



Subject: Reply to a Request

Link: ref. no. 35-01-214 dated 06.06.2017;

In regard to the above referenced document, whereby you request submission of additional information on undertaken measures and on resolving seven reported cases which involved endangering the safety of journalists and violating their rights, we would like to inform you about the following:

1. In regard to the incident that took place on 15.07.2015 (a Vice Prime Minister physically assaulted the Macedonian journalist, Sashe Ivanovski) which was reported in the Police Station of General Competence 'Centar' and which was registered under other areas – Disturbing public order – A uniformed police officer from Police Station of General Competence 'Centar' took the following measures:

- At first, a Police Record of an initial report for a committed physical assault was made, in accordance with Article 12 of the Law on Misdemeanours against Public Order;
- Video footage of the crime scene was provided with an order by the Basic Public Prosecutor's Office;
- Biljana Sekulovska was summoned to the Police Station of General Competence, to report on the incident, whereby the video footage of the crime scene that was in her possession was confiscated as well;
- The employees of the catering facility 'Pastel' who eye witnessed the incident were questioned;
- After reviewing the video footage, the victim Sashe Ivanovski was phone interviewed about the incident and he provided an additional report in order for the incident to be legally defined as a criminal act.
- Vladimir Peshevski was questioned to provide a report on the incident.
- After taking all measures and activities in regard to the reported incident, the Sector for Internal Affairs Skopje determined that there was no physical contact between the reporter and the reported person, i.e. there are no elements of misdemeanour.

2. Concerning the incident that took place on April 19th, 2016 (three journalists from Kosovo were arrested in Skopje including Artan Haraqija, Leonard Kercuki, Halil Halili) the following measures were taken:

- In the area under the jurisdiction of the Police Station of General Competence 'Centar' during a public gathering, near the rear entrance of the Assembly of the Republic of Macedonia, Ilir Ajdini, with a home address 1/1-71 Tale Hristov, Artan Haraqija born 18.06.1981 from Kosovo and Halili Halil born 19.07.1986 from Kosovo, employed as journalists in the news medium from Prishtina 'Gazeta Express', were apprehended. Namely, they acted contrary to the order given by a uniformed police officer because of the security situation i.e. they did not step away from the building, and thus committed the misdemeanour of "Disrespecting an order given by an authorised official or a state body" under Article 14 of the Law on



Misdemeanours against Public Order. In addition, upon establishing their identity and checking their journalist accreditation cards, they were warned in writing and released. However, after reviewing the Police Bulletin of SIA Skopje, it was determined that the person Leonard Kercuki was not registered as a person who had reported an incident or a person against whom police powers were applied.

3. Regarding the incident that took place on April 21st, 2015 (the journalist Borjan Jovanovski was under a life threat) the case was reported to the Police Station of General Competence ‘*Centar*’ as a criminal act of “Endangering Personal Safety”. SIA Skopje submitted a Written Notice no. 30.8.2/2 -207, dated 23.04.2015 and a Notice no. 30.8.2-1286, dated 12.08.2015 to the Basic Public Prosecutor’s Office Skopje.

4. Regarding the incident that took place on April 13th, 2016 in Skopje (five journalists beaten up during protests) the case was reported in Police Station of General Competence ‘*Centar*’ in the form of a complaint against a police officer filed by Goran Naumovski. A uniformed police officer from the Police Station of General Competence ‘*Centar*’ made a Police Record of an orally filed complaint and the complaint was forwarded for further action of the Sector for Internal Control and Professional Standards in the MoI of the Republic of Macedonia. After reviewing the Police Bulletin of SIA Skopje, it was determined that the other persons: Ognen Teofilovski, Nakje Batev, Tome Georgiev and Borsche Popovski, Trajche Antovski and Sashka Cvetkovska have not been registered as persons who had reported an incident or persons against whom police powers were applied.

5. Concerning the incident that took place on February 28th, 2017 in Skopje, when the journalist Aleksandar Todevski and the camera operator Vladimir Zhelchevski were attacked, as well as when the journalist Borjan Jovanovski was verbally attacked by a teenager, and Ana Petrushevska from Birn was harassed on Tweeter, the following measures were undertaken:

- the incident that took place on 28.02.2017 was reported in the Police Station of General Competence ‘*Centar*’ as a criminal act of “Violence”. SIA Skopje – Violent Crime Unit filed criminal charges in the Basic Public Prosecutor’s Office, against a person registered in the court book KU under the number 2179/17;
- The incident concerning Borjan Jovanovski was reported as an incident in the Police Station of General Competence ‘*Centar*’. A uniformed police officer from the Police Station of General Competence ‘*Centar*’ took a statement from the reporter Borjan Jovanovski and an Initial Incident Report of a reported incident was made, and a shift leader in the Police Station of General Competence ‘*Centar*’ drafted an Official Report;
- SIA Skopje – Police Station of General Competence ‘*Centar*’ established that the misdemeanours under article 4 “Yelling, shouting, impertinent and rude conduct in a public place” and under Article 5 “Throwing and breaking glasses and other object in a public place” of the Law on Misdemeanours against Public Order were committed, which will be considered after the submission of appropriate motions, if the perpetrator is found;



- After reviewing the Police Bulletin of SIA Skopje, it was established that the person Ana Petrushevskа was not registered as a person who had reported an incident or a person against whom police powers were applied.

6. Concerning the incident that took place on April 27th, 2017 in Skopje when the journalist Dimitar Tanurov and the camera operator Nikola Ordevski were physically assaulted:

- The case was reported in the Police Station of General Competence 'Centar' as the criminal act of 'banditry'. SIA Skopje submitted to the Basic Public Prosecutor's Office a Police Record of an Initial Report registered in the court book KU under the number 7216/17. SIA Skopje has been undertaking measures to resolve the case.

Besides the abovementioned information, SIA Skopje – Criminal Intelligence and Analysis Unit, we have been informed that in regard to other questions, in accordance with the Article 289 of the Law on Criminal Procedure, "All activities undertaken in a pre-trial procedure by the Public Prosecutor or by the Police shall be considered a secret", which does not allow them to share further data. For more information you must contact the competent Basic Public Prosecutor's Office – Skopje.

7. Concerning the incident that took place on March 14th, 2016 when 28 media workers were detained and punished due to illegal crossing of the border from Greece to Macedonia, the regional Centre for Border Affairs- South submitted the following information:

In order to manage the refugee crisis and illegal migration, the Regional Centre for Border Affairs South acted in accordance with the guidelines given by the MoI and took measures and activities in line with the policies established in EU Member States and countries along the Balkan Route. As a result of having declared a crisis situation both at the Southern and Northern border, the MoI established Main Headquarters for Crisis Management at the level of the MoI, Operational Headquarters at the level of Regional Centre for Border Affairs South located in the Police Station for Border Checks and Border Surveillance, Railway and Tactical Headquarters at the level of police stations in charge of guarding the state border and police stations from SIA that fall under the Regional Centre for Border Affairs South. The Army of the Republic of Macedonia also took part in managing the crisis situation, and foreign police officers performed mixed patrolling in the area of Regional Centre for Border Affairs South together with our uniformed police officers.

Based on the performed analyses and the obtained operational information, several plans for strengthened measures and activities have been drafted, and when taking actions, the police act in accordance with the plans. In line with the policies of the aforementioned countries, by March 8th, 2016 only the migrants from conflict-affected countries (Iraq, Syria and Afghanistan) were allowed to transit through the Republic of Macedonia on their way to the EU Member States i.e. they had confirmations of a declared intention to apply for asylum issued for them. The migrants did not want to stay in the Republic of Macedonia and proceeded to the EU Member States. Following the closing of



the borders of the EU Member States and of the Western Balkan route countries, and in accordance with their policies, the Republic of Macedonia closed the border for the migrants from Greece on 08.03.2016. After this prohibition, high risk areas and locations for illegal crossing of the Greek-Macedonian border were detected, most of which were in the Gevgelija and Dojran region, and few were in the Bitola region. The locations of the camps on the Greek territory located in the immediate vicinity of the Greek-Macedonian border also posed a threat, especially the illegal camp Idomeni, located at the border itself, accommodating approximately 10,000 migrants who were trying to enter the Republic of Macedonia in order to continue their transition on the so-called Balkan route. There were several border incidents in the camp (the camp was dislocated in the interior of Greece on 24.05.2016). Local population from both countries assisted the migrants, and criminals and criminal groups, which were often composed of migrants themselves (distributing leaflets of routes and directions) provided assistance and showed them the routes and illegal pathways.

On 14.03.2016 in the time period from 16:00 to 22:00 in the area of the village Moin Gevgelija at the Border Stone 66/6 a total of 2356 migrants: 955 from Afghanistan, 600 from Pakistan, 500 from Syria, 201 from Iraq and 100 of unknown citizenship crossed the river “*Suva Reka*” and entered the territory of the Republic of Macedonia up to the village Moin. Besides the migrants, 71 foreign journalists coming from several countries illegally crossed the Greek-Macedonian border. The Macedonian Police was notified of the mass movement of the migrants from Greece to Macedonia at 10:00 by a female police officer of the Czech police, who informed the Operational Headquarters that leaflets were distributed to the migrants in Greece in which the migrants were instructed to get organised and to cross the Greek-Macedonian border in large groups in order to arrive in Germany, a country accepting all migrants (other countries did not accept migrants and pushed them back to Turkey) and not to be afraid of all natural and artificial barriers (barbed wire, etc.) along the route. The migrants were also informed that in order to cross the border they have to be in large groups, over 1,000 people, so that the police and the army could not stop them. The leaflet also outlined a route i.e. a map of movement written in Arabic with marked directions. The start was scheduled at 14:00 Greek time from the village Idomeni to the village Moin.

The Operational Headquarters immediately informed the competent officials in the Main Headquarters of the MoI. At 10:30 all officials in charge of police forces (Special Support Unit, Rapid Deployment Unit and other uniformed police officers and the Army of the Republic of Macedonia) were called together in the Railway Operational Headquarters and attended a meeting for undertaking urgent measures upon previously obtained information. The competent official from the Army of the Republic of Macedonia said that they also found out about the aforementioned information and that ARM soldiers were deployed on the line from Border Stone 59 towards the village Moin.

At that moment the police officer on duty in the Police Station for Railway Border Checks and Border Surveillance ‘*Bogorodica*’, as well as the commander Mitko Iliev, provided new information obtained from a female journalist from Macedonia, who was in Idomeni in Greece and informed the Police Station of General Competence Gevgelija by telephone that a group of migrants had already gathered in Idomeni and that some of them were about to start their journey in the direction of Grchka Reka. She also informed that some



of them were headed towards Border Stone 59 or Border Stone 58, that is, they were headed in several directions.

During the meeting it was agreed that it is very important to monitor the direction in which the group will be headed. It was also agreed that one uniformed police officer together with army soldiers should immediately go to install a camera in order to monitor the direction of movement of the aforementioned group, the army to gather its forces along the border line and the RDU and SSU to be on guard and ready for immediate deployment if the need arises. After the meeting all persons attending the operational meeting headed to the place called “Kangata”, that is, the place where the barbed wire ends and only a razor wire continues.

The group of migrants could already be seen moving towards the “Border Marker – 4”. The group, which was a large group, probably of approximately 1,000 persons or many more, could also be seen from the video footage provided by the camera which had previously been placed at the place called “Karaorman”.

Along the border line in the direction of “Border Marker – 4” police forces and soldiers from the Army of the Republic of Macedonia were deployed, and the other forces were directed towards the village Moin where a large group of migrants was expected to force in. At that moment a Lieutenant Colonel from the Army of the Republic of Macedonia informed that a group of 7,000 migrants was expected to arrive in the village Moin.

A group of 500-600 people, which had already entered the village of Moin, was intercepted. The group was dismantled into smaller groups and brought under control in the street leading to the church. Trucks were demanded from ARM to transport the migrants back to Greece.

Meanwhile, the group was kept under control. However, more migrants were arriving and the forces of ARM were not sufficient in number to stop the flow of migrants and the road was inaccessible for vehicles up to that point. Much later, the flow of migrants was stopped on the Border Stone 66/6 by sending more forces from SSU and ARM.

The group of migrants composed of a total of 2, 356 persons was not allowed to enter the village; it was kept under control and transported after midnight by using the vehicles of the Army of the Republic of Macedonia. The migrants were transported to the Border Stone 58 and Border Stone 59 and at approximately 03:00 all migrants were sent back to Greece.

In the time period from 16:00 to 18:00, in the area of the village of Moin, Gevgelija at the Border Stone 66/6, a uniformed police officer from the Police Station for Border Surveillance and Border Checks “Bogorodica” and a uniformed police officer from the Department for Special Police Operations in the MOI of the Republic of Macedonia in cooperation with soldiers of the Army of the Republic of Macedonia, besides the group of migrants, also detected 73 persons (71 foreign nationals and 2 Macedonian nationals) mostly journalists, volunteers and members of various NGOs illegally crossing the state border from Greece to the Republic of Macedonia.

They were apprehended in the Police Station for Border Surveillance and Border Checks “Bogorodica”. During their questioning it was found out that they were journalists and volunteers from Germany-18, Greece -13, Switzerland – 6, journalists from Great Britain and Spain – five from each, four from Italy, two from each of the following: Portugal, USA, Sweden, Hungary, France and Macedonia, and one journalist from each of the following: Syria,



Bulgaria, Argentina, Serbia, Canada, Netherlands, Albania, New Zealand, China and Austria.

Inspectors from the Section for Cross Border Crime, Migration, Foreigners and Readmission within the Regional Centre for Border Affairs “South” detached in Gevgelija worked with the foreign citizens. Since there was no evidence for performed criminal act defined under Article 402 of the Criminal Code of the Republic of Macedonia, as “illegal transfer of other persons across the border of the Republic of Macedonia” and there were elements of the misdemeanour defined under Article 68 of the Law on Border Control “**a person who will cross or will try to cross the state border outside the border crossing and beyond working hours of the border crossing shall be fined in the amount from 510 to 800 Euros in MKD equivalent**” the inspectors from Section for Cross Border Crime, Migration, Foreigners and Readmission gave a fine payment order in the amount of 510 Euros to the journalists (the payment order stipulates a payment of half of this amount if the payment is done immediately or within 8 days at the latest). All foreign citizens paid half of the aforementioned amount - 225 Euros or 15, 685 in MKD equivalent. In addition, Resolutions on expulsion of a foreigner with a prohibition of a re-entry in the Republic of Macedonia with duration of 6 months were imposed to all perpetrators – journalists and volunteers, thus obliging them to leave the territory of the Republic of Macedonia within 24 hours. Following the payment, all foreign citizens left the office of the Section for Cross Border Crime, Migration, Foreigners and Readmission located in the Police Station for Railway Border Checks and Border Surveillance.

