



**THE ATTACKS ON JOURNALISTS  
AND MEDIA WORKERS  
(OF APRIL 27, 2017)**



Association of Journalists of Macedonia

# THE ATTACKS ON JOURNALISTS AND MEDIA WORKERS (OF APRIL 27, 2017)

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# DECEMBER 2019, TWO YEARS AND EIGHT MONTHS AFTER THE BLOODY THURSDAY OF APRIL 27, 2017

The Parliament Press Center, the hall of true bloody drama, has been in existence for a long time. From there the MPs hold press conferences every day, make statements, reporters have broadcasts... Apart from the bullet hole in the ceiling, there is nothing to testify that such a drama was played out here not so long ago.

This room has often seen the MPs who were trapped and locked in the corners of the room that night, some of their colleagues who defended them, as well as those MPs who allowed the thugs to come in and beat them. Hardly any of them mention this event. Each for their own reasons.

Journalists are often in the Press Center, in addition to very few of those having spent April 27 there, who are reminded that they survived the most traumatic day and night of their lives. The enthusiasm that April 27 will not remain an unfinished story has practically evaporated. Amnesty for some of those directly responsible, who are still walking down the hallways of Parliament, has killed any glimmer of justice. There have been convictions for the abusers and some of those responsible, but no one has been sentenced to prison for violating a journalist, cameraman or photojournalist. Many dilemmas and unanswered questions linger.

April 27, 2017. A new day in Parliament when the long debates between VMRO-DPMNE MPs continue at the Constituent Session for the new Parliament. At that session it is expected that the majority led by SDSM will elect Talat Dzhafferli as President of the Assembly.

Around 1.30 pm, SDSM MP and President Zoran Zaev appears to speak. The Parliamentary Bureau says the patience of the majority he leads is at wits' end. "It takes 61 votes to elect a President of Parliament, no matter where the election may be. On the stairs, in the restaurant or in some of the halls of parliament" - Zaev tells VMRO-DPMNE colleagues.

Nervousness becomes apparent, the tension is palpable, lawmakers are moving around, especially those from VMRO-DPMNE. They come in and out of the hall.

Around 2 pm, Trajko Veljanoski, Chair of the session, pauses. Zaev announces a press conference at the Press Center. He reiterates that the new majority is ready to elect Talat Dzhaféri as President of Parliament. Does not say exactly when.

Later, Antonio Miloshoski at a press conference claimed that the announcement of Zoran Zaev meant a breakthrough in democracy and the work of the Assembly, but also "a plunge of the state into an even greater crisis and tension".

At around 5.50 pm, the VMRO-DPMNE lawmakers' remarks and counter-remarks are still running strong. SDSM MP Oliver Spasovski from the parliamentary rostrum demands to move to the next topic - voting for President of Parliament. Veljanoski does not allow that, with the excuse that there are still people waiting for their turn. The MP from VMRO-DPMNE, Krsto Mukoski, goes to the rostrum, starts singing the Macedonian anthem and all MPs stand up.

Then he belts out the song "We Have One Name" and VMRO-DPMNE lawmakers chant "elections, elections!" BESA's member, Zekirija Ibrahimí, not even waiting for his turn, receives a procedural word and begins singing the Albanian anthem. The MPs sit down while the microphone stays on.

At 6 pm Trajko Veljanoski closes the session and leaves. Most lawmakers remain in the hall. There are MPs from SDSM, VMRO-DPMNE, the Alliance of Albanians, and DUI, although Ali Ahmeti is not present. The journalists are here. There is tension. Lawmakers from VMRO-DPMNE take over and occupy the rostrum. SDSM MPs decide to move on to the next topic - election of President of Parliament .

The oldest MP, Branko Manojlovski, is not in the hall at the moment. Second in age is Ferid Muhikj, who is handing over the leadership of MP Goran Misovski as deputy . Goran Misovski calls on Parliament to vote for Talat Dzhaféri for President. VMRO-DPMNE lawmakers chant "This is a coup, this is a coup!" The majority votes - Misovski concludes 61 "Ayes" and congratulates Talat Dzhaféri. Dzhaféri announces a press conference, with the majority MPs present at the press center.

At 7 pm the newly elected President, Dzhaferi, gives an address, while at the same time there is a live broadcast on TV NOVA, a TV station that no longer exists. The crowd who had been protesting for days at 6 pm every day jumped over the fence and gathered outside the main gate of Parliament. At the very next moment the door opened and the protesters came inside. Screams, shouts, and swearing began to be heard. The new President of Parliament is signaled from his party to come to the end of his address. In order to prevent entry, they close and lock the door and remove the latch. Dzhaferi, Zaev, Spasovski, Manchevski, Sela and Dimitrievski remove their neckties. Women MPs from the gallery go down to the lower part of the press center, where a makeshift ladder from desks is falling.

The protesters are already at the door. Banging on doors and shouts are heard. The door opens and there in the press center enters an angry mob. Some of them are wearing black masks and black t-shirts and look like they are coordinating the mob.

One of the reporters that day reporting at the assembly was **Goran Trpenoski**, who was in the press center during the raid.



*“The thugs started throwing everything they came across in the hall, screaming ... Zaev and the other MPs were attacked and injured, almost all of them with bloody heads and broken noses. MP Ziyadin Sela was nearly beaten to death. Some of the journalists escaped, but I stayed with the other colleagues. As a journalist, it was my duty to witness what was going on and to alert the public that there was an organized assault on Parliament, thus sending appeals to the authorities to respond. There was a moment when there were not enough people forming the live wall that defended Zaev, Dzhaferi and other MPs. If MP Vlatko Gjorcev had not come to defend Zaev and the others, the Macedonian history would have taken another course. In panic, he asked me to stand in the live wall to help because there were not enough people. When plenty of pictures and reports had already been sent to the public and batteries on the phones had been removed, by the time the police intervened I was in the live wall protecting lawmakers from the thugs who remained in the press room. Chaos. There was no security and no police. For almost two hours our lives were at the mercy of the attackers, while the police came two hours later to take us away. So many pages I can write about April 27th, a day I want to erase. The next day I came to the Parliament at the scene of the attack. The debris was being cleared and we*

*were waiting for the Ministry of Internal Affairs to open the Parliamentary Press Room. We commented on the events, but that is the life and the journalistic profession I love. I kept working as if nothing had happened. But I was aware of the whole life-threatening situation after a few days of adrenaline rushing through my veins and watching videos and pictures, as well as the news. Not to be repeated!”*



Participants in the crowd in the press center slammed everything they could. Suddenly there was a gunshot that drew all the attention to the press center. The crowd paused for a moment to then continue even more excited than before. The leader of the Alliance of Albanians is already on the floor, his face covered in blood. Bloody kicks hit his head. Several people grabbed him by the arm and started pulling him.

**Dimitar Tanurov** is a journalist who at that time reported for the *Meta* news agency. He is one of the hardest-hit journalists in the Bloody Thursday violence. Almost three years after April 27, Tanurov says the consequences of the anarchy that buried democracy that day will be eternal.



*“When a man dies, his loved ones are left to cope with the loss, grieving. According to Christianity, the deceased is honored until the third year of his death, and during that time his loved ones go through five stages: denial, anger, “bargaining”, depression, and acceptance that life goes on without the deceased. Three years since April 27, known as “Bloody Thursday” - the day that anarchy destroyed democracy and freedom of information was looming - are soon to end. That day no one could believe what was happening, neither those shocked to watch the events on TV screens or social networks, nor the journalists who, while reporting on the chaos, became a moving target. I was attacked and bloodied because I was shooting. I had a press card attached to my neck, but it angered them further, especially when they saw what medium I was working for.*

*After the first stroke I fell to the ground, then 5-6 people with fists and kicks hit me on the head and stomach, trying to take away the phone, which had the shots. At one point they managed to rob me, but they did not stop beating me. I felt like it lasted forever, like they would never stop and that every breath could be my last one. At one point I heard a voice say, “Leave him, he’s my colleague, he’s a finr man and journalist!” And the same person, whose*

*face I unfortunately failed to remember, started pulling me and managed to pull me out of the melting pot... A little later, while confused, with a bloody face I stood in front of the hall, a boy approached me and invited me to go with him to take me out. I looked at him in disbelief and hesitated to follow him because I didn't know if his intentions were sincere or I might fall into a new ambush. However, I decided to listen to him.*

*Putting a towel on my face, he took me out of the Parliament and on the way out he was saying "he's one of us, they hurt him by accident ". I am immensely grateful to these two people, whose identity I do not know today. Had it not been for them, I probably wouldn't have ended up only with a concussion. I reported the attack to the police and identified one of the few attackers, but the case was reported as a robbery. For almost 10 days I could not get confirmation that I had reported the case, and the prosecution called me to testify almost six months later.*

*Perhaps comparing this horrific event with a death stare seems exaggerated, but having in mind what we survived and what we went through after the event, it is similar to that. This black spot in the history of the state was to be a turning point for the rebirth of democracy, freedom of information, rule of law, end to impunity and a return to confidence in the institutions of the system. The latest developments in the country are increasingly suggesting that we are now in the penultimate phase of grief - depression, after which we will have to reconcile and move on with life. I'm not happy to talk about "Bloody Thursday", about what I saw with my own eyes, how I felt it on my own skin, and about the events that followed. No one deserves to go through such an event."*



**Zimer Jashari**, a journalist from TV 21, spends all day in Parliament. While the crowd rages in the press center, the insults are nationally based, with nationalist, chauvinistic and offensive rhetoric lunged towards the Albanians. Jashari is targeted by thugs.



*The whole situation escalated in a short time, and we started running down the corridors, hiding and looking for a way out of the legislature. Three people made me enter the cafeteria, accusing me of being an Albanian and telling me "our sisters and women are beautiful" and asking me to explain to them what I was going to tell them about these events. They insulted me*

*with derogatory words. What amazes me most is that besides the physical violence that I have suffered, and which still results in knee and foot pain and injuries today, the injuries I sustained while trying to escape through the stools, I also sued the state, but to this day I have had no response to my report.*

*The journalists, the cameramen and all the media representatives on the field are the ones who give the most, who are paid the least and who are the best defenders of the best profession in the world - journalism. Not only do they need to be protected and supported, but they also need help, as they are often in the midst of protesters, police and editorial policy. They are people who have no fixed hours, work day and night, in any weather conditions, sometimes even choking on tear gas. We want justice for our work.”*



**Iskra Opetcheska** was also reporting from the Parliament for TV 21 on that day. She too was injured. Three years later she is testifying that all those who managed to survive the 27th of April at the Parliament should in the future celebrate that day as their second birthday.

*“No matter if it’s three years later or twenty years later, I will not erase the memory of blood I saw in the eyes of those fallen in the Parliament. I still get goosebumps whenever I think of the anger the attackers were holding on to. I’m still looking for an explanation of what happened that day. That day which was supposed to be a celebration of democracy turned into a day of blood, a day of uncertainty, a day of gunpowder, and a day after everything, probably to be the second birthday of all of us working that night in the Assembly. Three years later, or even twenty more years later, my sense of sadness, anger, powerlessness will not disappear. In those moments, I came to know the inner strength that I might not even know I possessed, which helped me maintain reasonableness, calmness, and rationality. I am proud of my professional engagement that day, but also happy to have ended up with no human lives lost.”*



On April 27, **Gabriela Dimkovikj Mishevska** also reported for the A1on portal and the Makfax news agency. She had been in the legislature until the evacuation of the lawmakers, journalists and Parliament officials. She was reporting from the violence in the press center, the congress hall, and the congress hallways. She testified that trauma and stress, as well as bloody flashbacks have been following her long after April 27. She has said that what's worst is that justice for journalists has still not surfaced even three years later.

“April 27, 2017, was and will remain the longest day in my life. That tense day in the Parliament culminating in brutal violence and bloody scenes is not easy to forget. That day changed me as a person and as a journalist, I can say that I have matured, but I have not gotten numb to the traumas it brought. After this event nothing can surprise me anymore. Long after April 27, I had sleepless nights, strange dreams from which I woke up in the middle of the night. I have long dreamt of a war, and I am tasked with reporting it. At that time, it was important for me to maintain my mind and health, as soon after the events I became pregnant and had to take care of the other life that was developing in me. Nevertheless, I had to make statements to the prosecution in the capacity of a witness to remind myself and re-live the traumas. These are moments that are not forgotten. The epilogue of the whole situation makes me unhappy about those who should have been punished. A group that was part of the organization has been convicted, but justice has not been fully met. I don't know what the repercussions are of the indemnity procedure we have filed with my fellow cameraman who suffered a concussion, but I know I don't want to forgive. This is an event that does not deserve forgiveness, but responsibility without selective justice. The lawyer who led our proceedings told us not to expect too much when we seek reparation from the state. Why has no one taken care of protecting journalists and cameramen who may have been targeted by the angry mob? I do not forget, I do not forgive, I seek answers and I will seek them until the whole truth is revealed! “

**Branko Gjorgovski** was an assistant editor at *Dnevnik* at the time. He was at the Parliament as a journalist. Together with Goran Trpenoski, they accepted Vlatko Gjorchev's call and stood in the live shield between the MPs and the thugs. Today, nearly three years later, it is suspected that someone decided not to carry out the attack completely. According to his testimony, even the police were somehow complicit in the attack.

*“The police action seemed to just look like a real police action to get the MPs out. The police at that time had no resistance from the protestors and everything was practically over. Mostly because those in the back row simply did not choose to attack but merely to make revolted statements. If there had been a scenario of a state of war, it had been cancelled before the intrusion itself. It was clear to me during those hours as events unfolded and I was sure it would end. For this reason, I do not consider the convicts of April 27 to be terrorists and to have committed the crime of terrorism that should be punished so severely.”*

**Dushica Mrgja** is a Parliament reporter who has been reporting daily for at least 15 years. She says that “you could spot it from a plane” and that something seemed to be off that day because she felt nervous and tense all day long. Dushica was in the press center when the crowd stormed in. She first noticed the masked thugs, and the impression was that they knew exactly where they were going and who they were looking for. She reported by phone in the live program. She sustained several blows to the head and a shoulder injury.

*“The adrenaline hit me right away. I was looking for any way to get in touch with TV 24 to report what was going on. As the madness progressed, so did the fear. I was not only responsible for myself, but I also thought about my team at TV 24. I knew that the louder and more detailed I was broadcasting, the greater the chances of survival for everyone. What the protesters and thugs recognized on the screens for me was an additional handicap. Betrayal, sorority, Zaev's servant, a Cypriot whore were just some of the insults that “honored” me. They hit me against the wall, I got hit so hard on my arm that my shoulder hurts to this day. I also got a blow to the face. When I asked for help from a member of Parliament security for Natasha Stojanovska, who was locked up in a hall alone with four protesters, I received the answer “I can do nothing”. The blood on Ziyadin Sela's face haunted me for nights.”*

*Before the smoke bombs exploded in the press center, a Facebook post shows me surrounded and trying with all my might to push one of the thugs out, shouting that I couldn't breathe. Before the armed police forces came in to get us out, I really was choking. Then I thought - it's over, I'm not going out alive. Three years later I vividly remember every detail of "Bloody Thursday". My message is that if there is no justice for that blood, the state will never have peace. A selective justice, upgraded extended by selective amnesty is not justice. I do not forget and I do not forgive because that night the state was on its knees and we were all lynched."*



It was pitch black outside at 10 pm. The smoke from the smoke bombs was spreading throughout the Parliament. There were shouts and glass was breaking. Journalists were waiting for their evacuation. They testify that after the police entered there was silence. The evacuation center was Vlatko Gyorchev's office. There were MPs and journalists there, some with bloody heads, broken noses, and some with torn clothes, there were Zoran Zaev and Talat Dzhaferi. An hour later, evacuation cordons were made. Some reporters left the site without waiting for the police, at their own risk.

**Conclusion: "There is no justice, no peace" - the so-called colorful revolutionaries were chanting at the time. Three years since "Bloody Thursday", and the journalists, cameramen, photographers who lost hope of leaving the Parliament that night alive are unanimous - justice has gone.**

## 2.

# ATTACK ON THE REPORTERS IN PARLIAMENT FROM THE PERSPECTIVE OF POLITICAL ACTORS

On "Bloody Thursday" - April 27, 2017, journalists, cameramen and photographers were not spared from the crowd that forcibly entered the Parliament of the Republic of Macedonia. And they were the target of violence that left a black spot on democracy in Macedonia. Following the bloody incident, the Association of Journalists of Macedonia on May 8, 2017, called on the journalists to sue the perpetrators for the damage done, while providing them with free legal aid.

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*AJM will provide legal assistance to all journalists who have been physically assaulted or exposed to various pressures and threats in the performance of their professional duties or whose equipment has been damaged. AJM wants to encourage all journalists to raise their voices against the attacks and pressures they have been exposed to lately and to send a message to the public and institutions that they will no longer be silent to the violence they are exposed to.*

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An initiative to sue the state for damages and compensation was also filed by the journalists. The initiative was joined by over 15 journalists.

On the day the initiative was announced, December 28, 2018, one of the organizers, the journalist Goran Trpenovski, said that the reporters had contributed to the incident in the way that there were no serious consequences. *"Our reporting has contributed for there to be no serious consequences, no murders. Our presence has contributed to making this all come to an end,"* Trpenovski said.<sup>1</sup>

<sup>1</sup> Published on Makfaks: <https://makfax.com.mk/makedonija/makedonija/новинарите-бараат-правда-за-27-април-ке/>

## 2.1. "We shared the same fate"

Following the election of Talat Džhaferi as the new Speaker on April 27, 2017, chaos stirred up in the Parliament of Macedonia. He had his first official meeting after the election with the Deputy Assistant Secretary of State for Europe and Eurasia, Hoyt Brian Ji. After the meeting, he said he hoped the situation would return to normal, with the injured lawmakers returning to their homes and jobs as soon as possible.<sup>2</sup>

Talat Džhaferi also said that the events of April 27, 2017, should not have happened to the Republic of North Macedonia.

According to him, the journalists, cameramen and photojournalists who were attacked that day shared the same fate as everyone else at that moment in Parliament.

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*“Unfortunately the fate of the journalists was divided with the fate of the MPs and everyone else in the Parliament . So, that is an indivisible fate; the fate of MPs, administration or journalists cannot be separated. But as a whole it is something that should never have happened. In this context, there were also the journalists who could and could not identify themselves, and in that crowd, they shared the fate with all of us who were in that situation,” Džhaferi said.*

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The head of the Parliament stated that there were security breaches that led to the April 27, 2017 attack. According to him, they have taken several initiatives to improve that part, and to all who work in the Parliament, including journalists, to never repeat "Bloody Thursday".

<sup>2</sup> Published on MKD News: <https://mkd-news.com/dzhaferi-se-nadevam-deka-situatsijata-ke-se-vrati-vo-normala-video/>

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*“We have already initiated a procedure to reform the Parliament’s functioning system and its independence with three key operating points, one of which is the independence of internal security which should be in full hierarchical competence of the Assembly in order to prevent the external influence in acting, making decisions and implementing what is a mandatory aspect of performing the function of internal security,”* Dzhaferi said.

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Talat Dzhaferi urges journalists, cameramen, and anyone who somehow suffered damage on April 27 to seek redress.

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*“Anyone touched by an act that derives from an act that is not permitted to the institution, one by one, should declare claims for damages. Perhaps this is the starting point here, for anyone, in an individual way, including the media, if not the very own media outlets that have accredited journalists to seek redress. The right of journalists and the media derives from all the laws, which encircle the whole process that is before the competent authorities,”* Dzhaferi said.

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## 2.2. “No one was safe that day”

Among the “Bloody Thursday” attackers were members of the police. They physically attacked and threatened journalists.<sup>3</sup> After asserting office, the Minister of Internal Affairs, Oliver Spasovski, said someone had apparently misused his duty to attack MPs and journalists. 23 police officers were suspended from work while more than 40 disciplinary proceedings were instituted.<sup>4</sup>

<sup>3</sup> Announcement by AJM: <https://znm.org.mk/зnm-бара-казнување-на-насилството-про/>

<sup>4</sup> Published on eportal: <https://iportal.mk/makedonija/spasovski-ochigledno-e-deka-nekoj-ja-zloupotrebil-svojata-polozhba-za-napad-vrz-novinarite-i-pratenicite/>

According to the Interior Minister, Oliver Spasovski, on that day, April 27, 2017, no one was safe.

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*“Relying on my own experience as well - no one on that day was safe in the Parliament building, neither we as MPs nor the journalists who were on official duty. After all, there are already valid court verdicts, evidence, testimonies, so from this perspective I can only conclude that such a thing can never be allowed again,”* said Minister Spasovski.

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He adds that April 27 can never be repeated in Macedonia. Spasovski says that after the start of their mandate they have made it clear that all attacks on journalists will be cleared.

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*“Since June 2017 there has been no unsolved physical assault on a journalist, and you are witnessing that such a speedy clearing has contributed to reducing the attacks on journalists to a minimal level,”* Spasovski said.

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Spasovski says that there should be no doubts that journalists should seek compensation for damages done.

### 2.3. The parties on Bloody Thursday and the attack on journalists

It was on one particular bloody Thursday, with an attack on parliamentarians, journalists and cameramen, that democracy, the constitutional order and freedom of opinion and expression were attacked.

This is what has been stated by the Social Democratic Union of Macedonia (SDUM). According to them, no matter whether they were journalists, cameramen, MPs or Parliament officials, they were all targeted by thugs.



*“This event has shown how much harm the citizens and the state can bring to the partisan and dysfunctional institutions created by VMRO-DPMNE’s regime. It was a consequence of the “captured state”. Instead of serving the citizens and the state, the institutions served exclusively the criminal interests of the VMRO-DPMNE leadership headed by Nikola Gruevski,” SDSM said.*



Their challenge, according to SDUM, lies in the upcoming period, when all the institutions are to be professionalized and the working conditions of journalists be improved.



*“As a responsible political party, as the head of the government, we are taking measures through institutions to improve the working conditions of journalists, especially regarding their safety at work. We are aware that there are still challenges in this area, but in cooperation with institutions and journalists’ associations we are actively working to raise the safety of journalists, cameramen and photographers.”*



VMRO-DPMNE, which has been accused of backing “For a Common Macedonia” protests, which in part provoked an intrusion into Parliament, said any kind of violence was condemned. According to them, the journalists should be compensated in accordance with the laws of the Republic of Macedonia fitting the damage suffered in any way.



*“The journalists have been and remain the voice of the public. Freedom of speech and critical media are fundamental to any democracy. Journalists must enjoy all rights and be fully protected in their work,” say VMRO-DPMNE.*



In addition, VMRO-DPMNE state that in order to avoid unpleasant scenes, higher awareness among political actors is needed. They add that their

program will provide solutions to improve the working conditions of media and journalists.

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*“We are at the disposal of both you and anyone interested in giving us suggestions on the problems and needs that you face when dealing with business, as the awareness of the government at the moment is very low. We are here and we are ready through joint initiatives to work for a better professional working atmosphere for journalists and media workers,”* VMRO-DPMNE has said.

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The Alliance of Albanians, who were also affected by the events of April 27, since their leader Ziyadin Sela was one of those injured the worst, said in the past two years at least there was talk of journalists attending the Assembly doing their job.

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*“Those responsible should be held accountable for what they did, and mostly for the damage done to those who were there to do their job. In this case we are talking about the journalists who have been talked about the least for the past two years. That is why the Alliance of Albanians has demanded and continues to demand accountability, as well as compensation for all those who have suffered at the hands of violence. Those who raised their hand on the Parliament and on the journalists, raised their hand on democracy and according to the laws of our country should not remain unpunished,”* the Alliance of Albanians has stated.

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## 2.4. Journalists sacrificed their lives to cover the bloody scenes

Marina Tuneva, Executive Director of the Council on Media Ethics (CME), said that many fellow journalists, cameramen and photographers allowed the public to take a peek into what was happening that day, in that "cage", while the horror was still permeating the air, at the price of one's life. According to her, it was the day when the system failed, the day of the bottommost point of a civilization, confirmation of the existence of an ocean of chaos, darkness and decadence.

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*“The attacks that took place that day were, in fact, an attack on the public’s right to know what was happening, on democratic values, on the concept of truth. Such incidents send a message of ‘justification’ for violence and attacks on journalists and media workers and in other circumstances,”* said Marina Tuneva from CME.

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She adds that the government must publicly, unambiguously and systematically judge every act of violence, every threat and every attack on journalists and media workers.

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*“Impunity is a serious obstacle, and the investigation and prosecution of crimes against journalists and media workers in all circumstances should be urgently pursued. It is the government that is in a “unique” position to help end violence and harm on the media,”* Tuneva said.

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Tuneva adds that it is crucial, first of all, to change the current political discourse, which often portrays the media as "enemies". Political leaders and opinion-makers should protect the media and media workers as an asset to democracy, not hamper their work.

# 3.

## THE DISPUTE RESOLUTION FOR THE ATTACKED JOURNALISTS ON APRIL 27

In criminal law terms, journalists have the status of "persons who carry out public interest work". They are covered by the Criminal Code in Article 122, paragraph 9, which reads:

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*“A person who performs public interest work is a person who performs functions, duties or works of public or general interest, such as a teacher, educator, physician, social worker, journalist, notary public, lawyer or any other person who performs such work independently or as a legal entity that performs activities of public or general interest determined by law”.*

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But this description does not confer privileges on journalists nor does it provide greater protection than any other citizen in the country. Physical attacks on media representatives during the parliamentary intrusion, along with the number of injured MPs, have been registered as a severe blow to democracy. As an argument for committing a crime, both the prosecution and the court, in the cases stemming from the parliamentary unrest, have also emphasized in their decisions that the journalists were injured and assaulted. The frequency with which the term "attacked journalist" is used does not correspond to the prosecution and convictions.

### 3.1. Criminal responsibility

The first criminal reports from the Ministry of Internal Affairs to the Prosecutor's Office were filed three days after the riots in the Parliament. On April 30, 2017, the Violent Crime Unit of the SIA Skopje reported 15 persons for criminal prosecution. According to the actions described in the report, they used physical force and threats, committed violence against people, and damaged property.

After processing the charges at the Skopje Prosecutor's Office and filing the indictment, the first verdict for this event was pronounced on May 23, 2017, for the crime of "participating in a mob to prevent an official from performing an official duty". Nine defendants were sentenced to probation.

On July 14, 2017, the Ministry of Internal Affairs filed the report with all the information related to April 27 to the Prosecutor's Office (for organized crime and corruption). This report instigated the more serious criminal processes.

Skopje Criminal Court statistics show that the fierce "fight" for democracy drew 74 people to the bench. Convicts had a different role, and thus different punishments. A total of 10 people have been convicted of the crime of "violence", while 21 people have been found guilty of participating in a mob that prevented officials from performing official duties. For the attempted murder of the MP from the Alliance of Albanians, Ziyadin Sela, there is already a final verdict, confirmed by the Skopje Court of Appeals. In numbers, this would come down to a total of 81 years of imprisonment for the ten accused.

The case is incomplete however because prior to the Appeal's confirmation the defendant Nikola Vojminovski fled from house arrest. The only damaged person in this case is Sela, who sought 500,000 Euros in damages from the defendants during the trial. The MP demanded this particular amount for compensation due to the expensive medical treatments abroad, where he was treated for the serious injuries he sustained in the Parliament. Journalists also testified during the trial as witnesses to the violence.

The most massive case involved 34 indictees of terrorist endangerment of the constitutional order and security, receiving a total of 211 years in prison. But in this procedure there is no harm, precisely because of the qualification of the offense, which constitutes an act against the state.

Case number	Criminal deed	Number of defendants
K-1013/18	Violence	1 person
K-1077/18	Violence	1 person
K-1132/18	Participation in a crowd prevented public official in the performance of official duties	4 persons
K-1163/18	Violence	2 persons
K-1330/17	Violence	1 person
K-1558/18	Violence	1 person
K-1560/18	Participation in a crowd prevented public official in the performance of official duties	7 persons
K-1893/17	Murder	10 persons
K-1991/18	Violence	1 person
K-602/18	Participation in a crowd which will commit a crime	1 person
K-701/18	Violence	1 person
K-752/17	Participation in a crowd prevented public official in the performance of official duties	9 person
K-874/18	Violence	2 persons
K-990/17	Participation in a crowd prevented public official in the performance of official duties	1 person
KOK-40/18 KOK-56/18 595-87/18 In the further stream all three subjects combined into 40/18	Terrorist threat to the constitutional order	34 persons

(Source: *Basic Criminal Court Skopje*)

### 3.2. Main pre-trial for criminal protection of journalists - two and a half years immobile

May 30, 2017. One month after Bloody Thursday, the Skopje Prosecutor's Office summoned the first journalist, Dushica Mrgja, a TV 24 employee and eyewitness to the violence. In her testimony before the prosecutor, Zorica Pavlovikj, Mrgja testified that she was physically assaulted by a person with an unknown identity. Medical evidence also concluded it was evidence of violence against her. Among other things, the journalist recounts and



describes the acts that were perpetrated as acts of violence against others present in the Parliament Hall.

Six days later, two more journalists and a cameraman from Telma (Sonja Nikolovska, Bobby Hristov and Jane Markovski) were summoned to the Prosecutor's Office for questioning. Unlike the first witness, they did not report physical violence during the critical days of reporting. Their testimony is focused on describing the attackers' actions towards MPs. In the following period, the prosecutor for this analysis confirms that she summoned another twenty media workers present at the Assembly on April 27. But in only one case had a journalist team been identified.



*“More journalists and cameramen were called in and for the main hearing as well, during which we could determine who hit them. Those who cannot be identified are difficult to prosecute. So far no medical documentation has been provided by any of the witnesses although it was announced,”* said the prosecutor Pavlovikj.



The current head of the Skopje Prosecutor's Office, Sasho Rajchev, clarifies that he received the case at this particular stage, and according to all the facts the main stumbling block is that no person has been identified as the attacker. Announcements of any changes cannot be foreseen from their statements.



*“I was appointed Acting Chief of the Public Prosecutor's Office Skopje in December 2017. I did an inspection of all cases related to April 27 and the particulars of this prosecution are that the police have not filed any criminal charges against specific individuals who attacked journalists. Secondly, there is no indication of the person who attacked the journalist. Out of all the statements made by the prosecution, no one has been identified. We are handling 11 cases for various offenses stemming from the RO - subject matter: April 27th. Based on these checks in coordination with the Ministry of Internal Affairs, no persons have been identified,”* says Rajchev.



This case was opened by the Public Prosecutor's Office Skopje after receiving a report from the Ministry of Internal Affairs and it has not been closed yet, i.e. a file is in place. Neither journalists nor their legal representatives have been informed about the course of this procedure.



*"We have no official information on the case regarding the injured journalists. We, as representatives of several of them, have not yet received any information from the prosecution about the ongoing procedure. Given the fact that there is now a danger of obsolescence in civil proceedings we are collecting documentation with those journalists who will decide to sue the Republic of Macedonia," says lawyer Philip Medarski.*



### 3.3. The case of an attacked cameraman has been wandering through court mazes for two years

From the interviews of journalists, cameramen and photographers that the prosecution claims to have called to testify, only one attacker has been prosecuted. On April 27, Nikola Ordevski was working as a cameraman in the Parliament. When the angry mob entered the press room he was already present and documenting the violence, until he suffered a severe blow to his head and the night ended at a hospital in Skopje, being treated for a concussion. Ordevski shares details in the prosecution, and even more so in the courtroom.

On May 16, 2018 the Skopje Prosecutor's Office filed the first and so far only indictment against one person, Ilija Petrushevski and one injured cameraman, Nikola Ordevski. The trial against Petrushevski was for the crime of violence. In this case, the Prime Minister Zoran Zaev and the Minister of IT Damjan Manchevski appeared as witnesses. For more than a year the case has been an ongoing one (December 2019) and there has been no end to it yet.

One of the reasons for the delay is the Amnesty Law, which was unanimously adopted by the Parliament in December 2018 with 95 "Ayes". Ilija Petrushevski is among those who sought mercy from the court. The law did not provide names and surnames of people who would all be exempt from criminal prosecution, but there were yet still some who could not be exempt. Among them is Ilija Petrushevski, who was rejected for amnesty. Most were

pardoned in the worst case. Out of the 33 indictees accused of endangering constitutional order and security, the number of indictees was halved to 18.

The five MPs - Krsto Mukoski, Ljuben Arnaudov, Sasho Vasilevski, Johan Tarchulovski and Ljupcho Dimovski, the organizers of the initiative "For a Common Macedonia" - Bogdan Ilievski, Vlado Jovanovski and Boris Damovski, the employees in the Office of the then Parliament Speaker, Ivan Cvetanovski and Elena Docevska-Bozhinovska, brothers Stefan and Mihail Mladenovski, who first revealed details of Bloody Thursday organization, and Zaharije Simovski, Ilija Slavevski and Miter Petropovski, representatives of patriotic associations.

*- Article 1*

*(1) This Law shall exempt criminal prosecution, terminate criminal proceedings and fully release from imprisonment (hereinafter referred to as "amnesty") persons suspected of having committed a crime in connection with events in the Assembly of the Republic of Macedonia from April 27, 2017*

*4) This exception does not apply to the perpetrators of the crime "Violence" referred to in Article 386 of the Criminal Code, as well as the perpetrators of the crime "Association for Hostile Activity" referred to in Article 324 of the Criminal Code in relation to Articles 18, 19, 23 and 24 of the Criminal Code (excerpt from the Law on Amnesty for Suspects, Accused and Convicted of Parliamentary Events of April 27, 2017).*

Although there is no amnesty, the filing procedures delay the trial for a short period. Prosecutor Pavlovikj explains that this is the only case in which there is an injured media representative, as the attacker is identified.



*"Ordevski Nikola was summoned to both the court record and the main hearing because he knows who injured him and how. We watched the footage and we gave directions, and the police further identified him. This gunman is not masked and could easily be identified," said prosecutor Pavlovikj.*



### 3.4. The road to justice is shorter in civil proceedings

Waiting for justice in the Criminal Court, Makfax news agency cameraman Nikola Ordevski and his colleague, journalist Gabriela Dimovikj Mishevskva, meanwhile are filing lawsuits for damages as injured parties while performing their duties in Parliament. Mishevskva's damages amounted to 350,000 denars due to stress, and Ordevski claims 450,000 Euros in damages because he was physically assaulted.



*“The lawsuit to the Skopje Civil Court of First Instance was filed on December 11, 2019 for two media representatives. Medical expertise has been prepared, including a report by a neuropsychiatrist. We have submitted them on the basis of the Law on Obligations that in the event of acts of violence or terror in public demonstrations or manifestations the state is responsible. Under the same law on physical suffering, violating a person's rights is entitled to compensation and on this basis we expect the state to pay. The plaintiffs were present in the Parliament despite confusion, anxiety and fear,”* said lawyer Zvonko Davidovikj.



### 3.5. Legislating the security of journalists

Lengthy court proceedings are the reason why journalists increasingly lose confidence in justice in cases where they are victims. The issue that needs to be addressed and raised is still open. The main commitments following the bloody scenario in the Assembly on April 27 of the AJM and SSNM journalistic associations are aimed at changing the legislation in the area of protection. Solutions are required to guarantee safer days in the scope of journalistic reporting.

One of the considerations is through intervention in the Criminal Code (CC), in the area of protection at the level of officials. But not to equate terminologically, because in this way the same duties and responsibilities as officials would imply a package of rights.

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*“It is necessary to increase the criminal-legal protection of journalists in such a way that they enjoy identical protection as officials in carrying out their profession. To achieve this, it is appropriate to intervene in the Special Criminal Code and in all those cases where there is a potential danger of endangering journalists, to provide a qualified, more difficult form if the injured is a journalist working in the profession,”* says lawyer Philip Medarski.

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The OSCE-mediated working group of the Ministry of Justice is already working on drafting a new CC, and a discussion is underway on strengthening journalistic rights in criminal matters.

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*“This issue is open to a working group working on the drafting of the new Criminal Code. It is being reviewed along with previous issues that cover how to determine the status of a journalist in court proceedings, especially in electronic media,”* the Ministry of Justice said.

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One aspect of the security issue is that journalists do not naturally belong to the group of officials, but that their position in social life in relation to the CC is "a person who performs public interest", as do doctors, lawyers, teachers...

One of the undesirable possibilities is that if journalists are given the status of officials, there is a danger of imposing criminal-law actions and thus achieving the opposite objective. Being part of the group of official persons, journalists could go also go to trial for misuse of their official responsibilities - an offense for which the prescribed sentence is more than six months imprisonment.

Identifying journalists as officials would increase the ability of law enforcement agencies to use Special Investigative Measures (SIM) against journalists. Ultimately, freedom of expression would lose its meaning, as that status of "official" is expected to impose criminal responsibility for a written text, something Macedonia left behind in 2012.

One of the most favorable aspects is the protection of journalists as persons most exposed to crisis situations to be elevated to the point of addition to specific crimes (endangering security, violence, assault on an official, etc.) in which they are victims or objects of attack, and that attack equates to the amount of punishment as if it were an attack on an official. In this way journalists - victims of crime, who are already treated as "public interest persons" would be equated with officials-victims, and not held accountable as perpetrators of offenses while on official duty.



Association of Journalists of Macedonia

[www.znm.org.mk](http://www.znm.org.mk)