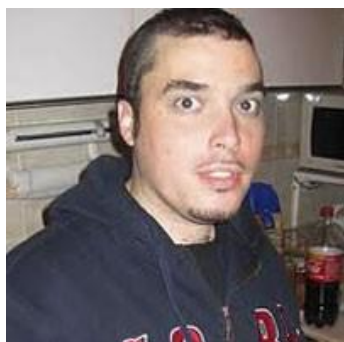


## SERBIA: Judge insulted or 100 days in prison for a verbal delict

Draško Đenović, Centar 9, Beograd ([www.centar9.info](http://www.centar9.info)) 21 May 2012.

A civil protest in support of Zoran Petakov, an activist of the Antifascist Action organization, was held on the 17 May 2012 in Novi Sad, 80 km north of Belgrade. He is expected to go to a prison



for 100 days as convicted, after a November 2005 private lawsuit by the Serbian Orthodox Bishop (SOC) Irinej. Participating in a TV program 'Klopka' on BKTV, Zoran Petakov commented the then recent incident at the Philosophical Faculty in Novi Sad when a group of members of the Nationalist Front organization interrupted a panel discussion. Petakov was also physically attacked at that event. On a TV show he critically addressed the church ideology of the SOC as giving ground to certain extremist groups in the country. Petakov named four

Bishops of the SOC (Artemije, in the meantime excommunicated; Amfilohije: Atanasije, in the meantime retired; and Irinej) as the "Four Horsemen of the Apocalypse." He also stated that the SOC stands in support of certain extremist groups in Serbia.

The court sentenced Petakov for an insult of Bishop Irinej, since his role as a Bishop is inseparable from his personality. The insult was in a fact that Petakov stated exactly the opposite of what emanates from the Bishop's position and what is he doing in this position as a SOC Bishop. Petakov insinuated that he does not strive to all things good and to ultimate victory of good, but to evil and its victory. According to the court's judgment, that constituted a very serious insult. YUKOM legal NGO in Serbia objected this sentence in its statement issued in November 2008 saying that the court did not even consider finding whether the SOC supported right wing extremist organizations, nor that Petakov was physically attacked. In addition, the Bishop Irinej never appeared at the court hearings, and no evidence was offered in the case.

After receiving an Act to report to prison for sentence Petakov stated: "This is not only about me. This is an example how are treated people who critically speak about the untouchable institutions in our society. If prison is a punishment for all of us who critically speak or think, people will see it as a danger. But, we need to react on it."

In a court ruling issued in March 2008, the judge Miroslav Bošnjak sentenced Petakov to 100.000 RSD (1,204 EUR or 1,850 USD), since Petakov insulted Bishop Irinej as a person of "impeccable character," and by this he also insulted all Christians and judge himself as a "baptized believer." The judge also stated that such an insult was not given even in the times of the darkest Communism, and took that as especially aggravating circumstance. The Appeal court confirmed the sentence.

This situation brings again a question of double standards in the Serbian judicial system, as the SOC is protected so much so that judges even punish for a verbal delict, nonexistent in the legal codex of Serbia. YUKOM director and lawyer Milan Antonijević stated for Center 9 at 18 May 2012 the following: "It is not over yet. We have submitted two requests to two courts yesterday that this sentence is not adequate to be sentenced by prison, but instead for one of the existing alternative

sanctions: carrying an ankle bracelet (house arrest) or doing a community service. Petakov is sentenced to pay a fine which he refuses so he will be sent to prison for 100 days.“

“What is the most worrying in this case is the fact that the court rejected to hear the evidences and that the sentence was based on a sole fact that Petakov did say his critical opinion, which was not disputed. We cannot discuss this case and forget about so many others in which the SOC officials were never sentenced since all of their cases were outdated. There is also an issue of a judge who felt also insulted as a „baptized believer.“ This indicates that Petakov did not have a right to fair and correct court case and appropriate defense,“ Antonijević concluded for Center 9.