

Petritsch and Barry Call for Democratic Reforms to Defamation Laws

The High Representative Wolfgang Petritsch and the OSCE Head of Mission Robert Barry today issued a joint letter to Federation Prime Minister Edhem Bicakcic, calling for the withdrawal of the proposed Law on Defamation which the Federation Government has recently approved and forwarded to the Federation Parliament for adoption.

In the letter to Mr. Bicakcic, Petritsch and Barry indicated that the proposed law fails to conform to fundamental rights and principles on freedom of expression which are protected by the European Convention on Human Rights and widely accepted by modern democracies. Three provisions are particularly objectionable: the inclusion of insult, the provision to award higher monetary penalties to journalists found guilty of defamation, and the right of elected and appointed officials to sue for damages in their official capacity.

Ambassadors Petritsch and Barry called on the Prime Minister to withdraw the proposed defamation legislation and to work with the OHR, the OSCE and other interested parties to develop freedom of expression legislation consistent with the highest democratic standards.

While acknowledging the Government's willingness to address the important issues covered by the draft law, the letter also indicated that the proposed law failed to meet the requirements of the High Representative's Decision of July 30. The Decision set a deadline of December 30, 1999 for adoption of the law and called for the establishment of a consultative process. Neither requirement has been met.

The High Representative's Decision clearly stated that the

legislation should be prepared under the guidance of OHR, the OSCE Mission to BiH and experts. The process outlined would include the formation of an Advisory Group comprised of government representatives, representatives of the OHR and OSCE, as well as national and international experts, including the IMC. The process would also include public consultations at all levels, thereby ensuring that a full range of views were considered and debated regarding both Defamation and Freedom of Information Legislation.

The Advisory Group has been established and includes representatives selected by the Entity authorities. As indicated in the letter, the Advisory Group will ensure the development of both Defamation and Freedom of Information legislation consistent with the High Representative's Decision.