

EXTERNAL (for general distribution)

AI Index: EUR 48/19/92

Distr: UA/SC

UA 223/92 Death Penalty, Fair Trial Concern

3 July 1992

YUGOSLAVIA:

Sentenced to Death:

Martin SABLJI_

Zoran ŠIPOŠ

Nikola _IBARI_

Sentenced to Terms of Imprisonment:

Jure MARUŠI_

Ante VRANKOVI_

Domazet BARTOL,

Slavko MADJAREVI_

Martin Sablji_, Zoran Šipoš and Nikola _ibari_ were sentenced to death in a military court in Belgrade on 26 June 1992. All three had been charged in April 1992 with "armed rebellion" against the Socialist Federal Republic of Yugoslavia (SFRJ) according to Article 124 of the Criminal Code of the SFRJ. [The new Yugoslav state, comprising the republics of Serbia and Montenegro, which was announced on 27 April 1992 with the promulgation of a new constitution, is called the Federal Republic of Yugoslavia (FRY).] These charges were brought in conjunction with Article 139 of the same code which increases the minimum sentence and allows for the possibility of the death penalty "in time of war or in case of an immediate threat of war". A state of "immediate threat of war" was declared by the SFRJ presidency on 5 October 1991.

In addition, the three were found guilty of "war crimes against the civilian population" under Article 142 of the same code which also provides for the death penalty.

The other four accused received prison sentences ranging from six to 15 years after having been found guilty on similar charges at the same trial.

All the men are Croats from Borovo Naselje near Vukovar in Croatia; they had allegedly been fighting in a unit of the Croatian National Guard in the defence of their town. After his capture Martin Sablji_ was reportedly tortured in a prison camp in Begejci, near Zrenjanin, where he was beaten during interrogation while tied by wire to a radiator. Amnesty International believes that the other defendants may also have been subjected to ill-treatment and torture and it is concerned at allegations that confessions relating to the charges later brought against them were made under duress.

BACKGROUND INFORMATION

The Croatian town of Vukovar and its suburbs were under siege by the Yugoslav National Army (JNA) from September to November 1991. After the fall of the town around 20 November 1991 a large number of civilians and soldiers were captured and taken to camps and prisons in Serbia. These included about 750 staff and patients of the town hospital, many of whom have yet to be released. Amnesty International has received reports of torture and ill-treatment from a number of those released (see the Amnesty International report *Yugoslavia: Further Reports of Torture and Deliberate and Arbitrary Killings in War Zones*, March 1992, AI Index EUR 48/13/92).

Some of the prisoners of war have been released in exchanges between the Croatian and Serbian sides. However, a number of those still held (72 so far) have been charged with crimes similar

to those above. Some of these trials have already taken place, others are currently in process or due to commence in the near future. Some sources indicate that further POWs will be charged. While Amnesty International does not believe that the executions of Martin Sablji_, Zoran Šipoš and Nikola _ibari_ are imminent, it is concerned that further death sentences may be passed at other similar trials.

The death penalty apparently remains in effect for a number of offences in the criminal code of the federation as well as in the criminal codes of its constituent republics of Serbia and Montenegro. Execution is by firing squad. A clause in the constitution of the Federal

Page 2 of UA 223/92

Republic of Yugoslavia, promulgated on 27 April 1992, apparently abolished the death penalty in federal law. Legal opinion in Yugoslavia is divided as to its significance, but the death sentences passed on 26 June 1992 indicate that it has not been abolished.

The last judicial execution known to Amnesty International took place in August 1989. At least four death sentences have been passed since then (the last in 1990), but it is not known whether they were carried out.

The former Yugoslav republics of Croatia and Slovenia (as well as Macedonia which has not yet been internationally recognized) have abolished the death penalty in their constitutions.

RECOMMENDED ACTION: Please send telegrams/telexes and faxes: NB. Postal services from many countries to Yugoslavia are disrupted. Please send telegrams, faxes, or telexes if possible or otherwise check with your country's post office before sending letters.

- expressing concern that Martin Sablji_, Zoran Šipoš and Nikola _ibari_ were sentenced to death in a military court in Belgrade on 26 June 1992;
- expressing concern at allegations that Martin Sablji_ and possibly others were ill-treated or tortured and that their confessions were obtained under duress;
- stating that international standards disallow the admission of confession evidence obtained through torture;
- urging that independent, thorough and impartial investigations be held into allegations that the accused had made confessions under duress and that their trials be reviewed before any further proceedings are started;
- expressing concern that other trials on similar charges are scheduled and that further death sentences may be passed;
- regretting the resumption of the imposition of new death sentences in Yugoslavia after a break of two years.

APPEALS TO

1. President of the Federal Republic of Yugoslavia

Dobrica _osi_

Salutation: Dear President

Predsednik SRJ

Bulevar Lenjina 2

11070 Beograd, Yugoslavia

Telegrams: Predsednik SRJ, Belgrade, Yugoslavia

Telexes: 11062 siv yu

Faxes: + 38 11 636 775

2. President of the Republic of Serbia

Slobodan Miloševi_

Salutation: Dear President

Predsednik Republike Srbije

Ulica Srpskih Vladara 14

11000 Beograd, Yugoslavia

Telegrams: Predsednik Srbije, Belgrade, Yugoslavia

Faxes: + 38 11 682 167

COPIES OF YOUR APPEALS TO:

Federal Secretary of Justice
Sekretar
Savezni sekretarijat za pravosudje
Omladinskih brigada 1
11000 Beograd, Yugoslavia

and to diplomatic representatives of Yugoslavia in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 August 1992.