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SLOVAK REPUBLIC: AMNESTY INTERNATIONAL CONCERNED ABOUT VIOLATIONS OF FREEDOM OF SPEECH

Amnesty International wrote to Michal Kováč, President of the Slovak Republic, on 2 February, expressing concern about reports that two people in the Slovak Republic have recently been charged with defamation under the broad terms of legislation restricting statements concerning the President.

On 7 December 1993 Ivan Lexa, State Secretary at the Ministry of Privatization, was charged by the Bratislava Municipal Prosecutor under Article 103, reportedly for statements published in Sme and Republika which were considered as defamatory to the President of the Republic.

On 25 January 1994 Andrej Hrico, Editor-in-Chief of Domino efekt, was charged under the same law for an article published in his weekly magazine which was also considered to be defamatory to the President of the Republic.

Articles 102 and 103 of the Slovak Criminal Code state that defamation of the Slovak Republic, its Government, National Council, Constitutional Court or the President will be punished by imprisonment of up to two years. Amnesty International considers that these provisions violate the right to freedom of expression set out in the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights, both of which the Slovak Republic has ratified and is legally bound to observe.

Both the European Convention and the ICCPR do permit limited restrictions on the right to freedom of expression, but only within strictly defined circumstances. Even if there are legitimate interests which Articles 102 and 103 of the Slovak Criminal Code aim to protect, we believe that they are so broad that they would threaten the very basis of freedom of expression in the Slovak Republic. In the words of the United Nations Human Rights Committee, commenting on Article 19 of the ICCPR, "when a State Party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself".

Amnesty International considers that existing laws in the Slovak Republic are quite sufficient to protect legitimate interests of the state such as "national security, territorial integrity or public safety...or maintaining the authority and impartiality of the judiciary", for which restrictions may be placed on freedom of expression under the European Convention.

Amnesty International is concerned that the enforcement of these provisions of the Criminal Code, as in the case of Ivan Lexa and Andrej Hrico, may result in the prosecution of persons who have exercised their right to the free expression of political or other beliefs without resorting to or advocating the use of violence. If imprisoned, such persons would be considered by Amnesty International as prisoners of conscience who should be released immediately and unconditionally.

Amnesty International is urging the Slovak Republic to suspend all prosecutions under Articles 102 and 103, and to initiate a process for their judicial revision by the Slovak Constitutional Court.

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