

Hate speech became standard speech in Macedonia - Institutions for years have been deaf to calls for violence

The general perspective of the Macedonian public in regards of the struggle against hate speech is that it doesn't work in practice and is only declarative. Hate speech is covered in article 319 of the Criminal Law according to which the causation of hate speech and discord based on religion, nationality, race and other discriminatory basis is punishable with jail time from one to five years. According to the above mentioned article a ten year jail time is given if the offense leads to any type of violence or damage to people or property. After the changes made in the Criminal Law, under article 394g, any distribution of material with racist or xenophobic content through a computer system is also a punishable offense.

Through the years the cases of hate speech and calls for violence have grown in number and for all this time the state prosecutor has turned a blind eye. Those types of cases have been more frequent in 2015 when the R. of Macedonia was in a deep political crisis and because of the general practice of impunity those cases have grown in number in recent years. In the past three years¹ the Macedonian courts have not passed any effective verdicts for cases of hate speech and up until October 2018 the public prosecutor of the R. of Macedonia hasn't made a single request for a legal procedure in those types of cases. This fact is confirmed by the criminal court of Skopje. At the moment there are around thirty open cases about which we shall still see if any indictments are going to be made and how many of those indictments are going to be accepted by the courts in charge.

*According to the check-up we have made in the electronic system – AKMIS, no legal procedure has been delivered to Basic Court Skopje 1 in connection with this article.*²

The public prosecutor's office has given us the same answer as the court.³

*In the period from 2010 to 2018 no accusations have been made on offenses described by articles 319 and 394g of the Criminal Law.*⁴

The above mentioned articles have not been put in practice and have stayed just on paper besides the public witnessing and being displeased with the breaking of the laws described in those articles. According to the statistics on the internet platform "govornaomraza.org"⁵ of the Helsinki Committee of Human Rights there have been more than three hundred registered cases of hate speech, mainly based on ethnicity but also on political affiliation and sexual orientation. Most of those occur on social media and other internet platforms as well as in newspapers and even political speeches. In recent years social media have become the fastest way in reaching the public and as a result the effect of the things written there are far

¹ <http://prizma.mk/nema-vinovnitsi-za-govorot-na-omraza-vo-makedonija/>

² Answer by Basic Court Skopje 1 on a question by ZNM

³ <http://www.wipo.int/edocs/lexdocs/laws/mk/mk/mk018mk.pdf>

⁴ Answer by the Public Prosecutor's Office on a question by ZNM

⁵ <http://govornaomraza.mk/>

reaching and potentially much more dangerous. Hate speech, calls for violence and lynch are spread in number of ways and in many situations are even treated as news on many internet news sites which are additionally spread on social media as such. As an example, in 2013, a message reading “death for faggots” appeared on a couple of billboards. Instead of condemning the act, many internet news sites have even added more hate speech in their headlines. One of the headlines of those news sites reads: “PHOTO: The LGBT community billboards got death for faggots”⁶ which was also taken word by word by other news sites. The article reads: “The LGBT community in Macedonia has put today a bunch of billboards reading: Gay, Lesbian, Bi, Trans, Queer. The revolted citizens dealt with this immediately by writing: death for faggots”. By this rhetoric, those news sites not only support those cases of hate speech but are also giving incentive to this sort of behavior. When those types of articles are spreading on the internet they are encouraging many deviants to direct action like setting cars on fire, calling for public lynch and even physical violence.

In recent years hate speech in political speeches has been constantly present. The political crisis has brought a division in the media and the society as a whole based on political affiliation. The political speeches have divided the citizens, politicians and activists as either patriots or national traitors and the insulting and hateful content has been proportionally growing with the spread of news on the internet. The rhetoric of the so-called “Tirana platform” as well as the talks of refugee camps being built also lead to an incentive of hate, violence and protests. The public prosecutor’s office has remained both deaf and blind to all those cases besides the pressure of the public and the international community to investigate and deal with those numerous cases.

This climate of hate speech escalated in the two consequent election years. The public was grossed out by a case that occurred on the protests in Bitola after the elections in December 2016 when an older woman appeared with a wooden burial cross on which the name Zoran Zaev was written with his date of birth and 2016 as the year of his death⁷. The very next day the public was even more shocked because of the fact that this woman was actually a school teacher. After those protests the public prosecutor has remained silent and even the local authorities have turned a blind eye. The very same month a number of obituaries of foreign representatives have appeared on the internet. Besides the public, the diplomatic syndicate asked for measures to be taken on the matter but the public prosecutor’s office remained silent. The foreign diplomats and representatives of a number of international organizations were disappointed not much for the obituaries but for the lack of reaction of the state institutions in charge.

Another case of hate speech being tolerated was in February 2018 in the posts of the news site Republika which has maintained for years their “style of writing”. The title: “The cultural Marxism of Alagjovski: LGBT + UCK + islamists”⁸ passed unnoticed by the public prosecutor’s office.

⁶ <http://zase.mk/articles/49525/foto-smrt-za-pederi-dobija-novite-bilbordi-na-lgbt-zaednicata>

⁷ <https://republika.mk/884974>

⁸ <https://republika.mk/884974>

The last one in the chain of cases calling for violence was the reporter Cvetin Chilimanov from the news agency MIA. On his personal twitter profile he wrote the following: “To all taxi drivers that are following me, if this person enters your car it’s time for uncle Kumplug” sharing along this a tweet by The Financial Times’ reporter Valerie Hopkins about Western Balkans saying: “Skopje taxi Boycotter: Bulgaria thinks our language doesn’t exist, Serbia refuses to recognize our Church, Greeks block our name, and we have problems with Albanians. We don’t have a problem, everybody else does...”.

With this xenophobic speech Cvetin Chilimanov has publicly incited and encouraged violence, hate and discrimination through a computer system via social media⁹.

In regard of these writings against the reporter from The Financial Times, Chilimanov has been suspended from MIA but once more the public prosecutor has turned a blind eye on the matter.

Requests and calls for the public prosecutor to act in a number of those cases were not only coming from the public but also from the Agency for audio and audiovisual media services. One of those cases for which the above mentioned agency asked from the public prosecutor and the commission for protection from discrimination¹⁰ to be investigated was the case of Milenko Nedelkovski about one of his shows. This request was sent because in one of the shows on Alfa TV in January 2018 the host and his guest Mirka Velinovska were openly inciting hate and discrimination toward the ethnic Albanian community. In the report by the agency regarding this case the following was stated: “In the show of Milenko Nedelkovski the article 49 from the Law for Audio and Audiovisual Services(particular ban for incitement and spread of hate and discrimination based on race, gender, religion or nationality) was violated but since there is no explicitly stated sentence in the law regarding this article the written report will be delivered to the public prosecutor’s office and the commission for protection from discrimination for taking further measures”. The agency also stated in their report that certain words were used by the two journalists which by no means should have been used, such as: “wild tribe”, “savages”, “newbies”, “vagabonds”, “vagrants”. The public prosecutor’s office did not take any action and the commission for protection from discrimination even stated in their response to the agency that they haven’t revised the evidence on the matter¹¹. In the response of the commission it was also stated that “the report refers to a wrong entity (Alfa TV)” and that the show is an independent outside project with their opinions which are not shared with the opinions of the TV station and that that’s been stated by Alfa TV prior to the airing of the show. The report of the agency also states that the offended individuals can file civil suits in the courts in charge. It is also important to mention that Milenko Nedelkovski is one of the journalists who already had many civil suits against him for insults and defamation and has failed to prove his innocence in a number of those. This fact has also failed to alarm the public prosecutor.

⁹ <http://znm.org.mk/?p=4699>

¹⁰ <http://avmu.mk/wp-content/uploads/2018/03/Pismen-izvestaj-za-izvršen-programski-nadzor-vonreden-na-Alfa-TV-Skopje.pdf>

¹¹ <http://avmu.mk/wp-content/uploads/2018/07/Mislenje-za-Alfa-TV-od-Komisija-za-zastita-od-diskriminacija.pdf>

October 2018 will be remembered as the month when the state prosecutor's office woke up from their deep sleep in regards of hate speech. A legal suit¹² was filed against Milenko Nedelkovski about a Facebook post he has written about the fires in Greece.

“The published posts on social media have been aimed towards the fires raging near Athens, Greece where there where human casualties. The public prosecutor's office will investigate if offense was made and thorough measures will be taken to obtain evidence on the matter as well as determining the identity of anyone involved who might have also spread hate speech through commenting and sharing of those posts.”

Later on, the public prosecutor's office informed the public that no legal suits are going to be filled against any other individuals for contributing in additional incitement of hate speech. Legal suit was also filled against the actor Toni Mihajlovski because of his threats towards the journalist Branko Trichkovski in June 2017. The request for his prosecution was made by the Association of journalists because of his Facebook post: “(I) would personally kill Branko Trichkovski without blinking an eye”.

The defendant is accused that on 16.06.2017 he made threats, through a computer system, that he will commit a criminal offense for which the sentence is 5 years of jail time or a heavier penalty. The threats were posted in the form of a comment on his personal profile on one social network and were aimed at the damaged side – journalist, for whom the defendant calls for a liquidation and therefore threatened the safety of the journalist.

The current conditions for sanctioning any forms of hate speech are just slightly promising. We have been informed by the public prosecutor's office that a couple of cases are open and they have sent us a list of all of them. It is worth noting that most of those cases have been initiated by some associations.

The authorities in Strumica have filled a legal suit against an individual who posted on his Facebook profile the following text: “Boycott in all forms the shopping in Albanian stores; “Neptun” is one of their stores”. *The crime conviction is delivered as: the reported one has been called for interrogation but is unavailable because he is out of the country.* – was stated by the public prosecutor's office.

The public prosecutor's office in Prilep¹³ is taking measures against two individuals and some other unknown individuals for committing crime – causing and inciting hate speech. This case occurred at a celebration of a national holiday where the two individuals were verbally attacking with hateful insults and were recorded and broadcasted by a TV station. The authorities are still gathering evidence and the investigation is ongoing.

Those and similar cases of public calls for violence and lynch have been a common sight for the past ten years and the mainstream media has even worsen the situation with their reports inciting even more hate speech and making it a common sight. It became so common that the public got used to the daily verbal violence. It is very important to be mentioned that in those

¹² <http://jorm.gov.mk/?p=5384>

¹³ <http://jorm.gov.mk/?p=5414>

years of political crisis it was the politician who were the most explicit in their speeches. Defamation, discrimination and hate about political opponents ending with public calls for lynch were a regular part of the daily political speeches. The fault is at both the instigators and the ones who report on the matter. The key are the prosecutors but they are also guilty for letting hate speech become a common thing in everyday life. While hate speech has been at its peak pretty much everyone has been passive not only the prosecutor's office but also other institutions as well as the public who are obliged to report any sort of hate speech. If the prosecutor's office shows determination and strong will in eradicating this phenomenon there's a chance that those already open cases will cause an avalanche of other cases which in time will make hate speech be considered a serious matter and a serious criminal offence. This will hopefully lower the amount of hate speech and decrease its negative effect.

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