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PLEASE NOTE: A report on Kosovo: "Police violence against ethnic Albanians in Kosovo province", AI Index: EUR 70/06/94, was accidentally sent out to international correspondents in Yugoslavia by the research team. The document is not yet with sections and will be sent in the Weekly Mailing of 27 April. If you get media queries on this report, or need the report quickly, please contact Joanna Duchesne, Tel: +44 71 413 5683.

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25 APRIL 1994**

CZECH REPUBLIC: STEP FORWARD IN SAFEGUARDING RIGHT TO FREEDOM OF EXPRESSION

Amnesty International welcomes the decision of the Constitutional Court of the Czech Republic to annul parts of the Criminal Code pertaining to defamation of "the government, parliament and the constitutional court".

The human rights organization called the decision, which was adopted in Brno on 13 April, "A significant step in safeguarding the right to freedom of expression".

"We hope that this important development will be followed by further legislative reform of the Criminal Code which still retains, as a criminal offence, defamation of the Czech Republic and a penalty for defamation of the President of the Republic", Amnesty International said.

In a letter to Vaclav Havel, President of the Czech Republic, Amnesty International expressed its concern that these provisions of the Criminal Code impose unnecessary and excessive restrictions on the right to freedom of expression. The human rights organization is urging President Havel to initiate a legislative process for their abolition.

Amnesty International is concerned that these provisions may be used in violation of the right to freedom of expression set out in the International Covenant on Civil and Political Rights and the European Convention on Human Rights, both of which the Czech Republic has ratified and is legally bound to observe.

On 17 March, President Havel reportedly ordered the cessation of the prosecution proceedings against Petr Cibulka, charged with making a statement about the President of the Republic that was considered to be defamatory. Although Amnesty International welcomes the decision made in this case, the organization fears that the enforcement of this provision within the Criminal Code might result in the prosecution of other people 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 they would be considered by Amnesty International as prisoners of conscience.

Amnesty International considers that other existing laws in the Czech Republic are quite sufficient to protect the legitimate interests of the state. The European Convention defines such interests 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 Convention. There are also other criminal or civil actions that anyone, regardless of status or function, can take in order to protect his or her reputation.

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