



To journalists and media

Zagreb, 13 January 2019

Reaction regarding the first instance verdict to Zoran Erceg

JUDICIAL ATTACK ON FREEDOM OF EXPRESSION

Human Rights House Zagreb, *Documenta* – Center for dealing with the past, Center for peace and Civic Committee for Human Rights are expressing concern over today's verdict to Mr. Zoran Erceg. With this verdict the Croatian judiciary failed to protect his right to freedom of expression as well as his right to freedom of assembly. Mr Erceg was sentenced to 15 days of imprisonment with one year of suspended sentence. Furthermore, he is forbidden to approach the monument to Franjo Tuđman because of his statement: "You've raised a monument to a criminal", which, according to verdict, is considered a violation of the public order and peace and caused "general outrage".

With this verdict, The Misdemeanor Court in Zagreb has completely ignored the European Convention for the Protection of Human Rights, which protects the right to freedom of expression and assembly of citizens, including the expression of critical attitudes that are contrary to current politics or dominant social beliefs. The free expression of critical opinion during the protest, held at the gathering place of the senior state and government officials, is a fundamental norm of a free and pluralistic society. The European Court of Human Rights has set the standard of protection of the right to freedom of expression in a democratic society back in the seventies. This right also protects the right to express ideas or attitudes that can be considered "abusive, shocking or disturbing to the state or any part of the population". Therefore, human rights organizations consider that today's Court judgment is threatening the very foundations of our democratic society.

Apart from a direct violation of Mr. Erceg's human rights, this verdict and the police procedure pose a serious systematic threat to citizens' right to freedom of assembly and expression in the Republic of Croatia. We hope that the court of second instance will act in accordance with the obligations arising from the European Convention, i.e., that it will directly apply the positive practice of the European Court in the appeal procedure and thus ensure that fundamental human rights and freedoms are guaranteed and protected.