

Prisoners of conscience 🗍 People imprisoned after private conversations Unfair trials 🖞 III-treatment of detainees Poor prison conditions

This briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- political prisoners detained without charge or trial;
- treatment or punishment of all prisoners without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

The cover shows 12 people adopted by Amnesty International as prisoners of conscience in recent years; more than 200 people in Yugoslavia are currently adopted as prisoners of conscience.

- it seeks the release of prisoners of conscience. These are people detained for

-it works for fair and prompt trials for all political prisoners and on behalf of

- it opposes the *death penalty* and *torture* or other cruel, inhuman or degrading



# annosty International briefing



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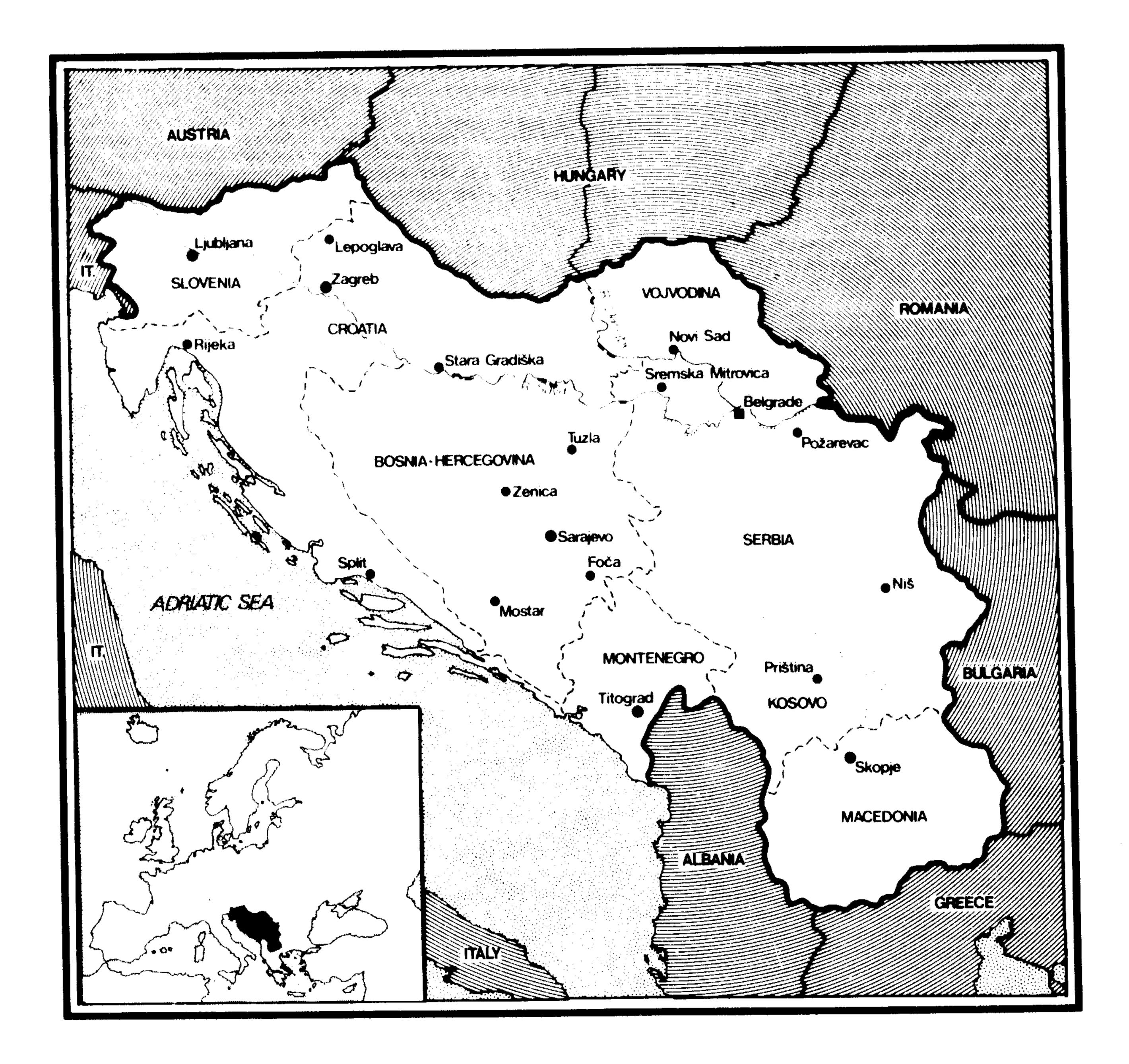
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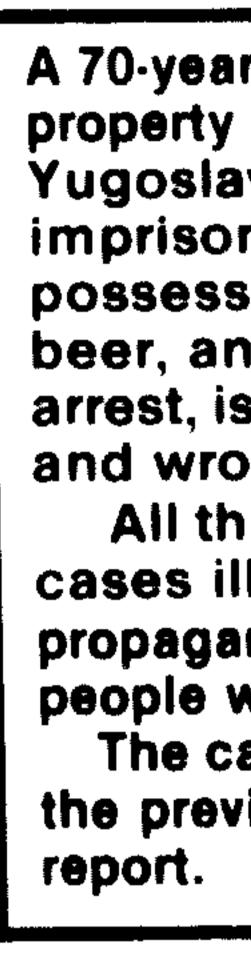
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# Yugoslavia





Since 1980 more than 500 people a year have been prosecuted for political offences and groups of Yugoslav citizens have regularly expressed concern about violations of human rights in the country by sending petitions to the Presidency of the Socialist Federal Republic of Yugoslavia for legislation to remedy abuses.

In June 1980 the Federal Public Prosecutor reported an increase in the number of political offences during the previous year and attributed this to international tension and to an increase in activities by political emigres and "internal enemies" after President Tito's protracted illness and death in May 1980. In 1981 he reported that 553 people were charged with political crimes in 1980 - 83 per cent up on the previous year. Ninety-three per cent of the total were described as "verbal offences''; 78 per cent were "minor verbal offences" usually insulting state leaders or symbols by using abusive language punished by one to two months imprisonment. Seventy per cent of all political offences had been due to "nationalist and chauvinist" attitudes. A meeting of public prosecutors in April 1981 reportedly decided to prosecute

political offences more severely. In July 1982 the Federal Public Prosecutor reported that 594 people (nearly two thirds of them ethnic Albanians) had been charged with political crimes in 1981 and that "about half" of the total had been charged with "most serious offences".

A 70-year-old doctor is serving five and a half years imprisonment and has been stripped of all his property because of casual conversations in which he is alleged to have criticized Yugoslavia and its leaders . . . A Bosnian migrant worker is serving nine and a half years imprisonment largely because of his contacts with emigre fellow workers abroad and his possession of such items as newspaper clippings, badges with crowns on them advertising Vereset and a picture postcard of a Serbian king . . . An ethnic Albanian, 18 at the time of his arrest, is serving a six-year prison sentence because he took part in nationalist demonstrations and wrote and distributed poems and leaflets.

All three have been adopted by Amnesty International as prisoners of conscience. Their cases illustrate how the the authorities in Yugoslavia have used charges such as "hostile propaganda", "participation in hostile activity" and "endangering the social order" to imprison people whose views or non-violent activities they disapprove of.

The cases appear in Amnesty's newly published Yugoslavia: Prisoners of Conscience, updating the previous report of that name which appeared in 1982. This briefing is a summary of the new

# Political imprisonment in Yugoslavia

In May 1983 he reported that 516 (62) percent of them Albanians tried for "irredentist and nationalist activities") had been charged with political crimes in 1982 65 per cent of this total were described as "verbal political offences".



Dr Alija Izetbegovic, 59, was the principal defendant in the 1983 trial of 13 Muslims accused of "hostile and counter-revolutionary acts derived from Muslim nationalism''. He wrote an "Islamic Declaration", which the state alleged was a conspiracy to create an "ethnically pure Islamic republic'' within Yugoslavia. Dr Izetbegovic denied the charges against him but was convicted and sentenced to 14 years imprisonment, reduced on appeal to 11 years. Amnesty International has adopted him as a prisoner of concience (see page 8).

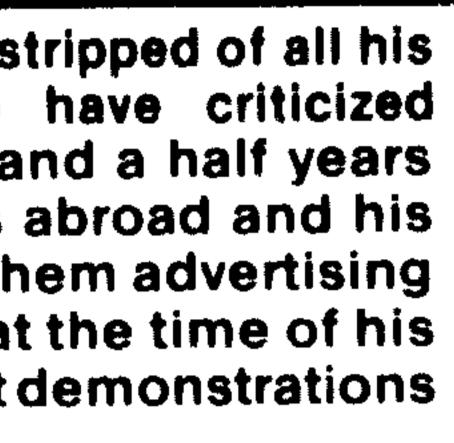
In June 1984 he reported that 545 people had been charged with political crimes in 1983, 76 per cent of them with 'verbal\_crime''

The high percentage of Albanians charged with political crimes - reflects the continuing national unrest in territories inhabited mainly by ethnic Albanians, particularly the province of Kosovo.

Renewed nationalist unrest in Kosovo had already begun in late 1979, when numerous arrests there were reported after the appearance of anti-government pamphlets and slogans painted on walls. Some 19 people were later tried. Eleven people were each sentenced at two trials to between three and eight years' imprisonment, Amnesty International's information does not suggest that the accused had used or advocated violence.

Further nationalist unrest in Kosovo was sparked off on 11 March 1981 by students at Pristina university protesting about their living conditions, according to official Yugoslav sources. Later in March and in early April demonstrators in Pristina and many other parts of Kosovo demanded that Kosovo should cease to be a constituent part of the Republic of Serbia and be accorded republican status. Some demonstrators are also said to have called for Kosovo's union with neighbouring Albania.

The demonstrations appear to have begun peacefully but, according to various official sources, up to 11 people died and





several hundred were wounded in violent clashes after security forces intervened. Amnesty International has received a report that the Central Committee of the League of Communists of Serbia was told that over 300 people were killed.

A state of emergency was declared and heavy security force reinforcements, including army units, were brought into the province. At least 2,000 people were arrested.

The official figures for the numbers of convictions of ethnic Albanians in Kosovo between the large-scale nationalist demonstrations of March and April 1981 and the end of 1983 were 658 convictions for "irredentist" activity and "about 2,000 punished for violations" that is sentenced to up to 60 days imprisonment or a fine (unofficial sources give far higher figures). A 10 March report by the official Yugoslav news agency Tanjug said that 7.2 "illegal organizations" with "about 1,000 members" were uncovered in the province during the same period.

In the first seven months of 1984 the official Yugoslav press reported six group trials in Kosovo of 78 ethnic Albanians. One defendant was discharged because of lack of evidence; the others were found guilty of belonging to "illegal" organizations with "nationalist" and "irredentist" aims t sentenced to up to 15 years' imprisonment, All were accused of advocating republican status for Kosovo,

Most ethnic Albanians convicted on political charges since March 1981 have been young teachers or high-school and university students and were under 25. Many of the prison sentences have been of six years and more.

Defendants accused of taking part in "organized hostile activity" are usually charged under Articles 136 ("association for purposes of hostile activity"), 131 ("participation in hostile activity") and 114 ("counter-revolutionary endangering of the social order") of the federal criminal code. In 1984 Amnesty International groups worked for the release of over 120 ethnic Albanian prisoners of conscience imprisoned under these articles and investigated another 10 cases. This figure does not include those ethnic Albanian prisoners of conscience sentenced for "hostile propaganda" or "incitement" (see below).

Some of those tried since 1981 have been accused of calling for the union of Kosovo with neighbouring Albania. The Yugoslav authorities have periodically attributed the nationalist disturbances in Kosovo to a plot orchestrated from Albania to achieve the secession of the Albanian inhabited regions of Yugoslavia

Yugoslavia is a federal state comprising six constituent republics: Bosnia-Hercegovina (capital, Sarajevo); Croatia (Zagreb); Macedonia (Skopje); Montenegro (Titograd); Slovenia (Ljubljana); and Serbia (Belgrade) - which incorporates the two "autonomous provinces" of the Vojvodina (Novi Sad) and Kosovo (Pristina).

The federal capital is Belgrade, a city of about 1.570,000 people.

Yugoslavia has a population of 22,352,000 (March 1981 census), and comprises six officially recognized "nations": Serbs, Croats, Slovenians, Macedonians, Montenegrins and Muslims (an ethnic category recognized as a nation since the census of 1971 and making up about 40 per cent of the population in Bosnia-Hercegovina). There are also

# National tensions

The issues involved in many political trials in Yugoslavia and the wording of the charges cannot be understood without reference to the national tensions which have existed since the inception in 1918 of this multinational state, whose peoples have varied political, religious and cultural traditions and levels of economic development. In particular, they can often only be understood in the light of events dating back to the Second World War, when Axis forces occupied and dismembered the country, or even earlier.

Despite the establishment of a and considerable devolution of power to the country's constituent republics and provinces, national tensions have persisted. To this day political opposition

and their incorporation into a "Greater Albania". Thus the goal of republican status for the province, which all ethnic Albanians tried for political offences since 1981 have been accused of advocating, is equated by the authorities with the attempt to split up the Yugoslav federation.

Some of the defendants have been accused of violence, including shooting at members of the security forces; or, in the case of one group, of hijacking a police

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# Yugoslavia in outline

some 18 ethnic minorities of which the largest are the Albanians and Hungarians, concentrated in Kosovo and the Vojvodina respectively.

#### Religion

The main Christian denominations are the Serbian and Macedonian Orthodox Churches, with an estimated eight million adherents, and the Roman Catholic Church, with some six million, mainly Croatians and Slovenians. There is also a large Muslim community, believed to number about four million, including ethnic Slavs in Bosnia-Hercegovina, most Albanians and the Turkish minority. There are over 30 other, often very small, religious communities, mostly Protestant.

tends to be officially identified with adherence to movements and causes of up to 40 years ago.

Thus the expression of nationalist views by Croats is often officially condemned as being pro-Ustashe – a wartime regime which persecuted and killed Jews, Serbs, Romanies and also its Croatian opponents.

In the case of Serbs, nationalist views are condemned as pro-Chetnik – a Serbian wartime resistance movement that ended up fighting the communist-led Partisans.

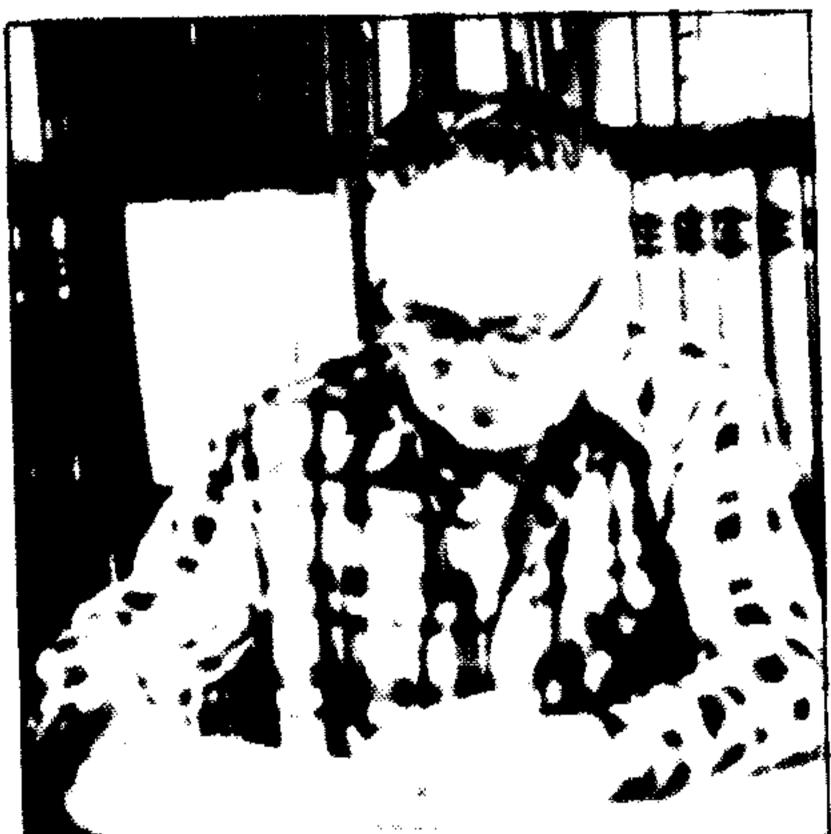
Similarly, dissenting communists federal system in the post-war period have sometimes been condemned as "Cominformists" - supporters of the pro-Soviet line during the post-war crisis in Yugoslav-Soviet relations (at least 14,000 alleged Cominformists were imprisoned).

> vehicle containing arms. In May 1984 six ethnic Albanians were accused of having smuggled arms, ammunition and explosives into Yugoslavia. Another group was arrested in March 1984 and accused of causing nine explosions in Pristina between October 1982 and March 1984. Other groups have been accused of issuing statements threatening armed uprisings if Kosovo were not accorded republican status by peaceful means.

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In many other instances, however, the charges have been unrelated to the use or advocacy of violence; for example, organizing or joining in demonstrations, either with in the country or elsewhere in Western Europe, has in itself been considered a crime. So has the writing of certain slogans or possession of certain leaflets, books, magazines or poems. In some cases Amnesty International has repeatedly asked the Yugoslav authorities (without getting any response) for particulars about charges in order to ascertain if the accused had used or advocated violence.

In 1984 Amnesty International groups worked for the release of some 150 ethnic Albanians adopted as prisoners of conscience and investigated about 20 other cases. In Croatia, three prominent dissenters,



Dr Franjo Tudjman, historian and veteran Partisan, who was imprisoned in January 1982 because of interviews he gave to foreign Appeals for his sentence to be postponed because of his serious heart trouble were refused. He had five heart attacks in prison before his conditional release on health grounds in November 1984 (see also page 12). He was adopted by Amnesty International as a prisoner of conscience.

and the writer Vlado Gotovac were charged with "hostile propaganda" and sentenced to three and two years imprisonment respectively for interviews they had given to foreign journalists between 1977 and 1980.

In September 1981 former Communist Party official and economics don Dr Marko Veselica was sentenced to 11 years' imprisonment (reduced on appeal to seven years) and a four-year ban on public expression of any kind. He, too, was charged with "hostile propaganda"

former prisoners of conscience previously sentenced in 1972, were tried in 1981.

The historian and veteran Partisan Dr Franjo Tudjman, a former army general,



Mark Veselica, former Communist Party official and economics don who is serving a seven-year prison sentence because of an interview he gave a foreign journalist; he is also alleged to have sent documents abroad about human rights abuses in Yugoslavia. Amnesty International has adopted him as a prisoner of conscience.

for an interview he had given to a foreign journalist in which he had argued that Croatia was at a political and economic disadvantage within the Yugoslav federation. He was charged also with "participation in hostile activity". He was accused of sending documents alleging human rights violations in Yugoslavia to several people abroad, including three Croatian emigres, for publication in the emigre press and for presentation at the Conference on Security and Cooperation in Europe held in Madrid in 1980. He denied the second charge, and also that he had had any contact with emigres. He declared that he was on principle against all extremist organizations, and violence and hatred. He acknowledged giving the interview but pleaded not guilty to both the charge of "hostile propaganda" and that of "participation in hostile activity".

Other political trials have involved Yugoslav migrant workers who were in contact with emigres while working abroad and were arrested and convicted on returning to Yugoslavia. Frequently the charges have related to the possession of emigre journals and literature.

Other cases reported to Amnesty International in the past four years have included those of members and officials of the Roman Catholic and Serbian Orthodox Churches and the Muslim faith in Bosnia-Hercegovina.

Prisoners adopted by Amnesty International have included a Roman Catholic Franciscan novice, a student at a Franciscan seminary, a Franciscan parish

priest, two Franciscan friars, three Muslim religious officials, a Serbian Orthodox theology student and a Serbian Orthodox priest. All were charged with "hostile propaganda" or "incitement to national or religious hatred". To Annestv International's knowledge none of them had used or advocated violence. Their arrest and conviction coincided with increasingly frequent attacks in the official press on the "abuse of religion for political ends", and in August 1983 a group of 13 Muslims were tried in Sarajevo, the capital of Bosnia-Hercegovina, on charges of "association for purposes of hostile activity" and of having performed "hostile and counterrevolutionary acts from a position of Muslim nationalism". They received sentences ranging from five to ten years imprisonment. Ten of them have been adopted by Amnesty International as prisoners of conscience.

The organization has also noted an increase in the number of cases of people in Bosnia Hercegovina who have been imprisoned on charges based solely on the alleged contacts of their private conversations, which have been regarded as "hostile propaganda". Often they have not been accused of advocating violence but of having criticized the authorities, or of having made uncomplimentary remarks about national or local politicians or the late President Tito.

Political trials which have taken place since 1980 have included those in Belgrade of writers Momeilo Selic and Gojko Djogo, on charges of "hostile propaganda'.



conscience.

Momeilo Selic, a Belgrade writer who was imprisoned in 1980 for writing and distributing a document the authorities disapproved of; he was pardoned and freed in May 1982. Amnesty International adopted him as a prisoner of

In April 1980 the former was sentenced. to seven years' imprisonment, reduced on appeal to three years for writing and distributing a 10-page document critical of the Yugoslay Communist Party's history and policies. He was later pardoned and released in May 1982.

In September 1981 Gojko Djogo was sentenced to two years' imprisonment, later reduced to a year, for publishing poems in which, the indictment stated, he insulted the memory of President Tito and depicted the socio-political situation in Yugoslavia "maliciously and untruthfully" He began to serve his sentence on 28 March 1983 but was released on 17 May because of ill health. He was still at liberty in January 1985.

In June 1980, 36 Belgrade intellectuals signed a petition to the Yugoslav Presidency calling for an annesty for those who had "committed the offence of

expressing forbidden political views". In October 1980 over 100 citizens signed a petition calling for the deletion from Article 133 of the federal criminal code of an item making it a criminal offence to depict socio-political conditions in Yugo slavia "maliciously and untruthfully". In November 1980 a petition for an amnesty for all political prisoners was sent to the Presidency: it was signed by 43 Zagreb intellectuals, A 19-year-old student, Dobroslay Paraga, who had helped to collect their signatures was later arrested. and sentenced by Zagreb district count in May 1981 to three years' imprisonment for "hostile propaganda" and "participation in hostile activity". This sentence was first increased to five years on appeal to the Supreme Court of Croatia, then reduced to four years by the Federal Court. He was released on 21 November. -1984

### **Political offences**

With few exceptions, prisoners of conscience adopted by Amnesty International have been charged and convicted under articles in Chapter 15 of the 1977 federal criminal code, which deals with political offences. known as "crimes against the bases of the socialist self-management social system and the security" of Yugoslavia.

The articles in Chapter 15 contain

# **'Hostile** propaganda'

A high proportion of prisoners of conscience have been convicted of "hostile propaganda" under Article 133of the federal criminal code (or under the analogous Article 118 of the previous criminal code). Article 133 states:

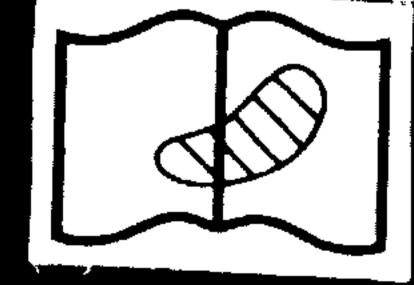
(1) Whoever, by means of an article, leaflet, drawing, speech or in some other way, advocates or incites the overthrow of the rule of the working class and the working people, the unconstitutional alteration of the socialist social system of self management, the disruption of the brotherhood, unity and equality of the nations and nationalities, the overthrow of the bodies of social self management and government or their executive agencies, resistance to

provisions making it possible to penalize the non-violent exercise of fundamental human rights.

Political offences defined by federal law are first tried at district court level and then, on appeal, at republic supreme court level. There is also provision, under certain conditions, for further appeal to the Federal Court.

> the decisions of competent government and self-management bodies which are significant for the protection and defence of the country; or whoever maliciously and untruthfully portrays socio-political conditions in the country shall be punished by imprisonment for from one to 10 years."

Article 133 makes criminal the exercise of freedom of expression when this freedom is used to oppose or even merely to criticize the established political order. It is so loosely formulated that it lends itself to subjective interpretation and application. In practice courts have convicted people on charges under the article (and its predecessor, Article 118) without having obtained proof of either the "untruthfulness" of the statements categorized by the prosecution as "hostile propaganda" or of malice on the part of the accused, although these were essential ingredients to the offence.



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In a 1981 article in the law journal Nasa Zakonitost, the President of the Federal Court acknowledged that the formulation of Article 133 was not although he sufficiently precise dismissed an October 1980 petition for the article to be amended, and other petitions like it, as "essentially political pamphlets"

Prisoners of conscience have been convicted on charges of "hostile propaganda" for private conversations; for writing a book or pamphlet or producing a film; for letters they had written; for writing articles or giving interviews that were published abroad. They had not advocated violence. but had merely expressed views disapproved. of by the authorities and considered by the courts to constitute an attack on Yugo slavia's social and political order or be a "malicious and untruthful" representation. of conditions in the country.

Other prisoners of conscience have been convicted for possessing or bringing into Yugoslavia banned political works (often emigre journals) or for circulating such works. In convicting people for this offence, the courts do not appear to have vaken into consideration whether or notthe material in question advocated violence

On 13 December 1982 Ivan Pletikosa, 58, a Croat who taught English at Zagreb University, was arrested at his flat in Banjaluka. When police searched the flat they reportedly found copies of Croatian emigre journals and a letter he had just written to inform the local police that he had received the journals without asking for them. He was tried in Banjaluka district court on charges under Articles 133 and 157 of engaging in "hostile" propaganda" and "damaging the reputation" of Yugoslavia. The charges were based on remarks he was alleged to have made in private conversations with acquaintances, in which he supposedly criticized Yugoslavia's political and economic system and certain of its political leaders. He had also allegedly said he was dissatisfied about the situation of Croats in Bosnia-Hercegovina (which has a population of Muslims. Serbs and Troats). He was charged also with receiving and possessing copies of emigrejournals.

He denied the charges and denied having made the statements of which he was accused, maintaining that the witnesses, acquaintances of his, had misunderstood him and that during the conversations in question they had

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Ivan Pletikosa, 58, who taught English at Zagreb University, was imprisoned in 1983 for "verbal offences'': he was charged (with engaging in "hostile propaganda" and "damaging the reputation" of Yugoslavia) on the basis of remarks he was alleged to have made in private conversations. He was sentenced to six years imprisonment, reduced on appeal to three and a half years. Amnesty International has adopted him as a prisoner of conscience.

discussed certain articles in the (official) press which had covered particular current events. He denied that he was a Croatian nationalist and pointed out that his wife was of partial Serbian descent. The court refused to hear six witnesses for the defence or to allow a copy of Ivan Pletikosa's letter to the late President Tito, written in 1979, to be obtained and read. He was convicted on all charges on 22 April 1983 and sentenced to six years' imprisonment. After two appeal hearings and a retrial his sentence was reduced to

three and a half years' imprisonment. The Pletikosa case illustrates what is perhaps the most contentious use of Article 133: in cases of what are commonly referred to in Yugoslavia as "verbal offences", Besides Article 133, there are a number of other legal provisions which penalize "verbal offences", among them Article 157 which deals with "damaging the reputation" of Yugoslavia,

Lesser similar offences, for example "spreading false rumours" or "damaging the reputation of a socialist republic or socialist autonomous province" are penalized under sections of the criminal codes of the republics and autonomous provinces dealing with "offences against public order" and "offences against honour and reputation".

• In January 1984 Dr Ivan Zografski, 10, a Bulgarian citizen and retired medical specialist who had lived in Sarajevo since 1972, was tried by Sarajevo district court on charges of "hostile propaganda" and "damaging the reputation" of Yugoslavia. He was accused of having "maliciously and falsely described socio-political and economic conditions in Yugoslavia<sup>11</sup>, and of "denying the existence of the brother. hood and unity of Yugoslavia's peoples and in particular of having denied the existence of the Macedonian nation". He was accused also of having disparaged Yugoslavia's top political leaders and of having referred in an "insulting manner" to the late President Tito.

According to a report in the official press, he had committed these offences "athis own home, in the homes of his friends. and in cafés and restaurants" between 1979 and 1983. The court found him guilty and sentenced him to six and a half years' imprisonment, reduced on appeal to five and a half years, confiscation of his property, and permanent expulsion from Yugoslavia at the end of his prison sentence.

Amnesty International has adopted 15 prisoners of conscience convicted of "hostile propaganda" on charges based almost exclusively on the content of their private conversations. All but one of these convictions took place in the republic of Bosnia-Hercegovina where people have received heavy prison sentences for exercising their right to freedom of expression in casual, private conversation. This judicial practice is, as far as Amnesty

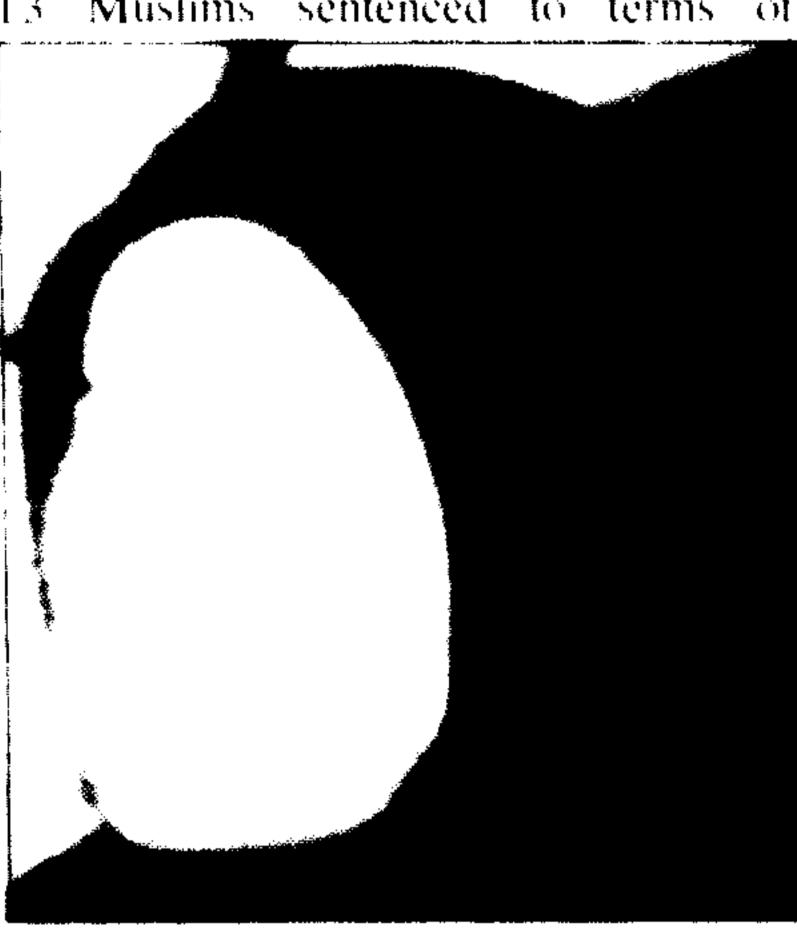


Dr Ivan Zografski, a retired medical specialist aged 70, who is serving a five-and-a-half-year prison term, has had all his property confiscated and is to be expelled from Yugoslavia after his imprisonment -- all because of casual conversations in which he is alleged to have criticized the country and its leaders.

International knows, less common in other parts of Yugoslavia, where charges of "hostile propaganda" are usually brought in connection with published material or other forms of public expression.

Bosnia Hercegovina has a population of Muslims (the largest ethnic group), Serbs and Croats, During the Second World War the region saw bitter intercommunity fighting, and the authorities have frequently referred to the bloodshed of that period as a justification for repressive measures.

 Melika Salihbegovic, 39, writer and mother of a teenage daughter, was one of Muslims sentenced to terms of



conscience.

She was charged under Article 133

imprisonment on 20 August 1983 after they had been accused of "hostile and counter-revolutionary acts derived from Muslim nationalism" (see page 9). with spreading "hostile propaganda" in a letter she was said to have written to Ayatollah Khomeini of Iran; and by helping to draft a foreword to an "Islamic Declaration" in March 1982.

She denied writing to the Ayatollah or helping to draft the foreword to the Declaration, which she had not seen, she

She was sentenced to five years' imprisonment, reduced on appeal to three and a half years. Amnesty International has adopted her as a prisoner of conscience. Amnesty International has adopted as prisoners of conscience many ethnic Albanians who have been imprisoned on

Melika Salihbegovic, Muslim writer and mother. who was imprisoned after being accused of writing a letter to the Ayatollah Kohmeini of Iran and of helping to draft a foreword to an "Islamic Declaration". She denied both accusations but is serving a three-and-a-half-year prison term. Amnesty International has adopted her as a prisoner of

charges of "hostile propaganda" relating to the possession of books, emigrenewspapers and tape-recordings, or to the writing of slogans considered "hostile". The slogan "Kosovo Republic" is often cited as constituting "hostile propaganda" Sherif Asllani, 28, from Urosevac and temporarily employed in Switzerland, was tried by Tuzla district court on 22 November 1983. He was accused of having been in possession of a book entitled The Titoists by Enver Hoxha (Albania's leader) and of two cigarette holders bearing the inscription "Kosovo Republic", while visiting his brother in Tuzla. The court found him guilty of "hostile propaganda" and sentenced him to four years' imprisonment. Amnesty International has adopted him as a

# 'Incitement'

prisoner of conscience.

Defendants in a number of political trials have been charged with "incitement to national, racial or religious hatred, discord or intolerance" under Article 134 of the federal criminal code – an offence punishable by up to 10 years' imprisonment.

Amnesty International believes that the provisions of this law are imprecise and that it is sometimes applied in such a way as to undermine fundamental freedoms.

• Ebibi Lazim, 45, an ethnic Albanian, was tried by Skopje district court on 24 May 1982. He was accused of having several times during 1981 told teachers at the primary school where he was secretary that the nationalist demonstrations by ethnic Albanians in Kosovo in March and April that year had been justified. He was further accused of having said that the demonstrators' demand that Kosovo province be granted republican status within the Yugoslav federation was also justified and that the territory would "one day again be Albanian". On the basis of these statements he was convicted of "inciting national hatred and discord among Yugoslavia's people" and sentenced to six years' imprisonment. He has been adopted by Amnesty International as a prisoner of conscience.

The organization believes that in applying the provisions of Article 134 in this and certain other cases the Yugoslav authorities have in effect penalized people for the non-violent expression of their nationalist views.

# **'Participation** in hostile activity'

In recent years there has been an increase in the number of trials of Yugoslavs accused of having been in contact, while living or travelling abroad, with emigres opposed to the Yugoslav Government, Such contact is strongly discouraged by the authorities by means of propaganda, surveillance and legislation. The defendants have usually been migrant workers in Western Europe, who were arrested on their return home. They have usually been convicted under Article 131 of the federal criminal code, dealing with "participation in hostile activity", which states:

"A Yugoslav citizen who, with the intent to engage in hostile activity against the country, makes contact with a foreign state or refugee organization or group of persons, or aids them in the performance of hostile activity, shall be punished by imprisonment for at least one year."

In a few cases the available information has indicated that the accused were convicted of contacting emigres in order to engage in acts of political violence. In other cases, however, people have been convicted of contact with political emigres, even though they were not charged with the use, planning or advocacy of violence.

• Jovo Ilic, 38, a Bosnian migrant worker with a job in the Federal Republic of Germany (FRG), was arrested in July 1979, while on holiday in his home village. In December Tuzla district court sentenced him to nine and a half years' imprisonment on charges under Articles 131, 133 and 157. The charge of "participation in hostile activity" arose from his alleged contact with several leading members of an emigre organization in the FRG.

He was accused of having received propaganda materials from them and of using these in hostile activities against the state by giving them to Yugoslavs working in the FRG and smuggling them into Yugoslavia.

However, court documents suggested that his only proved contacts with emigres were casual and with fellow-workers, a few of whom had fought with the Chetniks more than 30 years before. One of them had shown him some emigre papers and

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given him postcards and newspaper cuttings pictures of Serbian religious and historical figures. The "propaganda material" in this case consisted of these and some badges with crowns on them advertising beer and cigarettes.

He was not proved to have shown these objects to anyone, although one witness stated he had seen a pictureposteard of a Serbian king which Jovo Ilie had dropped by mistake.

Some ethnic Albanians accused of taking part in "anti-Yugoslav" demonstrations abroad have been charged with "participation in hostile activity".

 Xheladin Rrustemi, 40, who was tried on 9 April 1983 by Skopje district court was accused of having made contact with "hostile" Albanian emigres between April 1981 and June 1982 while temporarily in the FRG. He was accused also of having joined in "anti-Yugoslav" demonstrations in Dusseldorf, Munich, Geneva, Brussels, Bonn and West Berlin, in protest against the Yugoslav Government's handling of ethnic Albanians' nationalist unrest in Kosovo. He was found guilty of "participating in hostile activity" and sentenced to six years' imprisonment. Amnesty International has adopted him as a prisoner of conscience.

# 'Endangering the social order

A number of prisoners of conscience adopted by Amnesty International have been convicted under the provisions of Article 114 of "counter-revolutionary endangering of the social order":

"Whoever performs an act intended to curtail or overthrow the authority of the working class and working people; to undermine the socio-economic system. the socio-political system of selfmanagement established by the constitution; to overthrow unconstitutionally self-management and government bodies, their executive agencies or representatives of the highest government bodies; to undermine the country's economic basis, breaking up the brotherhood and unity or destroying the equality of the nations and nationalities of Yugoslavia, or to change the federal organization of the state unconstitutionally shall be

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punished by imprisonment for at least one year."

Once again, the provisions of Article 114 are vaguely formulated and in practice may be used to penalize many kinds of activity, including non-violent ones.

Since the events of 1981 many ethnic Albanians have been charged under Article 114 after taking part in demonstrations calling for Kosovo to be granted republican status. Although some demonstrations have led to clashes with the security forces, and occasionally, damage to property, the Yugoslav authorities do not appear to distinguish between violent and peaceful assembly and consider any participation in Albanian nationalist demonstrations a crime.

• On 8 September 1981 Fadil Blakaj, 23, an agricultural student; Shefki Shatri, 23, a veterinary technician and four others were tried by Pec district court on charges of having taken part in "hostile" nationalist demonstrations in Istok on 30 April 1981.

Fadil Blakaj was alleged to have gone to Istok on 29 April 1981 and learned of a demonstration there. On 30 April he allegedly told his brother Bashkim and a group of schoolgirls not to go to school because of the forthcoming demonstration. He was accused of playing an active part in the demonstration and of "applauding the hostile and counter-revolutionary slogan 'Kosovo - Republic' ".

He denied shouting any slogans and said he had not agreed with the demonstration despite his participation in

Shefki Shatri was alleged to have heard about the demonstration from Fadil Blakaj, and then to have taken part in it with a group of people from a coffee house and "yelled and applauded hostile slogans". He was also said to have played an "active" part in the demonstration.

The court convicted both defendants of "counter-revolutionary endangering of the social order" and sentenced each to five years' imprisonment.

• Six university or high school students were tried on 7 August 1981 by Pristina district court after being accused of organizing and taking part in demonstrations demanding that Kosovo be given republican status.

1981.

The case followed nationalist demonstrations by ethnic Albanian students and high-school pupils in Lipljan, Pristina and many other parts of Kosovo on 2 April

According to Yugoslav press reports of the trial: on 19 May five of the students. Remzi Lushi, Halil Ismajli, Sabri Lushi, Bislim Ahmeti and Milaim Dervisholli met at the family home of the sixth, Sabri-Lushi, in the village of Muhaxher Babush, and planned a further demonstration in Lipljan for 21 May. Next day they met again to finalize plans.

The 21 May demonstration was led through the town of Lipljan by the accused who reportedly shouted: "We want a republic!", "Long live the Republic of Kosovo!", "Down with traitors!" and "Release our comrades from prison!" (the last slogan referring to the widespread arrests after demonstrations in March and April 1981).

On 7 August 1981 Pristina district court convicted the accused of "counterrevolutionary endangering of the social order" and sentenced each to between four and eight years' imprisonment.

• Daut Rashani, an 18-year-old high school pupil, was tried by Pristina district court and convicted of the same charge on



Daut Rashani, 18 at the time of his arrest, was sentenced in 1981 to six years imprisonment for taking part in nationalist demonstrations and writing and distributing poems and leaflets. Amnesty International has adopted him as a prisoner of conscience.

29 July 1981. According to Tanjug he was accused of having written and given to several friends some poems and leaflets of a "hostile content" before the March and April 1981 demonstrations in Kosovo. He was also reportedly accused of

having taken part in nationalist demonstrations in Pristina and of having later described the demonstrations as "successful" in another pamphlet. He was sentenced to six years' imprisonment.

# Association tor purposes of hostile activity'

Most people convicted in recent years of "association for purposes of hostile activity" under Article 136 of the federal criminal code were ethnic Albanians. Most ethnic Albanians regarded by Amnesty International as prisoners of conscience have been accused of forming or belonging to "illegal groups' and have been charged under Article 136, often in conjunction with Article 114.

The variety and composition of these groups is complex. Most advocated the creation of an Albanian republic within Yugoslavia, although some called for all the country's Albanian-inhabited territories to be united with Albania. The complexity of the situation is

illustrated by a 10 March 1984 Tanjug report that 72 "illegal organizations" with "about 1,000" members had been uncovered between 1981 and 1983.

The loose central control of all these organizations over individual members and local sections, and the relatively easy acquisition of firearms in Yugoslavia have made it difficult to establish whether a particular organization has violent aims and methods.

The Yugoslav authorities do not appear to distinguish between any of the various forms of nationalist activity by ethnic Albanians, and equate those who call for an Albanian republic within federal Yugoslavia with those calling for unification of such a republic with Albania. They also equate those who use peaceful means to try to achieve their ends with those using or advocating violence.

In July 1984 the Yugoslav press and radio reported the trial of 11 young Albanians in the province of Kosovo who appeared in Prizren district court, accused of forming and belonging to a "hostile" group called "The Marxist-Leninist Youth of Kosovo''. They were six people

attending high school: Asllan Ramadani, Arsim Stopi, Zek Maljaj, Feim Baljaj and Ramadan-Hoti, all 19, and Isljam Jashari 20; two students: Ali Hoti, 19, and Agin Galopeni, 24; Ali Kokolari, 24, a worker, and two unnamed minors with the initials S. K. and F. G.

Asllan Ramadam and Arsim Stopi were accused of having formed the "Marxist-Lemmist Youth of Kosovol' in November-1983 and from then until March 1984. (when they were probably all arrested) of having engaged in "hostile" activities in Suva Reka and the village of Shiroka It was alleged that they had produced "hostile" pamphlets, written slogans with "hostile" contents in the surrounding villages; and organized "hostile" demonstrations in Suva-Rekalon 9 March 1984 calling for republican status for Kosovo. They were accused also of organizing assistance for the poor relations of people imprisoned because of their nationalist activities

All were convicted of "association for purposes of hostile activity" and "counter revolutionary endangering of the social order" and sentenced to between one and a half and five and a half years' imprison ment each.

Most prisoners of conscience convicted on charges of "association for purposes of hostile activity" are ethnic Albanians, Amnesty International has adopted as prisoners of conscience 97 of them who were tried in groups and sentenced to up to 15 years' imprisonment after being charged mainly with forming or belonging to illegal groups. However, Amnesty International has also adopted as prisoners of conscience members of other Yugoslav nationality groups convicted under Article 136. They include the Croat Dr Anto Kovacevic, the Macedonian Dragan Bogdanovski and 10 Muslim defendants in the 1983 trial in Sarajevo,

• Dr Anto Kovacevic, 32, who is from Bosnia Hercegovina, had been a teacher in a centre in Vienna for mentally handicapped children before his arrest in October 1981 while he was visiting his family in Yugoslavia.

In early April 1982 he was charged with "association for purposes of counterrevolutionary endangering of the social order and the territorial integrity" of Yugoslavia, "hostile propaganda" and "damaging the reputation" of Yugoslavia, The indictment accused him of having belonged to an emigre organization while in Vienna and of having spoken "maliciously and untruthfully" of the Yugoslav political system. He was accused also of having made derogatory

remarks (political President Lito.

According to Amnesty International's information, the charges against him were based mainly on statements by two Yugoslav students at Vienna university who were detained for questioning by the police while home visiting their families at the end of December 1981. They apparently claimed that Dr Kovacevic knew several Croatian emigres in Vienna and had several times criticized Yugoslavia's political system and leaders.



Dr Anto Kovacevic, 32, a teacher who is serving six years imprisonment because he is alleged to have been guilty of "association for the purpose of counter-revolutionary endangering of the social order and territorial integrity [of Yugoslavia]". The charges against him were based on the evidence of two students who later withdrew their testimony and said that they had been threatened by the police. Amnesty International has adopted him as a prisoner of conscience.

His trial in Doboj district court began on 27 April 1982 but was adjourned twice.

In June 1982 the two students, who had returned to Vienna, sent further statements to the President of the Doboj district court, various Yugoslav officials, Dr Kovacevic's lawyers and several human rights organizations, including Amnesty International, formally withdrawing their previous evidence against Dr Kovacevic.

They said they had given it under police pressure after threats that unless they cooperated they would lose their passports and thus be unable to return to Vienna to continue their studies.

#### remarks (political jokes) about the late

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They declared that the police had released them and allowed them to return to Vienna after they had made statements against Dr Kovacevic and that they had agreed to help the police by informing them about the activities of other Yugoslav students at Vienna university.

They stated that on returning to Vienna they had not carried out the instructions to spy on their compatriots; moreover they refused to respond to a telegram summoning them back to Yugoslavia to appear as witnesses at the trial of Dr Kovacevic.

Despite their absence Dr Kovacevic's trial recommenced on 24 June 1982. He was found guilty on all charges and sentenced to eight and a half years' imprisonment and confiscation of his property, on appeal this was reduced to six years' imprisonment.

• On 20 August 1983, after a trial lasting for over a month, the Sarajevo district court sentenced a group of 13 Muslims accused of "hostile and counter revolutionary acts derived from Muslim nationalism"

The principal defendant was Dr Alija Izetbegovic, 59, a lawyer and retired director of a building company, who was charged under Articles 136 and 114. The charges were mostly based on an "Islamic Declaration" written by him and alleged to be a conspiracy to create an "ethnically pure Islamic republic" out of Bosnia Hercegovina, Kosovo and other Muslim areas. The declaration was alleged also to be "the modernized platform and program of the former terrorist organization, the Young Muslims".

Dr Izetbegovic was accused of having given the text of the declaration to another defendant, Omer Behmen, 55, a construction engineer, and to emigres in Vienna in 1977. The text was translated into Arabic, English, German and Turkish between 1974 and 1983 and given to several people in order to form a group whose goal would be the "revolutionary endangering of the social order", the prosecution said.

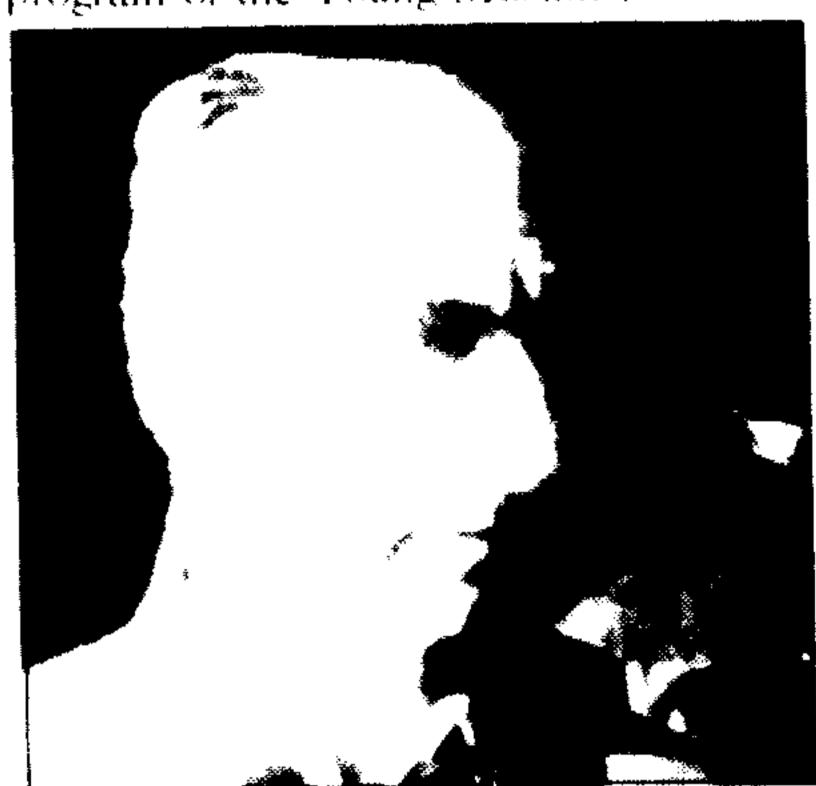
In the indictment, Dr Izetbegovic was accused of claiming that Muslims had suffered considerably at the hands of communists when the Partisans entered their villages at the end of the Second World War and that organizations like the Young Muslims were set up to counter this.

In his defence he maintained that he did not know five of the accused and that he had never uttered the phrase "Islamic republic, ethnically pure Bosnia-Herce-

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govinal and that it had not featured in the Islamic Declaration. Both he and Omer Behmen, also charged under Articles 136 and 114, stressed that the Islamic Declaration was concerned with the general emancipation of Muslims, not with Yugoslavia and Bosnia in particular, and that it was meant to apply to countries where the overwhelming majority of the population was Muslim. Dr Letbegovic denied that there was

Dr Izetbegovic denied that there was any link between the declaration and the program of the Young Muslims.



Omer Behmen, 55, a construction engineer accused of preparing Islamic documents deemed to have been "hostile" to Yugoslavia. He was sentenced to 15 years imprisonment, reduced on appeal to 12 years. Amnesty International has adopted him as a prisoner of conscience.

He and Omer Behmen were also accused of preparing other Islamic documents deemed to be hostile to the state.

The charges against Omer Behmen related to these documents, the Islamic Declaration and a visit to Iran he organized for five Muslims in January 1983.

Ten of the other defendants were charged on the basis of verbal statements they had made about the declaration and about the position of Muslims in Yugoslavia; (the charges against the 13th defendant, Melika Salihbegovich, are referred to on page 0 under "Hostile propaganda") Dr Izetbegovic was sentenced to 14 day period (which has been known to be illegally extended) they were subjected to severe psychological, and in some instances, physical, pressures by the police (usually the SDS) the state security police). Certain detainees have later complained that they were threatened with violence and even death and with reprisals against their families or friends. There have

Dr Izetbegovic was sentenced to 14 years' imprisonment (reduced on appeal to 11 years) and Omer Behmen to 15 years' (reduced on appeal to 12 years'). One of the other defendants was released at the end of the trial and the trial of another was postponed because of ill health. The rest received prison sentences ranging between five and 10 years (reduced on appeal to three and seven years respectively). Amnesty International adopted the

tively), Annesty International adopted the following as prisoners of conscience; Dr Izetbegovic, Omer Behmen, Ismet Kasu

magic, Edhem Bicakeic, Huso Zivah, Salih Behmen, Mustafa Spahic, Melika Salih begovic, Dzemal Latic and Dervis Djurd jevic None was charged with using of advocating violence

# Arrest, investigation and trial

Standards of arrest, investigation and trial procedures in Yugoslavia appear to vary considerably according to region and particular circumstances. Although Amnesty International knows of political cases where procedures have been followed in accordance with legal provisions, it knows of others in which these provisions were seriously breached. In noting instances of the abuse of airest, investigation and trial procedures, it does not claim that they occur persistently but it does believe that they are sufficiently prevalent in political cases to warrant serious concern.

# Arrest and pre-trial detention

Political prisoners are often arrested under the provisions of the Code of Criminal Procedure which allow the police, in exceptional circumstances, to arrest suspects and hold them without a warrant for up to three days.

A number of prisopers of conscience have reported that while being held without court protection during this three day period (which has been known to beillegally extended) they were subjected to severe psychological, and in some instances, physical, pressures by the police). Certain detances have later complained that they were threatened with violence and even death and with reprisals against their families or friends. There have also been reports of interrogations lasting for hours on end, sometimes conducted at night, and, in certain intances, of detainees being deprived of food or sleep. Where such pressure and intimidation have occurred. the aim appears to have been to force selfincriminating statements from the suspects. or to make them sign false confessions. dictated by the police.

Amnesty International has learned of several cases in which the police appear to have deliberately abused their powers in

order to obtain statements from witnesses. For example, after the arrest of a prisoner of conscience, Momeilo Selic, on 13 February 1980, several of his acquaintances were reportedly held as "suspects" by police and induced to make statements against him after being led to understand that they themselves might face criminal proceedings

Again, after Jovo Ilic's arrest on 11 July 1979, the police confiscated the travel documents of a number of witnesses who, like him, were migrant workers in the FRG home on holiday. Their travel documents, on which their means of livelihood depended, were returned to them only after they had testified against the accused.

# Ill-treatment and torture

Annesty International has received a number of allegations of physical ill treatment and torture during investigation, some sufficiently detailed to cause grave disquiet.

Most alleged ill treatment of detainees which it has been informed about relate to the autonomous province of Kosovo following the nationalist demonstrations there by ethnic Albanians in March and April 1981.

In April 1982 an article in the Yugoslav press noted that allegations of all treatment in pre-trial detention had been made in a number of political trials of ethnic Albamans. Annesty International also received allegations that many detendants had been ill-treated after arrest in order to extract information or confessions from them.

One report, from someone claiming to be an eye witness, was of an incident in April 1981 in which a prisoner was tied by his hands to the ceiling of his cell, stripped half-naked, and beaten until he began to vomit blood.

In December 1982 Annesty International wrote to the Federal Secretary of Justice mentioning that it had received information that ethnic Albanians charged with political offences had been ill treated. The organization referred to three specific cases and urged him to conduct a judicial inquiry into the alleged ill treatment of Hydajet Hyseni, Hahl Alidema and Ukshin Hoti. Hydaiet Hyseni was said to have been

Hydajet Hyseni was said to have been severely all-treated after his arrest in December 1981. He did not appear at the trial of 18 co-detendants in Pristina in July

#### 9

1982 because, the court was told, he was depressed. In August he was said to be in the psychiatric section of Belgrade prison hospital. On 28 November he was sentenced to 15 years' imprisonment.

Halil Alidema and Ukshin Hoti, who were also alleged to have been physically ill-treated during pre-trial detention, were sentenced to 11 and nine years' imprisonment respectively in July 1982.

Amnesty International received no reply to its letter and as far the organization knows no inquiry was ever conducted.

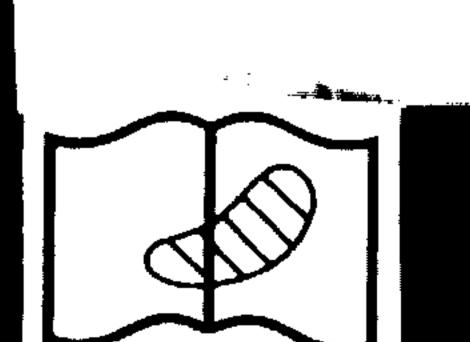
Amnesty International has received several allegations from other parts of Yugoslavia as well that individuals arrested because of the non-violent exercise of their human rights had been threatened by police with force or with reprisals against their families. Other forms of psychological or physical pressures were also cited; for example, one prisoner of conscience claimed that after arrest he was deprived of food for house in mysterious circumstances. five days.



Ukshin Hoti, an ethnic Albanian charged with political offences and alleged to have been illtreated in custody. He is serving nine years imprisonment.

In June 1984 Amnesty International wrote to the Federal Secretary of the Interior about allegations it had received after an SDS raid on a private apartment in Belgrade in which 28 people were taken into custody. The organization had received reports that four of them were beaten while being detained.

Jovica Mihailovic stated that the interrogating officer hit him so hard that he fell off his chair twice and that the officer had continued to hit him while he lay on the floor. He also claimed that he was then struck in the kidneys. He was released on 24 April and a medical certificate issued



that day (a copy of which Amnesty International has) records injuries to his head and body. Tomislav Jeremic said that he was hit on the sole of his bare foot with a police truncheon by an SDS officer. He claimed that after being moved to the Belgrade district prison he was insulted and hit about 20 times on the back of his head by another officer. Dragisa Paunic stated that he was kicked in the abdomen and twice hit on the back of the neck by an officer. Amnesty International also received reports that Zoran Matic was beaten with rubber truncheons by four officers.

In the same letter Amnesty International expressed concern about the circumstances of the death of Radomir Radovic, one of the 28 detained, who had been released from custody on 22 April 1984 but then vanished on the evening of 23 April. His body was found a week later in a country Initially, the police said he had committed suicide by taking an overdose of sedatives. However, the subsequent autopsy report revealed that the cause of death was poisoning by a large amount of insecticide. The official verdict remained suicide.

Radomir Radovic was 33 and due to be married. He had played an active part in independent labour for an The suicide verdict is movement. questioned by his lawyer and contested by his family and friends. Again the Yugoslav authorities did not answer Amnesty International's letter.

The forcible extraction of confessions is illegal in Yugoslavia and a punishable offence. Amnesty International does not know of any instances of police having been prosecuted for this. However, several trials have been reported in the press in which police have been convicted of beating to death people they have arrested. In one such case, in September 1982, a Skopje court sentenced three militia members to between 12 and 14 years' imprisonment.

# Trial

Public statements by political leaders attacking the accused before trial or conviction have led to allegations that verdicts in political trials are decided on in advance by party officials. The Yugoslav daily paper Borba reported on 13 February 1981 that the President of the Croatian Assembly, Jure Bilic, had "mentioned the illegal activity of the well-known nationalists Gotovac, Veselica and Tudjman, and in this

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Vlado Gotovac, 54, a Croatian writer, was tried in 1981 on charges of "hostile propaganda" after he had given interviews to foreign journalists. He was sentenced to two years imprisonment; he began serving his sentence in January 1982 and was released in January 1984; Amnesty International adopted him as a prisoner of conscience.

connection had announced the forthcoming trials of the latter two" (investigation proceedings had not as then started in the case of Dr Marko Veselica). On 12 February 1981 the Zagreb paper Vjesnik reported that Jure Bilic had declared:

..., because of the situation in our country we must expose this group around Veselica, Gotovac and others, regardless of what they used to be, because by their actions objectively they are heading for fascism."

On 20 February Dr Tudjman received a three-year prison sentence, and on 5 June Vlado Gotovac was sentenced to two years' imprisonment. Investigation proceedings were started in Dr Veselica's case on 19 March, and on 9 September he was sentenced to 11 years' imprisonment.

Practice with regard to political trials varies. Some have been held in camera, others in open court. Several have been declared "open" – but with public access strictly limited because of "lack of space".

Access appears to have been particularly restricted in political trials in Kosovo between July and September 1981. A Yugoslav press report on 9 August stated that a group trial in Pristina had been held in a courtroom seating only 20. Guards

## YUGOSLAVIA BRIEFING

outside had directed passers by to the other side of the road. Access for journalists had been restricted to Tanjug correspondents.

In other ways too political trials have failed to meet international standards. For example, there have been several complaints that courts have repeatedly interrupted defendants, defence counsel and witnesses, thus preventing the defence cases from being fully presented. At times a court has disallowed evidence and forbidden the calling of witnesses for the defence on the grounds that this was "not necessary". However, the prosecution has sometimes been allowed to contravene legal procedure by presenting evidence not included in the dossier. In Amnesty International's opinion all this has meant that such trials have been heavily weighted in favour of the prosecution, which is against national law and contrary to internationally accepted standards for fair trial. In only one of the political trials that have come to Amnesty International's attention has the accused been acquitted.

#### Sentences

People convicted of non-violent offences in Yugoslavia risk severe sentences; the average sentence imposed in first instance on prisoners at present under adoption or investigation by Amnesty International is six and a half years. Sentences passed in political cases are usually upheld on appeal, although a number have been either reduced or increased.

# Imprisonment

Prisons in which prisoners of conscience have been detained include: Zenica and Foca, in Bosnia-Hercegovina; Stara Gradiska, Lepoglava, Slavonska Pozega (for women) and Goli Otok (in recent years used mainly for young male adults) in Croatia; Spuz in Montenegro; Idrizovo in Macedonia; Nis and Zabela in Serbia; Dob in Slovenia and Sremska Mitrovica in the Vojvodina. In 1979 the majority of these institutions had a prison population of between 950 and 1,500 each, including political prisoners.

# **Prison conditions**

Many of the above prisons were built before the Second World War and conditions in them vary considerably. Amnesty International's information suggests that conditions in Sremska

# Prisoners of conscience

It is impossible to give a precise figure for the number of prisoners of conscience in Yugoslavia. Most political trials involve political offences defined in republican or provincial law (punishable by up to five years imprisonment); or in the Code for Petty Offences (punishable by up to 60 days imprisonment); they are very rarely reported in the press. Political trials involving the more serious political offences defined under federal law are often reported, but by no means always.

Official statistics are regularly issued on the number of people charged with or convicted of political offences. Although not all would be prisoners of conscience as defined in Amnesty International's statute - people imprisoned for their conscientiously held beliefs who have not used or advocated violence - the figures available indicate that there are many more prisoners of

Mitrovica and Lepoglava prisons particular in the former are superior to those in many others; an Amnesty International delegation visited the two prisons in 1976.

conscience in Yugoslavia than those known to Amnesty International. Unofficial sources tend to put the number of political prisoners much higher than those given in official statistics, and have alleged that, in addition to those convicted on political charges, there are also political prisoners who have been convicted on false, for example "economic", counts.

Statistics issued by the Federal Public Prosecutor's Office and published in the Yugoslav press indicate that the numbers of people charged with political offences from 1980 to 1983 inclusive were as follows: Amnesty International groups were

At the time of going to press, working for the release of 202 adopted prisoners of conscience and investigating a further 29 cases.

declaring that the "majority of prison buildings in Croatia are more than 50 years old, some more than 100 years. They can in no way meet the sanitary requirements of today ... Some sections of



Lepoglava prison . . . Former prisoners of conscience there have complained that damp and cold in winter caused much bronchial, tubercular and rheumatic disease among inmates. One former inmate noted: "At roll-call at 5.30am, all you can hear is coughing".

Conditions at Stara Gradiska prison appear to be among the worst. In 1978 the Croatian Assembly was reported to have issued a statement

Stara Gradiska must be demolished because they simply cannot be renovated." A former prisoner of conscience who was held in Stara Gradiska until 1976 has



"the filth, the desolation, the spoken of hunger" there.

Poor prison conditions have also been reported elsewhere in Yugoslavia. Such accounts frequently refer to severe over crowding and inadequate sanitary installations. It would seem that in these two respects in particular standards are often well below those set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Political prisoners are normally assigned to the most severe of three prisoner categories: this entails, for instance, shorter visiting times and smaller food parcels. They share cells and work with ordinary criminal prisoners.

#### Accommodation

Cells vary greatly in size and usually contain two- or three-tiered bunks. In Lepoglava prison most cells are about 4m by 2m and house three inmates. The cells have no running water and a slop-bucket is used as a toilet. Sanitation is also reported to be primitive in Stara Gradiska, where between 30 and 40 prisoners sleep in rooms of about 10m by 5m. The conditions are aggravated by the marshy surroundings and damp climate. In Zabela as many as 73 inmates are reported to have been accommodated in a dormitory measuring 6.60m by 10.20m. Because of this excessive crowding, the windows have had to be kept open at night, even during the winter.

In Zenica up to 180 prisoners are reported to have been accommodated in one dormitory.

Former prisoners of conscience have complained of damp and cold in winter, which has caused much bronchial, tubercular and rheumatic disease among inmates in several prisons, including Lepoglava, Stara Gradiska, Zenica, Zabela and Nis, "At roll-call at 5.30am, all you can hear is coughing," noted one former inmate of Lepoglava prison.

#### Food

Prisoners from Sremska Mitrovica and Lepoglava have complained that food is inadequate, particularly its quality and variety, and low in vitamins and protein. To supplement their diet prisoners rely on food parcels sent by their families and on limited purchases of food from the prison shop.

#### Work

All prisoners capable of work are required to do so and those who refuse are liable to

hour shift, with one rest day a week.

used by tired or depressed inmates.

#### **Religious restrictions**

Contrary to the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners, religious services are not permitted in Yugoslav prisons and prisoners do not have access to a religious representative.

#### Medical Treatment

Reports received by Annesty International suggest that a number of prisoners of conscience have left prison in poor health and needing medical treatment and convalescence.

Medical facilities in prisons appear to be inadequate; moreover, prisoners who report sick tend to be suspected of feigning illness and to receive only a cursory examination. This has sometimes led to serious ailments requiring specialist treatment being ignored. Amnesty International considers this a breach of Article 22(2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners which states:

"Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civilian hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be suitable for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers."

Some prisoners of conscience appear to suffer from the sort of chronic illnesses that constitute a grave threat to their physical health given that they are serving long sentences and medical standards are

• Dr Franjo Tudjman, a prisoner of conscience sentenced to three years' imprisonment in February 1981, has a history of hypertensive heart disease and suffers from high blood pressure, angina and other complaints. Because of his condition he appealed for postponement of sentence. This was refused by the Yugoslav authorities despite his doctor's recommendation that he continue to receive treatment and remain under close medical supervision. He began to serve his

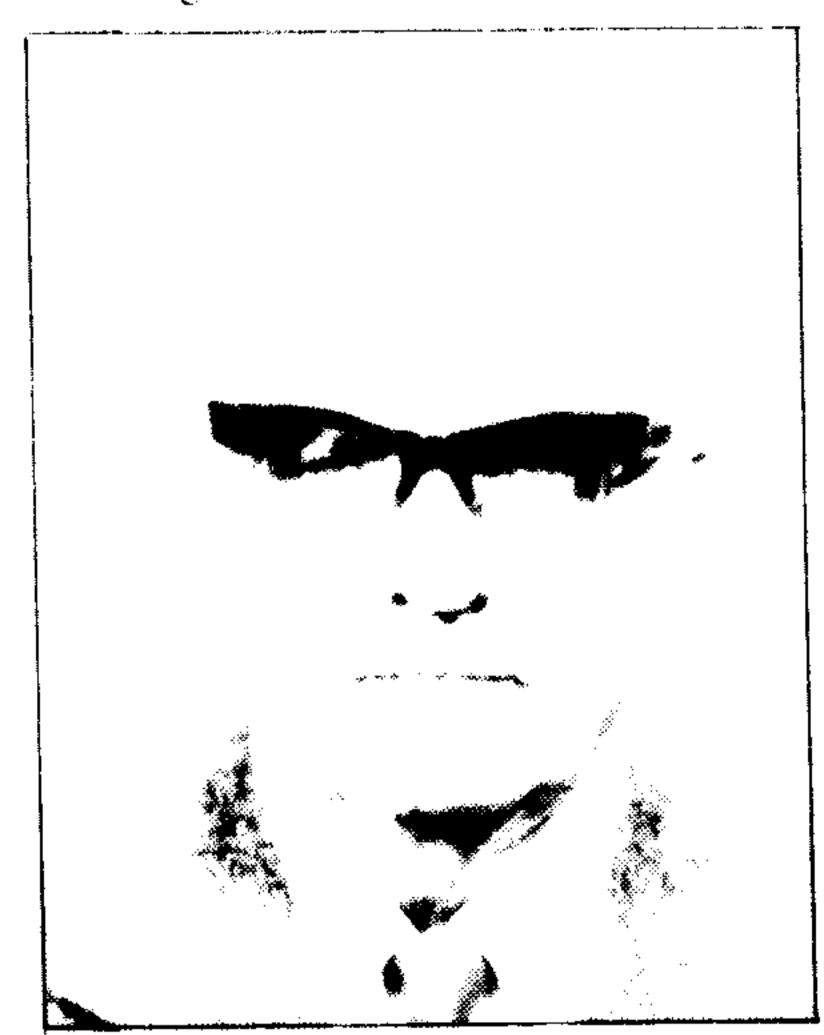
## be punished. There is generally an eight-Safety measures in some workshops appear to be inadequate and prisoners have referred to industrial accidents resulting from poorly maintained machinery

#### YUGOSLAVIA BRIEFING

sentence in January 1982. In February 1983 he had a major heart attack and was later granted an interruption of sentence. The interruption was extended on medical grounds three times, but he was returned to Lepoglava prison on 26 May 1984 to complete his sentence.

In Lepoglava, where facilities for treating acute heart complaints were reported to be inadequate, he suffered four more heart attacks, one of which left him partially paralysed. Despite appeals by his family and Amnesty International it was not until 11 September 1984 that his his sentence was once again interrupted on health grounds. In November 1984 he was conditionally released on grounds of ill health.

• Dr Nikola Novakovic, a 71-year-old prisoner of conscience sentenced to 12 years' imprisonment in 1977, twice appealed for his sentence to be cut on medical grounds. On 13 December 1977



Dr Nikola Novakovic, 71, who was sentenced to 12 years imprisonment in 1977, reduced on appeal to 11 years. Amnesty International is calling for his release because he is a prisoner of conscience and because of his age and ill-health ---he has a cardio-pulmonary disorder and complains of considerable pain when urinating or walking.

it was reduced to 11 years and on 24 March 1982 to 10 years. He has a cardiopulmonary disorder and was admitted to hospital with chronic bronchitis for four weeks in 1981. He apparently had cardiac disease symptoms after this time in hospital and has ischaemic lumbago and varicose veins. In late 1979 he had a hydrocelectomy, and after the reduction of his sentence in March 1982 a further hydrocelectomy was performed. He complains of considerable pain when urinating and walking.

#### YUGOSLAVIA BRIEFING

In early 1984 he again appealed for reduction of sentence. On 24 June 1984 the Supreme Court of Bosnia-Hercegovina rejected his appeal. Amnesty International is calling for his unconditional release because he is a prisoner of conscience and because of his age and ill-health. The organization considers that in these and certain other cases the Yugoslav authorities have unjustifiably delayed appropriate care and medical treatment for prisoners in civilian hospitals for special diseases or simply have prevented them from seeking it. Moreover, Amnesty International believes that in the cases of prisoners of conscience with severe heart problems who have lodged petitions for suspension or reduction of sentence, or pardon, the Yugoslav authorities have refused the petitions without giving due consideration to the clear humanitarian grounds for granting them.

# Punishment and ill-treatment

In general, punishments in Yugoslav prisons include: shaving off hair; denying mail and parcels for up to three months; denying or restricting the right to buy articles in the prison shop for up to three months; solitary confinement, with or without work for up to 30 days and isolation for up to a third of sentence (but not for more than a year without interruption).

Prisoners have complained that punishments are often arbitrarily imposed by guards and that their appeals to higher authorities are ignored. There have been reports of the maximum periods of solitary confinement and isolation sometimes being exceeded through the immediate reimposition of the punishment.

According to an account received from a former prisoner in 1979, several of the solitary confinement cells in block No. 2 of Zenica prison had concrete floors and prisoners were alleged to have been punished by having their hands chained to rings in the floor in such a way that they could not stand upright. During the day they were not allowed to lie down and were liable to be beaten by guards if found doing so.

Cases have been reported of prisoners being kept in isolation for more than a

year. This happened to two Albanian prisoners of conscience, Isa Kastrati and Xhafer Shatri, who reportedly went on hunger-strike in Spuz prison, Montenegro, in 1977. They barricaded themselves in their cells demanding to be moved to Sremska Mitrovica prison Guards forcibly entered the cells and a prison riot followed in which some inmates were wounded by guards. Isa Kastrati and Xhafer Shatri later each had their sentences increased by three and a half and three years and were allegedly kept in isolation for 17 months.

Amnesty International has received allegations that Albanian prisoners, including prisoners of conscience, are treated especially harshly (Nis prison in particular has been mentioned). On 17 June 1979 *Rilindja* reported on a trial in which the Governor of Idrizovo prison (Macedonia) and six guards were sentenced to between eight months and eight years' imprisonment after two prisoners had been beaten to death for refusing to be taken into solitary confinement.

In 1983 emigre sources published a complaint by a group of Albanian political prisoners from Kosovo sent to the Secretariat of Justice of Croatia in which they described the ill-treatment they claimed to have received while being transported from Pristina district prison to Gospic prison in Croatia and while detained in Gospic. They stated, among other things, that on arrival at Gospic prison on 15 November 1981 they were foced to undress and were then assaulted by guards, who hit them on the face and body. Two prisoners claimed to have been hit on the genitals by guards who taunted them, saying they would never produce children. The complaints mentioned injuries sustained by named prisoners and stated that the corridor where the incident occurred was stained with blood. A group of some 20 more prisoners from Kosovo who arrived at Gospic on 26 December 1981 were said to have received similar ill-treatment.

Two prisoners who complained to the Prison Governor about ill-treatment were allegedly beaten unconscious in reprisal on 12 December 1981.

Accounts given by former prisoners suggested that the beating of inmates was normal practice in certain Yugoslav prisons. In September 1982 a Belgrade criminologist sent an open letter to the Serbian Secretary of Justice about the treatment of inmates in Belgrade district prison. The letter was based on his personal observations while serving a month's sentence there for a non-violent political offence.

He said that prisoners were often beaten and were daily threatened with beating. He noted that the guards were apparently led to believe that beating was a lawful form of punishment.

# Death penalty

Forty-five of the 140 criminal offences defined in the federal criminal code carry a non-mandatory death sentence. These include 16 types of "especially grave" political offence such as those resulting in death or accompanied by "serious violence or great destruction".

Also included are a number of nonviolent military offences committed in time of war or immediate danger of war. The criminal codes of the six republics and two autonomous provinces provide for non-mandatory death sentences for aggravated murder and in certain cases, for inducement to suicide.

The latest death sentences for political offences that Amnesty International knows about were passed in 1976; all six cases were commuted by the court to terms of imprisonment. The latest judicial executions for political offences took place in 1973, the victims being two Croatian emigres convicted of making an armed incursion into Yugoslavia.

Since the beginning of 1979 Amnesty International has learned of 29 death sentences being passed and of 10 executions.

In recent years the death penalty has been the subject of much public discussion in Yugoslavia. Leading abolitionists have come from the legal profession, including the late Filota Fila, who, in February 1979, argued the abolitionist case in a televised debate with the present President of the Federal Court, Dr Mirko Perovic. In 1984 a petition was submitted to the Yugoslav Assembly for the abolition of the death penalty on the grounds of the inviolability of human life, a humanitarian vision of socialist society and the rejection of the principle of retribution. The petition, officially reported to have been signed by 866 people, prompted a debate in the Assembly, which decided there were as yet "no constitutional or other prerequisites"

for abolition".

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Amnesty International began in 1961 with a newspaper article, "The Forgotten | Prisoners'', by British lawyer Peter Benenson. He urged people everywhere to begin working impartially and peacefully for the victims of political persecution. "Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are '| unacceptable to his government,'' he wrote. Within a month more than a thousand `| people from various countries had sent in offers of practical help. They were ready to | help collect information on cases, publicize them and approach governments. What J started as a brief publicity effort became a growing international movement.

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