

Reporters Without Borders

<http://www.rsf.org/slovenia-blogger-gets-six-months-in-jail-16-05-2013,44621.html>

Europe/Ex-USSR - Slovenia

Unacceptable sentence

Blogger gets six months in jail for defamation

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Reporters Without Borders strongly condemns the six-month jail sentence that **Mitja Kunstelj**, a well-known and controversial blogger, received on 13 May on criminal charges of defaming and insulting two journalists in his blog.

"Regardless of the offending content – and we are not trying to defend Kunstelj's posts – the very possibility that someone can be jailed for abusing freedom of expression is utterly unacceptable," Reporters Without Borders said. "It violates international conventions signed by Slovenia, including the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

"The European Court of Human Rights has repeatedly said in its rulings that the penalties for defamation and insult must be strictly limited and proportionate. Imprisonment is completely out of the question because, by its nature, it intimidates those who provide news and information. This jail sentence must be quashed on appeal.

"We urge the Slovenian authorities to decriminalize defamation, and we urge the European Union to encourage such initiatives in all member states. The EU's credibility in its relations with its neighbours is at stake, especially with membership candidates, which are told they must take the utmost care to respect freedom of information."

A controversial figure with a troubled past in the Slovenian special forces, Kunstelj now keeps [one of the country's most widely-read blogs](#). In the offending posts, he used extremely crude terms to describe details of the private lives of two journalists with whom he used to be close.

The court justified the sentence by referring to the blogger's announcement that he would not pay any fine and that he would continue to post similar blog entries. Kunstelj was also ordered to pay 10,000 euros in damages to each of the plaintiffs. Two other lawsuits are meanwhile pending against him.

The sentence follows other disturbing developments for freedom of information in Slovenia.

The car of **Miran Šubic**, a reporter for the daily [Dnevnik](#), was torched outside his home in the northern city of Kranj on the night of 10 April. The fire spread to his garage and caused about 50,000 euros in damage.

Šubic is convinced that the fire was meant to intimidate him in connection with his work. He has covered Kranj municipal corruption in the past and recently wrote about arms- and drug-trafficking in the region.

Reporters Without Borders urges the authorities to do everything possible to identify the attack's perpetrators and instigators. Contacted by Reporters Without Borders at the end of April, the police said they were treating it as a case of criminal "damage to the property of another person" but could say nothing else about the case for reasons of confidentiality.

A European Union member since 2004, Slovenia is ranked 35th out of 179 countries in the [2013 Reporters Without Borders press freedom index](#).

Photo: [Matej Leskovsek/Planet Siol.net](#)

