

AN INVESTIGATION

KOSOVO STILL NOT TOO LATE FOR PRESS FREEDOM...



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**REPORTERS
WITHOUT BORDERS**
FOR PRESS FREEDOM



AFP photo / Jack Guez

More than two years after declaring independence, on 17 February 2008, Kosovo is facing a host of challenges in all major sectors of activity. Alongside unemployment, the absence of health and social insurance, a dilapidated electricity and water system and inefficiency in medical treatment, freedom of the press looks like a secondary problem, almost a luxury.

However it has become more urgent than ever for the ills that are undermining Kosovo to be explained and exposed. Only a few journalists have managed to report on the endemic corruption in the administration and the uncontrollable penetration of organised crime into most areas of the economy. And yet the people need the media to act as safeguard.

Few countries are home to such a large number of international institutions: More than a score have or have had offices in Pristina: The United Nations, Nato, the Organisation for Security and Cooperation in Europe (OSCE), the European Union, as a delegation, but also through its new mission, Eulex. But even in this environment and despite the sums invested in re-launching the media, freedom of the press is struggling to develop. Neither financial nor editorial independence is yet guaranteed. There is still no press centre in the capital to serve as an influential reference free press point and provide a location for improving ethics and professionalism through meetings and exchanges.

The Prime Minister, Hashim Thaçi has prioritised joining the European Union. And this will only be achieved by observing certain criteria, including having a free and independent press. Even though the prime minister has made frequent positive statements on the issue, government policy has so often conflicted with this. His influence and that of his party Partia Demokratike e Kosovës (Democratic Party of Kosovo - PDK) are obvious and increasing, particularly in public television which remains the country's leading media both in terms of its sheer size and the influence it has over the population. Although a fledgling Internet sector does offer opportunities for independence and pluralism, as elsewhere in the world, this sector is still financially fragile.

tion which sometimes tops up by reading a part of the written press.

THE HEGEMONY OF RADIO TELEVISION KOSOVAR (RTK)

Radio Televizioni i Kosovës (RTK) which was supported financially by the Albanian majority during the conflict that pitted them against Serbia, provides a very strong symbol of Kosovo's identity. RTK followed the armed conflict very closely and people developed an emotional connection with the channel.

The international community that set itself up in Pristina in 1999 after NATO ousted the security forces of Serbia and the UN took over administration over the territory supported creation of the public channel, providing aid worth 20 million euros. A management committee was constituted drawing on some of the best broadcast journalists. But the grand project of creating a quality public service media quickly clashed with the ambitions of the political establishment and especially cadres of the former UÇK which despite international monitoring, quickly established firm political control.

Seen as a public channel by some, as a state channel by others, RTK is today under tightened government control and in particular that of Prime minister, Hashim Thaçi. The biggest employer in the media sector, RTK has a near monopoly on broadcasting of football matches. The channel shows a large number of foreign sitcoms, traditional and international music programmes. Apart from news bulletins, RTK produces almost no huge political programmes or debates with clashes of different political points of view and does not go in for deep and sensitive investigative journalism especially no about the political elite.

THE "SECURE MEDIA SYSTEM"

The RTK management however began work in April 2010 on a rapid shakeup of programming that introduced political programmes and debates. But this reform was limited in scope since viewers and listeners had no opportunity to put questions directly to participants. Pressure brought to bear on RTK staff also meant that the journalists had little room for manoeuvre, given their awareness that while interviewing a minister, they were also questioning their employer.

Several RTK journalists also drew attention to the existence of editorial meetings known as "SMS Meetings" or "Secure Media System", terms used to describe how most daily editorial decisions are

taken on the public channel. One radio journalist told us, "Virtually all government members and party heads have the mobile phone numbers of our managers, whatever their level, and send SMS messages informing them of their conferences or official visits. This 'invitation you can't refuse' gets sent to us and that is how our crews' agendas are fixed. We try to include other filming in our 'organised trips' but we know very well that we are wasting our time. We do these other interviews so as not to get out of practice in the hope that one day we will have real editorial meetings", she said.

APPOINTMENT OF MANAGERS

RTK's board of directors, renewed on 13 October 2009, was appointed by parliament under a procedure with all the appearance of democracy. An ad hoc parliamentary committee was given

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responsibility for proposing possible candidates. The final but still extended list contained numbers of journalists and analysts who were well known in Pristina. However, the committee led by deputy Prime Minister, Hajredin Kuçi, did not leave the room for electing prominent journalists or member of civil society or leading opponents to the government as members of the board of directors. The committee gradually ousted all the serious and independent candidates and in violation of the procedure, finally appointed nine members of RTK'S management. To make things worse no one of them comes from Kosovo's main media or work as an active journalist.

Interviewed by Reporters Without Borders, Rrahman Pacarizi, president of RTK's board, denied the politicising of the procedure and the manipulation of advertising. "Commercial logic dictates that advertisers make use of the most visible and effective medium. The RTK ratings justify the fact that our channel gets preference from advertisers, even when they are ministries".

Pacarizi also rejected the suggestion that editorial decisions were taken via SMS by the government and defended RTK's editorial independence. "When we give airtime to a member of the



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government we do the same for the opposition. You can check and you will find this alternation and balance". The RTK president considers the near constant presence of the head of state on its TV news bulletins is linked above all to respect of protocol that a public television station must follow. "Our television's financial resources come from the contributions of individual Kosovars and it is therefore our responsibility to inform people about what the government is doing. You apply the same kind of standards in public media within the European Union. Why expect anything different from us?"

There are indeed alternate reports between the official position and the opposition but not in the automatic way described and although RTK does sometimes try to give a voice to the political opposition it is rarely on the same subjects as those raised by the majority parties. And although public television channels in EU countries do give airtime to "protocol activities", they also put out investigative programmes and debates, which are sadly lacking on RTK.

A WINDOW OF INDEPENDENCE ON RTK: LIFE IN KOSOVO

For the past several months, the law has obliged RTK to invite tenders for purchase of programmes made by independent production agencies. Eventually, 20% of programmes should be produced in this way and it could open the door to programme formats less based on protocol and on "the permanent defence of Kosovo".

Some news programmes have already managed to get onto RTK broadcasting. The programme *Life in Kosovo*, produced by the Balkan Investigative Reporting Network (BIRN) is one of the very few independent news feature programmes. BIRN also supports the English-language monthly *Pristina Insight*. This is not without risk however.

During local elections in May 2009, members of a film crew from *Life in Kosovo* were physically attacked by thugs as they covered the campaign in Skenderaj of the mayor, Sami Lushtaku. They were threatened and prevented from filming. Police, who were present throughout, did not intervene except to escort the journalists from *Life in Kosovo* to the edge of town.

The day after their report was broadcast on 28 May 2009 the daily *InfoPress*, close to the prime minister's party, the PDK, launched a virulent campaign for the programme to be taken off air permanently and calling indirectly for the murder of its director, Jehtra Xharra, accusing her of "es-

pionage to the benefit of Serbia", of "cooking up her programme in the kitchens of Belgrade" and of being "the sworn enemy of Kosovo". The campaign escalated over a 12-day period. Although a section of the profession offered principled support to Jehtra Xharra, the association of journalists was all but silent. The international community, which reacted intolerably slowly, did not go so far as to openly criticise the actions of *InfoPress*, to the bewilderment of the profession, deepening the mistrust felt by the population.

"Beyond the *InfoPress* campaign, what is also revealing is the attitude of the justice system. Of course we tried to lay a complaint against the police and demand that the case be referred to the courts. But the prosecutor refused to take the case, claiming that if he opened proceedings, he would expose himself to the same treatment from *InfoPress* and others linked to them. The justice system itself can fall prey to these campaigns even though it had nothing to do with the issue", said Xharra.

The Kosovar political class with the majority parties of the government at their head, let several days go by before starting what deputy prime minister, Hajredin Kuçi, called a "mediation mission" aimed not at condemning the stance of *InfoPress* and Sami Lushtaku, but rather to promote "a possible dialogue between the authorities and the media who must be responsible". During an interview with Reporters Without Borders, Kuçi stressed his government's commitment to freedom of the press, assuring us that all coalition members shared this viewpoint. He however condemned press defamation campaigns against the political class. Kuçi accepted that calls for journalists to be killed were unacceptable.

But this official point of view is difficult to swallow when one learns that the mayor of Skenderaj is still a member of the prime minister's party, the PDK, and that the management of *InfoPress* continues to receive the same political and financial backing from the government's circles. It is a bizarre concept of journalism when a section of the national press can shamelessly call for the death of a colleague and which urges "independence for the justice system" on its pages while at the same time putting this system in fear of defamation.

PRIVATELY OWNED CHANNELS KTV AND RTV 21

When they were founded in 2004, KTV and RTV 21 each received grants of 8,000,000 euros (half in practical support and half in financial backing). These funds came chiefly from USAID but also from some private foundations. These funds allow

IPKO switched from analogue to digital in 2009 and on 1st April 2009 suspended Rrokum TV from its network even though Rrokum had a five-year broadcast contract. Rrokum TV has since then been excluded from the 80 local, regional and international relays that make up the network. IPKO invoked technical problems and maintenance work on the network but the real reason for their conflict more probably lies in the calling into question of the initial contract and the determination of IPKO to make Rrokum TV pay up again.

Rrokum TV finished the financial year 2009 in profit. A miracle? Almost. Elections were held that year and during the election period, Rrokum TV had access to only a tiny share in electoral and institutional advertising. "At election time we receive a little of the institutional benefit – it would be too flagrant if we didn't and the government does not neglect any possible votes", added Kelmendi. But this did not happen again in 2010 and the small independent channel is today a shadow of its former self. The editorial staff has been reduced to around 20 and journalists must multi-task for low monthly salaries of around 150 to 300 euros. Rrokum is relying on young journalists who attend their university courses in the morning and work as journalists in the afternoon. The same is true for technical staff. Rrokum has reduced its costs to the minimum and cannot offer more to its journalists, who however continue to work for it.

KLAN TV: A NEWCOMER THAT HAS YET TO PROVE ITSELF

KLAN TV is one of the media phenomena that have sprung up like mushrooms. It grew out of the Albanian group KLAN, close to the government of Salih Berisha, and rapidly established itself in Pristina. Clearly enjoying generous financial circumstances, KLAN TV has imported all its equipment from Albania, incidentally created a first debate about customs charges which it seems to have been exempted from.

KLAN TV has almost 110 staff member employed from the start at attractive salaries on the media market, getting around 600 euros a month when most journalists have to live on an average salary of up to 300 euros. But these costs very quickly weighed on the financial viability of KLAN TV and the new TV has apparently already needed to look for major financial backing. One possible solution to its development could come from broadcasting on one of the two analogue licences for Pristina, thus allowing Albania to boost its presence on the Kosovar airwaves. Some journalists believe this plan of its Albanian neighbour was on the cards for a very long time and explains

why these two analogue licences were left open for so many years.

The KLAN project is causing concern to a large part of Kosovo's media because the exporting of the "Albanian model" in the media world is not being met with enthusiasm.

URGENT RE-LAUNCH FOR THE ASSOCIATION OF PROFESSIONAL JOURNALISTS

This association was founded in 2002 by Kosovo's best known journalists enjoying the greatest credibility. The Association of Professional Journalists of Kosovo was established as a non-governmental organisation (NGO). Partly backed by the international community, particularly by IREX and Balkan Trust of Democracy which gave financial aid and major logistical help, the association enjoyed respect from the profession and international bodies. Solidarity was established with the profession and the association set itself the goal of tackling as many problems as it could. It set up monitoring of press freedom and provided an effective gauge of problems that existed at the time. It held regular meetings between journalists to discuss its undertakings, ethics and professionalization, organising training sessions. However 2009 saw the beginning of a long and agonising downward spiral.

The association's board was re-elected in January 2009. Mentor Shala was voted in as president, an important but unremunerated position. As Shala kept his job as editor in chief of RTK his policy enjoyed less and less support from the board which through lack of funds was able to hold carry on fewer of the activities that had brought it such approval. Under his presidency some cases were not taken up. The association for example took about ten days to react to Info Press's call for the murder of the journalist working on the Life in Kosovo programme.

The start of 2010 brought a temporary halt to the association that was facing growing financial difficulties. The association's difficulties and the lack of clear and robust policy towards abuses of the press freedom did not help attract new patrons, either local or foreign. Shala was moreover promoted to deputy director of RTK and he resigned in March 2010 as did a large number of the board, thus leaving the association without any management and in a difficult financial position. Under its NGO status, the association is considered as dormant and will need a budget and a sufficiently independent board to get back on track in the way many journalists hope it will.

CALLS AND RECOMMENDATIONS FROM REPORTERS WITHOUT BORDERS:

REPORTERS WITHOUT BORDERS URGES:

1. hat access to public information guaranteed in Article 41 of the Constitution be effectively offered to all journalists, without administrative or protocol obstacles, with direct physical access to news sources;
2. That Parliament initiates a draft law guaranteeing protection of sources to all journalists based on European standards;
3. That the EULEX mission includes in training of judges information about the major challenges linked to specific rights of the press and of new media;
4. That members of the executive should not be engaged in the process of appointment of members of RTK's management board. This process should be the responsibility of parliament alone. The committee responsible for appointments should also include representatives of the written press, web radio and television, as well as individuals from the academic world, recognised for their professionalism and independence. The ideal situation would be if the half of the committee for appointment comes from media and civil society;
5. That digitalisation should be speeded up and carried out with greater transparency, with consistent follow-up information for all those involved whatever their status or their size. We call on the international community to keep a close watch on this process and to guarantee that it is carried out with full respect for international norms, ensuring fair chances to all;
6. That private and institutional advertising market be liberalised and that the rules of this liberalisation be established in partnership with all sectors of the media including new media;
7. That all institutional advertising be shared out in a fair and transparent manner across television, radio, the written press and news websites, whether public or privately owned. We call on the Kosovar government to provide a public monthly report on the share-out of institutional campaigns that they put in the press specifying the price and the titles that benefited;
8. That the two analogue licences still available in Pristina be compulsorily and quickly made the subject of public tendering clearly defined and open to all. We ask that the international community should be able to observe the allocation process of these two licences which should be done with the utmost transparency;

9. That the government ensures that legislation is drawn up that is clearer and more permissive on radio and television transmission on cable. Web-TV and Web-Radio should not in any case be subjected to licensing and should be encouraged in the process of starting up and transmitting;

10. That a press centre be opened as quickly as possible in Pristina. We urge the international community to switch part of the funds it spends on campaigns promoting their activities in Kosovo to a fund set aside for this project;

REPORTERS WITHOUT BORDERS RECOMMENDS:

1. That political representatives, starting with government members, stop accusing the press of "espionage" or "attacking national identity", when it is not favourable to them or when they carry out reporting that serves the public interest. We call on the political class to take greater responsibility and not to add to the already charged climate in which journalists must work;
2. That journalists take all the necessary steps to re-launch a professional organisation capable of serving as an interlocutor with national and international institutions.

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