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CROATIA: AMNESTY INTERNATIONAL CONDEMNS PROSECUTION OF *FERAL TRIBUNE* JOURNALISTS IN CROATIA

Amnesty International is deeply concerned by the recent prosecution of *Feral Tribune* editor-in-chief, Viktor Ivanović, and journalist, Marinko „ulif, for allegedly slandering and/or insulting the President in the 29 April issue of the paper. The journalists could be imprisoned for up to one year and six months respectively, in which case the organization would consider them to be prisoners of conscience.

The human rights organization today called on the Croatian President, Franjo Tuđman, to withdraw his consent to the prosecution, which alleges that the journalists defamed him, and to refer the relevant articles of the criminal code to the Constitutional Court as first steps to ensuring the protection of freedom of expression in Croatia.

“The special legal protection against criticism enjoyed by the President and other officials is completely at odds with the international standards which Croatia has committed itself to or wishes to adopt,” Amnesty International said today. “The charges against the *Feral Tribune* journalists should be dropped and the law should be amended.”

Amnesty International finds their prosecution particularly disturbing in the light of the organization’s other concerns about reports of physical threats and attacks on independent journalists, such as those on Goran Flauder last year and Edita Vlahović in January. As well as there is widespread concern about other restrictions on the independent media such as the tax and administrative measures used against the publications *Novi List* and *Panorama* in recent weeks. It notes that in the past the authorities have targeted *Feral Tribune* by arbitrarily mobilizing Viktor Ivanović into the army and placing special taxes on its sales.

Recent changes to the criminal code have reinforced the special protection which the President and certain other state officials receive in law by requiring the State Prosecutor to initiate prosecutions for damaging their honour or reputation, with the consent of the official concerned.

“Public officials who think they have been defamed can resort to the same civil actions which are available to any private citizen regardless of their status. This should be sufficient,” Amnesty International said.

“The European Court of Human Rights, whose rulings Croatia will be bound by if it enters the Council of Europe, has made it clear that in a democratic society the press play a special role in being able to criticize public officials,” the organization said .

BACKGROUND

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) which Croatia has ratified and is bound by, as well as Article 10 of the European Convention for the Protection of

Human Rights and Fundamental Freedoms (ECHR), which Croatia will be bound to sign upon its proposed accession to the Council of Europe, both guarantee the right to freedom of expression. The interpretations of both, particularly that of the ECHR by the European Court of Human Rights, make it clear that while states can impose certain restrictions on freedom of expression for reasons such as national security and other reasons which include respect for the rights and reputations of others. These can only be applied in strictly limited circumstances. Suppressing robust criticism of government officials by the media is generally not permitted.

Articles 71 (“slander”) and 72 (“insult”) of the Croatian Criminal Law make it possible for any citizen, regardless of his or her status or position, to initiate a private law suit to protect his or her reputation. However Article 77, which includes an obligation on the State Prosecutor to prosecute critics of the President, Prime Minister, Speaker of Parliament and other officials, clearly places them at great advantage over private citizens and is at odds with the aims of the ICCPR and the European Convention on human Rights.

The indictment of the *Feral Tribune* journalists was issued on 7 May. It accuses Marinko „ulif of defaming President Tudjman, in the 29 April edition, in an article about the President’s reported desire to convert the Jasenovac memorial to Serbian and Jewish victims of the Second World War quisling *Ustaša* regime to one for all Croatian victims of the war, including *Ustaša* supporters who were victims of the Communist regime which took control at the end of the war. In the article, in which he also commented on the President’s desire to rebury President Tito and the *Ustaša* leader Ante Pavelif in Croatia, the President was allegedly accused of adopting the methods of the Spanish dictator General Franco. Editor-in-chief Viktor Ivanfif is accused of defaming the President in a photo-montage in the satirical section of the same issue which showed the President receiving a trophy from Ante Pavelif.

Other recent examples of pressure on independent journalists and the independent media include a 2.5 million US dollar bill for import duty imposed on the daily *Novi List* and the closure of the weekly *Panorama*, allegedly because official approval had not been received for health and safety standards in the print room. Local and international commentators have pointed out that both these measures appeared to be arbitrary and politically motivated. Related to the freedom of speech issue in Croatia may have been a recent attack in the state-controlled daily *Vjesnik* on the President of the Croatian Helsinki Committee, Ivan Zvonimir „i.ak, in which he was accused of having been an agent of the Yugoslav security services since the 1960s. He has contested the allegations and announced a private prosecution against the *Vjesnik* editor under Article 71 of the criminal code.

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