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Death Penalty

22 July 1992

YUGOSLAVIA:

Zdenko ŠTEFAN_I_

Zdenko Stefan_i_, aged 28, was sentenced to death in a military court in Belgrade on 14 July 1992. Earlier this year he had been charged with "war crimes against the civilian population" under Article 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (SFRY) [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).] Zdenko Stefan_i_ was also charged with "armed rebellion" against the SFRY according to Article 124 of the same criminal code in conjunction with Article 139 which 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 SFRY presidency on 5 October 1991.

Three others, Marko Filkovi_, Mira Dunatov (female) and Damir Saradjen, were found guilty on similar charges at the same trial on 14 July, and were sentenced to terms of imprisonment. Zdenko Štefan_i_ and the three other people are Croats from the area around Vukovar in Croatia; they were officers in the military police of the Croatian National Guard. The indictments brought against them alleged that they took part in the arrest, ill-treatment and torture and killing of Serbs while the town of Vukovar was besieged by the Yugoslav National Army (JNA) in the autumn of 1991.

BACKGROUND INFORMATION

The Croatian town of Vukovar and its suburbs were under siege by the Yugoslav National Army 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).

Martin Sablji_, Zoran Šipoš and Nikola _ibari_ were sentenced to death on 26 June 1992 in a similar trial (see UA 223/92, AI Index EUR 48/19/92 of 3 July 1992). Amnesty International has concerns about the fairness of that trial arising primarily from allegations that torture and ill-treatment was used to obtain confessions from the accused. The organization is investigating the possibility that similar concerns may apply to the trial of Zdenko Štefan_i_ and three others.

Some of the prisoners of war have been released in exchanges between the Croatian and Serbian sides. However, a number of those still held (178 have been reported 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. While Amnesty International does not believe that the execution of Zdenko Štefan_i_ is imminent (an appeal is being made to the Supreme Military Court), it is concerned that further death sentences may be passed at other similar trials.

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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 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 and 14 July 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: 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 Zdenko Štefan_i_ was sentenced to death in a military court in Belgrade on 14 July 1992;
- expressing concern at allegations that confessions made under duress have been used as evidence in another similar trial on 26 June 1992 which resulted in death sentences and urging that any such allegations be investigated thoroughly and impartially;
- 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 death sentences in Yugoslavia after a break of two years;
- stating that Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is the ultimate cruel, inhuman and degrading punishment.

APPEALS TO

1. President of the Federal Republic of Yugoslavia

Dobrica _osi_

Predsednik SRJ

Bulevar Lenjina 2

11070 Beograd, Yugoslavia

Telegrams: Predsednik SRJ, Belgrade, Yugoslavia

Telexes: 11062 siv yu

Faxes: + 38 11 636 775

Salutation: Dear President

2. Prime Minister of the Federal Republic of Yugoslavia (who also holds the defence portfolio):

Milan Pani_

Predsednik Saveznog Izvršnog Ve_a

Bulevar Lenjina 2

11070 Beograd

Telegrams: Predsednik SIV, Belgrade, Yugoslavia

Faxes: + 38 11 636 775; + 38 11 195 244

Telexes: 11062 siv yu or 11448 siv yu

Salutation: Dear Prime Minister

COPIES OF YOUR APPEALS TO:

Tibor Varadi

Federal Minister of Justice

Omladinskih brigada 1

11000 Beograd, Yugoslavia

and to diplomatic representatives of Yugoslavia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 September 1992.