[HR] Journalists Sanctioned for Defamation

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A feature that mentioned the business activities of a local businessman from Split was broadcast on a talk show on the main television station in Croatia (Croatian Television) in March 2002. The businessman felt defamed by this feature, and filed a suit at the Municipal Court in Split against a journalist and the editor of the show. The court accepted the claim and passed in 2004 a suspended sentence of two months with a probation period of one year. It was decided that the journalist had to pay all legal fees, while the editor of the TV show was acquitted. The court established that the journalist stated untrue allegations considering the business activities of the complainant. So for the first time in Croatia a prison sentence was imposed upon a journalist, although in summer 2003 the Croatian Parliament had passed the alterations and amendments of Criminal law according to which journalists are not criminally liable for defamation. Those who are successful in defamation proceedings will have to initiate civil proceedings for damages.

This situation caused negative reactions in Croatia and also in other parts of the world considering the fact that such a sentence is mostly unknown or highly disputed in democratic countries.

Also another journalist, ex editor-in-chief of " Novi brodski list ", is serving a prison sentence since 19 July 2004. The municipal court in Slavonski Brod found him guilty of defamation because he published an article from " Imperijal " in " Novi brodski list " where the subject matter was the corrupt activities of the plaintiff. The court imposed the fine of HRK 12.600,00 on the journalist. Because he refused to pay, as he did not consider himself guilty, the court decided to send him to prison for 70 days. The journalist emphasized that going to prison was a protest against the court's decision and that this was his way of fighting for freedom of the media. This case has caused a lot of negative reactions as well, so that the Minister of Justice offered to pay the fine, which the journalist refused.

Finally, the Minister of Justice settled the fine, which again caused numerous and negative reactions, and she was blamed of infringing the main principles of the Constitution.

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