

PRESS RELEASE

8 September 2011

AMAC's racial vilification complaint dismissed

The Australian Macedonian Advisory Council (AMAC) would like to express its disappointment at the decision of VCAT Member Noreen Megay to dismiss AMAC's racial vilification complaint against the *'Australian Macedonian (sic) Weekly'* (AMW).

Last week Ms. Megay handed down her judgment on the matter which was heard at VCAT on the 3rd and 4th of August 2011. The AMW's article which was the subject of the AMAC's complaint was published in May 2009, and Ms. Megay found that the article did not meet the high threshold imposed by Section 7 of the *Racial and Religious Tolerance Act 2001* (Vic) for a finding of racial vilification. Section 7 requires that the conduct "incite hatred, serious contempt for, or revulsion or severe ridicule of" a class of persons on the ground of the race of that class of persons.

AMAC's legal advice was that the disgraceful language used in AMW's article would likely have fallen foul of Section 7. The article in question was titled *'Who in this Celestial World (sic) gave the Greeks the right to take away the Macedonian language?'* and AMAC's complaint was based mainly on the following parts of the article:

- i) Reference to Greece as a "thieving nation"
- ii) Reference to Greeks as: "deranged bastardly monsters", "freaks of nature"
- iii) Reference to the Greek language as "their ugly language"
- iv) the author asks Greeks what "evil alien abstractions possessed your dark soul?", what "barbaric wickedness obliterated your senses?" and "What evil spirits possessed your moronic conscience to be so cruel and predisposed to such ghastly monstrosity?"

The complaint was not based on history or on any historical errors contained in the article. The complaint purely concerned the racist, abusive and gratuitously insulting nature of the article. Ms. Megay acknowledged that the historical accuracy or inaccuracy of the AMW article had no bearing on the decision.

In his witness statement, the AMW's editor, Ljubcho Stankovski, admitted the language in the article was "extravagant". Ms. Megay stated that she considered this to be an understatement and that, in her opinion, the article was a "hyperbolic rant"¹, but nonetheless did not consider the article breached Section 7.

Ms. Megay came to this conclusion despite the fact that, during cross-examination, Mr. Stankovski admitted that, had the article been written about Slav-Macedonians, it would have had the effect of inciting hatred or serious contempt or revulsion against Slav-Macedonians.

¹ *Australian Macedonian Advisory Council Inc. v LIVV Pty Limited trading as Australian Macedonian Weekly (Anti-Discrimination)* [2011] VCAT 1647 (30 August 2011) at 62.

AMAC considers Ms. Megay should have placed more weight on the fact the respondent (Mr. Stankovski is the editor and sole proprietor of the AMW) basically conceded – to the surprise of everyone present at the hearing – that he considered the article contravened Section 7.

To-date there has been no successful racial vilification complaint made under Victorian law. AMAC finds it difficult to foresee what type of conduct or language could possibly be used to invoke a sanction under Section 7, given that the said article did not (in the opinion of Ms Megay) cross the line. AMAC considers that Section 7 is a poorly drafted and toothless provision and that it should be repealed so as not to give false hope to people who have legitimate grievances and have been racially vilified. The wording of the Section 7 makes the assessment of whether particular conduct breaches the Section highly subjective and too dependent on the personal taste of the Tribunal member hearing the matter.

The danger of the Tribunal finding that the AMW article was not unlawful is that the Courts and Tribunals can be seen to be condoning the kind of racist, insidious language used in the article. Ms. Megay saw it necessary to state that, despite her finding there was no breach of Section 7, she “would not wish to be taken as approving the tenor of the article”². Despite Ms. Megay’s comment, AMAC believes the danger that the Tribunal be seen as condoning the AMW’s conduct is a real one. A further danger is that the Victorian community may perceive that there are double standards attached to racial vilification laws, in that some ethnic groups are more likely to be successful in making a complaint than others.

There have been various academic criticisms of the particular legislation and similar legislation in other states. AMAC believes that amendments are necessary to ensure the proper protection of Victorians from vilification and the maintenance of multiculturalism in Victoria.

AMAC has the option of appealing against the decision to the Supreme Court of Victoria. AMAC’s legal advice is that Ms. Megay’s judgment contained numerous errors of law upon which an appeal can be based. However, in considering whether to appeal the decision, AMAC will have to take into account the significant expenses entailed with an appeal and the considerable risk of costs being awarded against it, should the appeal be unsuccessful.

AMAC notes that there has been criticism of the decision in the mainstream media and provides the following links for the information of our members:

1. http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/if_i_were_macedonian_id_feel_safer
2. <http://www.heraldsun.com.au/news/more-news/macedonian-newspaper-did-not-incite-race-hate-says-vcats/story-fn7x8me2-1226131670914>

The article in question is attached to this press release. Ms. Megay’s judgment can be found at the following link: <http://www.austlii.edu.au/au/cases/vic/VCAT/2011/1647.html>

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² *Australian Macedonian Advisory Council Inc. v LIVV Pty Limited trading as Australian Macedonian Weekly (Anti-Discrimination)* [2011] VCAT 1647 (30 August 2011) at 69.

Who in this celestial world gave the Greeks the right to take away the Macedonian language

Gandeto

May 14, 2009

Australian 'Macedonian' Weekly

"When the Great War comes, Macedonia will become Greek or Bulgarian, according to who wins. If it is taken by the Bulgarians, they will take the population Slavs. If we take it, we will make all of them Greeks"

This is the statement uttered by the Greek Prime Minister Harilaos Trikoupis who led Greece from 1882 to 1895. This is the Greek plan to "liberate Macedonia" from itself and make it Greek. This is how modern Greeks made the transplanted Asian Christians—who took over the homes of the dispersed—or rather forcibly thrown out ethnic Macedonians—into "lawful" inheritors of the ancient Macedonians. This is how the newly created "Greek Macedonians" were actually manufactured.

Just the mere fact that Harilaos Tricoupis states that "if we take Macedonia we will make all of them Greeks" is a glaring admission that:

- (a) Greeks did not possess Macedonia,
- (b) Macedonia was never Greek before the "Great War" of 1913,
- (c) Greeks cry that Macedonia was "always Greek" is a blatant lie and a recent invention,
- (d) it is an admission that there were no "Greek Macedonians" in Macedonia and
- (e) all of the Greek hoopla about the name "Macedonia" being Greek is a grotesque manipulation of facts by a thieving nation.

"If we take it, we will make all of them Greeks".

This is not a statement of a "bar-stool patriot"—or should I say a fascist-ideology-trained individual—to safeguard the Hellenic nation. This is not a statement mumbled by a fiery Stohos' supporter drunk with euphoric glory of being proclaimed the inheritor of the ancient Greeks and appointed a guardian of Hellenism, nor is it a statement made by an irrational war monger. This is a calculated statement, indeed, made by a thoughtful, competent leader of a nation and that is why its weight, its meaning and its clarity of purpose is so overbearing and concise that no amount of infused dilution can diminish its historical significance. These are the words, the intent and the vision, if you will, of the Greek Prime Minister who, arguably, uses a well-scripted plan of action in pursuit of the "Megali Idea" to permanently change the ethnic landscape of Macedonia.

What he so placidly states and coolly envisions, is to be accomplished through the most brutal and inhumane methods ever invented and used against other human beings that simply boggles the mind: taking the Macedonian language from the Macedonian people.

The gravity of this crime is of unimaginable proportions. Nothing, in the annals of history, comes even close. Please, stop for a second and imagine what it entails; stop for a second and picture children mute at play; mothers suffocated in fear with unexpressed emotions, and deafening bewilderment of the speechless grandparents. Picture, if you will a bird without a song; a flower with neither color nor scent; or a sunrise without the morning hue.

Does it make any sense?

Harilaos' prophecy came true and in the Great War of 1912-13, Greeks—with the support of the western nations who reeked with chauvinism and hypocrisy—took Macedonia for the first time in their history. Ever since then, this thieving nation meticulously engaged its fascist army in destroying anything Macedonian and replacing it with Greek. To put a permanent imprint on a land they never owned before, they uprooted the ethnic Macedonians from their ancestral lands; burned and defaced any Macedonian artifact found connected to the past, transplanted refugees from Asia Minor and spread their gruesome poisonous propaganda throughout the Macedonian land. By erasing the Macedonian legacy, these fascist Greeks felt that they can eliminate and wipe out all potential witnesses from ever challenging the newly established status-quo.

While with time, I think, we can forgive their zealotry for replacing the Macedonian toponyms. We can also overlook their crime in ethnically cleansing the Macedonian people from their homes. We can ignore the fact that they burned our old books written in the old Macedonian language. We can, perhaps, disregard the atrocities committed during the war; we'll even discount the murders perpetrated in the name of Hellenism; we can forgive the delusional Greek zealots from erasing the Macedonian written language from the Macedonian churches and monasteries. Furthermore, we can close our eyes to the everyday torments inflicted on those ethnic Macedonians who elected to stay in their ancestral homes and take a chance under the hated Greek occupation.

I think we can, somehow, manage to convince ourselves to let everything stay in the past.

But what we cannot overlook, what we cannot ignore, what we cannot disregard, cannot forgive, cannot close our eyes to, and we cannot ever remain silent about is the fact that these Greek zealots, these Greek deranged bastardly monsters took the Macedonian language away from our Macedonian children. That is what we'll never, in a million years, be able to overcome and put behind us. That we cannot do.

How can a stinking Greek teacher and a spy-for-a-priest religious person denigrate, disparage, malign and ridicule the language of a child spoken by his mother and grandmother. How can a first grader be made to feel inferior because he does not speak Greek? How can a butcher-for-a-priest refuse to baptize a child with a name given by his parents? How can a priest, a religious person—who claims to propagate the word of God—spy on his parishioners and impose Greek names on the Macedonian children?

Who gave the right to these freaks of nature to impose their ugly language on other populations? Who bestowed them with such powers? How is it conceivable to even think of

forbidding people from using the only language they ever knew; a language that is a connection and remnant that has been used for hundreds of generations? How can these deranged monsters, forbid the language a child learns from his mother; the very first words it hears from the mother's lips.

What evil alien abstraction possessed your dark soul to deprive a child from learning its mother's songs? What barbaric wickedness obliterated your senses to deprive the children from learning their traditional cherished bed-time stories and songs, saved and propagated for generations on hand? Just what morbid urge, what dark indomitable fear prompted you to act with such horrid ferocity against defenseless population entrusted under your care?

Who gave you that right? By what celestial standards did you assume that it would be acceptable to forbid the language the people used? What evil spirits possessed your moronic conscience to be so cruel and predisposed to such ghastly monstrosity?

(I wonder who, in this hollow Europe pretended that they did not know what was happening in Greece. And, if they did not know then, don't they know it now?)

They preach to Cuba about human rights issues and yet conveniently "forget" to look in their own backyard; Greece makes a mockery of their professed democracy).

However, I salute all the progressive Greeks, who today—at their own peril—bravely support the ethnic minorities in Greece. I salute their courage to stand up to the hot-headed, brain-washed nationalists who—drunk with imbued patriotism—blindly follow the governmental line and I, certainly, and with added revulsion, pity those who seed and propagate hate, foment intolerance and practice deceitful fanaticism.

These ultra nationalists—who still dwell and operate in the middle-ages—and unfortunately, dominate the Greek government today, have the audacity to claim that there are no ethnic Macedonians living in Greece.

Instead of denying the ethnic Macedonians their rightful place in your society, you should apologize to them and embrace them as your own. Instead of hiding behind some convoluted interpretations of nebulously worded paragraphs found in some forgotten treaties, you should welcome them in your fold as equals.

Eliminate your xenophobic tendencies and do away with your outdated sclerotic thinking. Furthermore, show foresight and courage and strike down all the discriminatory practices as null and void. And, finally, instead of looking at your own minority group as potential danger to your Hellenic identity, give them a chance to fully integrate themselves in your professed democracy.

Learn from your neighbors' mistakes. I will repeat this one again: learn from past experiences that so tragically plagued your immediate Balkan neighbors.

As of now, Greece is alarmingly deficient in human rights, one of the poorest countries in the European Union and a nation in a downward spiral wrought with internal domestic strife. Instead of blocking Macedonia's path to European and world integration, Greece should play more constructive role in the Balkans and look courageously towards the future. The Republic of Macedonia could be your forgotten asset; use your chance wisely.