



Monitoring of Media in Republic of Macedonia
REPORT No. 5 - 2013

MEDIA MIRROR

Government Puts Pressure on Media Freedoms

December 2013



“Media Mirror” Program is implemented with financial support from Foundation Open Society-Macedonia

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1. Introduction and Methodology

The NGO Infocentre, with financial support of the Foundation Open Society Macedonia (FOSM), and under the auspices of its "Media Mirror" Programme, implements a continuous monitoring of media reporting on the subjects of freedom of media and freedom of expression and related events and developments.

This report, covering the period April-December 2013, includes the reporting offered by Macedonian media on three key issues: The proposed new media legislation, the arrest and trial of journalist Tomislav Kežarovski, and the European Commission's 2013 Progress Report on Macedonia (the section on media freedoms and freedom of expression).

The monitoring includes the reporting of six daily newspapers ("Utrinski vesnik", "Dnevnik", "Vest", "Večer", "Nova Makedonija" and "Sloboden pečat"¹), the prime-time news programmes aired by seven TV broadcasters that broadcast nationally and over the satellite (24 Vesti TV, Kanal 5 TV, Sitel TV, Telma TV, MRT1, Alfa TV and AlsatM TV), and six news portals (Plusinfo.mk, Libertas.mk, A1on.mk, Sky.mk, MKD.mk and Kurir.mk).

The monitoring was conducted on daily basis, depending on actual events and information related to the three topics of interest. The methodology of the monitoring is based on content analysis of the published reports and stories aired by the media.

2. Key Findings

- The analysis of the media coverage of the proposed new legislation - the Media Law and the Law on Audio and Audiovisual Media Services – shows that the Macedonian public engaged in an intensive and fierce debate on the issue whether the new laws were really necessary and the dangers for media freedom and freedom of expression they could bring to the table. The critics of the proposed legislation, in spite of the domination of pro-government media in the public discourse on the matter, managed to animate the domestic and international public about the key points of the two bills and to raise the alarm about the danger of additional restrictions of freedom of expression and media freedoms that they could introduce.

- The media critical of government and its policies, the news portals and websites in particular, provided a comprehensive coverage that involved all stakeholders and presented the different views on the media legislation. On the other hand, the coverage in the pro-government broadcast media was paramount to a mere political propaganda. They applied various techniques, ranging from smear campaigns against certain individuals standing on the other side of the divide to outright disregard for the views of the opponents of the media legislation, with the aim to distort the ongoing debate and give priority to the political interests of the Government. The critics of the two bills were targeted by strong personal attacks and attempts to discredit their positions. The broadcast stories relied on the persuasion technique "he knows most who speaks last" – the views and positions of the experts, the civic associations or international representatives critical of the proposed

¹ The first issue of "Sloboden pečat" came out on October 19, 2013

legislation were followed by the reactions of Government officials or pro-government experts with the aim to "wrap up" the discussion and influence the interpretation of the information.

- The "Kežarovski Case", as a very specific media case, was used by the media critical of the Government to alarm the domestic and international public about the serious infringements of freedom of expression and media freedoms in the country. The pro-government media, once the case gained prominence as one of the top issues on the society's agenda, approached it passively or attempted to down-play and alleviate the consequences of its prominent presence in the media. The pressure by the international organisations and associations, combined with the public demands to review the case, ultimately proved crucial for the efforts that ultimately led to Tomislav Kežarovski being released from jail. Eventually, in early June 2013, the "Kežarovski Case" gained prominence and got the top-billing in the Macedonian media, pushing aside the draft-Law on Media, which previously was the top story in the media. The involvement of the international organisations, journalistic associations and other international human rights associations, raised the status of the "Kežarovski Case" to regional and international prominence. As such, it was given a lot of attention as an important event, indicative of the situation in the areas of freedom of expression, protection of human rights, functioning of institutions and rule of law in Macedonia.

- The Macedonian public was well-informed about all developments of the case, thanks to the quality comprehensive coverage provided by the media critical of the Government and its policies. The position of the pro-government media evolved from the initial formal support for Kežarovski, through a passive and reserved stance, to strong attacks aimed at personal disqualification of several groups and individuals (for example, the OSCE Special Representative for Media Freedom Dunja Mijatović) that took part in the efforts to see Kežarovski freed from jail. In a situation when political and judicial authorities faced demands to reconsider the circumstances of the case and the decision to hold Kežarovski in custody for the duration of the trial, the pro-government media remained silent and chose to question the justification of those demands, especially the personal and professional integrity of those who made the demands in the first place.

- Although EU Enlargement Commissioner Stefan Füle said, in a statement on the release of the EC Progress Report on Macedonia, that *"the first chapter we shall open will be the chapter on freedom of media and freedom of expression. The European Commission will not open any other chapters for negotiation until Chapter 23 is closed, once the negotiations start"*², the analysis of the media coverage of the EC's Progress Report showed that the journalists largely treated the freedom of expression and media freedoms as a second-tier topic, and focused primarily on EC's remarks in other areas (economy, judiciary, etc.). After the release of the Report, there was an evident attempt by the majority of pro-government media to declare *"the fifth moral victory for Macedonia"*³, in spite of the fact that, for the fifth year in a row, the country didn't get the start-of-negotiations date, to emphasize that *"Macedonia registers progress in all areas"*⁴, and to downplay the remarks and the criticism of the European Commission, including those referring to freedom of expression and media freedoms.

² Libertas.mk, October 16, 2013

³ "Dnevnik" of October 17, 2013 and "Večer" of October 17, 2013, both carried similar headlines

⁴ MRT1, October 17, 2013

3. Draft-Media Legislation

On April 8, 2013, the Ministry of Information Society and Administration announced that it scheduled a public debate on the draft-Law on Media and Audiovisual Media Services without previously releasing the draft to the public. The media organisations and journalists boycotted the debate and accused the Ministry of faking a proper public debate process.

"The president of AJM (the Association of Journalists of Macedonia) Naser Selmani refused to take part in a public debate without being properly informed about the contents of the Draft-Law prepared by the competent ministry. He also found it unacceptable that only AJM should be invited to the public debate, without the other media organisations, such as the Independent Trade Union of Journalists of Macedonia (SSNM), the Macedonian Institute for the Media (MIM) and the Media Development Centre (MDC). Yesterday, at the "Dom na ARM" (the House of the Armed Forces), Selmani waited before the start of the debate for minister Ivo Ivanovski to present him personally with a written proposal on the proper procedure for adoption of the Law. Minister Ivanovski refused to accept the brief outside of the debate room and told Selmani that he was prepared to receive the proposal inside the conference hall.

AJM President Selmani didn't enter the room, while majority of journalists and representatives of several media organisations left the conference hall before the start of the debate. Minister Ivanovski, in his opening address, didn't mention the actions of the journalists or his position on the absence of AJM from the first public debate on the proposed legislation.

Selmany repeated that a law of such great importance can't be adopted in an opaque procedure, without proper and substantial debate and without the participation of all media institutions".⁵

The reactions of the media community and the NGO sector on the proposed Media Law were predominantly negative. Their criticism was focused mostly on the view that the draft-law is an attempt of the Government to establish full control over the media and the journalists, and that it greatly exceeded the framework set by the EU Directive on Audiovisual Media Services. The critical public objected that the Government went too far in the attempt to provide a definition of journalistic profession, i.e. who may or may not be considered "journalist", to regulate the relations inside editorial offices and newsrooms, and to promote censorship, which is prohibited by the Constitution of the Republic of Macedonia. Highly questionable was the attempt to cover print and online media with the regulatory framework, as well as the proposed new regulatory authority – the Agency for the Media, which should regulate all media and will be fully controlled by the government. The law was criticized, among other things, over its failure to offer a sustainable model of financing of the public service broadcaster MRT (Macedonian Radio and Television) that would provide for its full independence; the failure to provide clear guidelines on Government's advertising campaigns; and the lack of clear instruments to ensure professional and financial independence of journalists. As a result, a major part of the media community, civil society organisations and media critical of the government held the position that there was no need for the proposed legislation in the first place.

The draft-Law, on the other hand, received the support from the agglomeration of pro-government media, the Macedonian Association of Journalists (Macedonian abbreviation is

⁵ "Utrinski vesnik", April 9, 2013

MAN) that gathers primarily the journalists from the pro-government media, and a number of civil society associations. In addition to their positive views of the proposed legislation, they gradually moved to disqualify and discredit those who opposed the adoption of the proposed laws.

The divisions in the public were reflected in the media coverage. On one side of the divide stood the critical expert community, together with the greater part of the nongovernmental sector and the critical media, pointing out at the series of negative and restrictive aspects of the draft-law and the danger that it may install further restrictions of media freedoms through political abuse of the proposed regulatory instruments. On the other side were MAN, several newly-created civic associations and the pro-government media, which defended the law and the need for its adoption⁶, with emphasis on what they saw as positive aspects of the regulation. The coverage offered by the defenders of the proposed legislation included a number of items with strong personal attacks and other propaganda techniques aimed to discredit the opponents of the draft-law and to persuade the public that the law brings many benefits to the table and that the Government had nothing but good intentions when it proposed this Law. In contrast, the independent media and the media critical of the Government focused their coverage on the specific questionable provisions and the possible negative consequences, with the aim to uphold the public interest and avoid any attempt to personalise the issue. It is worth noting that several articles in the critical news-sites carried over the strong rhetoric used by the political opposition, the representatives of the CSOs and other opinion-makers accusing the Government of attempting to terminate freedom of expression and media freedoms. Those statements were largely ignored and overlooked by the pro-government media.

Initially, the media focused their coverage primarily on the issue of censorship. The issue of the possible legal incorporation of censorship in the media legislation created a public uproar and the Government faced a flood of negative reactions.

"Although the Constitution bans the censorship and guarantees the freedom of expression, the new Law on Media prescribes that it could be restricted in a number of instances. The role of the censor shall be granted on the Broadcasting Council, which is to be transformed into the proposed Agency for the Media, with extended competences to cover, in addition to radio and television broadcasters, the print newspapers and internet portals which have so far been left out of the regulatory framework. According to Article 4 of the draft-Law, the freedom of the media may be restricted if the Agency deems it necessary to ensure, among other things, protection of physical well-being and morality of the citizens, protection of personal dignity and the rights of others, to prevent public disclosure of confidential and classified information, or to preserve the authority and independence of the judiciary. The draft-Law also prohibits the publication or broadcasts of programming contents that threaten or undermine national security."⁷

As a result of the torrent of reactions coming from the expert community, the NGO sector and the opposition, Article 4 was the first provision in the draft-Law subjected to series of changes.

⁶ "MAN's position is clear, the Macedonian media sphere needs a law that would define the rules of the game... We support especially the provisions of the law that regulate the rights of journalists, says Marjan Nikolovski, member of the Board of MAN, "Nova Makedonija", June 6, 2013.

⁷ "The new law on media prescribes censorship, too", 24 Vesti TV, April 9, 2013.

*“Minister Ivo Ivanovski pointed out that the majority of the received remarks and objections referred to Article 4, which introduces some restrictions to the media freedoms related to protection of national security, authority of the judiciary, etc. The Ministry did intervene in line with the proposals. Therefore, in the amended text of the draft-Law, to be released later today, Article 4 states that “any limitations of freedom of media shall be in line with the Constitution and international treaties”.*⁸

As the debate on the proposed media legislation intensified, so did the frequency of articles and interviews in the pro-government media that used *ad hominem* attacks on the critics of the legislation, questioning their motivation.

*“AJM and SDSM hold identical positions, as they did for the past 20 years. The views of AJM and Naser Selmani are identical to the positions on the new Media Law held by SDSM and (Radmila) Šekerinska: there is no need for such a law... On the other hand, VMRO-DPMNE relinquishes the opportunity to use the anarchy in the field to put pressure and manipulate the journalists and the media and stands firm that a law that will guarantee the freedoms of the journalists and protect their professional and social status should be adopted”. Nowhere in the world has a public profession demanded that journalistic profession remains unregulated. Only AJM and SDMS demand that journalists should work in a situation of total anarchy”.*⁹

*“AJM, MDC, SSNM and their ilk fall precisely in the line drawn by people who wish the preservation of the chaos in this field, situation that would allow them to seek funding from various sources. These people are mere manipulators of the freedom of expression and freedom of speech. Nothing is sacred to them, with the exception of the positive balance of their bank accounts. Alas, they manage to suck the state in their games”.*¹⁰

*“Journalists Borjan and Nana Jovanovski again snitch on the state in Brussels, presenting lies about the Media Law. Namely, they claim, although they have not read it or submitted a single remark to this day, that the Media Law is undemocratic, Netpress online news agency reports. Together with Roberto Beličanec and the other ‘enforcers’ of (Vladimir) Milčin’s SOROS, they would do anything to smear the country abroad, doing Greece’s bidding in the process. Those who protest against the Media Law (like (Žarko) Trajanovski and (Mirjana) Najčevska) have not even read the draft and have not yet submitted any remarks or objections”.*¹¹

“Let’s consider only the biggest figures. Roberto Beličanec, who is considered to be some sort of expert on the media by AJM, has at his disposal €500,000 to improve the journalism in Macedonia. The money, coming from a foreign embassy, is spent to pay the wages of the group, pay for imaginary debates and similar events that nobody notices and nobody needs, apart from the group that got the funding, while the AJM has the role to conclude at the

⁸ “Government removed the danger of censorship”, “Nova Makedonija”, June 6, 2013, adding that: “It was on this article, whether it introduced censorship or not, that the views of the Council of Europe and OSCE differ. CoE estimates that there is no censorship because the initial version of the Law practically copied the provisions of Article 10, paragraph 2 of the European Convention on Human Rights (it prescribes limitations to protect national security, the authority of the judiciary, etc.). OSCE simply believes that such a limitation is paramount to censorship”.

⁹ “SDSM and AJM join forces against the Law on Media”, Sitel TV, July 23, 2013.

¹⁰ “Nova Makedonia”, May 25, 2013, interview with Viktor Grozdanov, media consultant

¹¹ “Večer”, May 13, 2013

end that the project was necessary and yielded results. Soros's funds, projects like GEM (Citizens for European Macedonia), the websites they sponsor and NGOs that are constantly active in the area of rights of journalists... If we add here the activities of the Macedonian Institute for the Media, institute of this, institute of that... in fact, all of them are common civic associations that don't deserve the "I" of "institute"... everybody can see that we have in play a web of journalistic mafia, tethered to AJM, that plays a virtual reality game in which it cares for journalism. It all has a single goal: to invent a problem, offer a solution, and find foreign donor to pay for all of that, (Dragan Pavlović) Latas says".¹²

The international representatives were also frequently targeted by pro-government media:

"The Government received two different sets of recommendations on the draft-Law on Media from the Council of Europe and the OSCE Special Representative for the Media Dunja Mijatović. After the mandatory expert reading of the new media legislation, the two institutions presented totally opposed recommendations on the sections of the law covering the most essential issues, like the freedom of media and rights of journalists.

The first issue on which Europe and OSCE disagreed was Article 4, dedicated to freedom of expression and freedom of the media. The provisions prohibiting contents that threaten the national security, incite to violent overthrow of the constitution, military aggression or conflict, incite to discrimination and hatred on all grounds, were seen as welcome by the Council of Europe, while in the view of OSCE, i.e. Mijatović, they should be removed from the draft. Those provisions received different interpretations locally, too, and some professional circles even saw them as an attempt to legalize censorship".¹³

The media critical of the government policies thought that the draft-law was "an attempt of the government to regulate and control the online news sites, the last oasis of opposition in the country". In their view, the Government rushed ahead with the adoption of the media law because it planned to hold early parliamentary elections and wanted to ensure total domination for the pro-government media and push the critical media out of the media spectrum.

"Prime Minister (Nikola) Gruevski, according to sources in the Government, plans to have the Law on Media adopted before the early parliamentary elections, to be held together with the regular Presidential Elections in March next year. The temporary delay of the adoption of the Law, which has seen many objections by the Macedonian public opinion, EU, OSCE and international journalistic associations, comes on direct orders by the Prime Minister in order to avoid that the Law makes it into Brussels' remarks in the Progress Report on Macedonia".¹⁴

The intensity of the media coverage of the proposed media legislation depended largely on the events and developments¹⁵ dictated by the political actors¹⁶ (the decision to divide the initial proposal into two laws – the Law on Media and the Law on Audio and Audiovisual

¹² Kurir.mk, May 24, 2013

¹³ "OSCE and the Council of Europe Give Different Advice on the Same Articles of the Law", "Dnevnik", June 5, 2013

¹⁴ Libertas.mk, October 10, 2013

¹⁵ Opposition MPs leave the debate on the Law on Media, A1on.mk, August 23, 2013

¹⁶ "Ibraimoski: We don't need the Law on Media", A1on.mk, August 23, 2013

Media Services, the debate on the proposed amendments to the draft-laws in the Parliament, the press-conferences of the competent ministry, the statements by government officials and representatives of political parties, etc.).

“We emphasize that we stick to the position we share with the other media and journalistic organizations - AJM, MIM and SSNM - that the Law on Media is unnecessary, having in mind that some of the issues it regulates could be covered with interventions in the existing legislation, while some issues should be left to self-regulation of the print and online media”.¹⁷

“We note, with great concern, the possible harm that could be caused by the adoption of amendments granting the Agency for Media competences to control the print and online media and will allow co-financing of the programmes of privately-owned TV broadcasters from the state Budget - reacts the Macedonian Institute for the Media. Instead of introducing a regulatory system that would provide the foundations for efficient exercise of the freedom of expression, competitive pluralism and democratisation of the media sphere, the Government intentionally introduces retrograde measures to ensure that the media would be economically dependent, and those solutions will ultimately lead to a total distortion of the media market and elimination of the role of the media as a platform for democratic debate and articulation of critical views in society - MIM states”.¹⁸

“As it announced earlier, the Association of Journalists of Macedonia submitted to the Parliament an amendment to the draft-Law on Media proposing that it should enter into force on the day when Macedonia joins the European Union as a full-fledged member.

AJM President Naser Selmani explained that the amendment will protect Macedonia from further obstacles in the European integration process, in view of the fact that the new law is not, as the Government claimed, demanded by the European Union and it is the Macedonian Government that insists on its adoption”.¹⁹

From the moment when DUI, VMRO-DPMNE’s partner in the Government coalition, denied its support for the adoption of the media legislation, the interest of the media in this topic waned significantly.

“We don’t know why DUI announced that it won’t support the proposed Law on media. Having in mind the fact that the proposal passed all procedures in the Government and the Parliament - and DUI took active participation and supported it without any concrete objections or remarks - we would like to hear the reasons behind DUI’s new position, states VMRO-DPMNE in its reaction”.²⁰

The analysis of the media coverage of the proposed new legislation - the Media Law and the Law on Audio and Audiovisual Media Services – shows that the public engaged in an intensive and fierce debate on whether the new legislation was necessary and the

¹⁷ “MDC submitted amendments to the proposed media legislation”, “Vest”, August 14, 2013

¹⁸ “Vest”, August 23, 2013

¹⁹ “AJM Proposes and Amendment – the Law should enter into force after Macedonia joins EU”, “Vest”, August 21, 2013

²⁰ “VMRO-DPMNE: Ahmeti and DUI told us something else when we talked about the Law on Media”, Mkd.mk, November 1, 2013

dangers they bring to the table. The critics of the proposed legislation, in spite of the domination of pro-government media in the public discourse on the matter, managed to alarm the domestic and international public about the key points of the two bills and to raise the alarm about the danger that they could introduce additional restrictions of freedom of expression and media freedoms. Even the European Commission came forward, at the end of November 2013, with the position that the media legislation should not be adopted hurriedly and without a proper comprehensive public debate and compromise.

“According to Peter Stano, the spokesman of the European Commission, (Ivo) Ivanovski and (Christian) Danielsson discussed the draft-laws currently debated in the Parliament in their meeting last Friday.

Director General Danielsson repeated what the European Commission and others have said throughout the process, and that is that guaranteeing freedom of expression and other fundamental rights is a condition for the country to join the European Union. But exactly when and how the country will regulate this area is a matter for national authorities and participants, said Stano.

As for the process of making laws, according to spokesperson of EU Enlargement Commissioner Stefan Fule, CEO Danielsson said, “The government should provide necessary time to ensure that the proposed laws are in line with European standards and best practices.”²¹

“The suggestions of the stakeholders in the state will be discussed and will be considered in inclusive manner and in good faith in order to avoid problems in the phase of implementation of the Law on media and audio and audiovisual services, says Stano.”²²

On December 21, just one day after the end of the European Summit in which Macedonia wasn't granted a start-of-negotiations date, the Minister of Information Society and Administration and AJM President appeared together in a previously unannounced press-conference. At the press-conference, they informed the journalists that the Government accepted several of AJM's remarks and objections, that the two bills will be put for a vote before the New Year's holiday season²³, and that interventions in the two laws, to implement the changes agreed by the Government and AJM will be presented to the Parliament for a vote no later than January 24, 2014.

The pro-government media expressed their satisfaction with the agreement and the fact that media laws were to be adopted very soon. In addition to the statements of the competent Government minister, they reported the positions held by MAN.

“MAN states that the Law on Media was in line with the wishes of the majority of the journalistic profession, a fact finally accepted by Selmani and AJM. They add that the Law should have covered the work and operations of internet portals.

- Obviously, AJM has finally realized that it is not the majority association of the journalists, a fact that may have precluded their decision. According to what was announced, the info-portals shall stay out of the scope of the Law on Media, which means that they shall not be considered media outlets and their

²¹ “Nova Makedonija”, November 21, 2013

²² AlsatM TV, November 20, 2013

²³ The Law on Media and the Law on Audio and Audiovisual Media Services were put for a vote and adopted on December 25, 2013 <http://www.sobranie.mk/?ItemID=C3115CD380A53544B436AA2E93C8B7F2>

*employees are not journalists. I lament that decision and I believe that we needed a different solution, said MAN President Slagjana Dimiškova.*²⁴

The pro-government media overlooked or carried just portions of the vehement reactions by other media and civic organisations, which were surprised and unhappy with the agreement reached by the Government and AJM. Their views and criticism addressed at AJM and the Government, and their demands for the proposed laws to be retracted by the Government, were reported by the media critical of the government.

“The three organisations – the Independent Trade Union of Journalists of Macedonia, MIM and MDC - yesterday came forward in public with strong reactions to the opaque actions of AJM and remain at the position that the Law on Media is unnecessary...

*... SSNM informed its membership and the general public that it wasn't informed or consulted about AJM's intention to hold a joint press-conference with the Minister of information society to present the agreement to adopt the media legislation in an urgent procedure. SSNM's expectations to be informed and consulted are based on the fact that, so far, the four organisations (AJM, SSNM, MIM and MDC) coordinated their activities related to the process of adoption of the laws. The Media Development Center (MDC) states in its reaction that it stands firmly and unflinchingly on the position that Macedonia doesn't need the Media Law and demands from the Government to revoke the draft-law from the adoption procedure in the Parliament. The Macedonian Institute for the Media, opposed to negotiations behind closed doors, came forward yesterday with a similar position.*²⁵

All media carried the statements of the President of AJM who claimed that there were no negotiations with the Government and that, in fact, the Government simply accepted some of the proposals and suggestions presented by the association. Immediately after the joint press-conference, the media carried the joint statement by the American Embassy in Skopje and the Delegation of the European Commission expressing their satisfaction with the fact that the Government and the journalists reached an agreement in order to give new impulse to the issue of draft-media legislation. *“It follows exhausting consultations on the two bills. We hope that it will pave the way for regular dialogue on all issues of concern for the media, noted in the Annual Report of the EU, and will contribute to the creation of a climate of trust”.*

Some media critical of the government relied on speculations and cited anonymous sources to note that AJM's decision to sit at the negotiating table with the Government was result of the direct strong pressure by the international community.

*“The joint press-conference of Minister Ivo Ivanovski and AJM President Naser Selmani, Libertas.mk learns from diplomatic sources, was result of the pressure applied by US Ambassador to Macedonia Paul Vohlers, EU Ambassador Aivo Orav, and OSCE representative on freedom of the media Dunja Mijatović.*²⁶

²⁴ “Večer”, December 23, 2013

²⁵ “Utrinski vesnik”, December 23, 2013

²⁶ Libertas.mk, December 24, 2013

The critical media also carried the reaction of the Front for the Freedom of Expression, a coalition of a dozen or so civic organisations and individuals, which states:

“...We are perplexed by the support that the international community gives to this opaque process of express-line adoption of media legislation. This especially in view of the fact that only recently, the European Commission itself clearly stated that the adoption of the laws on media and audiovisual media services will take time and general consensus. Having in mind the proposed legal solutions and the views of the majority of the journalistic community, the Front believes they will prove to be harmful for the freedom of the media as an attempt to increase the control of the media and the journalists in the country.”²⁷

On December 25, 2013, the Assembly of the Republic of Macedonia voted and adopted the two media laws. The media reported on parts of the debate in the Assembly. The pro-government media focused mainly on the views of the ruling majority, while the critical media reported the speeches and interventions by both government and opposition MPs.

The analysis shows that the media critical of the government, the news portals and websites in particular, provided a comprehensive coverage that involved all stakeholders and presented the different views on the media legislation. On the other hand, the coverage in the pro-government broadcast media, but also in pro-government news portals and daily newspapers, was paramount to a mere political propaganda. They used various techniques, ranging from personal attacks to outright disregard for the views of the opponents of the media legislation, to distort the ongoing debate and secure the priority for the political interests of the Government. The critics of the legislation, primarily the President of AJM, but also the representatives of other media organisations, were targets of frequent attacks, criticism and personal smear campaigns. The broadcast stories relied on the persuasion technique "he knows most who speaks last" - the views and positions of the experts, the civic associations or international representatives critical of the proposed legislation were followed by the reactions of Government officials or pro-government experts to "wrap up" the discussion and influence the interpretation of the presented information.

It is worth noting that, due to the specific nature of the issue, sometimes it was difficult to discern if the media fought over the laws in accordance with their media policies, views and interests, or if they just supported different political positions. The divisions on the media scene created a paradoxical situation in which, on one hand, several journalistic associations fought for the social status of the media and for preservation of their rights and freedoms, while on the other hand, some media approached and defended the legislation that has direct impact on their status and position in society exclusively through the viewpoint of political interests of the ruling parties.

4. The “Kežarovski Case“

On May 28, 2013, the Ministry of Interior conducted the police operation code-named "Liquidation" in the case of the double homicide in the village of Oreše, in Veles Municipality. Eight persons were arrested for their involvement in the case, including charges of bribery, abuse of office and exposing the identity of a protected witness²⁸.

²⁷ Plusinfo.mk, December 23, 2013

²⁸The Police arrested lawyer and former investigative judge Valentin Zafirov from Veles, judge Ilija Tanev, Public Prosecutor Ivica Efremov, former judge of the Supreme Court Borče Nikolovski, former judge Sašo Lazarov, Jane Pavlevski-Tica and Sabedžin Džinihofman, all from Veles, and journalist Tomislav Kežarovski. All arrests in the operation "Liquidation" were in

One of the arrested was Tomislav Kežarovski, journalist working at "Nova Makedonija" daily newspaper, who was charged with disclosure of the identity of a protected witness in the "Oreše" case in a report published in the "Reporter 92" magazine in 2008.

The whole affair received a lot of attention in the public and was extensively covered by the media. The coverage of the first several days after the operation was dominated by details of the arrests and the charges, with the Ministry of the Interior (MVR) and its office of public relations, as well as the press-releases and statements by judicial bodies and institutions acting as primary sources. The public was presented with detailed information on the operation, the arrests of the suspects, the contents of the prosecution's charges, in the form of articles and reports, statements, photo-galleries and video footage.²⁹

The media presented the information without further analysis or comments that would provide more context, thus confirming, yet again, the main characteristic of Macedonian media - their journalism aims primarily to register and present the information served by the Government bodies and institutions. During the first several days after the operation, the media coverage was one-sided, without any information, statement or position that would challenge the state institutions or their representatives, even if one of their own, a fellow journalist, was at the centre of the affair. There was notable absence of analyses that could provide a clearer view of the event that would differ from the rather technical argot used in the information coming from the Ministry of Interior. The media also aired video footage recorded by the police during the arrests and for the whole duration of the operation. That approach had a negative effect on the principle of presumption of innocence.

The full domination of the institutions over the reporting on the arrest of Tomislav Kežarovski³⁰, started changing several days after the police operation, with the announcement that his fellow journalists started organizing protests over the social networks³¹. It was through the coverage of the protests that information on the reactions and

relation to the double homicide in Oreše... The Police, using excessive security measure, arrested the journalist earlier this morning. He is charged that, in collusion with former investigative judge that led the investigation of the "homicide" case in Veles, in violation of the Law on Criminal Procedures and the Law on Witness Protection, disclosed in public the identity of a person (witness under threat that was later placed into the witness protection programme, in accordance with the Law on Criminal Procedure and the Law on Witness Protection) involved in the case, in spite of the fact that they were legally obligated to treat the information on the witness as classified information. The arrested investigative judge, the available evidence indicates, provided the lawyers of the defendants with a copy of the minutes recorded in the interrogation of the witness which also listed his phone-number, his signature and other information that could be used to disclose his identity. The minutes were later accessed by the charged editor and journalist who published it in the magazine "Reporter 92", in two successive issues, disclosing the true identity of the "witness under threat", thus jeopardizing his life and integrity, the Ministry of Interior reports. The arrested judge, Chairman of the Criminal Chamber of the Basic Court in Veles, in 2008, through the suspected intermediary, demanded to be paid €2000 by a relative of two persons charged with "armed robbery", in exchange for his vote to release them from custody, although the legal conditions were not met and the legal circumstances that led to the decision for their pre-trial detention were still valid", "Journalist Kežarovski, lawyers, judges and one public prosecutor arrested", A1on.mk, May 28, 2013.

²⁹ The video shot at the police operation "Liquidation" is available at <http://www.youtube.com/watch?v=aIGMHI3nGNk>.

³⁰ "Kežarovski, one of the persons arrested in the operation, according to the Court, together with the investigative judge that led the investigation in the case, is charged with unauthorized disclosure of information about witnesses, collaborators of justice, victims that appear as witnesses and their relatives. According to the Ministry of Interior, Kežarovski is charged, on basis of available evidence, of publicly disclosing the identity of the protected witness in the "Oreše" case in two subsequent issues of the bi-weekly magazine "Reporter 92", published in 2008. The brother Ljupčo and Orde Gjorgievski were accused and tried on charges of homicide in the case. The protected witness Zlatko Arsovski, whose identity was allegedly disclosed by Kežarovski, demanded, in February of this year, to be removed from the witness protection programme and testified that he was forced by several police officers to testify against the Gjorgievski brothers. After that testimony, the Court acquitted the defendants on all charges", "Kežarovski in Custody, his Colleagues Protest", Radio Free Europe, May 31, 2013.

³¹ One of the first reactions was the creation of the Facebook group "Freedom for Journalist Tomislav Kežarovski", <https://www.facebook.com/events/500192866719075/?ref=22>, on May 31, 2013. A protest was organized with participation of a hundred or so journalists in front of the Basic Court in Skopje, with demands for Tomislav Kežarovski to be released from custody. "Fellow journalists, cameramen, photo-journalists, citizens, we invite you to join us tomorrow, at 12:00 hours, at the protest in front of Basic Court 1, to express our revolt over the arrest of journalist Tomislav Kežarovski. The manner of his arrest, with excessive force and in front of his underage children, in a situation in which he made no attempt to escape or resist,

the views of the journalists and Kežarovski's lawyers slowly reached the public, finally allowing for a more comprehensive insight into the complexities of the case and the views of the other stakeholders.

“The journalists protesting in front of the Court building in Skopje demanded the release of their colleague “Nova Makedonija’s” Tomislav Kežarovski from detention. They say Kežarovski is innocent and demand that he is allowed to defend himself from freedom.

Dzvonko Davidović, the lawyer of the Gjorgievski brothers, said yesterday that Zlatko Arsovski got the protected witness status in 2010, and was not in the witness protection programme at the time Kežarovski published his report in 2008.

The Editor-in-chief of “Nova Makedonija” Zoran Dimitrovski claims that Kežarovski’s arrest was a pure demonstration of power. In his view, the reporter has not, in fact, committed the offense for which he was accused because he didn't disclose the identity of the protected witness, and adds that he actually discovered that the police was “fixing the case” with a false witness.

The president of the trade union of journalists Tamara Čausidis says that the journalists were protesting the arrest of their colleague, with an action of the police SWAT team, in front of his whole family. He is held in custody because he refused to disclose his source of information, which is his constitutional right, she said.³²“

The protests offered the first opportunity to inform the general public and bring to the fore the issue of possible violations of Kežarovski’s rights and the consequences that the whole case could have for the freedom of speech and freedom of expression in the country. On the other hand, the media with pro-government editorial policies, were mostly passive and focused their coverage almost exclusively on the official statements of judicial and investigation authorities. However, when the Macedonian Association of Journalists - MAN³³ also supported the demands for Kežarovski's release from jail, the protests were given coverage by several pro-government media³⁴.

“On a request of the journalists, a meeting was held today between three members of the Initiative Committee for release from custody of Tomislav Kežarovski, the President of the Criminal Court Vladimir Pančevski and the Investigative Judge Vladimir Tufegdžić. Tufegdžić³⁵ explained after the

and he was issued an outrageously long 30 days pre-trial detention, is a direct attack not only against Kežarovski, but against free journalism and public speech in the country. The situation is even more alarming if we bear to mind the claims by his relatives and the colleagues from “Nova Makedonija” that the only question he was asked by the investigative judge was to disclose the source of the information published in his report on the protected witness”.

³² Ibid.

³³ <http://man.com.mk/>

³⁴ “Journalists stand in defence of their colleague, organize petition for release of Kežarovski”, Sitel TV, May 31, 2013: “No government, now or in the future, should be allowed to undermine the dignity of journalists - believes the Macedonian Association of Journalists in its reaction to the arrest of “Nova Makedonija’s” reporter Tomislav Kežarovski. Tomislav Kežarovski is a journalist and a public personality who is always accessible to the institutions, which makes the procedure of his arrest that, without trial, treated him as a common criminal is unacceptable, comments the Association and appealed the politicisation of the case”. “Journalist Kežarovski should be released from custody!”, Kanal 5 TV, May 31, 2013, et al.

³⁵ “According to Tufegdžić, in 2008, when Kežarovski disclosed the identity of the protected witness in the “Oreše” case in “Reporter 92”, the witness already formally had the status of protected witness. “The person was granted the status of protected witness on November 5, 2008 and was given the code-name “Breza”. He was interrogated by the investigative judge under the pseudonym “Breza”, and some 20 days later, on November 28, “Reporter” published an article that discloses the identity of the protected witness” Another 20 or so days later, in the same magazine, Kežarovski also published the minutes from the interrogation of the protected witness, which makes it clear that the reporter knew that the person had the status of protected

meeting that Kežarovski was jailed because there was danger that he could leave the country or influence the witnesses that have not yet given their testimonies in the trial. Kežarovski's court-appointed lawyer noted that he didn't appeal the investigative judge's decision to detain Kežarovski for the duration of the trial. The journalists that participated in the meeting asked the court to take into consideration the fact that the defendant was a journalist, and also demanded to be told if the protected witness had that status at the time of the publication of Kežarovski's reports. They also demanded an answer to the question if the said protected witness was, in fact, a false witness with fabricated testimony, knowing that last February he admitted to have perjured himself, publicly disclosed his identity and claimed that the Police forced him into the witness protection."³⁶

Eventually, in early June 2013, the "Kežarovski Case" gained prominence and top-billing in the coverage of Macedonian media, pushing back the draft-Law on Media, which previously was the top story in Macedonia. The involvement of international organisations, journalistic associations and other international human rights associations raised the status of "Kežarovski Case" to regional and international prominence. As such, it was given a lot of attention as an important event, indicative of the situation in the area of freedom of expression, protection of human rights, functioning of institutions and rule of law in Macedonia. The first reactions from abroad, reported by the media were the statements by several journalists' associations in the region of Southeast Europe, international journalists' associations and OSCE Representative for the Freedom of Media Dunja Mijatović.

"The associations of journalists of Croatia and Bosnia and Herzegovina, as well as the Trade Union of Journalists of Serbia reacted to the arrest of journalist Tomislav Kežarovski, who has been held in custody in the investigative jail in Šutka (the slang name for the Skopje's borough of Šuto Orizari, translator's note) for five days now.

„Kežarovski's arrest is a shameful act of the Macedonian Government and law enforcement authorities and represents a brutal attack on the freedom of expression and safety and security of journalists", write our colleagues in the "BH Journalists" and the Media Help Line associations".

*"We were shocked to learn that a police SWAT team was used in Kežarovski's arrest, in spite of the fact that there were no indications that he could resist the arrest in any way or fashion", the Croatian Association of Journalists comments*³⁷.

"The High Representative for the Freedom of Media Dunja Mijatović assessed as excessive the actions by Macedonian authorities during the arrest and subsequent detention of journalist Tomislav Kežarovski, who was arrested for an investigative story, published in 2008, in which he disclosed the identity of a protected witness in an ongoing murder investigation.

witness. All of this is listed in the evidence presented by the public prosecutor to the investigative judge and I can only say that the investigation has to include other actions, including interrogation of witnesses", he said" (June 4, 2013, cited in several media).

³⁶ Ibid. June 4, 2013.

³⁷ Press-release by the Independent Trade Union of Journalists and Media Workers, cited by several media, June 4 and 5, 2013.

*"The arrest of a journalist in Skopje for a report published some years ago is excessive and has negative effect on the freedom of the media", Dunja Mijatović says. In her view, the decision to hold Kežarovski in custody sends negative signals about the situation in the area of media freedoms in the country. The journalists should be allowed to practice investigative journalism on matters of public interest, free of the threat of arrest or imprisonment and free of the possibility to be forced to disclose their sources", Mijatović says.*³⁸

The pro-government media's treatment of international reactions on the matter mostly followed the line of downplaying or overlooking such reactions and information altogether. In a situation when political and judicial authorities faced demands to reconsider the circumstances of the case and the decision to hold Kežarovski in pre-trial jail, the pro-government media maintained their silence and chose to question the justification of such demands and the personal and professional integrity of those who made the demands in the first place. On several occasions, the reactions of the international actors condemning the arrest of Kežarovski that were already reported were later removed from the websites of pro-government media and news wires³⁹.

"I lament what is happening to Kežarovski and I understand that Ms. Mijatović is, in one capacity, obligated to be interested in the case, but in Macedonia, as a democratic country that respects its Constitution, we have in place strict separation of executive and judicial powers. The executive branch has no competences over the judiciary. We can't and shouldn't meddle there". This is an excerpt from the letter that Prime Minister Nikola Gruevski intends to send to the OSCE Representative on Freedom of the Media Dunja Mijatović⁴⁰. Gruevski said today, responding to a journalistic question, that he wrote the letter to Mijatović yesterday and announced that, once sent, it will be made available to the press in its integral text".⁴¹

The media coverage of the case in June, July and August 2013 mostly focused on the activities of the journalists who demanded that Kežarovski is released from custody, the reconsideration of the decision to jail him for the duration of the trial, and questioned the very charges brought against him. During that period, the focus of the media moved to the announcements that the trial would be quick, and the reactions to the 4.5 years prison sentence, declared on October 21, 2013.

"The investigative judge has not yet determined if there were changes in the circumstances of the arrest of journalist Tomislav Kežarovski, sources in Basic Court Skopje 1 told 24 Vesti TV. Kežarovski will remain in custody and there is no change in his status or reconsideration of the need to keep him detained.

³⁸ The statement was carried by several media on May 31, 2013.

³⁹ For example, Makfax published, on May 31, 2013, the article "OSCE: Kežarovski's arrest will have negative effect on the freedom of the media", was removed the next day.

(http://makfax.com.mk/311074/obse_pritvoranjeto_na_kezharovski_negativno_kje_vlijae_vrz_slobodata_na_mediumite).

⁴⁰ „Detention of Macedonian journalist excessive, says OSCE media freedom representative", <http://www.osce.org/fom/102198>, 31.05.2013, OSCE media freedom representative alarmed by court decision in Skopje to continue detention of journalist, <http://www.osce.org/fom/103877>, 25.07.2013, Continued detention of journalist in Skopje unacceptable and appalling, say OSCE and UN representatives, <http://www.osce.org/fom/104456>, 29.08.2013, OSCE media freedom representative deeply concerned over today's conviction of journalist in Skopje, <http://www.osce.org/fom/107265>, 21.10.2013.

⁴¹ "Gruevski to Mijatović: The executive branch has no competences over the judicial branch in Macedonia", Sitel TV, August 31, 2013

The Initiative committee for the release of Kežarovski says that it has officially informed the Delegation of the European Union in Macedonia about the case. The international organization Reporters Without Borders also demanded action from the EU Delegation and announced that it will seek activation of all legal instruments and remedies".⁴²

After the declaration of the sentences in the Oreše Case, the outcry of condemnation continued, with demands for the sentence, seen as unfounded and excessive, to be annulled and for Kežarovski to be freed of all charges. The wave of reports and stories that ensued was dominated by demands to acquit Kežarovski, while several pro-government media⁴³ engaged in a review of the legitimacy of the demands, disputing the legitimacy and the relevance of the persons that made them. The "Dnevnik" daily took the lead in that regard and used several articles to dispute the authority of OSCE Representative for the media Dunja Mijatović.

"The two prominent British dailies never heard about the office of OSCE Representative on Freedom of the Media, and they weren't really interested to hear what it said or did. They commented for "Dnevnik" that they do appreciate the support coming from the media all over the world in the fight against (David) Cameron's decision to control their work. However, and alas, they have no idea who the certain lady, seen by the "oppressed" Macedonian journalists as an icon, actually is."⁴⁴

The media coverage of the Kežarovski Case intensified after the protest organized by the journalists on October 23, 2013, in front of the Museum of Macedonian Revolutionary Struggle. The Police cordoned off the protesters and prevented them from reaching the Museum building. The critical media reported that more than 100 police officers and members of the riot-police unit were engaged for the protest. The media interpreted that as a "demonstration of power" and attempt to "intimidate the journalists". The pro-government media, on the other hand, condemned the protests, while some of them went in for full discrediting.

"There were several pensioners, thugs and other persons seen on every protest organized in this country, not journalists that gathered in front of the Museum of VMRO today. They tried to provoke a conflict with the police and attempted to break through the police cordon. They threw themselves on the riot-policemen's shields and threw rocks at them. At the same time, they insulted them, spat on them and cursed them. Several unknown faces took the "front" lines to flex their muscles. The police remained calm, reacted in a totally European manner, in spite of all provocations and attacks by the gathered protesting thugs."⁴⁵

At the same time, the organizers of the protest, the Initiative Committee for release of Tomislav Kezarovski from custody, was accused by government officials of holding an

⁴² "Journalists demand international assistance for Kežarovski", 24 Vesti TV, June 12, 2013.

⁴³ „The other side of Kežarovski Case: What got the journalist indicted?", Kurir.mk, October 22, 2013,

<http://kurir.mk/makedonija/vesti/134554-Drugata-strana-na-slucajot-Kezarovski-za-sto-e-osuden-novinarot>

⁴⁴ "Who is Dunja Mijatović", "Dnevnik", November 5, 2013, "Samaras still waiting to meet Mijatović", "Dnevnik", November 12, 2013.

⁴⁵ Kurir.mk, October 23, 2013

"unscheduled protest". Government officials also denounced the protest as "an attempt at provocation and incitement to unrest".

"After yesterday's statement by minister of interior Gordana Jankulovska that the protest of October 23 was not properly announced, we, the Initiative committee for release of journalist Tomislav Kezarovski from custody, want to inform the public that neither the Law on Public Gatherings nor the Constitution list an obligation for prior notification of authorities about the intent to organize protests.

Namely, Article 21 of the Constitution of the Republic of Macedonia states that "Citizens have the right to assemble peacefully and to express public protest without prior announcement or a special license", while Article 3 of the Law on Public Assembly states that "in the interest of security, an organizer of a public assembly may inform the Ministry of Interior about the assembly and the implemented steps necessary to organize the assembly."⁴⁶.

The media continued with the intensive coverage of the Kežarovski Case. After the termination of the decision to hold Kežarovski in custody and the decision of the Court to place him under house arrest⁴⁷, the media reported extensively on the reactions of Macedonian public, the journalists' associations and the representatives of the international community⁴⁸:

"AJM finds the latest decision of the Court in the case of Tomislav Kezarovski to be a positive step. The Association expects from the Court to move to terminate the house arrest, too, so that the journalist can continue to defend himself from freedom. AJM believes this situation offers a fine opportunity to Macedonian judiciary to implement the European case-law in cases related to matters of freedom of speech, thus avoiding the risk for the country to be condemned for violations of Article 10 of the European Convention on Human Rights."⁴⁹

Journalists' associations demanded from the Court of Appeals to release journalist Tomislav Kezarovski from house arrest. AJM and the Trade Union of Journalists hold the identical position - "Nova Makedonija's" reporter is innocent and should be released from custody".⁵⁰

In December 2013, the Kežarovski Case was only sporadically mentioned by the media⁵¹, mostly in the context of coverage of debates in the Parliament and the Council of EU's decision whether to grant Macedonia the start of accession negotiations date.

The Macedonian public was well-informed about all developments of the case, thanks to the quality comprehensive coverage provided by the media critical of the Government (news-portals Plusinfo.mk, A1on.mk, Libertas.mk, Sky.mk, Telma TV and 24 Vesti TV) and "Nova Makedonija" daily. The position of the pro-government media evolved from the initial

⁴⁶ Press-release of the Initiative committee for the release of Tomislav Kežarovski from custody, cited by several media, December 13, 2013.

⁴⁷ "In Europe, Kežarovski would be acquitted", "Nova Makedonija", November 29, 2013

⁴⁸ "Füle: I will analyse the sentence in the Kežarovski case", Plusinfo.mk, October 21, 2013.

⁴⁹ "AJM Greeted the decision of the court", AlsatM TV, November 8, 2013

⁵⁰ "Opposition parties and several opposition MPs demand that Kežarovski is acquitted on all charges", November 8, 2013.

⁵¹ "Are there abuses of pre-trial detention - government and opposition clash", 24 Vesti TV, December 12, 2013.

formal support for Kežarovski, through passive and reserved stance, to strong attacks, disqualification and attacks on several groups and individuals (for example, the OSCE Special Representative for Media Freedom Dunja Mijatović) that took part in the efforts to see Kežarovski freed from jail. The monitoring noted that pro-government media frequently and abundantly engaged in the practice to republish and quote contents originally published by other pro-government media outlets.

The public service broadcaster MRT approached the topic in a manner that aimed to present its coverage as neutral. It was quite obvious, on the other hand that the purported neutrality should not, in any form or measure, go against political interests of the Government. Our analysis demonstrates that, through application of various techniques (huge disparity of statements given by stakeholders and sources of information, selection of experts known to the public for their pro-government and right-wing views and positions as guests for live interviews, the decision to conclude the stories with quotes that emphasize the pro-government points of view, etc.) the public service didn't muster the courage to hold the line of protection of interests of objective reporting and public interest.

The "Kežarovski Case" was used by the critical media to alarm the domestic and international public about the serious infringements of freedom of expression and media freedoms in the country. On the other hand, once the Kežarovski Case gained prominence as one of the top issues on the agenda of Macedonian society, the pro-government approached the matter in a passive manner or attempted to alleviate the consequences of its overwhelming presence in the media. The pressure of the international organisations and associations, combined with the public demands to review the case, ultimately proved crucial for the efforts that led to Tomislav Kežarovski being released from custody.

5. EC's 2013 Progress Report on Macedonia

One week before the release of the 2013 Progress Report on Macedonia, almost all media announced that the European Commission will note further deterioration of freedom of expression and freedom of the media, which would lead to the introduction of another membership criterion - "creation of media culture".

The alleged new criterion was a complete novelty for the members of the press and the general public. In the search for answers, the journalists tried to get more details from the European Commission, consulted representative of international journalistic associations and domestic experts. Nevertheless, the public in Macedonia didn't get an official confirmation if the 'media culture' will really be made an official new criterion, nor did it get an official information or explanation what that 'media culture' was supposed to mean.

The analysis of the offered definitions of the term "media culture" implied that it shall encompass *"the work and operations of the media, their democratic capacity, ethical standards, editorial policies, ownership structures, advertising practices"*⁵², as well as that *"media culture is a refined product of a democratic and free society, the rule of the law, high political, communication and culture in general. It is a long-standing tradition of the states"*

⁵² "Dnevnik", October 9, 2013

*that cultivate the freedoms of speech and expression, not only in the Constitution and the positive legislation, but in life in general*⁵³.

Some pro-government media concluded in the headlines of their stories that *"EU Knows Nothing about the Media Culture"*⁵⁴, listed a catalogue of problems in the media sphere in several member states and held the view that *"The announced new criterion – the media culture – shouldn't be a cause of concern because it is only vaguely defined and problems in that area have been noted in more than a half of EU member states"*.⁵⁵

On the eve of the publication of the Progress Report, some media presented the expectations that the media community in Macedonia had from the European Commission in the media sphere and in the area of the freedom of expression.

"The President of the Association of Journalists Selmani expects from the European Commission to adopt a clear position against the Law on Media proposed by the Government, which, according to some announcement, will be put for a vote in the Assembly after the publication of European Commission's Report.

*- Those who believe that the delays of the Law on media will fool EC are delusional. The situation is far more serious and the European Union will present clear recommendations to the Government about the actions it has to take to overcome these problems, Selmani emphasized.*⁵⁶

After the release of the Report, there was an evident attempt by the majority of pro-government media to declare *"the fifth moral victory for Macedonia"*⁵⁷, in spite of the fact that, for the fifth year in a row, the country didn't get the start-of-negotiations date, to emphasize that *"Macedonia registers progress in all areas"*⁵⁸, and to downplay the remarks and the criticism of the European Commission, including those referring to freedom of expression and media freedoms.

The other media covered the contents of the Report and presented the sections referring to the media.

*"The Government should renew the dialogue with the media. Regarding the freedom of expression, it emphasizes that "the progress in the dialogue with the media has been stuck in place after the expulsion of the journalists from the Parliament, while, in spite of the development of the legislative framework, the country's reputation in the area of freedom of the media is deteriorating. It also notes that the closing of many media outlets over the past several years has severely reduced the diversity of opinions available to the citizens. It also emphasizes the high levels of polarisation of the media which, "for reason of political gains introduces difficulties for the development of objective reporting, creates economic pressure on the journalists and media owners (including here the strange application of Government's advertising budgets) and perpetuates low professional standards".*⁵⁹

24 Vesti TV aired a special report on whether it was possible for the Government, now that the EC Progress Report was released, to retract the draft-legislation on the media. MP

⁵³ "Utrinski veshnik", October 9, 2013

⁵⁴ "Dnevnik", October 9, 2013

⁵⁵ "Večer", October 9, 2013

⁵⁶ Telma TV, October 8, 2013

⁵⁷ "Dnevnik" and "Večer" both carry similar headlines on October 17, 2013.

⁵⁸ MRT1, 17.10.2013

⁵⁹ "Utrinski veshnik", October 17, 2013

Antonio Milošoski said that the ruling majority didn't want to adopt the laws by force and that the Government should renew the dialogue with the journalists' associations. On the other hand, the President of AJM said: *"We are now entering a stage in which further intervention in the two laws is impossible. I believe it would be a positive development if they are revoked from procedure and if we and they, we as journalists, but also the general public, are given another chance to invest all our efforts to see if we can improve the proposed legislation"*.

Although EU Enlargement Commissioner Stefan Füle said, in a statement on the release of the EC Progress Report on Macedonia, that *"the first chapter we shall open will be the chapter on freedom of media and freedom of expression. The European Commission will not open any other chapters to negotiation until Chapter 23 is closed, once the negotiations start"*⁶⁰, the analysis of the media coverage of the EC's Progress Report showed that the journalists largely treated the freedom of expression and media freedoms as a second-tier topic, and focused primarily on EC's remarks in other areas (economy, judiciary, etc.).

⁶⁰ Libertas.mk, October 16, 2013