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FEDERAL REPUBLIC OF YUGOSLAVIA

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Violation of the right to freedom of expression: Nebojša Ristić, prisoner of conscience

On 23 April 1999 Nebojša Ristić, the editor-in-chief and director of the independent television station TV Soko in Sokobanja, eastern Serbia, was convicted under Article 218 of the Serbian Criminal Code of “disseminating false information” and given a prison sentence of one year. This sentence was upheld on appeal, and Nebojša Ristić is currently imprisoned. Amnesty International considers that he has been imprisoned solely because of his exercise of the right to freedom of expression, and considers him a prisoner of conscience. The organisation is calling for his immediate and unconditional release.

TV Soko is an independent television station in the small town of Sokobanja in eastern Serbia, a town where local government is in the hands of the opposition. The station began transmitting in September 1997, and its regular programming included entertainment, local news and the retransmission of programmes previously broadcast by other stations. On 27 March 1999 it was closed down by the Yugoslav authorities, who also attempted to confiscate transmitting equipment, on the pretext that the station was operating without a valid licence. A number of independent radio and television stations had previously been closed for this reason; most of these had received no reply to their applications for licences made in February 1998 or had complained that the refusal of a licence was politically motivated. However, since the start of the NATO bombing campaign on 24 March the station had been re-broadcasting, accompanied by a Serbian language commentary or translation, programmes produced and transmitted by the UK-based satellite channel Sky News, the BBC and CNN, and this was apparently the real reason behind the authorities’ actions.

A number of townspeople gathered on the street, attempting to prevent the removal of the equipment. It was at this point that Nebojša Ristić displayed two posters in the windows of the building, one bearing the words “Free Press: Made in Serbia”, and another depicting a clenched fist and the word “*OTPOR*” (resistance), the symbol of a student anti-government movement. Eventually the premises were sealed and the station ceased broadcasting. Broadcasting resumed on 12 June, following the peace agreement between NATO and the FRY authorities signed on 9 June, although a further unsuccessful attempt to close the station was made by the authorities on 25 June. Although transmitting equipment was removed on this occasion, the station was able to continue its broadcasts using back up facilities.

Nebojša Risti_ was arrested on 13 April and charged with “spreading false information” under article 218 of the Serbian Criminal Code, the charge being based on his displaying the poster with the slogan “Free Press: Made in Serbia”. On 23 April the district court of Sokobanja found him guilty and sentenced him to one year’s imprisonment, declaring that Nebojša Risti_ had “provoked unrest among citizens and caused them to mistrust the decisions of state agencies, and that he had committed the criminal act of disseminating false information.” The sentence was upheld by the Zaje_ar District Court on 6 June; various appeals for a pardon or amnesty on the part of the family and the municipal authorities of Sokobanja, which are under the control of the opposition, have not been granted. Nebojša Risti_ is currently being held in jail in Zaje_ar.

Background Information

Over the last 10 years the Yugoslav media have increasingly suffered significant restrictions on the right to freedom of expression. This pressure has increased further in the last two to three years, as independent media, media organisations and individual journalists have had their premises entered and closed down, equipment confiscated and their offices sealed. Others have suffered heavy fines or terms of imprisonment as a result of publishing direct criticism of the authorities, or simply publishing news and information, which has included reports of human rights violations in Kosovo.

In October 1998, a time when NATO was threatening to begin air strikes in an attempt to halt the violence in Kosovo, the Serbian authorities introduced a decree which effectively banned several newspapers, followed by a Public Information Law (*Zakon o Javnom Informisanju*) which Amnesty International considers to violate Article 19 of the International Covenant on Civil and Political Rights (ICCPR). The Covenant, to which the Federal Republic of Yugoslavia (FRY) is a signatory, safeguards the right to freedom of expression. Among the law’s provisions are articles banning the re-broadcasting of foreign news reports “of political-propagandist nature ... in the Serbian language or in the language of national minorities of the republic of Serbia”, and setting extremely high levels of fines for civil complaints of libel, which can be as much as 800,000 dinars (approximately 70,000 US dollars). In contrast with the previous law, these offenses are now classed as misdemeanours and subject to the jurisdiction of summary courts, which must carry out an oral hearing within 24 hours of the complaint being initiated. As a result, journalists may not be given adequate time to prepare a proper defence.

The Law on Information allows prosecution on a wide range of grounds and restricts freedom of expression. For example, a small human rights organization in Leskovac was prosecuted because its newsletter printed an article in which the

state-controlled local radio station was criticized. The newsletter has a circulation of about a thousand copies, but the organization was fined 100,000 Dinars (then about 10,000 US Dollars) and one of its directors, Dobrosav Neši_, was fined 70,000 Dinars (7,000 US Dollars), a huge sum by local standards and an amount he was not in a position to pay. As a result of his inability to pay the fine he was sentenced to a month's imprisonment, by the decision of the presiding magistrate.

Other independent local newspapers, including *_a_anski Glas* and *Kikindske Novine*, have had private prosecutions brought against them by members of local media or party organizations (including opposition parties), and have suffered huge fines. Attempts by members of opposition parties or groups to prosecute government-controlled media have either been unsuccessful, or the level of fines levied has been markedly lower than those imposed on independent media.

The electronic media in Serbia have repeatedly complained about unreasonable and politically motivated restrictions on the issuing of licences which have led to the forced closure of radio stations, the seizure of equipment and the prosecution of station directors.

Restrictions on the right to free speech in Serbia are not targeted solely at the media. A number of individuals have received prison sentences or been fined under emergency regulations introduced at the beginning of the conflict for organizing protest meetings calling for the resignation of FRY President Slobodan Miloševi_ and the calling of early elections. For instance, on 21 June Svetozar Fiši_ and Slobodan Karalaji_, two Serbs from Kosovo who had fled the province following the withdrawal of Serbian forces, were sentenced to 30 days' imprisonment for organizing an anti-government protest in Belgrade. Some of those taking part in other demonstrations have been beaten by police officer, suffering serious injury.

Constraints on freedom of speech are applied to private conversations as well. On 18 November Djordje Rajkovi_, a retired waiter, was given a sentence of three months' imprisonment suspended for two years for having "expressed scorn towards President Milosevi_, the FRY government and the Yugoslav Army" during a conversation in a café.