

UA 262/02

Conscientious Objectors/
Fear of imprisonment as Prisoners of Conscience

27 August 2002

FEDERAL REPUBLIC Igor Seke (m), aged 26, human rights defender
OF YUGOSLAVIA (FRY) Goran Miladinovi_ (m), aged 26

Two young men, one of whom is a human rights defender, have been denied their right to a genuine alternative civilian service. Both are conscientious objectors to military service, and face possible arrest and up to one year's imprisonment if they refuse to serve in the Yugoslav Army (VJ).

Both men are due to report for military service at the beginning of September. They intend to refuse to wear a uniform and bear arms, because of their beliefs. The current constitution of the Federal Republic of Yugoslavia (FRY) guarantees that conscientious objectors may be allowed to perform civilian service, but in reality, this has never happened.

Igor Seke, a volunteer with the anti-militarist non-governmental organization Women In Black, is from the town of Ruma, northwest of Belgrade. He received call-up papers for the VJ on 24 July 2002, requiring him to report for military service on 3 September. On the same day he wrote to the local military authority in Ruma, applying for civilian service on the grounds of his conscientiously-held beliefs. His application was rejected on the grounds that he should have applied for civilian service when he was first called up in 1993, at the age of 17. He was also told by letter that he could not undertake civilian service, as no appropriate organizations were prepared to accept conscientious objectors to work for them. However, Amnesty International understands that the Yugoslav Red Cross is prepared to accept those wishing to undertake civilian service.

Igor Seke opposes military service for moral and ethical reasons. In his letter to the military authorities he states: "Under no conditions would I ever kill another human being or consider him an enemy.... I strongly believe in non-violence, dialogue and mutual assistance. My conscience demands of me to oppose violence in every circumstance and to be in favour of positive solutions that would not provoke human casualties or material damages." In the same letter, he asked to be allowed to perform civilian service in any humanitarian field, having previously worked as a volunteer with displaced persons from Kosovo.

Goran Miladinovi_, from the town of Leskovac in central Serbia, who had similarly applied for civilian service, received notice from the military authorities that he was required to perform his service at a military economic institution, beginning on 5 September. He refused to accept this decision, on the grounds that he had already applied for civilian service (as opposed to service in an unarmed branch of the military). He was then required to visit a psychiatrist for a medical examination to decide his fitness to serve in the military.

On 26 July both Igor Seke and Goran Miladinovi_ met with representatives of the Federal Ministry of Defence to discuss their applications for civilian service. They were informed that, in theory, under a regulation of the Department of Civil Defence, they should be able to serve their period of civilian service in a health care institution. The local military authorities have, however, not accepted this.

BACKGROUND INFORMATION

Under an amendment to the Yugoslav Army Law which came into force on 18 January, conscientious objectors are required to serve 13 months in non-combatant units of the Yugoslav Army (VJ). However, under Article 137 of the current constitution of the FRY, "Any citizen who for religious or any other reasons of conscience does not want to perform military service under arms will be allowed to perform national service in the Yugoslav Army or in civilian service according to Federal law". Under Federal law, Article 297, paragraph 1 of the Yugoslav Army Law, provides for "Civilian service [to be] performed in military-economic, health-care, general rescuing organizations or institutions of common interest". However, Amnesty International is not aware of any conscientious objectors who have been able to perform civilian service in anything but a military institution.

Under current circumstances, many of those who apply for civilian service are sent to a psychiatrist who generally deems them unfit to serve, thus dismissing their objection to military service as a medical condition, rather than affording them the right to civilian service guaranteed by the FRY constitution.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Serbian or English or your own language:

- informing the Minister that Amnesty International supports the right of conscientious objection to military service, and calls on the FRY government to guarantee conscientious objectors a genuine alternative civilian service, under civilian control, and in accordance with international standards as recommended by the UN Human Rights Committee, the Council of Europe and the European Parliament;
- asking the Minister to ensure that Igor Seke and Goran Miladinovi_ are guaranteed their right to civilian service, as guaranteed in the Federal Constitution, and according to the law, as set out in Article 297, paragraph 1 of the Yugoslav Army Law.

APPEALS TO:

Federal Minister of Defence

Velimir Radojevi_

Kneza Miloša 34

11000 Beograd

Federal Republic of Yugoslavia

Telegram: Federal Minister of Defence, Beograd, Federal Republic of Yugoslavia

Fax: + 381 11 656 975

Salutation: Dear Minister

COPIES TO:

For Igor Seke send a copy of your letter to:

Komandant Savo Mrdja

Vojni odsek Sremska Mitrovica,

Hajduk Stanka BB

22000 Sremska Mitrovica

Federal Republic of Yugoslavia

Fax: + 381 11 682 485 (This is the fax number for the Army Headquarters. Please include a note asking for your letter to be forwarded to Komandant Savo Mrdja)

For Goran Miladinovi send a copy of your letter to:

Komandant Mile Cvetkovi_

Vojni odsek Leskovac

Pana Djukica 16

16000 Leskovac

Federal Republic of Yugoslavia

Fax: + 381 11 682 485 (This is the fax number for the Army Headquarters. Please include a note asking for your letter to be forwarded to Komandant Mile Cvetkovic)

Please also send copies to the following non-governmental organization:

Women in Black

Yug Bogdanova 18/5

11000 Beograd

Federal Republic of Yugoslavia

Fax: + 381 11 623 225

email: stasazen@EUnet.yu

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 October 2002.