1 and 24 Vesti TV; and internet news sites A1on.mk, Kurir.mk, Republika.mk, Plusinfo.mk and NovaTV.mk.

For the purposes of this report, we analyzed journalistic articles, columns, editorials and op-ed articles, photographs and other illustrations related to or covering the topics that are subject to this monitoring.

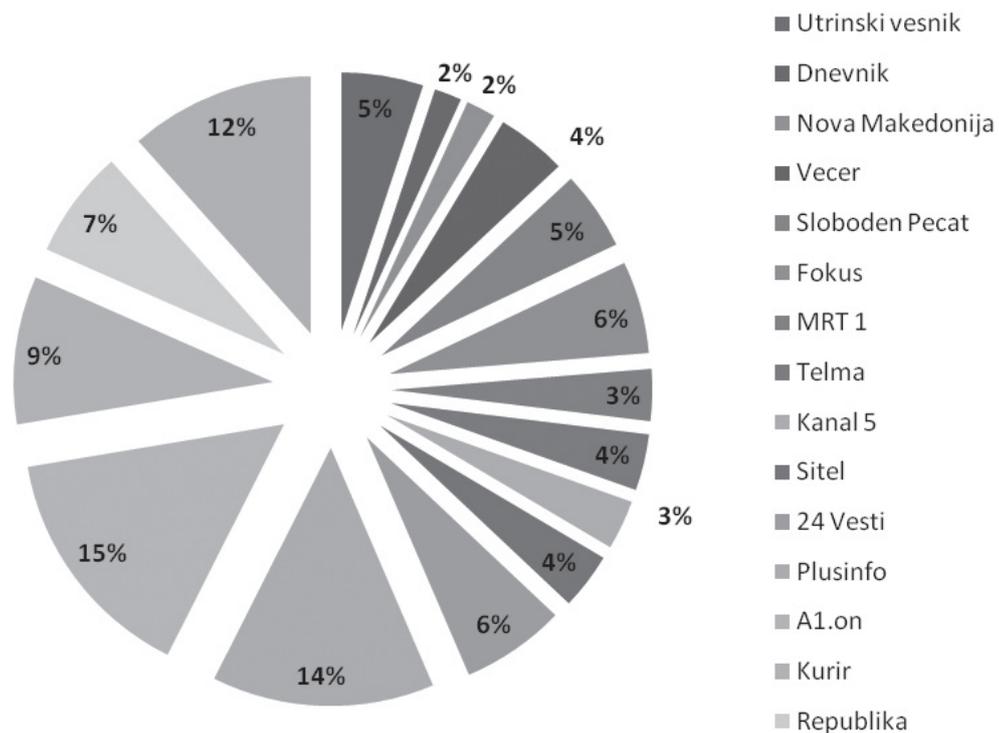
QUANTITATIVE OVERVIEW

In the period from January 12 to March 31, 2015, the monitoring registered a total of 709 journalistic articles and reports in the media it covered. The biggest number of articles were published on news sites A1on.mk (106 articles) and Plusinfo.mk (98 articles), followed by NovaTV.mk (82 articles) and Kurir.mk (66), as well as 24 Vesti TV with 46 news reports and stories.

NUMBER OF ARTICLES PER MEDIA:



INDIVIDUAL MEDIA'S COVERAGE AS PERCENTAGE OF THE TOTAL NUMBER OF ARTICLES:



QUALITATIVE OVERVIEW

The first quarter of 2015 was marked by several important events that paint a realistic picture of the situation of the media and freedom of expression in the Republic of Macedonia: The Kežarovski Case, the wire-tapping and lustration of journalists, the political influence on the media and the increased civic pressure on the public service broadcaster MRT¹⁸.

RESTRICTIONS FOR PERFORMANCE OF JOURNALISTIC PROFESSION

The “Kežarovski Case” remained in the focus of the media at the start of 2015. Covered in 128 articles (18% of the total number of articles and stories covered by this monitoring), the judicial conclusion of the Kežarovski Case dominated over the other topics related to the media situation in the country.

The majority of the media covered by the monitoring covered the decision of the Skopje Court of Appeals and the return of Kežarovski from house arrest to prison, the reduction of his sentence from four and a half to two years in prison, his return to prison to complete the sentence, the appeal filed by the Skopje Prosecution Office, and the final decision to release him on probation. The media carried the reactions of media and journalist associations, the appeal of civic associations to acquit Kežarovski on all charges, and the reactions of international organisations.

“A message of solidarity with Kežarovski arrived from the journalist associations of the neigh-

bouring countries who comment that the Court’s decision was a brutal act of violence against the freedom of expression by the institutions. It makes Macedonia, they say, the only country in the region with imprisoned journalist, which is a threat against all journalists. In the meantime, the support from several NGOs and civic initiatives to organize a protest against the decision of the Court of Appeals grows. The initiative committee for liberation of Kežarovski, the journalist trade union and AJM were joined by the Professors’ and the Students’ Plenum.” (24 Vesti TV, January 18, 2015)

“Journalists and citizens that feel the injustice done to Tomislav Kežarovski protested on the streets of Skopje. The protest rally started at the Court of Appeals and ended in front of the Government, and the imprisoned journalist received huge support from his colleagues. In addition to the journalists, who made up the majority of the protesters, there were representatives of political parties, the non-governmental sector and citizens that condemn the injustice suffered by Kežarovski and his family.” (A1on.mk, January 20, 2015)

We need, however, note the reporting of the pro-government media which didn’t miss the chance to accompany the reports on the protests and the appeals for Kežarovski’s release with insinuating comments about the organizers and participants in the protest rally. They chose to present the protest as failed and as politically managed by the opposition. There was an evident effort to discredit the event and the precedent of a journalist being detained and not present them as an attack on journalism and freedom of expression in general.

“Kežarovski was let go this morning, and the protest scheduled to take place in front of Appellate Court wasn’t cancelled.. SDSM’s leadership led the way, followed by SOROS’s organisations.

¹⁸ Defamation action cases against journalists are covered by another monitoring report, included in the report from the monitoring of the implementation of the Law on civil liability for defamation.

The release didn't change the political agenda of the protesters. However, in spite of the week long calls by the leaderships of SDSM and other opposition party and the logistic support provided by associations like AMAN, LENKA and other satellites of the opposition, the protest failed with no more than 400 participants". (Sitel TV, January 20, 2015)

"The Law in accordance to which Tomislav Kežarovski was sentenced was adopted at a time when SDSM held power. Kežarovski revealed the name of a protected witness in a contract murder case and endangered his life, said the prime minister Nikola Gruevski answering a question on the case asked of him in the 'Jedi burek' (Eat a pie, our note) TV show. (Sitel TV, January 24, 2015)

Reporting on an article published by Kurir.mk news-site on January 21, 2015, Kanal 5 TV joined the efforts to discredit and smear journalist Zoran Dimitrovski, identifying him as one of the organizers of the "Freedom for Kežarovski" movement. With an accent on parts of his Dimitrovski's speech at the January 20 protest rally and presenting him as unprincipled and unreasonable, both media outlets questioned the protests and the efforts of the journalistic profession to protect itself, and presented the demands for freedom of expression as personal frustrations of some journalists and unprincipled attacks on the Government of the Republic of Macedonia.

"Those who speak into bullhorns that their freedom of expression was threatened and claim that they were targeted by hate-speech were the first to use hate-speech and irrational wrath yesterday. 'Beasts', 'caliphate', 'Islamic state', 'throat-cutters', 'destroying the seeds of freedom' were just some parts of the vocabulary used by the editor of "Fokus" Zoran Dimitrovski in the speech he gave yesterday in front of the Government. According to Kurir, Dimitrovski gave his opinion freely and there were no consequences, quite opposite to the claims that Macedonia was not free. But, what exactly was behind such hate-speech?, Kurir asks. There is a rumour circling the profession that Zoran Dimitrovski - Žoro, at the time when he held the position of editor in chief

of 'Dnevnik', back when he was strong critic of SDSM's work and publicly defended Government's policies – which is well documented in his articles – tried to materialize the support and presented certain demands which, due to being unprincipled and unreasonable, were not met. Therefore, those who know him well would say that Žoro's appearance yesterday and his membership in the committee for liberation of Kežarovski were, in fact, hiding his personal frustrations with the unachieved plans and demands." (Kanal 5 TV, January 21, 2015)

The manner in which the Macedonian Radio and Television (MRT) covered the Kežarovski case was analyzed in detail in the special report "Case studies: Kežarovski, SONK's strike, Criminal Charges against Zaev"¹⁹. The report concludes that, in the coverage of the Kežarovski Case, there was an evident intend by MRT to fully minimize and overlook the events related to the decision of the Appellate Court and Kežarovski's return to prison. The public service reported on Kežarovski's reduced sentence and his release on probation, but didn't inform the public about his express transport back to jail in the middle of the night. In fact, MRT prefers to hide information than impartially and thoroughly inform about this extremely important case deeply connected to the freedom of expression and freedom of information in the country. Furthermore, the journalists at MRT didn't express any principled solidarity with their colleague in any of their reports, and didn't offer support, on the behalf of the public service, to the protests or to Kežarovski.

"Today's protest, announced as support from journalists for their colleagues, didn't prove immune to political influence. The leaders of SDSM, LDP, NDSP – Zaev, Žernovski and Petkovski - participated in the gathering. Other high ranking officials of several political parties also were there." (MRT1, January 20, 2015)

On February 3, 2015, **the Office of Public Prosecution of the Republic of Macedonia** is

¹⁹ http://nvoinfocentar.mk/wp-content/uploads/2015/02/MRT_Kezo_SONK_Zaev_03.02.2015-1.pdf



sued a press release²⁰ with a warning to the media that reporting and publication of materials that could be subject to future criminal investigation was prohibited and punishable by law and demanded that they immediately stop the publication of such materials. The Public Prosecution's statement followed the announcement of the "Putch" police campaign and the leaking of video recordings posted on a Youtube channel, as the opposition SDSM was expected to start releasing wiretapped phone-conversations, something it announced for a long time²¹ (the so-called "Bomb" case). The press release created quite a confusion and caused an avalanche of reactions in the media. Many journalists, media associations and CSOs saw the actions of the Prosecution as an attempt to intimidate and silence the media, to prevent them from publishing and treating issues of public interest related to possible abuses and criminal actions of the government.

The critical media, in addition to Prosecution's warnings, regularly reported the strong disagreement with them voiced by the Association of Journalists of Macedonia (AJM), the Macedonian Institute of Media (MIM), the Media Ethics Council, the Independent Trade Union of Journalists (SSNM), the Helsinki Committee of Human Rights, the Media Development Center, but also the Macedonian Association of Journalists (MAN), which alone took the side of the Office of Public Prosecution. However, those media, too, carried only the views and reports of the organisation, without delving deeply into the essence of the problem raised by the Prosecution in its attempt to misinform and hide the truth.

The media that faithfully follow government's policies reported only the views of the Prosecution and MAN. Invoking the authority of the European Union, under the guise of profes-

sional and responsible reporting, they demanded from the media not to publish the materials released by the opposition which they arbitrarily declared a criminal offense, and tried to scare the journalists with a possibility for them to be held criminally liable.

"According to the European Union's recommendations, the media are asked to report professionally and responsibly, a demand we support. Therefore, we call on MAN's membership and the journalists that are not yet our members, as well as the media outlets in the Republic of Macedonia, to act responsibly and to comply to the law that prescribes that no materials or wiretapped phone conversations, illegally created and acquired, or video recordings with the same characteristics (...) which are in their essence a criminal offense, while their publication would cause damages to the protagonists, which is also a criminal offence that journalists could commit through publication or reporting, bringing about possibility for those journalists to be held legally and criminally responsible, states MAN in a statement for the public." (Kurir.mk, February 3, 2015)

The illegal wiretapping of journalists and the direct influence on the editorial and personnel policies of the pro-government media by the Government was the topic of the so-called "4th bomb", released by the opposition party SDSM on February 25, 2015. According to SDSM, the recordings of wiretapped conversations indicate that hundreds of journalists were subject to communications surveillance for a long period of time. Also, the presented recordings indicate the existence of direct collusion between owners and editors of several media outlets and the Prime Minister and his closest associates and Government ministers, with the aim to ensure control over the contents and the timing of presentation of information to the public.

The critical media presented the integral versions of the statements given by the journalists whose communications were wiretapped and who were presented by the opposition with files with transcripts of wiretapped conversations, as well as the reactions by AJM, the European Federation of Journalists and other organisations

²⁰ <http://jorm.gov.mk/?cat=4&paged=7>

²¹ The opposition started its "The Truth about Macedonia" campaign, also known as "The Bombs" case, of releasing audio recordings and transcripts of illegally wiretapped phone conversations of more than 20,000 citizens on February 9, 2015.

that condemned the surveillance of journalists communications by the current government. Those media also aired the recordings and published the transcripts of the conversations presented at SDSM's conferences for the press.

"The journalistic profession is appalled by the findings that more than a hundred journalists, editors and media owners were listened to but, as noted by opposition leader Zaev, their phone conversations were further processed by the Administration for Security and Counterintelligence. The files presented to the journalists by SDSM document part of their phone conversations and SMS messages they exchanged with their colleagues, associates and sources of information. They say they were not surprised and expressed their astonishment over the fact that they were subjected to surveillance without court order and ask what was it that they did to threaten the interests of the state? The journalists announced they intend to sue and demand sanctions for the responsible." (24 Vesti TV, February 25, 2015)

It should be noted that, one day before the release of the scandal with the wiretapping of the journalists, the pro-government media Sitel TV and Kanal 5 TV, as well as the public service broadcaster MRT, aired an almost identical report.

"The media of Soros and SDSM are increasingly nervous because of the failed attempt to manipulate the public and create unrest, so they go for lies, constructions and insults directed at those who think differently, although they declare their support for freedom of media and freedom of speech." (Sitel TV, February 24, 2015)

"The nervous state caused the lowest possible manner of communication. Fellow journalists comment the insults and the calls for lynch of the representatives of the profession, the state and the analysts who believe that Zaev's bombs cause harm to the state." (MRT1, January 24, 2015)

"The media close to SDSM and the journalists on Soros's list are nervous. They demonstrate the anxiety through hate-speech and brazen personal attacks and insults. The same people that didn't take the stand to demand freedom of speech and freedom of media were the first that

use fierce insults and brazen lies in the attempt to eliminate those who think differently." (Kanal 5 TV, February 24, 2015)

It is impossible to miss the synchronized effort of the three broadcasters, on the eve of release of the "bomb", to fully discredit the critical media and journalists and, thus, fully discredit the information they publish. Presenting them as "nervous manipulators that use hate-speech while hiding behind the stance of face proponents of freedom of media and freedom of speech", Kanal 5 TV, Sitel TV and MRT send a message to the public that it should not trust any information that may be presented by the critical media in the future.

In the days after February 25, there was the similar effort to discredit the Association of Journalists of Macedonia, in favour of the attempts of the Macedonian Association of Journalists to minimize the damage caused by the wiretapping of journalists.

"AJM and Naser Selmani again do a job for SDSM. They demand resignations from some members of the state's leadership, but they don't demand resignations from Zoran Zaev and SDSM leadership. Selmani demands from the Office of Public Prosecution to investigate the wiretapped communications of the journalists, but he doesn't demand from the prosecution to ask for the leader of the opposition to be arrested for illegal wiretapping of journalists, of representatives of the state leadership, cooperation with foreign intelligence services and illegal publication of those materials." ("Večer" daily, February 26, 2015)

"The recordings released by SDSM are used to meet party needs, that is, to raise SDSM's ratings at the expense of the law and basic human rights, states the press-release and notes that MAN condemns such, they say, politically motivated manipulation of the public opinion in favour of the party, through rampant violation of the law. According to MAN, AJM functions as logistic body for SDSM's party activities." (Kurir.mk, February 26, 2015)

At the end of March 2015, Macedonian journalism faced another blow at the hands of the government - **journalists were being**



lustrated. Jadranka Kostova, editor in chief of “Fokus” weekly, was lustrated and declared collaborator of security services, for her part in the production of “Without a title, but with good reason” (Bez naslov no so povod), aired by the Macedonian Television in the first half of the 1990s. The critical media dedicated about 15 articles and reports to present Kostova’s reaction to the decision, as well as the strong reactions and protests of journalists, civic activists and members of the expert community, who commented that her lustration was a direct attack by the government on the critical press and that such a precedent leads to systemic effort to silence and intimidate the dissenting journalists and the media.

The media also carried the statement by the president of the Commission for Verification of Facts (popularly known as Lustration Commission) Tome Adžiev, who found nothing wrong in the lustration of journalists, adding that, on initiative of the owners, the Commission may check the journalists that work in private media.

OVERVIEW OF EVENTS AND DEVELOPMENTS SURROUNDING THE MACEDONIAN RADIO AND TELEVISION

Since the start of the year, the public broadcasting service MRT found itself under strong and continuous pressure of the critical segments of the general public.

The reactions on the issue if MRT met its legal obligation to act as professional and impartial public broadcasting service of the citizens were started by the NGO Infocentre, which published two analyses on the manner in which the public broadcasting services covers the current social and political events and issues in the country: “MRT Marginalizes and Labels Student Protests”²² (January 23, 2015) and “Case Studies: Kežarovski, SONK’s strike, criminal charges against Zaev”²³ (February 3, 2015). Both analy-

ses note that MRT fully and consistently underachieves its remit as public broadcasting service for the citizens of the Republic of Macedonia. MRT didn’t represent the public interest in the coverage of the student protests in December 2014, the Kežarovski Case, SONK’s strike or the criminal charges brought up against Zaev, but accepted a role of a cog in Government’s machine as direct actor and instrument of Government’s propaganda. The reports on the findings of the NGO Infocentre were published only by the critical portals, while MRT remained silent and didn’t offer its reaction.

MRT also didn’t react to the accusations that the Student Plenum sent at her address in reaction to MRT’s decision to completely ignore the student autonomous zone.

“The crew of MRT2 (the second channel of the MRT) received not quite pleasant reception two days ago when it tried to enter the autonomous zone established by the students of the Faculty of Philology and shoot footage from the occupation. Some of the students that were present – members of the Student Plenum – expressed their discontent with the ignorant stance that the public service adopted towards the events in the university community in the country and reminded the television that the citizens pay for its work, among other things, to be informed about the student occupation. - You are welcome here, but you come and report nothing. Why didn’t you report on our protests or other activities we implement. You are paid from our pockets. You should know that we have the right to occupy the building of the Macedonian Radio and Television, too, the students told MRT’s crew.” (NovaTV.mk, February 18, 2015)

The “Ajde” Civic Politics Platform, with a performance in front of MRT building held on February 28, demanded from the public broadcaster to be a true service for the citizens and to ensure true and timely information, through adherence to the principles of universality, diversity and independence.

In a report in the central newscast on the same day, MRT reacted to the performance and focused on who participated in the protest, with

²² <http://nvoinfocentar.mk/mrt-gi-marginalizira-i-etiketi-ra-studentskite-protesti/>

²³ http://nvoinfocentar.mk/wp-content/uploads/2015/02/MRT_Kezo_SONK_Zaev_03.02.2015-1.pdf

a spotlight on journalist Zoran Bojarovski and other former members of MTV's Council.

“Journalist Zoran Bojarovski and the director of Soros’s foundation “Open Society Macedonia” Vladimir Milčin were in the front rows at today’s protest. They are both former members of MTV’s Council. Bojarovski held the position of President of the Council in 2008, at the time when Leonid Nakov, former member of SDSM’s Central Committee held the position of President of MRT Board of Directors. Back then, MRTV was forced to conclude a suspicious deal that still produces negative consequences. In a direct agreement, without a proper tender competition, an agreement was signed with Slovenian company TSE for procurement of studio equipment, agreement that later proved to be harmful for the Public Enterprise. MRT lost the lawsuit and now has to pay penalties of about €1.5 million... MTV still suffers consequences from that decision of then highest management bodies. The salaries for December were late as a result of that agreement. The whole case of the agreement signed without a proper tender procedure has been presented to the Supreme Court.” (MRT1, February 28, 2015)

MRT thus attempted to smear Bojarovski, alleging that he was behind the “shady deal”, discredit him and discredit and minimize the demands and appeals of “Ajde’s” activists.

The pro-government media Kurir.mk, in an article titled “Bojarovski has cost MRTV and the Citizens a €1.5 million Bill” (February 28, 2015), and Republika.mk, in the articles “‘Ajde’ Protests in front of MRT, Bojarovski didn’t prevent a harmful deal” (February 28, 2015), and “MRTV Pays for the old sins of Nakov, Milčin and Bojarovski” (February 28, 2015).

In mid-March 2015, former general of the police Stojanče Angelov, president of the “Dostoinstvo” political party, launched a campaign of continuous daily protests in front of MRT, demanding from the managers and editors of the public broadcasters to air the recordings of wiretapped conversations presented by the opposition. Angelov also filed criminal charges against Dime Ratajkovski, the Editor in Chief of the First Programming Service of MRT, accusing him of selective and biased presentation of

information on the public service.

Angelov made an attempt to enter the premises of “Kanal 103” Radio (the radio is located in the MRT building) to air the recordings, but he was prevented by the company security. Members of MRT security detail also entered the “Kanal 103” offices. (“Kanal 103” aired the footage recorded during the invasion of their offices on the Internet).

MRT denied the allegations voiced by Angelov and “Kanal 103” editorial office that it interfered in latter’s programmes: “Radio “Kanal 103” broadcasts its programmes from MRT’s building. Otherwise, MRT has no formal, organisational or programming relations with the said radio station. Therefore, we once again distance ourselves from the events that transpired yesterday. Neither MRT as an institution or any of its employees played a part in those events”.

The critical media regularly covered the protests and presented the demands and statements of the participants, including citizens, members of the artistic community, public personalities and activists.

It took about ten days for MRT to address the protests in the central newscast on March 28, 2015:

“Members of ‘Dostoinstvo’, accompanied by citizens and activists of other political parties and led by Stojanče Angelov organized a protest in front of MRT today. They tried to pressure the Macedonian Television to air the wiretapped conversations presented the opposition. The Office of Public Prosecution issued a warning that such a publication would be punishable by law. In spite of Public Prosecution’s warning, MRT has been subjected to continuous fierce pressure, unprecedented in democratic systems. The protest today was transformed into a political rally, with demands for resignations from the Prime Minister and his Government”. (MRT1, 28.03.2015)

Clearly, MRT locates the main reason for the failure to air the wiretapped conversations in the public statement of the Office of Public Prosecution of February 3. Presenting itself as a “victim” of pressure “unprecedented in democratic systems”, MRT’s governing structures



didn't make even the smallest attempt to objectively inform and allow the general public in Macedonia to listen to the controversial material.

The Agency for Audio and Audiovisual Media Service (AVMS) defended MRT's actions and didn't accept the proposal of Zoran Fidanoski, member of AVMS Council, that the Agency should warn MRT that the decision not to air the opposition's "bombs" constitutes a violation of the law and failure to protect the public interest.

"The Agency for media will not write to the public service MRT to warn it that it needs to report the issue of wiretapped conversations released by the opposition in an objective and professional manner. Only the journalist Zoran Fidanoski voted in favour of his proposal, while the other (members of the AVMS Council, our note) voted against... The Council members that voted against the proposal explained that they didn't want to engage in politicking and that MRT has the right to decide how to treat the communications surveillance materials. Thus, the Agency backed the MRT's position that it shall not air the wiretapped recordings released by SDSM because of the prohibition issued by the Prosecution Office." ("Utrinski vesnik" daily, March 31, 2015)

Republika.mk, in the articles "Bubo Karov and K15 earned €1.9 million at MRT's Expense" (March 30, 2015) and "Latas: The Hand and the glove that fits it found each other – the hand are the millionaires from K15 and the glove is Stojanče as UCK's commander" (March 31, 2015), and "Večer" daily, in the article "Does Bubo Karov protest so he can again take millions from MRTV?" (March 30, 2015) took the side of MRT, using the tested method of smearing the participants in the protests and pushing the legitimate demands of the citizens to the background.

MEDIA V. MEDIA - ON THE PHRASE "MEDIA FINANCED BY SOROS"

More than 70 articles and reports included in this monitoring contain the phrase "media (or

journalists) financed by Soros". Most of those articles are produced by Kurir.mk and Republika.mk, followed by Sitel TV and Kanal 5 TV, and far more rare, by "Dnevnik" and "Večer" dailies. The use of the phrase "media/journalists financed by Soros", often starting in the headlines of the referring articles, means complete discrediting of any information published by the critical media. Such articles and reports mainly engage in misinformation, half-truths and lies, manipulation of well known facts and are abundant with insults and instances of name-calling directed at the media, editors and journalists critical of Government's policies.

It should be noted that such articles are usually aired and published in a period encompassing several days before and several days after major social events and developments (protests, international reports on the situation in the country, release of "bombs" by the opposition, etc.).

"It is evident that the journalists financed by FIOM and other foreign sources have been so blinded by their intent that they would use anything that would help them work for someone's interests. They have lost all morals long time ago, it seems. What the people on foreign payrolls did last several days, attempting to use the tragic events in France, crosses all boundaries of normal behaviour, causing a feeling of unease and urge to vomit with the general public." (Kurir.mk, January 13, 2015)

"Soros's media, following Zaev's example to place some information from the materials he releases in a different context that is favourable to their idea and doesn't correspond to the truth, presented qualifications not contained in the creations released by Zaev". (Kurir.mk, February 20, 2015)

"Soros's association of journalists and the opposition have no problem with wiretapping of journalists' phones if it fits the needs of SDSM. In his scandalous statement, the president of AJM says that if journalists didn't engage in criminal activities, they shouldn't worry if their privacy is dragged on television. AJM and Naser Selmani again do a job for SDSM. They demand resigna-

tions from some members of the state's leadership, but they don't demand resignations from Zoran Zaev and SDSM leadership." ("Večer" daily, February 26, 2015)

"The anxiety among the opposition's front men culminates and the nerves are at breaking point. With calls for lynch and hate-speech that moves into open aggression, those people proved that they don't fight for freedom of speech, but are led by the wish for naked power that pushes them to use intrigue, curses and threats. The verbal assault by Stojanče Angelov against Netpress's editor Dejan Nikolovski is the last of the series of proofs that those around and in SDSM don't care about free journalism at all... As expected, his violent methods received support from the media close to SDSM and financed by SOROS. They recorded the incident and published it on the Internet, and most of them followed up with news reports on the matter. Not one of the journalists in those media condemned the actions of a politician against a Macedonian journalist." (Republika.mk, March 28, 2015)

Similar treatment was reserved for the global TV news network "Al Jazeera" when it aired an interview with the opposition leader Zoran Zaev. The pro-government media used a series of articles and reports to "remind" the Macedonian audience that the network is headquartered in a country that practices Sharia Law. Relying on absurd fear-mongering, ignoring the very subject matter of the political crisis discussed in the interview with Zaev, they presented "Al Jazeera" as one of the main protagonists of the destabilisation of the country.

"SDSM, failing to find allies for its destructive scenario among the majority of Macedonian citizens, chose the option that is most defeating for Macedonia. SDSM and its supporters in the opposition are main protagonists in the programme of the Arab-owned Al Jazeera to create a media climate for destabilisation and spread of ethnic tensions in the country. The alliance that SDSM created with the television that promotes Islamic fundamentalism across the world has already been condemned by Macedonian intellectuals." (Sitel TV, March 20, 2015)

"The international TV channel Al Jazeera - the name means "the Island" - is headquartered in Doha, Qatar, and is owned by the Government, i.e. the Amir of Qatar, who acts as both head of state and head of government. According to the Constitution of Qatar, the country, but also the TV station, practices Islam in accordance with Sharia Law. It means that family law doesn't recognize women as legitimate witnesses in disputes, while flogging and stoning are considered proper legal punishments. Love between Muslim woman and non-Muslim man is punishable by death." (MRT1, March 20, 2015)

CONCLUSIONS

- The critical media continuously cover current events and processes on the media scene, the threats and attempts to undermine the freedom of media, freedom of expression and information;
- While in the previous monitoring period the pro-government media made effort to ignore and neglect the processes related to the media scene, the freedom of media, freedom of information and expression, in the period covered by this report they made an evident effort to blame some of the critical media, the opposition and the civil sector for the crisis in the Macedonian media scene;
- For pro-government media, the biggest problem are the critical media, their editors and journalists who are subjected to constant and sustained attacks, labelling and attempts to discredit them. The pro-government media not only question the credibility and the democratic capacities of the critical media, they also accuse them of working against the interests of the state;
- The analytical approach to the covered subjects is missing in this monitoring period, too. The journalists rely mostly on presentation of statements and positions of domestic and foreign actors active in the area of media, as well as the statements and positions of Macedonian and foreign politicians. The coverage is dominated by news and reports. Commentaries are rare and there are almost no analysis pieces.
- MRT didn't try to meet even the minimal journalistic standards in its news reporting and coverage. MRT's reporting is biased, one-sided, tendentious and manipulative. It approaches the facts in a selective manner, motivated by the intent to offer full and unconditional support for Government's policy.