

[MK] The Law on prohibition of public revelation of illegally recorded audiovisual materials may restrict media freedom

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In October 2015, the Law on the Prohibition of Owning, Editing, Publishing and the Usage of Materials, which come from Illegal Communications' Surveillance (Zakon za zabrana za posedovanje, obrabotka, objavuvanje i raspolaganje so materijali koi proizleguvaat od nezakonsko sledenje na komunikaciite) was proposed by two Members of Parliament from the ruling majority. The law aims to prevent the media from publishing wiretapped conversations of the most senior politicians, which may reveal their heavy criminal activities.

The country is in the middle of the deepest political crisis since its independence in 1991. For months, the political opposition has been revealing wiretapped phone conversations by the National Intelligence Service (UBK), in which the highest political authorities are caught conducting criminal activities. The EU Senior Experts' Group on systemic Rule of Law issues stated in its report regarding the communications interception: "Apparent direct involvement of senior government and party officials in illegal activities including electoral fraud, corruption, abuse of power and authority, conflict of interest, blackmail, extortion (pressure on public employees to vote for a certain party with the threat to be fired), criminal damage, severe procurement procedure infringements aimed at gaining an illicit profit, nepotism and cronyism; indications of unacceptable political interference in the nomination/appointment of judges, as well as interference with other supposedly independent institutions for either personal or political party advantages."

As given in Articles 3 and 4 of the law, those who own materials of illegally recorded communications will be sentenced to at least four years of prison. In the case that a person is affected by these materials in the form of any legal consequences, the minimal sentence of the owner of the material would be five years of imprisonment. This practically means that, if a journalist possesses audiovisual materials, which are of public interest (high level corruption, election fraud etc.), he/she would not be able to publish or inform the public, since the perpetrator may face legal consequences.

Any media outlet where such information would be revealed will be fined, and the responsible person would be sentenced to a minimum of four years of

imprisonment. As a contrast to the other national legislation, the jurisdiction of this law goes beyond the territory of the country (according to Article 4, paragraph 1) and is retroactive, which means that all media (including the online media outlets and their archives), libraries or other entities, which collect and possess information about the revealed information of conducted criminal activities are obliged to delete all materials from the wiretapped conversations, which may cause high level politicians to be prosecuted by the courts.

The press release of the Association of Journalists of Macedonia (AJM) and the Journalists' Union called this law "an attempt for censorship" by the ruling political parties.

Zakon za zabrana za poseduvanje, obrabotka, objavuvanje i raspolaganje so materijali koi proizleguvaat od nezakonsko sledenje na komunikaciite

<http://sobranie.mk/materialdetails.nspix?materialId=c54e08d1-11f2-4d0b-ab1c-fe6e1ef5f22b>

Law on Prohibition of Owning, Editing, Publishing and Usage of Materials, which come from Illegal Communications' Surveillance

Press release of the Association of Journalists

<http://www.znm.org.mk/drupal-7.7/mk/node/924>

Press release of the Association of Journalists

The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015

http://ec.europa.eu/enlargement/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf

