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Federal Republic of Yugoslavia: Secret justice is no justice

The secrecy surrounding the trial of Federal Republic of Yugoslavia (FRY) journalist Miroslav Filipovic suggests that he is being targeted for his work as a journalist, not for espionage, Amnesty International said before the trial is due to start on Tuesday.

Miroslav Filipovic was arrested on 8 May in Kraljevo, southern Serbia, and faces charges of espionage and disseminating false information. He is being tried in a military court, and the prosecution has requested that the trial be held in camera, claiming that military secrets are involved.

"The FRY authorities are acting in contravention of international human rights treaties by holding a secret trial before a military tribunal", Amnesty International said. "Miroslav Filipovic is entitled to be tried in public by an impartial and independent tribunal. There are no valid reasons for holding the trial in secret, except to prevent the true reasons for his prosecution becoming public. The military court trying him cannot be considered impartial nor independent".

Although details of the specific charges have not been made public, Miroslav Filipovic stated in press interviews before being detained for a second time that he had been accused of "collecting ... data important to the country's defence and supplying it to the Institute for War and Peace Reporting in London" and articles that he had published had been cited in evidence.

Some of these articles concerned alleged eye-witness reports of human rights violations by members of the Yugoslav army and Serbian police and paramilitaries in Kosovo.

Applications to the court for Miroslav Filipovic to be released from custody have been refused on the grounds that he might abscond or seek to influence witnesses.

"Miroslav Filipovic is not likely to receive a fair trial", Amnesty International said today. "We are concerned that he has reportedly only been permitted to meet with his lawyer in the presence of a guard, in contravention of international standards on fair trial".

Should Miroslav Filipovic be convicted under these circumstances Amnesty International will declare him a prisoner of conscience and call for his immediate and unconditional release.

"Rather than persecute Miroslav Filipovic for his work as a journalist, the Yugoslav authorities should investigate the allegations made in his articles," Amnesty International said.

Background

Pressure on independent journalists and the media in FRY still continues to increase. The Law on Public Information, introduced in November 1998, has been used to levy huge fines, and put the commercial viability of media organizations in jeopardy.

Radio and television stations, notably Radio B92 and Studio B television, have been taken over by the authorities on dubious legal grounds and their staff sacked by individuals closely linked to the government. Journalists and newspaper proprietors have received prison sentences for libel or for insulting the state and President Slobodan Milosevic .

Under FRY law, espionage is the communication of secrets to any foreign organization, or any person working for one, and allows wide discretion in the definition of a "secret". Amnesty International is concerned that the law is open to such wide interpretation that it may be used as a measure to diminish freedom of expression rather than as a legitimate defence of the security of the state.

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