# YUGOSLAVIA

#### **Prisoners of conscience**

#### an amnesty international report



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# Introduction Yugoslavia in outline

The Socialist Federal Republic of Yugoslavia has an area of 255,804 square kilometres and lies in southeast Europe; it shares borders with seven countries: Italy, Austria, Hungary, Romania, Bulgaria, Greece and Albania, and is bounded to the west by the Adriatic Sea.

Yugoslavia came into existence in December 1918 as the Kingdom of Serbs, Croats and Slovenes at the end of First World War. It united the former Austro-Hungarian territories of Slovenia, Croatia-Slavonia, the Vojvodina, Dalmatia and Bosnia-Hercegovina, and the kingdoms of Montenegro and Serbia (including territories corresponding approximately to present-day Macedonia and Kosovo).

In 1941, during the Second World War, Yugoslavia was invaded by the Axis powers. The following years saw fierce resistance to the occupying forces accompanied by bitter civil war. At the end of the war, in which military and political ascendancy had been gained by the communist-led resistance movement (the Partisans) under Marshal Tito, the king was deposed and the Federal People's Republic of Yugoslavia was proclaimed on 29 November 1945. The first post-war constitution was promulgated in January 1946.

In 1953 Marshal Tito, till then Premier and Minister of National Defence, was appointed President of Yugoslavia, a position he held until he died in May 1980.

The Socialist Federal Republic of Yugoslavia (SFRJ), as the country was renamed in 1963, is a federal state comprising six constituent republics: Bosnia-Hercegovina (of which the capital is 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 (Priština).

The federal capital is Belgrade, a city of about one and a half million 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 1960s and making up the majority of the population in Bosnia-Hercegovina). There are also some 18 ethnic minorities of which the largest are the Albanians and Hungarians, concentrated in Kosovo and the Vojvodina respectively.

Religion and the state are separate under the constitution; 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.

The League of Communists of Yugoslavia (SKJ) is the sole authorized political party; at the end of 1980 it had over two million members. It controls political life through its domination of key "socio-political organizations", in particular the Socialist Alliance of Working People of Yugoslavia (SSRNJ), which is in charge of nomination and election procedures and controls a large part of the press. Since the death of President Tito (who was President of the Republic, President of the SKJ and Commander-in-Chief of the Armed Forces), the SKJ has been headed by a 23member collective leadership, the Presidium of the Central Committee, the presidency of which rotates annually. The functions of head of state are now

rotates annually.

exercised by a nine-member collegial body, the Presidency of the SFRJ, comprising\_representatives of each republic and autonomous province and ex officio the President of the SKJ Presidium. The presidency of this body, too, The current constitution, that of 1974 (the third post-war constitution), has established a system of indirect election to assemblies at commune, republic/province and federal level. Members of work units, local (territorial) communities and socio-political organizations elect "delegations" from a list of candidates screened by the SSRNJ. The delegations then elect delegates from their own ranks to assemblies at commune level (there are 515) and at republic/province and federal level (the SFRJ) Assembly). The SFRJ Assembly, the highest legislative body, consists of the Federal Chamber and the Chamber of Republics and Provinces, both elected for a four-year term. The Federal Chamber comprises 220 delegates elected by commune assemblies from members of the delegations; the Chamber of Republics and Provinces has 88 delegates elected by and from the ranks of delegates to the republic and province assemblies. In these, as in other federal bodies, the principle of equal representation of all republics and proportional representation of provinces prevails. The SFRJ Assembly elects the supreme executive body, the Federal Executive Council (or government), whose President, proposed by the SFRJ Presidency, is Yugoslavia's Prime Minister. Each republic and autonomous province, in addition to its own assembly, has its governmental apparatus and judiciary.

The Yugoslav economic system has been considerably decentralized since the introduction of workers' councils in 1950 and the principle of workers' self-management is now a central tenet of Yugoslav political philosophy. In key areas, however, the application of the principle is largely determined by the policies of the League of Communists.

Since the Second World War, Yugoslavia has been rapidly industrialized. Over much of the 1970s annual growth in industrial production stood at eight or nine per cent; by 1980 this had dropped to about four per cent. The average annual rate of inflation from 1976 to 1980 was about 18 per cent; it was as high as 50% in the

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first half of 1981. Labour figures for 1980 showed some 800,000 out of work in Yugoslavia and more than 700,000 people working abroad. Despite the provision of federal funds to develop the poorer regions, considerable regional disparities persist between an industrialized north and an economically underdeveloped south.

Yugoslavia has important mineral and energy resources; its chief industrial products include transport equipment, machinery, nonferrous metals, timber, textiles and footwear.

Agriculture employs about 37 per cent of the working population and is largely in the hands of private farmers who work over 80 per cent of the cultivable land. The main products are wheat, maize, sugar beet, beef and pork.

Yugoslavia is an associate member of the Council for Mutual Economic Assistance (CMEA) and it has a trade and cooperation treaty with the European Economic Community (EEC). The CMEA is Yugoslavia's major exporting, the EEC its major importing, partner. The USSR is Yugoslavia's principle single trading partner, followed by the Federal Republic of Germany (FRG) and Italy. Tourism and foreign currency remittances by Yugoslavs working abroad make an important contribution to the economy.

Yugoslavia is a founder member of the United Nations. Since its expulsion in 1948 from the Communist Information Bureau (Cominform) — the Soviet-dominated organization of communist parties of Eastern Europe, France and Italy — it has pursued a foreign policy of non-alignment and is a founder member of the Non-Aligned Movement.

# Political imprisonment — the background

The issues involved in many political trials in Yugoslavia and the content and formulation of the charges brought against the accused cannot, in many cases, be understood without reference to past events, some of which date back to the Second World War and even earlier. In particular, they cannot be understood

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without reference to the national tensions which have existed since the inception of this multinational state, whose peoples have varied political, religious and cultural traditions and levels of economic development.

After the Yugoslav state was established in 1918, relations between Serbs and Croats were strained, largely because of Croatian dissatisfaction with the political order established by the new kingdom in which the Serbs, the majority ethnic group, predominated.

A brief period of parliamentary rule from 1920 ended when King Alexander proclaimed himself dictator in January 1929 For several months before, the country had been in a state of political crisis, after a Serbian deputy shot two Croatian deputies and wounded three others in the parliament in Belgrade in June 1928. One of the wounded was Stjepan Radić, leader of the Croatian Peasant Party; he died of his injuries in August 1928. In 1934, the leaders of the Ustashe, a Croatian separatist and profascist underground movement founded in the early 1930s, organized the murder of King Alexander by a Macedonian terrorist during an official visit to France.

During the Second World War, an "Independent State of Croatia" (incorporating Bosnia-Hercegovina) was established under Axis protection. It was administered by the Ustashe, who, under Ante Pavelić, persecuted and killed Jews, Serbs, Romanies and Croatian opponents of the regime. In Serbia, the Nazi authorities installed a puppet government headed by General Nedić.

A Serbian resistance movement, whose followers were known as Chetniks, was formed under the leadership of Draža Mihailović shortly after the Germans invaded Serbia. A rival resistance movement, the communist-led Partisans, which rallied followers from all over the country, was in operation by June 1941. By November that year, attempts at cooperation by the Chetniks and Partisans had ended in armed conflict. Chetnik forces subsequently aided Axis forces in certain operations against the Partisans, as did the Ustashe and also Serbian troops under General Nedić.

According to official figures, over 1,700,000 out of a population of 15 million people lost their lives during the war years. By mid-1943, the Partisans had gained Allied backing and by

the end of the war in 1945, they were in political and military control of the country. Massive reprisals against their opponents in the civil war ensued and many were executed or imprisoned. Some, however, fled abroad, including Pavelić and a number of his Ustashe followers.

Of the widespread trials that took place immediately after the war, two were much publicized. In June 1946 the Chetnik leader General Draža Mihailović was tried on charges of collaborating with the enemy; he was executed in July. In September the trial opened of the Roman Catholic Archbishop Stepinac of Zagreb, who was accused of supporting the Ustashe regime and of countenancing its atrocities; he was sentenced to 16 years' imprisonment. He was released into house arrest in 1951 and died in 1960.

Within a few years of the end of the war, the crisis in Yugoslav-Soviet relations had led to mass arrests within the ranks of Yugoslav communists. At least 14,000 supporters or presumed supporters of the pro-Soviet line, known as "Cominformists", were imprisoned. Many were sentenced without trial by the security forces and sent to the notorious island camp Goli Otok, in the Adriatic. In 1949, the number of political prisoners had reached 52,506; by 1952 it was 15,484 (official figures). The repercussions of all these events are still apparent. Despite the establishment of a federal system in the post-war period and considerable devolution of power to the country's constituent republics and provinces, national tensions have persisted. To this day, political opposition tends to be officially identified with adherence to movements and causes of up to 40 years ago. Thus, the expression of nationalist views is often officially condemned --- or even prosecuted --as the expression of pro-Ustashe (in the case of Croats) or pro-Chetnik (in the case of Serbs) sympathies, even in cases where the accused's expressed views, political record or age would seem clearly to preclude this. Similarly, dissenting communists have sometimes been condemned as "Cominformists".

Since the 1960s, there have been periodic

outbreaks of nationalist unrest, the most serious in Croatia and in the predominantly Albanianinhabited province of Kosovo.

After Alexander Ranković, Vice-President of Yugoslavia, was dismissed in 1966, the excesses

committed by the state security police under his responsibility, including the repression of Kosovo's Albanian population, were officially condemned. Although the departure of Ranković in 1966 was followed by a relative political liberalization, there were nationalist demonstrations in Kosovo, followed by the arrest of Albanian participants, in 1968.

The late 1960s saw also the growth of an increasingly assertive nationalism in Croatia which won supporters both within the Croatian League of Communists and outside it. This "mass movement" as it became known was abruptly curbed in December 1971 by the arrest of its leading members and by a purge of the Croation League of Communists initiated at the 21st session of the SKJ Presidium. Of those arrested (reportedly some 550 in Zagreb alone), many were soon released. Others were brought to trial in 1972, charged with crimes "against the people and the state". According to the Statistical Yearbook of the SFRJ, 427 persons in Croatia were convicted in 1972 by final court decision of offences "against the people and the state". Amnesty International adopted over 20 as prisoners of conscience; they were sentenced to up to seven years' imprisonment. (Among them were Vlado Gotovac, Dr Franjo Tudjman and Dr Marko Veselica, all of whom had been released by the end of 1977, but who were subsequently sentenced on similar charges to two, three and 11 years' imprisonment respectively in 1981).

In 1974 a group of 32 people, mainly Montenegrins, were arrested and sentenced in Peć (Kosovo) and Titograd (Montenegro) to terms of imprisonment of from two to 14 years. They were reported to have been accused of organizing a congress of a clandestine pro-Soviet Yugoslav communist party and of taking orders from "Cominformist" Yugoslav emigres. In 1975 and 1976 further trials of people accused of "Cominformist" sympathies or activities took place. All these trials were behind closed doors. Amnesty International took up the cases for investigation, that is to say it sought information from the Yugoslav authorities and other sources about the details of the charges and the evidence against the accused, in order to ascertain whether they might be adopted as prisoners of conscience.

More Albanian nationalists from Kosovo

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were arrested and tried in 1975 and 1976. In February 1976 the writer Adem Demaci (who had served two previous prison sentences for

Adem Demaci and his children

nationalist agitation) and 18 other Albanians were tried in Pristina and sentenced to terms of imprisonment ranging from four to 15 years. They were accused of "association against the people and the state", "hostile propaganda" and "crimes endangering the territorial integrity and independence of Yugoslavia". They were said to have planned to distribute a petition urging a referendum in Kosovo to determine whether the province should remain part of Yugoslavia or be united with Albania. To Amnesty International's knowledge they had neither used nor advocated violence and they were adopted as prisoners of conscience.

Despite the predominance of nationalist dissent in the overall pattern of political imprisonment in Yugoslavia, a number of individuals have been convicted and imprisoned for the expression of views which were not related to national affiliation but consisted of a criticism of the Yugoslav political system and leadership, or more generally, of the principle of the one-party state.

The most prominent case is that of Milovan Djilas, Vice-President of Yugoslavia until his

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expulsion from the League of Communists Central Committee in 1954 and his resignation from the league later that year. In 1956 he was imprisoned for articles he had published abroad condemning Soviet intervention in Hungary. The next year his sentence of three years' imprisonment was extended after his work, The New Class, was published abroad. Released in 1961, he was again imprisoned from 1962 to 1966 after a further work, Conversations with Stalin, was published abroad. (He was adopted as a prisoner of conscience by Amnesty International).

Another well-known case is that of the writer Mihajlo Mihajlov, who in 1965 received a suspended prison sentence for articles written by him and published in a Belgrade literary monthly, which were critical of Soviet cultural policies and restrictions of freedoms. In 1966 he was imprisoned after his announcement that he intended to found an "opposition" journal. In 1975 he was brought to trial for a third time, on charges of "hostile propaganda" and sentenced to seven years' imprisonment and a four-year ban on "public expression and appearance". The charges were based on articles he had written which were published in a Russian emigre journal and in various Western newspapers; in them he had criticized the single-party system and restrictions on freedom of opinion and expression in Yugoslavia. He was released after a presidential pardon in 1977.

The existence of Yugoslav emigre communities abroad has had a significant bearing on the pattern of political imprisonment in Yugoslavia. Most of these communities date from the Second World War and the immediate post-war period; a relatively small number of political emigres left Croatia after the upheavals there in 1971 and 1972.

Politically active members of such communities include: supporters of Soviet or alternative Marxist-Leninist ideologies; of multi-party democracy; of pre-war Yugoslav parliamentary parties; of the Ustashe and Chetnik movements; and nationalists of all persuasions, the most extreme of whom have at times engaged in acts of political violence including assassinations, usually directed against Yugoslav diplomatic officials abroad.

There have also, however, been a number of assassinations of political emigres, of which well

over 20 have taken place since the early 1970s. Recent victims include the Croatian emigres Bruno Bušić (a former prisoner of conscience murdered in Paris in October 1978) and Nikola Miličević (murdered in Frankfurt in February 1980 after the Government of the FRG had refused the Yugoslav Government's request for his extradition), and the Serbian emigre, Dušan Sedlar (murdered in Dusseldorf in April 1980). Emigre circles have frequently alleged that Yugoslav state security service (SDS) agents were responsible for these and other similar murders. The Yugoslav authorities, however, have attributed them to rival emigre groups. Allegations of SDS involvement have been supported by evidence produced in several cases tried by courts outside Yugoslavia. Most recently, on 23 July 1981, the district court of Saarbrucken sentenced two FRG citizens, Adam Lapcević and Friedrich Huber, and the Yugoslav Dragan Barać to prison terms of eight, 14 and 13 years respectively for the attempted murder in December 1980 of an emigre Franjo Goreta. According to evidence given in the course of the trial, they had been paid 100,000 DM by the SDS to murder Goreta, himself a former SDS agent. The President of the court is reported to have commented: "It cannot be tolerated that hired assassinations are carried out in our territory which have been instigated by foreign states in order to solve

their internal problems." In a number of cases emigre opponents have been abducted abroad and brought to trial in Yugoslavia. The most notorious of these concerns Vladimir Dapčević, a Yugoslav living in Brussels, who is reported to have been abducted by Yugoslav state security agents in August 1975 while visiting Romania. A former colonel in the Yugoslav army, imprisoned in 1948 as a "Cominformist", Dapčević had fled to Albania in 1958, later moving to the USSR and Romania. In 1976 he was tried in Belgrade, convicted of a number of "criminal offences against the people and the state" and sentenced to death, commuted to 20 years' imprisonment. Two other Yugoslav emigres, Djoka Stojanović and Alexander Opojevic, who were with him at the time of his abduction, have not been heard of since.

Other similar cases include that of Vjenceslav Cižek, a Croatian emigre living in the FRG who



Vjenceslav Cižek

had contributed caricatures and articles to emigre journals. In November 1977 he was abducted while on a trip to Milan. In August 1978 he was sentenced by the district court of Sarajevo to 15 years' imprisonment on charges of having "acted from counter-revolutionary positions subversive to the Yugoslav social system".

In both cases the information available to Amnesty International strongly supports allegations that the men were abducted and taken to Yugoslavia by force, although they were accused at their trials of having entered Yugoslavia illegally.

Since the mid-1960s, unemployment at home and open borders have induced large numbers of Yugoslav citizens to seek employment abroad, mainly in Western Europe, as migrant workers. This has brought some of them, often via emigre journals or clubs, into contact with politically active sections of the emigre community. Those known to have engaged in such contact or found to be in possession of emigre journals are liable to arrest and imprisonment on their return to Yugoslavia. The limited information available to Amnesty International suggests that such cases have increased in recent years.

# **Political Imprisonment** in Yugoslavia

The past three years have seen a marked rise in the number of people prosecuted for political offences in Yugoslavia and on several occasions since mid-1980 groups of Yugoslav citizens have expressed their concern about violations of human rights in the country by means of petitions to the Presidency of the Socialist Federal Republic of Yugoslavia (SFRJ) calling for legislation to remedy abuses.

In June 1980 the Federal Public Prosecutor reported a rise in political offences during the previous year which he attributed to international tensions and to increased activities by political emigres and "internal enemies" after the protracted illness and the death of President Tito in May 1980. According to further statements by the Federal Public Prosecutor in April and May 1981, 553 people were charged with political crimes in 1980 — an 83 per cent increase over the previous year. Ninety-four per cent of the total were described as "verbal offences"; 78 per cent were "minor verbal offences" — most frequently insults to the reputation of state leaders or symbols, in the form of abusive language — punished by one to two months' imprisonment. Seventy per cent of all political offences stemmed from "nationalist and chauvinist" positions. At a meeting of public prosecutors in April 1981 it was decided to prosecute political offences more severely. Since then, the number of people charged with political offences has risen sharply, with the arrest and conviction of over 800 Albanians in Kosovo province, according to official figures.

Renewed nationalist unrest in Kosovo had already begun in late 1979, when there were reported to have been numerous arrests there following the appearance of anti-government pamphlets and slogans painted on walls. Some 19 people were subsequently brought to trial, although only two trials were reported in the Yugoslav press — in Priština in July 1980 and in

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At these two trials, 11 people were sentenced to between three and eight years' imprisonment. The information available to Amnesty International does not indicate that the accused had used or advocated violence. Further nationalist unrest in Kosovo broke out in March and April 1981. According to official Yugoslav sources, it was sparked off on 11 March by students at Pristina university protesting about their living conditions. Later in March and at the beginning of April demonstrations took place in Pristina and many other parts of Kosovo in which the principal demand of demonstrators was reportedly that Kosovo should cease to be a constituent part of the Republic of Serbia and should be given its own republic 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 official sources, nine to 11 people died and several hundred were wounded in violent clashes following the intervention of security forces. Unofficial sources have alleged far higher casualty figures.

A state of emergency was declared and heavy reinforcements of security forces and army units brought into the province. At least 2,000 people were arrested. In June 1981 the authorities announced that 506 people who had taken part in the demonstrations had been summarily sentenced under the Code for Petty Offences (involving imprisonment for up to 60 days or fines). According to a report in the Belgrade weekly news magazine NIN of 6 September 1981, by 31 August a further 245 people were sentenced under federal law to terms of imprisonment ranging from one to 15 years. Over 60 people were tried and convicted in September. A high proportion of those convicted were

Skopje the following month.

young teachers and high-school or university students. Many of the prison sentences imposed were of six years and over. Some of the defendants were accused of acts of violence, including firing guns at security forces, or, in the case of one group, of having hijacked a police vehicle carrying arms. In many other cases, however, the charges appear to have been unrelated to the use or advocacy of violence; for instance, the organization of demonstrations in itself was held to be a crime, so was the writing of certain slogans, leaflets and poems. Amnesty International asked the Yugoslav authorities for details of the charges against the accused and for the release of those who had not used or advocated violence. So far the authorities have not responded. In Croatia, three prominent dissenters, former prisoners of conscience previously sentenced in 1972, were brought to trial in 1981. The first two defendants to be tried were the historian and veteran Partisan Dr Franjo

Tudjman, a former general in the Yugoslav army, and the writer Vlado Gotovac. They 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. By early October 1981 they were still free pending appeal.

In September 1981 another former prisoner of conscience, Dr Marko Veselica, was sentenced to 11 years' imprisonment and a fouryear ban on public expression of any kind. He too was charged with "hostile propaganda" for an interview he had given to a foreign journalist in which he argued that Croatia was at a political and economic disadvantage within the Yugoslav federation. He was also charged with "participation in hostile activity"; according to the indictment, he had sent 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. Dr Veselica is reported to have denied the second charge, and also that he had any contacts with emigres. He declared that he was on principle against any extremist organization, whether at home or abroad, and was against violence and hatred. He acknowledged giving

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the interview but pleaded not guilty both to the charge of "hostile propaganda" and to that of "participation in hostile activity".

A number of other political trials have involved Yugoslav migrant workers who have been in contact with emigres while working abroad and have been arrested and convicted on their return to Yugoslavia. One such case is that of Dragutin Trumbetaš, a 42-year-old typesetter and artist. In October 1980 he was sentenced by the district court of Zagreb to 18 months' imprisonment after copies of emigre journals were found in his luggage by customs officials.



Dragutin Trumbetaš

together with some four or five letters he had received from the editor of one such journal. The charges were based also on comments he had made about Yugoslavia's national airline and the finances of Zagreb airport which were included in a letter by someone else published in the journal. By early October he was still free pending appeal. Similar charges were brought against Jovo Ilić, from Bosnia, who was sentenced to nine and a half years' imprisonment in December 1979.

Other cases that have come to Amnesty International's notice in the last two years have included members and officials of the Roman Catholic, Serbian Orthodox and Muslim faiths in Bosnia-Hercegovina. Cases taken up by Amnesty International have included a Roman Catholic Franciscan novice, a student at a Franciscan seminary, a Franciscan parish priest,

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two Muslim religious officials and a Serbian Orthodox priest. All were charged with "hostile propaganda" or with "incitement to national or religious hatred". To Amnesty International's knowledge none of them had used or advocated violence. Their arrest and conviction has coincided with increasingly frequent attacks in the official press on the "abuse of religion for political ends".

Lastly, there have been the political trials in Belgrade of writers Momčilo Selić and Gojko Djogo, on charges of "hostile propaganda". In April 1980 the former was sentenced to seven years' imprisonment for having written and distributed a 10-page text critical of President Tito and aspects of the Yugoslav Communist Party's history and policies. Gojko Djogo was sentenced to two years' imprisonment in September 1981 for a collection of poems he had published in which, according to the indictment, he insulted the memory of President Tito and depicted the socio-political situation in Yugoslavia "maliciously and untruthfully". By early October he was still free pending appeal.

In June 1980, 36 Belgrade intellectuals signed a petition to the SFRJ Presidency calling for an

amnesty for people who had "committed the offence of expressing prohibited political views". In October 1980 over 100 citizens signed a petition calling for the deletion from Article 133 of the SFRJ Criminal Code of a passage making it a criminal offence to depict sociopolitical conditions in Yugoslavia "maliciously and untruthfully". In November 1980 a petition calling for an amnesty for all political prisoners was sent to the SFRJ Presidency with the signatures of 43 Zagreb intellectuals. A 19-yearold student, Dobroslav Paraga, who had helped to collect signatures for this petition, was arrested on 21 November. In May 1981 he was sentenced by the district court of Zagreb to three years' imprisonment after being convicted of "hostile propaganda" and "participation in hostile activity". Although the Yugoslav Constitution guarantees the right of petition, a statement in February 1981 by the official' Yugoslav news agency, Tanjug, announced that the petitions had been rejected as "legally and politically unacceptable"; it accused their authors of "evil and immoral intentions" and of having deliberately organized a "campaign to discredit Yugoslavia's high reputation in the world".

Human Rights violations

The following violations of human rights in Yugoslavia are of concern to Amnesty International:

- the arrest and imprisonment of people for their non-violent exercise of internationally recognized human rights, in particular the rights to freedom of expression, information and association;
- the vague formulation of certain legal provisions which enables them to be applied so as to penalize people for the non-violent exercise of their human rights;

- penalty.

breaches of international standards for

arrest, investigation and trial procedures;

 instances of cruel, inhuman and degrading treatment of political detainees;

 conditions of detention which in many cases fail to meet the United Nations Standard Minimum Rules for the Treatment of Prisoners;

the existence and application of the death

# The Constitutional and legal context

# International Treaties affecting Human Rights

In 1971 Yugoslavia ratified the two major international United Nations treaties on human rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. By ratifying the former, the Yugoslav Government committed itself to guaranteeing, among others, the rights to freedom of opinion, expression, assembly and association. Yugoslavia has not ratified this covenant's Optional Protocol, which allows for the Human Rights Committee to receive complaints from individuals, nor has it made a declaration under Article 41 (1) of the covenant accepting the procedure for inter-state complaints. In February 1978, Yugoslavia submitted a report on its implementation of the covenant to the Human Rights Committee, in accordance with Article 40 of that covenant.

In the introduction to its report, the Yugoslav Government said: "The Socialist Federal Republic of Yugoslavia, on the basis of the established objectives of its foreign policy relating to respect for the principles set forth in the Charter of the United Nations concerning the dignity and equal and inalienable rights of all men and women, having assumed the obligations arising from the Charter relative to the promotion of, and respect for, human rights and freedoms, has acceded to the International Covenant on Civil and Political Rights and is consistently undertaking measures which ensure the protection of the civil rights recognized therein." Yugoslavia has ratified other human rights

instruments emanating from the United Nations. including: the Convention on the Prevention and Punishment of the Crime of Genocide; the

Convention on the Political Rights of Women and the International Convention on the Elimination of all Forms of Racial Discrimination. It is also party to two conventions of the International Labour Organisation: No.87, on Freedom of Association and Protection of the Right to Organise and Collective Bargaining; and No.111, on Discrimination in Respect of Employment and Occupation. In addition, Yugoslavia is a signatory of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975) and participated in the follow-up conferences in Belgrade in 1977 and Madrid in 1980.

# Constitutional Guarantees

The country's 1974 constitution guarantees its citizens a number of fundamental rights which are also enshrined in international law, including: the right to petition (Article 157); freedom of opinion (Article 166); freedom of the press and other media of information; freedom of association, of speech and public expression and freedom of assembly (Article 167); freedom of religious profession (Article 174); freedom of movement and abode (Article 183); inviolability of the home (Article 184) and confidentiality of mail and other means of communication (Article 185). Article 154 guarantees citizens equality before the law and states that they "shall be equal in their rights and duties regardless of nationality, race, sex, language, religion, education, or social status"; it omits, however, to guarantee such equality regardless of political or other opinion.

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Among the restrictions contained in the constitution on the exercise of fundamental rights is the following: "No one may use the freedoms and rights established by the present Constitution in order to disrupt the foundations of the socialist self-management democratic order established by the present Constitution" (from Article 203). On this principle are based a number of legislative provisions whose loose formulation makes it possible to imprison individuals for exercising constitutionally guaranteed rights in ways disapproved of by the authorities.

# The Administration of Justice

The court system in Yugoslavia comprises Regular Courts (that is, courts of general jurisdiction, including economic courts), Military Courts, Courts of Associated Labour and Constitutional Courts. They are organized in an ascending hierarchy at commune, district, republic/autonomous province and federal levels. Each republic and autonomous province has its own Secretariat of Justice (corresponding to a ministry of justice in other countries), responsible for the courts and penal institutions within its territory. There is also a Federal Secretariat of Justice with overall responsibility for the judical and prison systems.

Professional and lay judges sit on the benches of courts at commune, district and republic/ autonomous province levels; they are elected by assemblies at the corresponding levels. The President and judges (both professional and lay) of the Federal Court are elected by the SFRJ Assembly. Professional judges are elected for an eight-year, and lay judges for a four-year, renewable term. Under Article 230 of the constitution, only citizens who, in addition to professional expertise, possess "moral-political suitability" are eligible for election as judges.

The constitution states that a judge may not be "called to account for an opinion given in the process of judicial decision-making, nor may he be detained in the proceedings instituted because of a criminal offence he has committed in the performance of his judicial duties, without the approval of the competent socio-political

community" (Article 231). Article 219 grants courts independence in the performance of their functions. However, despite these guarantees, courts been known to be criticized for failure to take sufficient account of party policy. At the 21st session of the SKJ Presidium in December 1971. President Tito is reported to have said:

"[Our courts and prosecuting authorities] often cling to the letter of the law like a 'drunkard to a fence'. They look at each paragraph from every angle, always finding something which will acquit the guilty, and they don't pay attention to what is contrary to socialist development. I'd like to see how many people we've fired from these posts on account of their poor — I won't say hostile, but at the very least non-socialistically motivated —work. People like this hinder us from clearing up matters and neutralizing antisocialist elements." (Published in May 1980 in the Zagreb bi-monthly news and arts magazine Oko.) In an interview with NIN of 29 March 1981, the President of the Federal Court noted that judges were still sometimes subjected to pressures: "There have been attempts to make judges dependent on political structures in various ways, such as by bringing into question their re-election or even by attempts to prevent their re-election."

The Federal Public Prosecutor — who is empowered to give binding directives to the public prosecutors of republics and autonomous provinces — is appointed and relieved of office by the SFRJ Assembly; public prosecutors at republic and commune levels are appointed and relieved of office by the corresponding assembly.

Law enforcement is carried out by the militia and by the state security police, the Služba državne sigurnosti (SDS), the Service of State Security, both under the control of the Secretariat of Internal Affairs. The SDS, still colloquially referred to as the UDBa, after its former title Uprava državne bezbednosti, Department of State Security, often plays an important role in the arrest and investigation of people suspected of political offences.

# Legislation under which Prisoners of Conscience may be held

In 1977 the Criminal Code of 1951, which had been applied throughout Yugoslavia, was replaced by separate criminal codes for each republic and autonomous province, in addition to a federal code, the Criminal Code of the SFRJ. The federal code deals with political offences — known as "Crimes against the bases of the socialist self-management social system and the security of the SFRJ" (Chapter 15) crimes against mankind and international law, and certain other categories of crimes.

With few exceptions, prisoners of conscience adopted by Amnesty International have been charged and convicted under articles in Chapter 15 of the federal criminal code which contain 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.

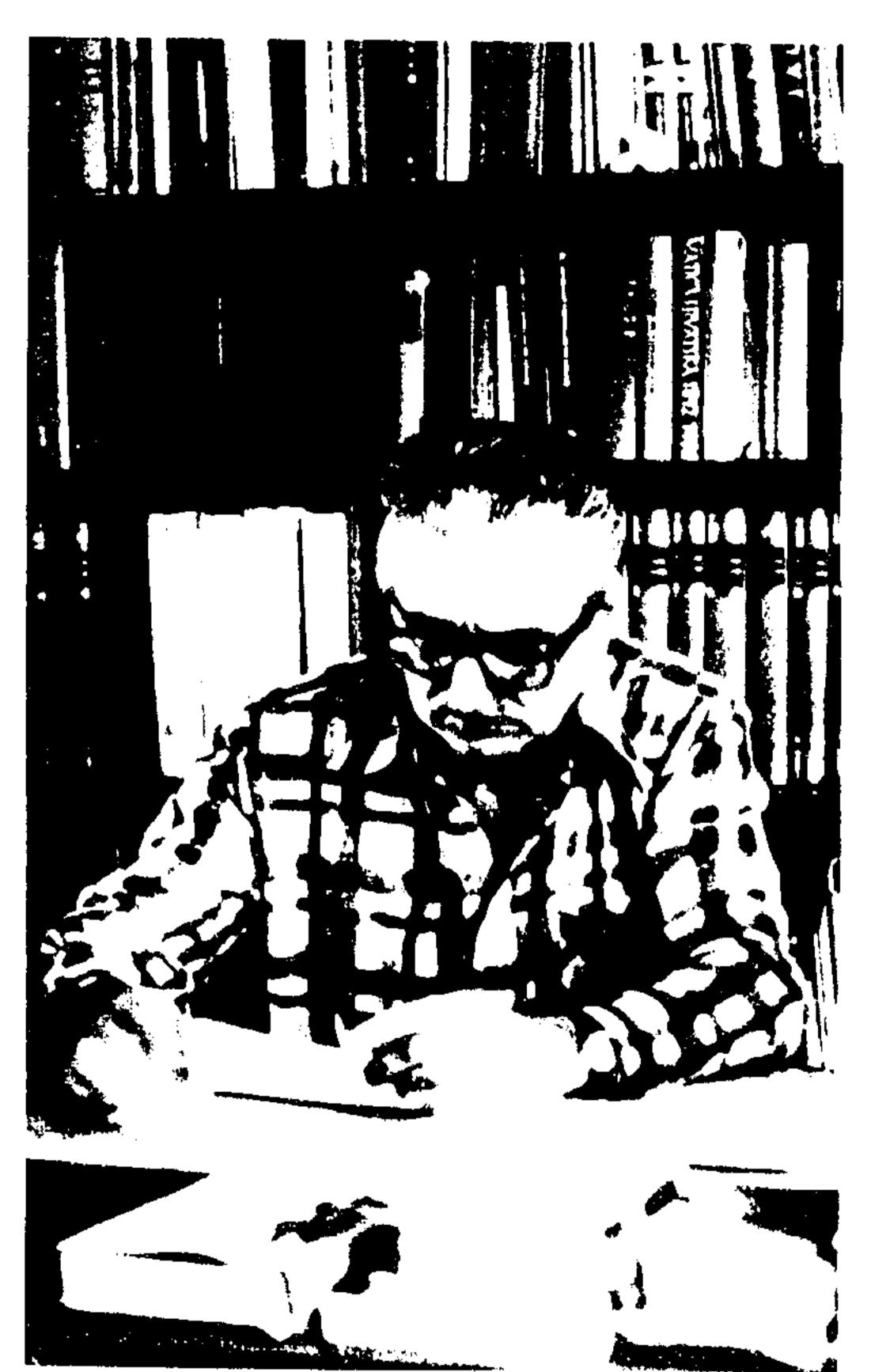
# "Hostile propaganda"

A high proportion of prisoners of conscience adopted by Amnesty International have been convicted of "hostile propaganda" under Article 133 of 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 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

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overthrow of the bodies of social selfmanagement and government or their executive agencies, resistance to the decisions of competent government and self-management bodies which are significant for the protection and defence of the country; or



Dr Franjo Tudjman, the Croatian historian, charged in February 1981 under Article 133 with "maliciously and untruthfully representing conditions in Yugoslavia" after he had given interviews to foreign journalists (see page 14)

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whoever maliciously and untruthfully portrays socio-political conditions in the country shall be punished by imprisonment for from one to 10 years.

"2) Whoever commits an offence as mentioned in paragraph 1) of this Article with aid or under influence from abroad, shall be punished by imprisonment for at least three years.

"3) Whoever sends or infiltrates agitators or propaganda material into the territory of the SFRJ in order to perform an offence as mentioned in paragraph 1) of this Article shall be punished by imprisonment for at least one year.

"4) Whoever, with the intention of distribution, prepares or reproduces hostile propaganda material or whoever has such material in his possession knowing that it is intended for distribution, shall be punished by imprisonment for at least six months and not more than five years."

(The wording of Article 118, dealing with "hostile propaganda", in the previous code was very similar, but the maximum penalty was higher: 12 years' imprisonment).

In October 1976, following discussions between an Amnesty International delegation and senior Yugoslav Government officials, the organization wrote to the Yugoslav authorities outlining its concerns, criticizing, among other things, certain articles of the criminal code under which prisoners of conscience had been convicted, in particular Article 118. Amnesty International stated that Article 118 made criminal the exercise of freedom of expression when this freedom was used to oppose or even merely to criticize the established political order. It noted that the article was so loosely formulated as to lend itself to subjective application and interpretation. It also observed that in practice courts had convicted people on charges under the article without having obtained proof of either the "falseness" of the statements categorized by the prosecution as "hostile propaganda" or of "malicious intent" on the part of the accused, although these were necessary elements of the offence. It concluded that if Article 118 (and other articles used to

penalize the non-violent exercise of fundamental rights, such as Articles 100, "Counterrevolutionary attack against the state and social organization"; 101, "Endangering the territorial integrity and independence of the state" and 117, "Association against the people and the state") were not included in the new federal criminal code (due to be introduced the following year) this would be an important step towards the elimination of imprisonment for the exercise of freedom of conscience.

When the new federal criminal code was introduced in 1977, the substance and formulation of the corresponding articles remained almost unchanged — those dealing with "Hostile propaganda", "Counter-revolutionary endangering of the social order", "Endangering the territorial unity" and "Association for the purpose of hostile activity" (analogous to Articles 118, 100, 101 and 117 of the previous criminal code). Hence the federal criminal code of 1977 in no way alleviated Amnesty International's concerns, which have remained as outlined above.

Conviction on charges of "hostile propaganda" in cases of prisoners of conscience adopted by Amnesty International has been based on various types of non-violent activity. Prisoners of conscience have been convicted for private conversations; for their authorship of a literary work, film or pamphlet; for letters they had written; or for writing articles or giving interviews which were published abroad. They had not advocated violence; they had merely expressed views disapproved of by the authorities and judged by the courts to constitute an attack on Yugoslavia's social and political order or to be a "malicious and untruthful" representation of conditions in the country.

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

The following cases are examples of people convicted on charges of "hostile propaganda" who have been adopted by Amnesty International as prisoners of conscience in the past or

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also charged under Article 157 — "Damaging are currently under adoption. the reputation of Yugoslavia" — with having In 1976 a Slovenian judge and former made derogatory remarks about President Tito. Partisan, Franc Miklavčič, was tried on charges According to the indictment, he had thus been of "hostile propaganda" based on an article written by him which had appeared in a journal guilty of maliciously and untruthfully republished in Trieste, Italy. In the article he had presenting conditions in Yugoslavia and of defended previous statements in the journal by damaging the country's reputation. At his trial, Dr Mašić denied the charges and the Roman Catholic poet Edvard Kocbek, also a former Partisan. The statements included said he had not spoken of relations between Yugoslavia's nations in the terms attributed to references to Partisan executions of Slovene him. He pointed out that many of his friends anti-communist prisoners of war in 1945. (Their were non-Serbs and that he had chosen to live author, Edvard Kocbek, was not prosecuted). and work in Bosnia. He had, he said, spoken of Franc Miklavčič was charged also with the multi-party system with reference to "endangering the territorial unity of Yugoslavia" for political views he had expressed in his elections being held in France but had not personal (unpublished) diary, found by the compared this with Yugoslavia's system. He emphasized that he had actively contributed to police in a friend's flat; a third charge was for self-management in the hospital where he "disclosure of official secrets" --- for having worked and where he had been the first borrowed from a law court library a magazine president of the workers' council, and that he stamped "for internal use only" which he had allowed a friend in the legal profession to copy. had been commended by the town of Brčko for his work in connection with the building of the He was sentenced to five years eight months' hospital's gynaecological ward. He also denied imprisonment, reduced on appeal to two and a having spoken ill of President Tito. The court, however, found him guilty and According to a report in the official Yugoslav sentenced him to six years' imprisonment, press, a 78-year-old pensioner, Mileta Bulat, was sentenced in 1976 by the district court of reduced on appeal to five years. Sombor to six and a half years' imprisonment In 1979 Zvonimir Kisić, a bakery worker for having written "several letters in which he maliciously and untruthfully portrayed social

half years. conditions in Yugoslavia".

In 1977 the district court of Titograd sentenced a lawyer, Vitomir-Vico Djilas, to two and a half years' imprisonment for a letter he had allegedly intended to send to a Belgrade newspaper expressing support for Euro-Communist principles. The police are reported to have found the letter in his home.

A 56-year-old gynaecologist, Dr Veselin Mašić, from Brčko, Bosnia, was sentenced to six years' imprisonment by the district court of Tuzla in 1978, on the basis of informal conversations with friends over a period of three years. The conversations had taken place mainly in his own home.

Dr Mašić was accused of having questioned the brotherhood and unity of Yugoslavia's nations and of having claimed that Serbs were discriminated against — and Muslims favoured — in Bosnia; he was also alleged to have praised the multi-party system and criticized Yugoslavia's socialist self-management system. He was YUGOSLAVIA

from Dubrovnik, was sentenced to two years' imprisonment for a leaflet he had written and distributed calling for the re-establishment of the historic free Republic of Dubrovnik (abolished in 1808).

According to reports in the official Yugoslav press, Milorad Joksimović, a migrant worker, and Žarko Aleksić, a lawyer, were sentenced in 1980 to two and a half years' and seven years' imprisonment respectively by the district court of Doboj on charges of having "glorified" the Chetnik movement and of having criticized Yugoslavia's political system and leaders.

In February 1981, the Croatian historian Dr Franjo Tudjman, was tried by the district court of Zagreb on charges of "maliciously and untruthfully representing conditions in Yugoslavia with assistance from abroad". The charges against Dr Tudjman arose from interviews he had given to three foreign journalists and a conversation with Vladimir Marković, a graduate in journalism from Belgrade.

In his interviews, Dr Tudjman had spoken of the repression of the Croatian nationalist

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movement in 1971 and 1972 and had stated that there were "deep contradictions between the ... principles of the League of Communists of Yugoslavia and of the constitution about the right of each nation to its own statehood and selfdetermination to the point of secession — and reality, which limits and fetters those rights". He had also stated that, although the Yugoslav constitution provided an ideal solution to the question of nationality in a multinational state, in practice Croatia's economic and other interests were not guaranteed. He had complained that "every posing of the [Croatian] problem is immediately generalized as nationalism, separatism, even 'Ustashe fascism' and then even Croatian revolutionaries are accused of being connected with various 'pro-fascist' elements... instead of seeking to find a democratic solution within the framework of the socialist movement."

At his trial, Dr Tudjman rejected the charges against him and emphasized that the texts cited by the prosecution were fragmentary extracts from these interviews; taken out of context, their significance was distorted. He nevertheless stood by the views expressed in the interviews, which, he said, were "an expression of my personal convictions, in accordance with the ideals for which I fought in the socialist revolution and in the war against fascism and based on the experience of my entire life and on the scientific opinions which I have reached in the course of many years of scholarly research in the field of contemporary national and universal history".

The court found him guilty; he was sentenced to three years' imprisonment and a five-year ban on public expression of any kind. By early October 1981 he was still free pending appeal.

In July 1981 the trial opened of Gojko Djogo, a poet from Belgrade. He was charged with "hostile propaganda" on the basis of six poems from a collection of his poetry published in April 1981. The prosecution stated that in the poems he had "maliciously and untruthfully represented the social and political situation in Yugoslavia; by the use of obvious allusions he had claimed that (in Yugoslavia) there was no freedom or democracy, that there was despair and idleness, that the system was based on the tyrannical regime of a single personality to whom everything was subordinated — all with

the intention of minimizing the achievements of (Yugoslavia's) peoples, of disparaging the heritage of the revolution and of insulting in the crudest way the values and symbols of (Yugoslav) society".

Denying the charges, Gojko Djogo referred to the inherent ambiguity of all poetry and said the prosecution had taken his verses out of context and misinterpreted them. He argued that literary freedom was on trial, not himself. The court rejected a defence plea that a committee of literary experts be asked for their opinion of his work, on the grounds that this would not help to establish whether the poems contained criminal elements. The trial was adjourned on 8 July and the defendant released from detention. On 17 September he was found guilty by the district court of Belgrade and sentenced to two years' imprisonment. By early October he was still free pending appeal.

Among prisoners of conscience adopted by Amnesty International who were convicted of possessing or having brought into Yugoslavia "hostile propaganda" with the intention of distributing it, the most recent case is that of Marijan Penić, a graduate architectural engineer from Karlovac, Croatia. According to reports in the official Yugoslav press, he had obtained at the beginning of 1981 a copy of an interview given by a prominent Croatian dissenter, Dr Marko Veselica, to a journalist from the Federal Republic of Germany (FRG) in 1980. This interview was published in brochure form in the FRG and other countries in Western Europe and reprinted in various Croatian emigre journals. In his interview, Dr Veselica had claimed that Croatia was at a political and economic disadvantage within the Yugoslav federation; he had not in any way advocated violence.

The indictment against Marijan Penić reportedly charged him with having duplicated this interview and given it to friends. He was also accused of having cited details from the interview to friends in a conversation about foreign currency problems. The district court of Karlovac is reported to have concluded that he had "duplicated the interview in order to inform others of its content and thus to create disaffection towards the Yugoslav sociopolitical order and the brotherhood and unity of Yugoslavia's peoples". On 2 September 1981 he

was sentenced to a year's imprisonment.

In another case, a migrant worker in the FRG, Ivan Zelember, was sentenced by the district court of Osijek in March 1980 to five years' imprisonment for bringing emigre journals into Yugoslavia, allegedly to distribute them. "hostile propaganda" currently adopted by Amnesty International include: Nenad Vasić, sentenced in 1977 to 10 years' imprisonment; Mirko Kovačević, sentenced in 1977 to eight years' imprisonment; Franjo Vidović and Ivan Turudić, sentenced in 1980 to six and five and a half years' imprisonment — all by the district court of Sarajevo; Nikodije Minić, sentenced in 1979 by the district court of Niš to five years'

Other prisoners of conscience convicted of imprisonment; Momčilo Selić, sentenced in 1980 by the district court of Belgrade to seven years' imprisonment; Gani Sylaj, Muharrem Shalani and Haxhi Maliqi, sentenced in 1980 by the district court of Skopje to six, five and three years' imprisonment respectively.

The provisions of Article 133 have been the subject of criticism within Yugoslavia. A petition signed by over 100 citizens was sent to the SFRJ Presidency in October 1980, proposing that Article 133 be amended so as to limit its application to acts of treason. The petition called for the deletion of the phrase "whoever maliciously and untruthfully portrays sociopolitical conditions in the country", arguing that this made criminal the expression of opinion; it asked for the article's title to be changed to "Incitement to the violent change of the constitutional order". By an analysis of supreme court decisions and directives and reference to judicial commentaries, the petition demonstrated that in its present form the article gave an all-embracing definition of "hostile propaganda" and left the interpretation of what was "untruthful" and "malicious" entirely to the court's subjective judgment. It also emphasized the latitude enjoyed by courts in imposing sentences for this offence: up to 10 years' imprisonment. It concluded that in its present form Article 133 undermined citizens' constitutionally guaranteed rights. In an article subsequently published in the law journal Naša Zakonitost, the President of the

Federal Court acknowledged that the formulation of Article 133 was not sufficiently precise —

though he dismissed the petition and others like it as "essentially political pamphlets".

Apart from Article 133, there are a number of other legal provisions which penalize what are commonly referred to in Yugoslavia as "verbal offences", among them Article 157 of the federal criminal code, dealing with "Damaging the reputation of the SFRJ". Lesser offences of a similar nature, 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".

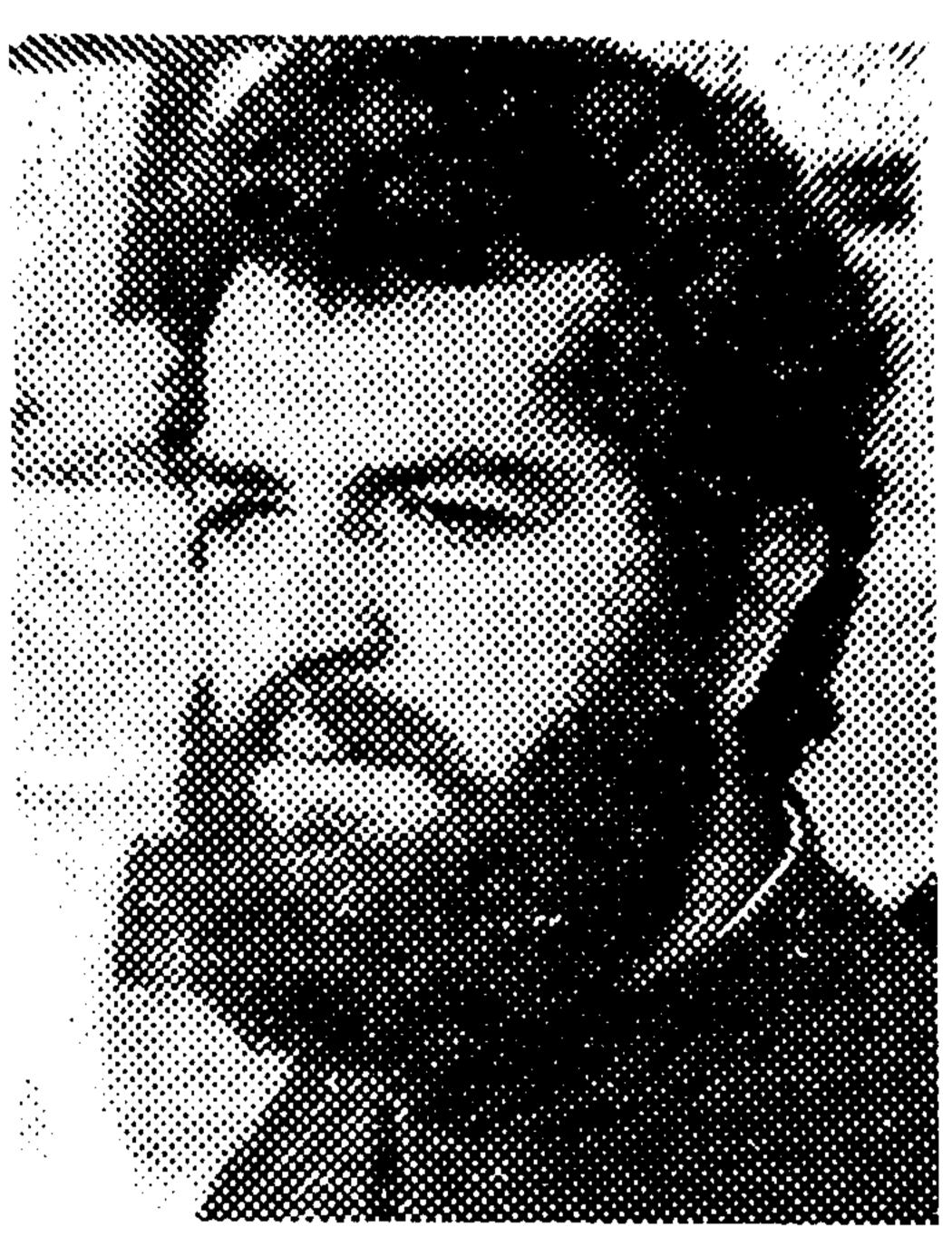
# "Incitement"

In a number of political trials the defendants 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.

Although international human rights instruments such as the Convention on the Elimination of all Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, to which Yugoslavia is party, guarantee the rights to the fundamental freedoms of conscience and expression, they do envisage possible restrictions on these rights. Such restrictions include incitement to racial hatred and the making of war propaganda. As is appropriate to international conventions, their provisions are couched in broad and imprecise terms. It is Amnesty International's view, however, that a country's criminal law should not be imprecise, nor should the limitations on the rights in question be so applied as to undermine the fundamental freedoms themselves, as has sometimes been the case in the application of Article 134.

For example, in December 1980 the district court of Sarajevo sentenced a 23-year-old Serbian Orthodox priest, Father Nedjo Janjić, his brother Momčilo Janjić, and two friends, Milomir Ašonja and Vojko Nešović, to prison terms of between four and six years for having "incited religious and racial hatred" by means of songs. According to a report in the official

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#### Father Nedjo Janjić

Yugoslav press, Father Janjić "took advantage of the religious ceremony of the christening of his son to sing at his house, together with a number of guests, including members of the parish church council, nationalist songs and to incite those present to chauvinist euphoria". The incident took place on 28 September 1980 at a party held by Father Janjić and his wife at their home to celebrate the christening of their son.

In a petition to the Federal Court for a review of the verdict, Father Janjić stated that the songs had been sung at a private family party to which some 15 friends had been invited, one of them the Muslim director of the local school, married to a Croat. He said that all the guests had joined in the songs, which, in addition to those characterized as "Serbian nationalist" or "Chetnik", included folk and Partisan songs.

In October he and five others were sentenced by the local Court for Petty Offences to 60 days' imprisonment for singing these songs. After he had served this sentence he and three others were subsequently indicted and convicted for "inciting religious and racial hatred" and sent to prison. Father Janjić's six-year sentence was reduced on appeal by the Supreme Court of Sarajevo to one of four and a half years. Amnesty International believes that these four men have been imprisoned for the non-violent

conscience.

Amnesty International is also investigating the case of two Muslims from Bosnia-Hercegovina, who were each sentenced in September 1980 to four years' imprisonment. Muharem Hasanbegović, Chief Imam of the mosque in Goražde, and Ago Curovac, a watchmaker and the mosque's treasurer, were found guilty of having "provoked national and religious hatred or intolerance". Amnesty International has no details of the charges against them.

Charges of "inciting national hatred" have also on occasion been brought against people seeking to raise in public what they believe to be the political, economic or cultural grievances of a particular republic or nation. In June 1981 the Croatian writer Vlado Gotovac was tried on this charge by the district court of Zagreb (in addition to charges of "hostile propaganda"); he was sentenced to two years' imprisonment



exercise of their right to freedom of expression; they have all been adopted as prisoners of

Vlado Gotovac

and a four-year ban on public expression of any kind.

The charges were based on three interviews he had given to foreign journalists between 1977 and 1980. In one of them he had stated: "Croatia has been constantly subjected to very acute conflicts — military, ideological, etc; and the population has become very sensitive, because of the historical atmosphere which exists around and reigns within Croatia. And because of all this, and from a wish to pacify the Croatian population, so that it might cease to exist, new, increasingly horrific legends are created about Croats." In another interview he had stated: "In practical terms we are ruled by the Serbs." In his interviews, Vlado Gotovac made it clear that what he believed to be Croatia's problems should be solved in a peaceful and non-separatist fashion. In answer to a question as to whether Croatia's problems could be solved peacefully, rather than by force, he replied:

"I don't believe that, either in our case or any other case, force can solve a contemporary problem ... our problems and world problems ... won't be solved until they can be solved in an atmosphere of freedom and mutual trust... Every person, as long as his dissatisfaction is not opposed to the freedom or rights of others, should be able to express his beliefs, whatever they may be. To deal with these beliefs by force and imprisonment means simply that truth and freedom are only permitted at specific times."

Amnesty International 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 nonviolent expression of nationalist views.

# "Participation in hostile activity"

In recent years there appears to have been an increase in political trials involving 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. In most cases the defendants have been migrant workers ("guest workers") in Western Europe, who were arrested on their return to Yugoslavia. 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 of engaging in hostile activity against the country, enters into contact with a foreign state, foreign 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 small number of cases the information available has indicated that the accused was convicted of contacting emigres with a view to engaging in acts of political violence. In other cases, however, people have been convicted for contact — or alleged contact — with political emigres, even though they were not charged with the use, planning or advocacy of violence. For example:

The prisoner of conscience Jovo Ilić, a 35year-old Bosnian migrant worker with a job in the FRG, was arrested in July 1979, while on holiday in his home village. In December he was sentenced to nine and a half years' imprisonment by the district court of Tuzla on charges under Articles 131, 133 and 157. The charges of "participation in hostile activity" related to alleged contacts with several leading members of a Chetnik 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 with the intention of carrying out hostile activity there. However, on the basis of court documents, it would appear that his only proved contacts with emigres were casual, 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 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. It was not proved that he had shown these objects to anyone, although one witness stated he had seen

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a postcard showing a picture of a Serbian king which Jovo Ilić had dropped by mistake.

Dr Nikola Novaković, a 68-year-old pharmacist from Rijeka and a former member of the Croatian Peasant Party, was sentenced in 1977 by the district court of Sarajevo to 12 years' imprisonment after his conviction on charges which included "participation in hostile activity". The indictment stated that, while on business trips abroad between 1962 and 1977, he had visited emigre Croatian Peasant Party leaders and helped them draft their program.



Dr Nikola Novaković

He was alleged to have obtained for one of these emigres a subscription to a daily newspaper published in Zagreb, and to have sent cuttings from Yugoslav newspapers together with his "hostile" commentaries which were own published in a Croatian Peasant Party emigre journal. Dr Novaković was also tried on charges of "hostile propaganda" based on his private conversations with colleagues at work and his landlady in Sarajevo in which he is alleged to have spoken critically of Yugoslavia's political system and leadership. Denying the charges, Dr Novaković reportedly stated that, although he had visited former colleagues and had privately discussed political and social matters with them, he had not helped compile any program. (Amnesty International's information is that the Croatian Peasant Party in exile has not organized or expressed support for any acts of political violence.)

Among other people convicted on charges including "participation in hostile activity" who are currently adopted as prisoners of conscience by Amnesty International are: Anton Filčić, sentenced in 1975 by the district court of Zagreb to 10 years' imprisonment; Manda Parić, sentenced in 1976 by the district court of Tuzla to six years' imprisonment; Mirko Rajčić, aged 35, a teacher, and Marko Juranović, aged 26, a law student, sentenced in 1978 by the district court of Zagreb to five years' imprisonment; Dragutin Trumbetaš, sentenced in 1980 by the district court of Zagreb to 18 months' imprisonment; Miroslav Cvetković, sentenced in 1980 by the district court of Smederevo to eight years' imprisonment; Mihailo Bošković, sentenced in 1981 by the district court of Skopje to three years' imprisonment and Dobroslav Paraga, sentenced in 1981 by the district court of Zagreb to three years' imprisonment.

# "Endangering the social order"

A number of prisoners of conscience adopted by Amnesty International have been convicted under the provisions of Article 114, "Counterrevolutionary endangering of the social order", often in connection with Article 136, "Association for purposes of hostile activity". Article 114 states:

"Whoever commits an act aimed at limiting or overthrowing the authority of the working class and working people; at undermining the socio-economic system, the socio-political system or the system of self-management established by the constitution; at the unconstitutional overthrow of the bodies of self-management and government, their executive agencies or representatives of the highest government bodies; at undermining the country's economic basis, breaking up the brotherhood and unity or destroying the equality of the nations and nationalities of Yugoslavia, or the unconstitutional change of the federal organization of the state, shall be punished by imprisonment for at least one year."

As with other legal provisions mentioned

above, the provisions of Article 114 are vaguely formulated and in practice may be applied to penalize many kinds of activity, including nonviolent ones.

Prisoners of conscience currently adopted by Amnesty International who were convicted under the above two articles (and also Article 131 "Participation in hostile activity") include Mirko Rajčić, and Marko Juranović. In 1978 they and Fabijan Dumančić, Jakoslav Rojnica and Ante Rakić were sentenced by the district court of Zagreb to prison terms of from one to five years.

Mirko Rajčić and Marko Juranović (who received five-year sentences) were found guilty of having, in the period between 1976 and May 1978, "founded an organized group in Zagreb area aimed at breaking up the SFRJ and the creation of an independent state of Croatia". The court's finding, as presented in its topics.

More recently, Article 114 has often been judgment, was based on the testimony of the invoked in a series of trials of Kosovo Albanians accused and other witnesses. This showed that during July to September 1981; they involved the accused, of whom three were students at the over 300 people, many of them accused of Zagreb law faculty, had met on a number of having organized nationalist demonstrations in occasions and had sometimes discussed political the province in March and April 1981. The defendants have frequently been charged with Mirko Rajčić and Marko Juranović had either using or advocating violence in the course brought into Yugoslavia from the FRG three of demonstrations. Press reports by Tanjug have single issues of an emigre journal, and these and been too summary to allow for an assessment of other issues were read by them and some of their the charges. In some cases it is not clear from acquaintances. Marko Juranović, while visiting reports whether the accused had themselves a relative in the FRG, had met a recent political taken part in acts of violence (such as breaking emigre (a former prisoner of conscience shop windows and damaging vehicles) or sentenced in 1972), who had spoken of his whether they were simply held responsible, as intention to send a statement about human alleged organizers of the demonstrations. rights violations in Yugoslavia to the Confer-Amnesty International notes, however, that in ence on Security and Cooperation in Europe the case of Xhelal Ferizi, Ujkan Zeneli, Skender which was meeting that year (1977) in Belgrade. Hajredini, Sabit Veseli and Nazmi Shaqiri, who He had asked Marko Juranović to send him were tried on 28 July by the district court of copies of court documents in political cases. Kosovska Mitrovica, charges under Article 123 Marko Juranović appears to have opened a (1), dealing with "Violence motivated by post-box in Graz in Austria for this purpose, but hostility towards the SFRJ", appear to have did not send the documents. Mirko Rajčić had been withdrawn; the accused were charged with and twice met another political emigre (also a convicted of "counter-revolutionary endangerformer prisoner of conscience sentenced in ing of the social order" (Article 114) and 1972) while working temporarily in the FRG. "association for purposes of hostile activity" The defendants were also accused of having (Article 136) and sentenced to prison terms of discussed a plan to join the Socialist Youth from six and a half to eight years. Neither of the Federation and League of Communists to last two articles makes violence in any form a further their "hostile activity". necessary part of the offence.

With the exception of Ante Rakić— who On 29 July the district court of Pristina pleaded guilty to charges of having brought sentenced an 18-year-old high school student,

into Yugoslavia two issues of an emigre journal and of having given these and others to friends to read — the defendants pleaded not guilty; on appeal their sentences were upheld by the Supreme Court of Croatia.

Amnesty International considers that the evidence available does not support the extremely serious charges against them. It suggests rather that although Marko Juranović and Mirko Rajčić had travelled abroad, in one case for work and in the other to visit relatives, and met emigres, they did not engage in any form of organized subversive activity. Nor does the evidence appear to support charges that the group in question constituted an "organized group"; on the contrary, they appear to have been friends who had met casually and informally and who had on several occasions read emigre journals.

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Daut Rashani, to six years' imprisonment, under article 114. He was accused of having written poems and pamphlets of a "hostile content" before the demonstrations and of distributing them to a few friends. He was also accused of having taken part in the demonstrations, which he later described in a pamphlet as having been a success.

In the above cases, the available information suggests that the accused were convicted for the non-violent expression of their beliefs.

Prisoners of conscience convicted of "counter-revolutionary endangering of the social order" currently adopted by Amnesty International include: Kadri Osmani, sentenced in 1975 to nine years' imprisonment by the district court of Priština; Adem Demaci, Isa and Skender Kastrati, Rexhep Malja and Xhafer Shatri, sentenced in 1976 to prison terms of between six and 15 years' imprisonment by the district court of Priština; and Vjenceslav Čižek, sentenced in 1978 to 15 years' imprisonment (later reduced to 13 years) by the district court of Sarajevo.

# **Conscientious objection** to military service

Military service is compulsory and Yugoslav law does not allow for any exemption or alternative service to those who refuse conscription for reasons of conscience. Article 214 of the federal criminal code provides for up to five years' imprisonment for those who go into hiding to avoid conscription; those who leave the country or stay abroad for this purpose may be punished by from one to 10 years' imprisonment. In time of war or immediate danger of war these offences are punishable by at least five years' imprisonment or death.

In the 1960s Amnesty International adopted as prisoners of conscience a number of conscientious objectors belonging to the Nazarenes, a Christian sect. Amnesty International does not know of any currently imprisoned consientious objectors, but former prisoners have alleged that such cases do exist. In recent years some Jehovah's Witnesses and other conscientious objectors are known to have chosen to stay abroad rather than face imprisonment for their refusal to do military service.

# **Confinement of prisoners** of conscience in psychiatric institutions

Under Article 63 of the federal criminal code a court may impose the security measure of "compulsory psychiatric treatment and confinement in a health institution" on an offender who at the time of committing his offence was not accountable for his acts. This measure may only be applied if the court establishes that the accused is "dangerous to his surroundings".

Amnesty International's information indicates that the forcible confinement of dissenters in psychiatric institutions is not common in Yugoslavia. However, the case of 29-year-old Vladimir Marković shows that the legislation may be applied in such a way that a person is forcibly confined to a psychiatric institution directly because of the non-violent exercise of his human rights, without it being shown that he is "dangerous to his surroundings".

In March 1978 Vladimir Marković visited the historian Dr Franjo Tudjman; in the course of their discussion, the historian referred to war crimes committed in Croatia during the Second World War, condemned the crimes but claimed that his research had shown that official statistics exaggerated their numbers. Vladimir Marković later cited Dr Tudjman's statement in a circular letter he sent to various institutions and individuals in Yugoslavia and abroad. In August 1978 the text of the letter was published in an emigre journal in the FRG and in November investigation proceedings against Vladimir Marković began under Article 218 of the Criminal Code of Serbia dealing with "spreading false rumours".

On 20 November 1978 he underwent psychiatric examination in Belgrade prison hospital on the instructions of the investigating judge. The medical experts who examined him, including the Director of the hospital, Dr Vučković, reportedly diagnosed him as suffering from paranoid psychosis. They concluded that he had not been accountable for his acts when committing the offence with which he was charged, and recommended that the security measure of compulsory psychiatric treatment without confinement (under Article 64 of the federal criminal code) be applied.

However, at his trial before the Second eccentricity. He does not like to conform to Commune Court of Belgrade on 23 February demands with which he does not agree." He 1979 the medical experts changed their began military service in Doboj (Bosniarecommendation to that of compulsory psychiat-Hercegovina) on 14 April 1974. ric treatment with confinement, reportedly on About a year later, on 7 March 1975, he was the grounds that he was liable to repeat his arrested and charged with "hostile propaganoffence or a similar one in future. This was in da". He was accused of having made a series of spite of the fact that the "offence" had consisted remarks of a Croatian nationalist character to only in citing another man's views and did not other military conscripts in the period between involve violence in any form. The court accepted November 1974 and February 1975. He was this recommendation and despite Vladimir tried by the Military Court of Sarajevo on 17 and Marković's appeal against the court's decision, 18 June 1975. The court did not pronounce he was committed to Belgrade prison hospital judgment until 1 October 1975 and it appears for psychiatric treatment in May 1979. To that Vjekoslav Naglić was examined psychiatri-Amnesty International's knowledge he is still cally in the intervening period. The court's confined there. Former prisoners of conscience judgment in October 1975 stated that the have alleged that conditions in Belgrade prison military prosecutor had withdrawn the charges, hospital are poor, particularly in the psychiatric which were accordingly rejected by the court. On 3 October, the military medical commissection.

Although Vladimir Marković is reported to have received psychiatric treatment as an outpatient in the past, Amnesty International believes that his present confinement was imposed for the non-violent exercise of his right to freedom of expression, in breach of the provisions of Article 63, which is applicable only to those who are "dangerous to their surroundings" and in contravention of international human rights instruments to which Yugoslavia is party. In 1979, he wrote in a letter from Belgrade prison hospital psychiatric section:

"The measure of compulsory treatment and confinement in a psychiatric institution — in my case a prison hospital — has no time limit and theoretically can be for life. This is what I fear, that I shall be buried alive and forgotten here."

Other reports received by Amnesty International indicate that this case may not be unique. It is investigating another, that of Vjekoslav **Naglić.** In early 1974 he was called up for military service. Before that, on 13 February, he had been referred by the medical unit of Vinkovci garrison for psychiatric examination. On 14 February, the examining psychiatrist wrote a report pronouncing him to be of above average intelligence. The report also noted that he had "bohemian tendencies which are reflected in a tendency to unconventionality and On 3 October, the military medical commission of Sarajevo garrison pronounced Vjekoslav Naglić unfit for military service. He was diagnosed as suffering from "psychosis — of a schizo-affective form", a condition which, according to the commission's report, had "developed prior to starting military service and had not been aggravated by military service". The report concluded that it was "essential for the patient to be summarily sent to a psychiatric institution for the confinement and treatment of delinquents of this kind, so that he may begin appropriate treatment as soon as possible".

On 20 October 1975 he was formally discharged from military service on the grounds of ill-health; since then he has been confined to the psychiatric section of Belgrade prison hospital. The Yugoslav authorities have not responded to Amnesty International's inquiries about the legal grounds for his confinement.

In the absence of an established pattern of deliberate misuse of psychiatry for punishing dissenters, and without having been able to study in detail the entire record in either of these two cases, Amnesty International cannot make an unqualified judgment about the role and intentions of the state authorities in either case. However, the result in the case of Vladimir Marković, at least, is clear: he was forcibly confined to psychiatric hospital for behaviour which was non-violent and amounted to nothing more than the expression of views views which are precisely of the sort commonly prosecuted by the authorities under criminal law

in the cases of other dissenters.

In neither the case of Vladimir Marković nor that of Vjekoslav Naglić did the authorities exercise an option always available for people ruled to be mentally ill: out-patient treatment.

Instead, both men have been forcibly confined in prison psychiatric hospital for more

than two and six years respectively. This raises most serious concern that the legislation permitting forcible confinement in psychiatric institutions may be applied in such a way that the non-violent expression of political opinion is treated as grounds for such confinement or even as a symptom of mental illness sufficiently serious to require confinement.

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# 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 correctly conducted in accordance with legal provisions, it also knows of others in which these provisions were seriously breached. In noting instances of the abuse of arrest, 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

Detention is ordered by an investigating judge by means of a written warrant. However, political prisoners are often arrested under the provisions of Article 196(1) and (3) of the Code of Criminal Procedure which allow the police, in exceptional circumstances, to arrest suspects without such a warrant. They may be detained in this way for up to three days; if not released at the end of this period, they must be brought before an investigating judge, who decides on

Article 67 (1) guarantees the accused the release or further detention. right to defence counsel of their choice A number of prisoners of conscience have throughout the entire criminal proceedings; the reported that while being held without court investigating judge is required to inform the protection during this three-day period (which accused before the first hearing of their right to has been known to be illegally extended) they engage a defence lawyer, who may be present were subjected to severe psychological, and in during the hearings, when the investigating some instances, physical, pressures by the police judge examines the accused. Amnesty Interna-(usually the SDS, the state security police). tional knows of cases in which these provisions Certain detainees have later complained that were respected; there have also, however, been they were threatened with violence and even cases in which the accused were not informed of death — and with reprisals against their families their right to engage a lawyer, or were even kept or friends. There have also been reports of in ignorance of the fact that their family had interrogations lasting for hours on end, engaged one for them. In yet other cases, the sometimes conducted at night, and, in certain accused are reported to have been obliged to instances, of detainees being deprived of food or accept the services of court-appointed lawyers.

sleep. Where such pressure and intimidation have occurred, the aim appears to have been to force self-incriminating statements from the suspects or to make them sign false confessions dictated by the police.

By law, the family of a detainee should be informed within 24 hours of his or her arrest; Amnesty International has received reports of cases where this provision was disregarded and the family was kept in ignorance of the prisoner's whereabouts well beyond this period, despite their requests for information.

By law, too, investigation of a crime is initiated and conducted by an investigating judge after a formal request has been lodged by the public prosecutor (Article 161 of the Code of Criminal Procedure). If the offence in question represents a particularly grave danger to society, the investigating judge may, at the proposal of the public prosecutor, delegate to the police certain parts of the investigation, which he must specify in a formal order. In practice, however, Amnesty International knows of cases in which the entire investigation has been conducted by the state security police, with only nominal participation by the investigating judge.

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An article in NIN on 29 October 1978 noted that lawyers complained of their difficulties in gaining access to their clients; they claimed that investigating judges tended to act as if they were doing them a favour if they allowed them to attend investigation hearings. Unless they happened to be a friend of the investigating judge, they said, they were usually refused a copy of the records of hearings on the pretext that no more copies were left. These complaints are confirmed by Amnesty International's information on a number of political trials. The same article noted that there had been cases in which lawyers had been threatened with legal action, or with an examination of their accounts, in order to deter them from continuing their efforts on behalf of their clients. To Amnesty International's knowledge, certain lawyers who have defended clients in political trials have been the target not merely of threats, but of actual reprisals. In 1976, the Belgrade lawyer Srdja Popović was tried on charges of "spreading false rumours" on the basis of his defence of a client in a political trial in 1974. He was sentenced to one year's imprisonment, suspended on appeal; he was also barred from legal practice for a year.

An example of flagrant breaches of legal procedure may be found in the case of the prisoner of conscience Dr Veselin Mašić, from Brčko, Bosnia-Hercegovina, who was arrested on 5 October 1978 on charges of "hostile propaganda". He was reportedly not informed that his family had engaged a lawyer for him on 21 October. On 26 October the district court of Tuzla ruled that his lawyer should not be allowed to be present during investigation hearings or to examine the hearings' records. It did this by invoking provisions of the Code of Criminal Procedure according to which defence counsel may be excluded from certain parts of the investigation proceedings if there are special reasons related to the defence or state security of the country — although no such grounds existed in this case. The entire investigation proceedings are reported to have been conducted behind closed doors by the state security police. Another lawyer who, owing to the illness of the first, took over the case a week before the trial, was denied access to his client and to copies of the records of investigation hearings; no explanation was given. At the trial on 4

Similar breaches of procedure occurred during the investigation and trial in 1979 of another prisoner of conscience, Jovo Ilić, also by the district court of Tuzla.

Prisoners of conscience have on a number of occasions complained that investigating judges have refused to allow them to be present during the examination of witnesses and that they were not allowed to exercise the rights granted to them by the Code of Criminal Procedure. Amnesty International has also been inform-

ed of several cases in which 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, Momčilo Selić, on 13 February 1980, several acquaintances of his were reportedly detained as "suspects" by police and were induced to make statements against him after being given to understand that they themselves might be the object of criminal proceedings.

In another case, after Jovo Ilić was arrested 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 given testimony against the accused.

# Allegations of physical illtreatment and torture during investigation

Although Amnesty International's information indicates that torture during investigation is not widespread or systematic in Yugoslavia, it has received isolated allegations of torture, some sufficiently detailed to arouse serious concern. The best documented case concerns defendants in a political trial in June 1976 in Zagreb. The 13 accused were arrested in 1975 after a bomb damaged a bank in the city on 17 September 1975. They were charged with

December 1978, this lawyer's request for the hearing to be postponed as he was not adequately informed about the case was rejected by the court, Dr Mašić was found guilty and sentenced to six years' imprisonment (reduced to five years on appeal).

"terrorism" (planting the bomb), "association claimed that he had then agreed to confess against the state" and "participation in hostile anything he was told and had afterwards written activity". Of the 11 convicted, five were found a false confession suggested to him by the guilty of planting the bomb and were sentenced police. On 10 March 1976 this was dictated on to death, later commuted to 20 years' police premises into the court records in the imprisonment. All five reportedly protested presence of an investigating judge. their innocence and appealed against their The appeal document noted also that at-the sentences on the grounds that they had been main court hearing none of Antun Zink's codefendants had testified against him. Lastly, the convicted on the basis of confessions forced from them under torture during investigation. appeal stated that the court, in its judgment, had On 18 February 1978 the Supreme Court of not given reasons as to why it had relied on the Croatia ordered their re-trial on the charges of defendant's confession in finding him guilty, in planting the bomb on the grounds that the spite of his account of how the confession had evidence was insufficient and contradictory been obtained. His appeal was rejected by the and that the provisions of criminal procedure Supreme Court of Croatia. appeared to have been violated with respect to Amnesty International has copies of other the confessions made by the accused; it appeals by two co-defendants, Vinko Marković confirmed their sentences on the other charges. and Djuro Perica. Both similarly allege that After the re-trial, the district court of Zagreb, they made false confessions during investigafound three — Miloš Tvrtko, Antun Zink, and tion after the police had beaten them and Josip **Pemić** — guilty of planting the bomb and applied electric shocks to their genitals. It is sentenced them to 15 years' imprisonment each. reported that similar allegations have been The two others, Djuro Perica and Branko made by Milos Trvtko and Josip Pemić Vidaček, were acquitted, but continued to serve (Amnesty International has not seen copies of sentences of 15 and five years' imprisonment these allegations). respectively on other charges. According to Amnesty International does not have all the foreign press reports, in pronouncing sentence relevant documentation in this case; on the basis the court conceded that torture might have been of the above three appeals, however, the used against the accused during investigation. evidence in support of the court's verdict Antun Zink appealed to the Supreme Court appears questionable. of Croatia against the Zagreb district court's Amnesty International has also received verdict of 1 February 1979. In the appeal allegations of people in Kosovo being tortured (Amnesty International has a copy) it was after nationalist demonstrations there in March pointed out that although the district court had and April 1981. One report, from someone based its finding on self-incriminating stateclaiming to be an eye-witness, described an ments made by Antun Zink during investigaincident in April 1981 in which a prisoner was tion, it had also accepted expert testimony allegedly tied by his hands to the ceiling of his which conflicted with his statements. cell, stripped half-naked, and beaten until he As regards the defendant's assertion that he began to vomit blood. had made a false confession under torture during investigation, the appeal document Other allegations have been received that noted that Antun Zink had been denied access police tortured Albanian girls detained after the to defence counsel throughout the investigation. demonstrations. The information available, It recalled that at a court hearing on 12 however, has provided little detail and Amnesty International cannot confirm or deny the September 1978, he had described in great detail allegations. Since April 1981 it has repeatedly having been beaten with a rubber truncheon on

several occasions during the investigation and asked the authorities for details of the charges having been given electric shocks. In particular, against those detained in Kosovo, urged that he had related how on the evening of 8 March detainees be granted full legal safeguards and 1976, he had been driven by the police to a house appealed for the release of all those who had not where he was again given electric shocks, beaten used or advocated violence. The authorities and threatened at gunpoint with death. He have not responded.

# Trial

Under Article 197 of the Code of Criminal Procedure pre-trial detention may last for a maximum of six months; when the investigation is completed, the investigating judge delivers the dossier to the public prosecutor, who, if he decides to file an indictment, must do so within 15 days. A copy of this indictment must be given to the accused, defence counsel and the court.

Public statements by political leaders attacking the accused before trial or conviction have led to allegations that verdicts in political trials are determined in advance by party authorities.

On 25 February 1975 President Tito publicly attacked the writer Mihajlo Mihajlov, who was at the time being tried on charges of "hostile propaganda". This prompted his defence counsel to quote the 14th century first Serbian Codex in which Tsar Dušan admonished judges to judge according to the law and not out of fear of the Tsar.

The Yugoslav daily Borba reported on 13 February 1981 that the President of the Croatian Assembly, Jure Bilić, had "mentioned the illegal activity of the well-known nationalists Gotovac, Veselica and Tudjman, and in this connection announced the forthcoming trials of the latter two" (investigation proceedings had not yet been opened against Dr Marko Veselica at that time). On 12 February 1981 the Zagreb paper Vjesnik reported that Jure Bilić had declared that "because of the situation in our country we must expose this group around Veselica, Gotovac and others, regardless of what they used to be, for by their activity they are objectively 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 opened against Dr Veselica on 19 March and on 9 September he was sentenced to 11 years' imprisonment.

Article 287 of the Code of Criminal Procedure stipulates that trials shall be open; the public may only be excluded if this is necessary to "preserve secrets, law and order, or to protect morality, the interests of a minor or other particular interests of the public community" (Article 288).

In the case of political trials, practice varies.

Some have been held in camera, others in open court. There have also been a number of cases of trials being declared "open" — but with public access severely restricted because of "lack of space". In these cases, the trials were held in a small courtroom, access being restricted to people issued with an official pass. This has effectively limited the "public" to family members, selected journalists, uniformed and plain-clothes police, and, on occasion, foreign observers.

Access appears to have been even more restricted in political trials in Kosovo from July to September 1981. A Yugoslav press report of 9 August indicated that a group trial in Pristina had been held in a courtroom with seating space for only 20; guards outside had directed passers-by to the other side of the road. Press access to the trials was limited to correspondents of Tanjug.

In other respects, too, political trials have failed to meet international standards. For example, there have been several complaints of courts repeatedly interrupting the accused, defence counsel and witnesses, thus preventing the defence case from being fully presented. In a number of cases where witnesses gave testimony at variance with statements they had made during investigation proceedings, the court "reminded" them of their previous testimony by reading it aloud, rather than by seeking to clarify the reasons for discrepancies. At other times the court has refused to allow evidence and the calling of witnesses for the defence, on the grounds that this was "not necessary". On the other hand, the prosecution has sometimes been allowed to contravene legal procedure by producing in the course of the trial evidence which had not been included in the dossier. It is Amnesty International's view that in such circumstances trials have been heavily weighted in favour of the prosecution, in breach both of national law and of internationally accepted standards of fair trial. In none of the political trials which have come to Amnesty International's notice has the accused been acquitted by the court.

# Sentencing

Sentences imposed for non-violent political offences can be extremely high in Yugoslavia:

the average sentence imposed in first instance on prisoners currently under adoption or investigation by Amnesty International is seve and a half years. Sentences passed in politic cases are usually upheld on appeal, although number have been either reduced or increased

# Press reporting of trials

National press coverage of political trials usually either very brief, where the accused relatively unknown, or selective, if the trial ha aroused public interest. In the latter case, pres reports tend to imply that the accused is guilt even before any court conviction. Althoug details of the indictment may be quoted, the public is rarely given details of the accused defence.

# The number of prisoners of conscience

It is not possible to give a precise figure for th number of prisoners of conscience in Yugosla via. Most political trials involve politic offences defined in republic or province la (punishable by up to five years' imprisonment or in the Code for Petty Offence (punishable by up to 60 days' imprisonment they are very rarely reported in the pres Political trials involving the more serior political offences defined under federal law a often reported, but by no means always.

Official statistics are regularly issued of the number of people charged with or convicted ( political offences. Although not all of the would be prisoners of conscience as defined Amnesty International's statute - peop imprisoned for their conscientiously held belie who have not used or advocated violence --- t' figures available indicate that there are mar more prisoners of conscience in Yugoslay than those known to Amnesty Internationa Unofficial sources tend to put the number political prisoners much higher than those give in official statistics, and have alleged that, addition to those convicted on political charge there are also political prisoners who hav been convicted on false, for example "econd mic", counts.

According to the Statistical Yearbook of the

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SFRJ, in the 10-year period from 1961 to 1970,

or	1,801 adults were convicted by final court
ren	decision of "offences against the people and the
cal	state" — the principle category of political
1 a	offences as defined in Section 10 of the SFRJ
ed.	Criminal Code of 1951. The figures given for the
	years 1971 to 1978 are as follows: 1971: 179;
	1972: 697; 1973: 691; 1974: 571; 1975: 534; 1976:
•	589; 1977: 398; 1978: 119. Of the 3,778 people
is	convicted in this period, 3,585 received prison
is	sentences. Of these prison sentences, 2,767 were
las	under one year; 671 between one and five years;
ess	114 between five and 10 years; 32 between 10
ty,	and 15 years and there was one of 20 years. The
gh	highest incidence of convictions for political
he	offences between 1971 and 1978 occurred in
d's	Croatia and Bosnia-Hercegovina. These figures,
	however, exclude people convicted of political
	offences which come under other categories
	such as "Offences against honour and reputa-
	tion" or "Offences against public order".
	Another official source, the Federal Public
	Prosecutor's Office, regularly issues reports on
he	crimes figures, including those for political
la-	offences. However, these figures refer to the
cal	numbers of people charged with, rather than
aw	convicted of, political offences. The Statistical
nt);	Yearbook of the SFRJ shows that a number of
ces	those charged are acquitted. In 1977, for
nt);	instance, of 565 people charged with "offences
SS.	against the people and state", 398 were found
ous	guilty.
are	
	It is not clear what definition of political
he	offences is used by the Federal Public
of	Prosecutor's Office and whether it has changed
	in recent years. It appears to include not only
ese	"Offences against the people and the state"
in	(termed in the federal criminal code of 1977
ple	"Offences against the social order and security
efs	of the SFRJ"), but also offences such as
he	"Damaging the reputation of the SFRJ" and
ny	"Disseminating false rumours". In the past
via	decade the highest figures for political indict-
al.	ments filed were for 1972 to 1973. According to
of.	a report in Vjesnik in June 1973, 5,806
ven	indictments for political offences were filed
in	from the beginning of 1972 to the end of March
es,	1973. Since then statistics issued by the Federal
ve	Public Prosecutor's Office and published in the
10-	Yugoslav press indicate that the number of
	people charged with political offences in 1975
the	was 1,319, and 1,131 in 1976. (1,880 and 1,465

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respectively, according to figures released by the Federal Secretariat for Internal Affairs.) In 1977 the figure was 787; in 1978, about 459; in 1979, approximately 300. In 1980 it rose to 553.

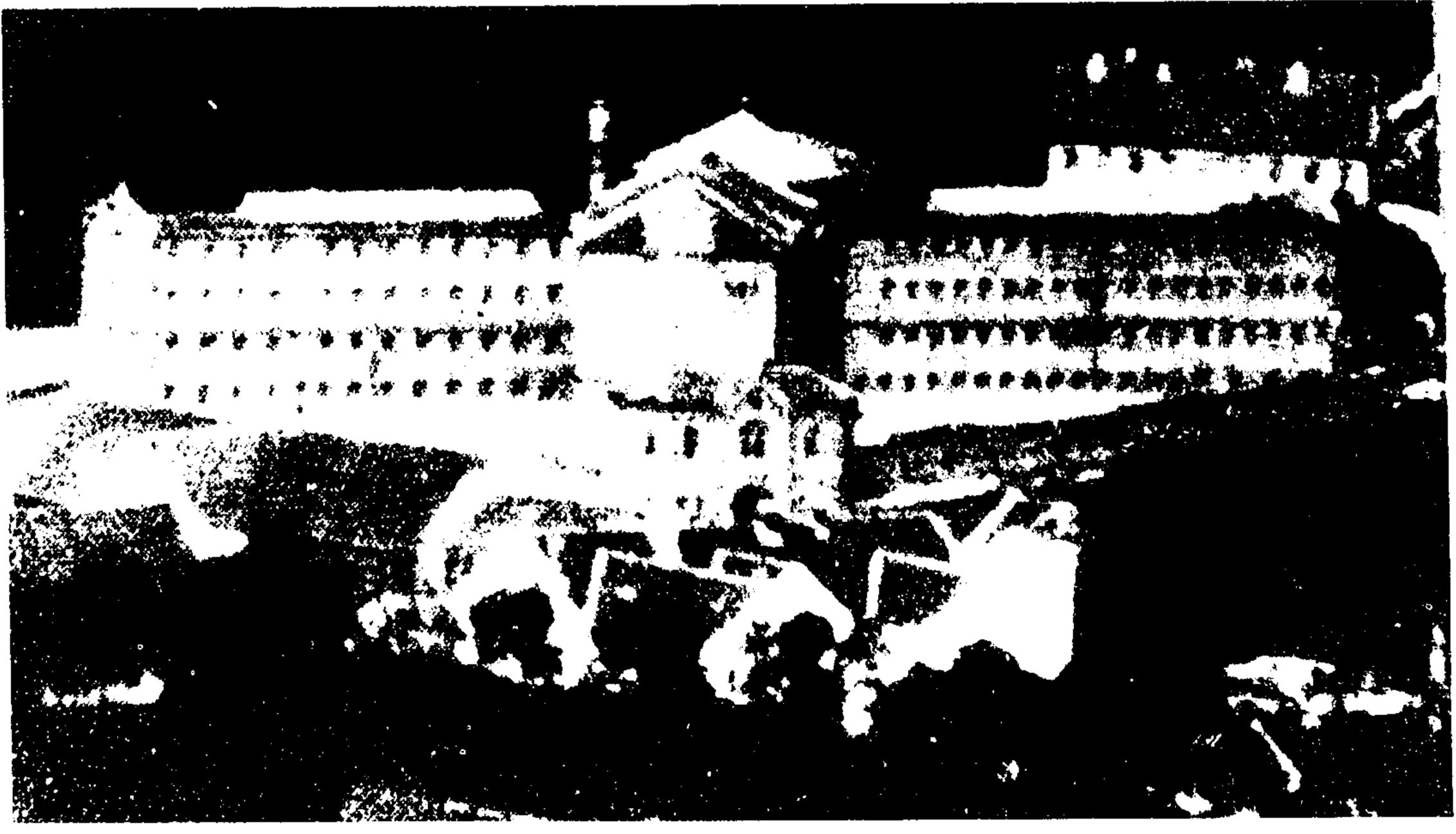
On 16 February 1981 *Tanjug* reported that 172 people were serving prison sentences for political crimes at the end of 1980. This figure appears low compared to what Amnesty International would expect on the basis of its incomplete information on individual cases over the years. Whatever the precise figure was

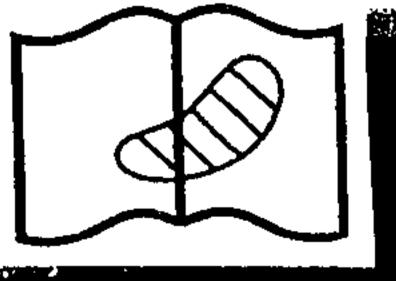
at the end of 1980, between July and the end of September 1981 it was swelled by over 300 Albanians sentenced to terms of imprisonment of between one and 15 years, after nationalist demonstrations in Kosovo in March and April, in addition to at least several hundred others who were sentenced to up to 60 days' imprisonment. In 1981 Amnesty International groups worked for the release of 65 adopted prisoners of conscience and investigated another 25 cases.

# Imprisonment

# Location of prisons

Prisons are administered by the Secretariat of Justice and General Administration of the republic or autonomous province in which they are located. Sentences of over six months (in some republics, one year) are served in prisons called "penal-reformatory institutions", Kazneno-popravni domovi, often referred to by the initials KPD. Shorter sentences are served in commune or district prisons. Normally prisoners are sent to prisons in the republic or autonomous province in which they reside. Prisons in which prisoners of conscience have been detained include: Zenica and Foča, in Bosnia-Hercegovina; Stara Gradiška, Lepoglava, Slavonska Požega (for women) and Goli Otok (in recent years used mainly for young male adults) in Croatia; Spuž in Montenegro; Idrizovo in Macedonia; Niš 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, including political prisoners.

In the absence of a KPD in the Autonomous Province of Kosovo, prisoners from that region have been sent to other parts of the country. This has been particularly resented by ethnic Albanians from Kosovo who have as a result been separated by long distances from their families, although since October 1980 female prisoners from Kosovo have been sent to a women's prison in Lipljan, Kosovo. In July 1979 Rilindja, the official Albanian-language daily newspaper published in Priština, capital of Kosovo province, reported that construction of a KPD had begun in Istok in Kosovo, the first part of which was due to be completed by September 1981.

Lepoglava Prison

# **Prison Conditions**

Many of the above prisons were built before the Second World War and despite some modernization are often structurally in poor repair. Conditions in them vary considerably. The information available to Amnesty International suggests that conditions in Sremska Mitrovica and Lepoglava prisons — in particular in Sremska Mitrovica (where prisoners who are citizens of other countries are held) — are superior to those in many others; an Amnesty International delegation visited the two prisons in 1976. Conditions at Stara Gradiška prison appear to be among the worst.

According to a report published in the Yugoslav press in 1978, the Croatian Assembly issued a statement 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 Stara Gradiška must be demolished because they simply cannot be renovated." A former prisoner of conscience who was held in Stara Gradiška until 1976 has spoken of "the filth, the desolation, the hunger" there.

Poor prison conditions are also reported to be found elsewhere in Yugoslavia. Such accounts frequently speak of severe overcrowding 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.

Prisoners are classified by the prison administration into three categories, and political prisoners are normally assigned to the most severe category; 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 are typically equipped with two- or three-tiered bunks. In Lepoglava prison most cells are about  $4m \times 2m$ , housing three prisoners. The cells have no running water and a slop-bucket is used as a toilet. Sanitation is also reported to be primitive

in Stara Gradiška, where between 30 and 40 prisoners sleep in rooms of about  $10m \times 5m$ . The conditions are aggravated by the marshy surroundings and damp climate. In Zabela prison as many as 73 inmates are reported to have been accommodated in a dormitory measuring 6.60m  $\times$  10.20m. Because of this excessive crowding, the windows have had to be kept open at night, even during the winter, and older prisoners have complained of being obliged to sleep fully dressed in an effort to keep warm.

In Zenica prison up to 180 prisoners are reported to have been accommodated in one dormitory. In both Zenica and Zabela prisons there is a flush toilet in a room adjoining the prisoners' dormitory.

Although it seems that most prisons have some form of heating, this is reported often to be inadequate or liable to break down. At Stara Gradiška it appears that until 1976, (and possibly to the present day) the only form of heating was a small stove in the prisoners' "living quarters" adjoining their dormitory.

Former prisoners of conscience have complained of damp and cold in winter causing a high incidence of bronchial, tubercular and rheumatic disease among inmates in several prisons, including Lepoglava, Stara Gradiška, Zenica, Zabela and Niš. "At roll-call at 5.30 am, all you can hear is coughing," noted one former inmate of Lepoglava prison.

# Food

Prisoners are by law guaranteed a diet of 2,500 calories a day. Prison menus from Sremska Mitrovica and Lepoglava seen by Amnesty International specify an average daily content of over 3,000 calories. Prisoners have complained, however, that food is inadequate, particularly the quality and variety, and low in vitamins and protein. The main meal is at midday; the evening meal ration is usually limited to tea and margarine (to be eaten with the daily ration of bread), or occasionally yoghurt, or stewed fruit. Prisoners who work receive additional rations, usually paid for by the prison-run enterprises. To supplement their diet prisoners rely on food parcels sent by their families and on limited purchases of food bought at the prison shop.

Work

All prisoners capable of work are required to do so and those who refuse are liable to be punished. There is generally an eight-hour shift, with one day's rest a week. Prisoners who have worked 11 months in the year are allowed two weeks' rest. Prisons have their own workshops and often run their own enterprises. (Nonpolitical prisoners are sometimes sent outside as hired labour). Most prisons produce furniture and metal-work, some have farms where prisoners do agricultural labour. At Lepoglava there are also upholstery, basketry and ceramics workshops and prisoners assemble spectacles and ball-point pens. At Zabela the principal products are paraffin stoves and at Sremska Mitrovica farming equipment; Stara Gradiška produces cisterns, furniture and carved souvenirs; Zenica, furniture, metal goods and moulds for machinery; Slavonska Požega, leather goods and toys. These products are sold both on the domestic market and abroad. Safety measures in some workshops appear to be inadequate and prisoners have referred to industrial accidents resulting from poorly maintained machinery used by tired or

depressed prisoners.

By law, prisoners must be paid between a fifth and a third of the wage they would receive for similar work and output outside. In practice, however, they are reported to receive considerably less; moreover, 30 per cent of their wage is withheld as savings by the prison administration until their release. The remaining 70 per cent may be used by the prisoner to buy goods at the prison shop.

# Education, recreation and exercise

Prisons are required to provide basic schooling and vocational training for inmates, especially juveniles and young adults who have not completed primary education. Prisons have libraries and there are rooms where prisoners may watch television in their free hours, read the domestic press and play chess. Most prisons have a sports-ground. In some prisons there are also opportunities for group activities such as woodcarving, painting or music. In most cases prisoners appear to have adequate daily exercise in the open air.

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# **Contact with families and** lawyer

All correspondence is censored. By law, prisoners may receive and send two letters a month; it appears that some prisons practise a more generous policy: in Lepoglava, for instance, there is said to be no limit on correspondence. In addition, prisoners may receive from their families every month a limited sum of money, toilet articles and a food parcel (not exceeding 2kg for prisoners in the worst category); they may also receive a visit from family members once a month. In the case of political prisoners these visits usually last half an hour and are in the presence of a prison guard — if the prisoner mentions prison conditions or treatment the visit is liable to be abruptly terminated. Although some ordinary criminal prisoners are allowed to see their spouses alone or to meet them outside the prison, Amnesty International knows of only one case in which this privilege has been granted to a prisoner of conscience. Prisoners have the right, at their own request, to see defence counsel once a month.

# **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. In November 1980 the Archbishop of Zagreb wrote to the government asking for prisoners to be granted religious rights and raising the issues of prison conditions and of guarantees against the ill-treatment of prisoners.

# Medical Treatment

Reports received by Amnesty International suggest that a number of prisoners of conscience have returned home from prison in poor health and in need of medical treatment and convalescence.

Medical facilities in prisons appear inadequate; moreover, prisoners who report sick tend to be suspected of feigning illness and to be given a cursory examination. This has sometimes led to the neglect of serious ailments requiring specialist treatment. Amnesty International

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believes this to be in 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 civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers."

Amnesty International is particularly concerned about cases in which the the authorities, although aware that the prisoner was seriously ill, have delayed or refused appropriate treatment.

One case is that of Davor Aras, a prisoner of conscience sentenced to six and a half years' imprisonment in 1975. In 1977 the Supreme Court of Croatia rejected a petition he had filed for a reduction of sentence on the grounds of illhealth: he suffered from a serious valvular heart complaint, a duodenal ulcer and a urinary complaint; he was also diagnosed as having arrested tuberculosis. Despite appeals by his family and by Amnesty International it was not until his illness became critical that he was granted a suspension of sentence (in February 1979). Despite the recommendation of Yugoslav medical experts that he should seek treatment in Switzerland for his heart condition, he was not granted a passport and allowed to travel to Switzerland for heart surgery until March 1980, over a year later. During his operation in Zurich, the condition of his heart valve was found to be so serious that the doctors said that had medical intervention been delayed further his heart muscle would not have recovered and he would have died. The operation was successful and his present condition is reportedly much improved. In November 1980, after he had returned to Yugoslavia, he was granted a pardon and exempted from serving the remainder of his sentence.

Another case is that of the prisoner of conscience Manda Parić, who in 1976 was sentenced by the district court of Tuzla to six years' imprisonment. According to information received in 1979, her spine was damaged and required a serious operation. The last report on her was received by Amnesty International in late 1979: that she had received surgery to her

A third case concerns Tomo Dumančić, who died in prison in July 1981. He had been sentenced in April 1976 by the district court of Zagreb to 10 years' imprisonment (reduced on appeal to eight years) on charges of "participation in hostile activity" and "association against the people and the state". Court documents received by Amnesty International shortly before his death show that he was not accused of using violence and strongly suggest that he had not advocated its use.

At the time of his imprisonment his health was already poor. As a child he had contracted tuberculosis of the thoracic spine, resulting in a severe spinal deformity. He later suffered from tuberculosis of the kidneys and urinary bladder. In November 1979 he developed insufficiency of the lungs and heart and applied for his sentence to be suspended so that he could get specialized treatment. A year later this petition had still not been answered. In October 1980 he was admitted to hospital in Varaždin after an attack of acute heart failure. Having treated him for this condition, the hospital discharged him back to Lepoglava prison where he received no further treatment. Seven months later, in June 1981, his illness had become critical and he had been sent for treatment to Zagreb prison hospital; he renewed his petition for the second time. On 28 July this last petition was rejected; he died in Zagreb prison hospital the same day. Amnesty International believes that in these and certain other cases the Yugoslav authorities have unjustifiably delayed appropriate care and medical treatment for prisoners in specialist civilian hospitals — or simply denied them the possibility of seeking it. Moreover, Amnesty International considers that in the cases of a number of prisoners of conscience with severe health problems who have lodged petitions for suspension or reduction of sentence, or pardon,

the Yugoslav authorities have refused the

right breast and that there were strong suspicions that she was suffering from breast cancer, with secondary deposits on her spine. She was also reported to have been discharged from the prison hospital and returned to prison six days after her operation. Amnesty International has repeatedly urged her release. Neither the prison authorities nor the doctors treating her have replied to Amnesty International's urgent request for information about her.

are no window-panes (just bars), a measure petitions without given due weight to the clear supposedly introduced to prevent prisoners humanitarian grounds for granting them. from trying to mutilate themselves with splinters Punishment of glass. Cases have been reported of prisoners being and ill-treatment kept in isolation for more than a year. They include those of two Albanian prisoners of With minor variations according to the conscience, Isa Kastrati and Xhafer Shatri. In particular republic or autonomous province, 1977, in Spuž prison in Montenegro, they punishments in Yugoslav prisons include: reportedly went on hunger-strike and barricaded shaving the prisoner's hair; denying mail and themselves in their cells demanding to be parcels (for up to three months); denying or transferred to the prison of Sremska Mitrovica. restricting the right to buy articles in the prison Guards forcibly entered the cells and a prison shop (for up to three months); solitary riot followed in which some inmates were confinement, with or without work (for up to 30 wounded by guards. Isa Kastrati and Xhafer days) and isolation (for up to a third of the Shatri's sentences were subsequently increased sentence but for not more than a year without by three and a half and three years respectively interruption). By law, prisoners in solitary and they were allegedly also punished by 17 confinement are allowed an hour's exercise a months' isolation. Two years later, on 8 July day in the open air. 1979, they and two other Albanian prisoners at Prisoners have complained that punishments Spuž again went on hunger-strike in support of are often arbitrarily imposed by guards and demands that all trials of Albanian political that, although they have the formal right to prisoners be re-opened, that Albanian political appeal to the prison authorities and to the prisoners be transferred to prison in Kosovo competent Secretariat for Justice, in practice province and that information about political their complaints are ignored. It is also reported trials of Albanians be given to the press in that the maximum periods of solitary confine-Albanian. ment and isolation have in some instances been Amnesty International has received allegaexceeded by the immediate re-imposition of the

punishment on its expiry.

A former prisoner of conscience in Stara Gradiška prison has described having been put in a solitary confinement cell measuring 2m x 1.5m, with no bed and only a chair. The only surface available as a table was the lid of a foulsmelling toilet bucket. Another former prisoner of conscience there was reportedly punished with a month's solitary confinement for lending a foreign-language textbook to another prisoner. (Both instances date from the mid-1970s). According to a 1979 account, several of the solitary confinement cells in block No.2 of Zenica prison have concrete floors and it is alleged that prisoners have been punished by having their hands chained to rings in the floors in such a way that they could not stand upright but were obliged to crouch. During the day they were not allowed to lie down and were liable to be beaten by guards if found doing so. These, and other solitary confinement cells, reportedly have no beds (unlike isolation cells) and only a bucket for a toilet. It is also alleged that

although there is heating in this block, there

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tions that Albanian prisoners, including prisoners of conscience, are treated with special harshness (Niš prison in particular has been mentioned). On 17 June 1979 Rilindja reported on a trial in which the commandant of Idrizovo prison (Macedonia) and six guards were sentenced to between eight months and eight years' imprisonment after two prisoners died. According to the report, they were found guilty because "while executing the orders of their superiors they became overzealous in discharging their duties and overstepped the bounds of their authority". They had been instructed to escort six Albanian prisoners to solitary confinement. When the latter refused to obey, the guards beat them, killing two. Of the four survivors, one received an additional two years' imprisonment and three an extra year.

# **Release process** Conditional release

Prisoners who have served half (in exceptional cases, a third) of their sentence and have shown

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good conduct are eligible for conditional release under Article 38 (6) of the federal criminal code - but Amnesty International knows of no prisoner of conscience who has been granted conditional release.

# Pardon

Convicted prisoners may petition for pardon and the SFRJ Presidency is empowered to grant it to those convicted under federal law. The Presidency customarily grants pardons to a number of such prisoners (both political and others) on the anniversary of the SFRJ (29 November). The names of those pardoned are published in the official gazette, the Službenilist SFRJ, which does not, however, indicate how many are political. There are two main forms of pardon: reduction of sentence and release.

The number of pardons granted on the 29 November anniversary varies considerably from year to year; in recent years it has sharply decreased. In 1977, 574 people were granted pardons amid much publicity after the meeting of the Conference on Security and Cooperation in Europe in Belgrade. Of these, 144 convicted prisoners were released and 74 had their sentences reduced; 13 of those released and 20 whose sentences were reduced were under adoption or investigation by Amnesty International. Judicial proceedings were dropped against a further 356 people. The details for the years 1977 to 1980 are given in the table below.

# Amnesty

The Federal Chamber of the SFRJ Assembly is authorized to grant amnesty for offences defined by federal statute. This is done by passing an amnesty law proposed by the SFRJ Presidency. The last such law to be passed was in November 1973. It concerned 12 categories of political offence and the offence of evading conscription, and applied to people who had committed these offences between 30 March 1962 and November 1973 — except for those prosecuted for, or convicted of, the offences between 1 January 1971 and November 1973 (hence it did not affect, among others, the large numbers of people prosecuted or convicted after the political upheavals in Croatia in late 1971 and 1972). The amnesty also excluded people who had committed any of the nine most serious of these crimes as leaders or organizers or who, in the course of perpetrating them, had committed murder or any act of terrorism.

# **Released prisoners**

In a number of cases known to Amnesty International, courts have not only imposed prison sentences on prisoners of conscience but other penalties as well, such as prohibiting them for a determined period from public expression of any kind or from following a particular profession. Even without such officially imposed restrictions, however, many prisoners of conscience find themselves barred unofficially from

	Pardons Gra	nted, 1977 to 1980		
Year	Pardons total	Releases	Sentences reduced	Judicial proceedings dropped
1077	(figures given in brace adoption or investigat	ion by Amnesty I	nternational)	356
1977	adoption or investigat 574	ion by Amnesty I 144(13)	nternational) 74(20)	356 1
1977 1978 1979	adoption or investigat	ion by Amnesty I	nternational)	356 1

• \*

jobs in their former, or similar, occupations. People with specialist training have bee obliged to find menial work, often poorly paior to live on the earnings of their spous Furthermore, many former prisoners of con cience have complained that on release th were denied a passport and hence the possibility of work abroad. One of them, the forme prisoner of conscience Petar Sale wrote on March 1981, in an appeal to the Secretariat Internal Affairs of the Republic of Croat against the decision of 25 February 1981 of Zadar police, refusing him a passport:

"In February 1981 I filed an application for passport in order to travel abroad. My passpo was withdrawn from me on 22 January 19 because, as a former student leader, I had be convicted of an offence against the people a the state. I was again arrested in 1974, also f an offence defined in chapter 10 of the form criminal code, and sentenced to a prison term

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four years and 10 months. I served out this sentence in Stara Gradiška to the very last day. left prison on 1 October 1978.

Immediately after my release I reported to the ureau of employment and since then I have continued to report regularly to this bureau. In ddition, for two and a half years now, I have persistently applied for employment, regardless the job or the place. My supposed constitutional right to work is not only not mplemented, for me it does not exist. I have wo small children who must be fed... After all this time I decided, seeing no other solution, to request a passport... I want to live, and for that one needs to eat. In order to eat, one needs work. This I am not permitted in my country. I really do not know what should be done that I and my children might have the right to live, for without work our existence is jeopardized. I asked for a passport so that I might work abroad and thus feed my family. But even this is not permitted."

# **Death Penalty**

Amnesty International considers the death penalty to be a violation of the right to life and the ultimate cruel and inhuman punishment. It opposes its application in all cases. Article 175 of the SFRJ Constitution states that "a man's life shall be inviolable", but that "exceptionally" the death penalty may be provided for by federal statute for the most serious forms of grave criminal offence. Nonetheless, of the 140 criminal offences defined in the federal criminal code, 45 carry a discretionary death sentence. These include 16 types of political offence if they have "had as a consequence the death of a person or caused danger to human life, or were accompanied by serious violence or great destruction, or resulted in the undermining of the security or the economic and military strength of the country, or in other especially grave cases" (Article 139). Also included are a number of non-violent military offences committed in time of war or immediate danger of war, such as evasion of and refusal to undertake military service, desertion, non-fulfilment of duties during combat, activity designed to lower military morale.

The criminal codes of the six republics and two autonomous provinces provide for a discretionary death sentence for aggravated cases of murder and for inducement to suicide of minors under the age of 14 or of people incapable of understanding the significance of their act or incapable of governing their own actions. Pregnant women and those who were under 18 when the offence was committed are exempt from the death penalty.

People sentenced to death have the right to appeal to two higher courts. The final court of appeal for those sentenced under republic or province law is the supreme court of that republic or province, and for those sentenced under federal law, the Federal Court, After all avenues of appeal have been exhausted and a death penalty has been upheld, defendants have

the right to petition for elemency. If they or members of their family on their behalf, fail to do so, the appropriate procedures for the granting of clemency must be instituted exofficio. The right of granting clemency - to commute a death sentence to 20 years' imprisonment — is exercised by the SFRJ Presidency in the case of crimes defined under federal law and the presidencies of the republics and autonomous provinces in the case of crimes defined under republic or province law.

A report submitted by Yugoslavia to the Human Rights Committee in February 1978 on its implementation of the International Covenant on Civil and Political Rights under Article 40 of that covenant, stated: "It is the intention of the Constitution and even more of legal solutions and judicial practice to encourage abolitionist policy."

Official statistics show that in the 10 years from 1968 to 1978, 36 death sentences were upheld by the highest Yugoslav courts. Amnesty International does not know if any of these sentences were subsequently commuted to imprisonment by presidential pardon. An article in the Yugoslav press in 1979 stated that on average about three or four death sentences were carried out yearly; the Deutsche Presse Agentur, a news agency in the FRG, reported in September 1980 that 39 death sentences had been carried out between 1970 and 1979.

To Amnesty International's knowledge, the last death sentences passed for political offences were in 1976; all six cases were commuted by the court to terms of imprisonment. The last judicial executions for political offences are reported to have been in 1973, of two Croatian emigres, Djuro Horvat and Vejsil Keskić, who had been convicted in 1972 of an armed incursion into Yugoslavia. Since the beginning of 1979 (after the period covered by the most recent official statistics)

Amnesty International has learned of 10 death

sentences being passed and of seven executions; in three cases the accused had been convicted of committing war crimes during the Second World War and in the others of aggravated murder. Only one case — that of Muslija **Dilaver** of Skopje, convicted of double murder and two attempted murders — has come to Amnesty International's notice of a death sentence after review by the highest court being commuted to 20 years' imprisonment by presidential pardon (in this case by the Presidency of the Republic of Macedonia).

In recent years capital punishment has been

# Other violatio

In addition to imprisonment, other forms punishment or harassment which fa outside Amnesty International's terms reference are employed against people f the non-violent exercise of their humarights. They include restrictions on freedc of movement, discrimination in access employment and dismissal from worvilification in the press, the interception mail, the monitoring of telephone convesations and the "bugging" of private hom and offices.

Although most Yugoslavs are usua able to get a passport without difficulty, i Law on Travel Documents (29 June 19 contains provisions which enable the pol to deny a person a passport or to withdr one in his or her possession, if this "necessary for the protection of public or or the interests of the defence of country". In such cases, the police are required to explain their actions. A num of citizens have challenged these provisi in Constitutional Courts, but so far have not been amended. Many forr prisoners of conscience, members of the families and others officially regarded holding dissenting views have in this been denied the right to freedom movement. According to a NIN report o September 1980, in 1979 a total of 2, requests for passports were refused 1,644 passports were withdrawn on the grounds of protecting public order. The

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of	Yugoslavia. Leading abolitionists have come
nd	from the legal profession, including the lawyers
ed	Filota Fila and Veljko Guberina, both of whom
ver	have published works on the issue. In February
wo	1979 Filota Fila argued the abolitionist case in a
sty	televised debate with the present President of the
ter	Federal Court, Dr Mirko Perovic. An article
to	on the death penalty which appeared in the
on	Yugoslav foreign language monthly <i>Review</i> of 7
of	August 1979 noted that another lawyer, Veljko
Ú.	Komljenovic, had tried to found a Yugoslav
	League of Abolitionists, but did not indicate
een	why his intention had not been carried out.
ns (	of human rights
s of	interests of the defence of the country were
fall	invoked in larger (unspecified) number of
of	cases as grounds for denying or withdrawing
for	passports.
nan	
om	Discrimination over work is based on
s to	provisions which apply to almost all
ork,	positions of any responsibility, whereby the
n of	holder is required to meet the criterion of
ver-	"moral-political suitability". In 1978, a
mes	group of eight Marxist professors and
	lecturers from Belgrade University who
ally	were associated with the philsophical
the	bimonthly <i>Praxis</i> addressed a petition to the
979)	state authorities calling for the abolition of
olice	the regulation requiring investigations into
raw	the "moral-political suitability" as a condition
s is	for the right to work. They stated that more
rder	than 30 academics in Yugoslavia had been
the	dismissed on political grounds. They them-
not	selves had been suspended from their posts in
nber	1975 for having criticized social and political
ions	developments in Yugoslavia. In January 1981,
they	their contracts were terminated and the
mer	passport of one of them, Dr Mihailo
heir	Marković, was withdrawn. After domestic
d as	and international protests they were offered,
way	and have accepted, work at the university's
of	Social Science Institute.
of 21	However, other people whose views are
,350	disapproved of by the authorities and who
and	have not enjoyed the international reputation

the subject of some public discussion in

of the Belgrade academics have lost their jobs without hope of reinstatement.

# Action by Amnesty International

In its work for prisoners of conscience in Yugoslavia, Amnesty International has stressed to the authorities its impartiality and has provided documented evidence of its work for prisoners of conscience throughout the world. It has also emphasized that Amnesty International's efforts to secure the release of prisoners of conscience are based, not on identification with the views of these prisoners, but on the belief that the violation of fundamental human rights is a matter for international concern, transcending national boundaries.

• Amnesty International groups have appealed to the Yugoslav authorities for the release of all prisoners of conscience and sought information on other prisoners who it appeared might be prisoners of conscience. In each individual's case the groups have pointed to breaches of the rights proclaimed in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights which Yugoslavia has ratified, and stressed the obligation of the authorities to honour their international human rights undertakings.

• Human rights violations in Yugoslavia have been publicized; prisoners of conscience in Yugoslavia have featured in Amnesty International's Prisoner of the Month and Prisoner of Conscience Week campaigns, and there have been urgent appeals on behalf of prisoners on legal or medical grounds.

• In June 1976 an Amnesty International delegation visited Yugoslavia for a week. It met the Federal Secretary of Justice, the Deputy Federal Secretary of Justice, the Federal Public Prosecutor, the Prison Adviser to the Federal Secretariat of Justice and other senior officials and lawyers.

In talks with these officials, Amnesty International discussed its concerns about legislative provisions under which prisoners of conscience have been convicted, and referred to cases of individual prisoners of conscience adopted at that time. The delegation also visited two prisons and Zagreb prison hospital. After the visit, Amnesty International wrote about its concerns to the Yugoslav authorities and urged that national legislation be amended so as to bring it into line with Yugoslavia's international human rights commitments.

In the past decade Amnesty International has sent observers to a number of political trials in Yugoslavia:

Mrs Gay Martin, a August 1972 to ob four student leader to the courtroom. The Dutch lawyer, University of Ams Dr Djuro Djurović Professor Ruter a also of the Univers the trial of Mihaj February 1975. In February 1976, access to the trial Belgrade, but wa officials and allow the case from offic Gunner Berg, a S trial of the Belgr March 1976 in Va Dr Solari Yrigoyen a member of Amr tional Secretariat of Trumbetaš in Zaga Dr Sotiris Dedes, s trial of Dr Franjo Zagreb. Dr Fulvio Gianan member of Amn

Dr Fulvio Gianaria, an Italian lawyer, and a member of Amnesty International's International Secretariat, observed the trial of Dobroslav Paraga in Zagreb in May 1980.

Mrs Gay Martin, a British lawyer, attempted in August 1972 to observe the trial in Zagreb of four student leaders; she was not allowed access to the courtroom.

The Dutch lawyer, Professor Frits Ruter, of the University of Amsterdam, observed the trial of Dr Djuro **Djurović** in Belgrade in October 1974. Professor Ruter and Dr Marius **Broekmeyer**, also of the University of Amsterdam, observed

also of the University of Amsterdam, observed the trial of Mihajlo Mihajlov in Novi Sad in February 1975.

In February 1976, Dr Broekmeyer was refused access to the trial of four "Cominformists" in Belgrade, but was received by government officials and allowed to inform himself about the case from official documents.

Gunner Berg, a Swedish lawyer, observed the trial of the Belgrade lawyer Srdja Popović in March 1976 in Valjevo.

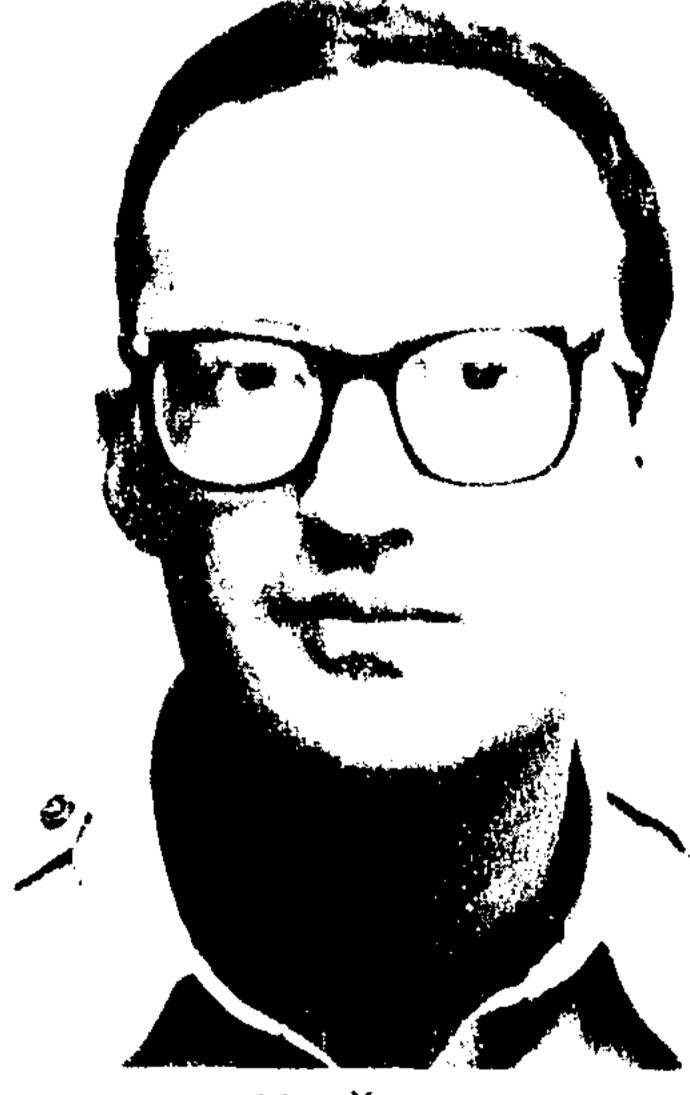
Dr Solari Yrigoyen, an Argentinian lawyer, and a member of Amnesty International's International Secretariat observed the trial of Dragutin Trumbetaš in Zagreb in October 1980.

Dr Sotiris **Dedes**, a Greek lawyer, observed the trial of Dr Franjo **Tudjman** in February 1981 in

# **Case Histories**

# Momčilo Selić

Born in 1946, Momèilo Selié spent much of his youth abroad where his father, a former Partisan, worked in the Yugoslav diplomatic service. He graduated from Belgrade University as an architect, but made a living afterwards as a freelance translator and writer. He is married with two small children.



Momčilo Selić

In January 1980 he distributed to a number of acquaintances and foreign reporters in Belgrade a 10-page text he had written, entitled "Contents", in which he criticized what he regarded as the personality cult of President Tito as well as aspects of Yugoslav Communist Party history. In February he was arrested and in March indicted for "hostile propaganda". According to the indictment, he had "denied the historical truth about the Communist Party of Yugoslavia, the national-liberation movement, the Yugoslav peoples' revolution and the postwar development of our country as well as the contribution and role of President Tito, whom

he mocked and denigrated as a revolutionary, leader and statesman; he thus incited to the overthrow of the power of the working class and working people, the anti-constitutional change of the socialist self-management social system, the destruction of the brotherhood and unity of the Yugoslav peoples, and also maliciously and untruthfully depicted socio-political conditions in our country."

On 25 April 1980 Momčilo Selić was tried and convicted by the district court of Belgrade, which sentenced him to seven years' imprisonment. The Supreme Court of Serbia upheld his sentence on appeal. In 1981, however, after an appeal to the Federal Court, he was found not guilty of "hostile propaganda" but guilty of "damaging the reputation of the SFRJ" and his sentence was reduced to three years' imprisonment.

He is detained in Zabela prison, near Požarevac. At the time of his arrest he was receiving treatment for tuberculosis of the lungs; Amnesty International fears that prolonged imprisonment is likely to cause his health to deteriorate.

# Dr Marko Veselica

Dr Veselica, aged 45, is married with three children. Before his expulsion from the Croatian League of Communists and his dismissal from other posts at the end of 1971, he was a Communist Party official, an assistant professor in the Faculty of Economic Sciences at Zagreb University, a member of the presidency of the Croatian Confederation of Trade Unions and deputy to the SFRJ Assembly. In 1972, following a purge of the Croatian League of Communists and the arrest of many leading members of a Croatian nationalist movement (including Dr Veselica), he was sentenced to seven years' imprisonment, after being convicted on charges of "conspiracy

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Dr Marko Veselica

to overthrow Yugoslavia's social and political system". He was released at the end of 1977.

Dr Veselica was arrested again on 24 April 1981; on 5 May he was indicted on charges of "hostile propaganda", "incitement to national hatred" and "participation in hostile activity". The first two charges were based on an interview he had given in September 1980 to a journalist from the FRG, which was published in a brochure in the FRG and elsewhere and extracts of which were reprinted in various Croatian emigre papers. In this interview, Dr Veselica had argued that Croatia was politically, economically and culturally discriminated against within the Yugoslav federation; he did not in any way advocate violence. The indictment concluded that he had given the interview in order to "persuade public opinion abroad that the peoples of Yugoslavia were not equal and that the political system repressed the constitutional rights and freedoms of citizens by terror, and to persuade Yugoslav citizens at home and abroad that the Croatian people are politically disadvantaged, culturally repressed and economically exploited, with the aim of inciting national hatred and discord among Yugoslavia's peoples". The third charge, of "participation in hostile activity", related to documents Dr Veselica was alleged to have sent to people abroad, including three Croatian emigres; in them, according to the indictment, he had "maliciously and untruthfully represented conditions in Yugoslavia"; the documents were allegedly intended for publication in the

emigre press. He was also accused of having agreed to send information to Croatian emigres about human rights violations in Yugoslavia for presentation to the Conference on Security and Cooperation in Europe held in Madrid in 1980. Dr Veselica's trial by the district court of Zagreb began on 31 August 1981, after it had twice been postponed. He was defended by seven lawyers, including two appointed by the

court.

Dr Veselica rejected all the charges against him. He reportedly acknowledged that he was the author of the interview given to the FRG journalist and defended the views expressed in it. He denied having "maliciously and untruthfully represented conditions in Yugoslavia" and having "incited to national hatred" and emphasized that the prosecution had not attempted to demonstrate the alleged "untruthfulness" of his statements. On the third charge, of "participation in hostile activity", Dr Veselica denied having had any contacts with emigres; he declared that he was on principle against any extremist organization, whether at home or abroad, and was against violence and hatred. The case against Dr Veselica rested on the testimony of a witness who was alleged to have taken abroad documents written by him. This testimony is reported to have been contradictory and to have conflicted with the testimony of other witnesses.

The court, however, found Dr Veselica guilty on all charges and sentenced him to 11 years' imprisonment and a four-year ban on public expression of any kind.

# **Dobroslav** Paraga

Dobroslav Paraga is a 20-year-old student of law and theology from Zagreb. Between June and November 1980 he personally collected 17 signatures for a petition for an amnesty for political prisoners. This petition and a list of 43 signatories — including prominent academics, artists, writers, several leading churchmen and a number of former prisoners of conscience ---was posted to the SFRJ Presidency on 14 November. On 21 November Dobroslav Paraga was arrested, without warrant, by state security police. After his arrest he was reportedly denied food for five days and subjected to prolonged interrogations by the state security police who,

he claims, intimidated and threatened to kill him. On 25 November he was taken before an investigating judge of the district court of Zagreb, where he made a "confession" which was to form the basis of the indictment against him. On 30 December he retracted his



**Dobroslav Paraga** 

"confession", stating that he had made it under into the court dossier until 6 January 1981.

pressure from the state security police; the investigating judge did not enter his retraction The indictment accused Dobroslav Paraga of "participation in hostile activity" and "hostile propaganda". He was charged with having visited a Croatian political emigre in the FRG in July 1980 and with having smuggled into Yugoslavia emigre publications he had received from him. He was also accused of having accepted from this person the "task" of starting a dissident bulletin and of having received money for this purpose.

At his trial before the district court of Zabreb, Dobroslav Paraga denied ever having visited the FRG or having met the Croatian emigre and pointed out that these charges were based on his "confession" of 25 November, which, he said, had been extorted from him. The evidence produced by the prosecution — the accused's passport (which he claims to have lost in 1979), with a stamp showing a crossing from Austria into the FRG on 8 July 1980; a Munich-Cologne ticket bearing no name; a proforma invoice for a duplicator made out in an unknown person's

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name and some emigre publications — were all, according to the indictment, found not at the accused's home but at the flat of a friend, Ernest Brajder, who was not a witness at the trial; he was arrested on 24 November and, according to police reports, committed suicide three days later.

The court refused a defence proposal that inquiries be made in the FRG to check whether Dobroslav Paraga was registered as having stayed in a hotel there at the time and place in question. The prosecution did not provide evidence, other than that of the accused's retracted "confession", to show that he had ever met the Croatian political emigre.

Other charges against Dobroslav Paraga concerned the petition for which he had collected signatures. He was charged with having obtained them under false pretences and in particular of having led the 17 people from whom he had collected signatures to believe that the petition was for an amnesty for prisoners who had committed "verbal crimes", rather than for political prisoners generally. He was also accused of having sent the petition to a news magazine published in the FRG and of having thus "maliciously and untruthfully represented socio-political conditions in the country".

At the trial, only two signatories stated that they had been shown a petition for an amnesty for "verbal crimes". The court rejected all defence proposals for the introduction of evidence for the defence and refused to call the witnesses proposed by the defence, with the exception of the accused's father.

Dobroslav Paraga denied all the charges against him.

The court found him guilty both of "participating in hostile activity" and "hostile propaganda", and on 20 May 1981 sentenced him to three years' imprisonment. This sentence was increased to five years' imprisonment on appeal. Amnesty International's view is that the evidence produced did not provide grounds for conviction on either charge; Amnesty International notes also that the trial was heavily weighted in favour of the prosecution. Dobroslav Paraga is not accused of having used or advocated violence; Amnesty International believes that he has been imprisoned for the non-violent exercise of fundamental rights and has adopted him as a prisoner of conscience.

# YUGOSLAVIA

# Hysen Gervalla

Hysen Gervalla, aged 39, an ethnic Albanian, is a peasant farmer from Decane, Kosovo. He is married and the father of seven children. He was arrested in late 1979 during a wave of arrests in the province of Kosovo following a renewed outbreak there of nationalist agitation. Pamphlets had been clandestinely circulated and slogans had appeared on walls claiming that Kosovo was economically exploited and that Albanians in the province were politically repressed.



Hysen Gervalla

In June 1980 Hysen Gervalla and seven others were tried by the district court of Pristina on charges of "hostile propaganda" and "conspiracy to carry out hostile activity". The charges were reportedly related to their alleged involvement in the clandestine printing and circulation of anti-government pamphlets. Hysen Gervalla and the other accused, Shefqet Jashari, Ramadan Pllana, Avdi Kelmendi, Avdyl Lahu, Isa Demaj, Sulejman Quqalla, and Skender Jashari, received prison sentences ranging from three years (as in the case of Hysen Gervalla) to eight years. Hysen Gervalla's 13year-old son, Dukagjin, is reported to have been detained in early April 1981 and allegedly was beaten so severely by the police that he was confined to bed for several weeks.

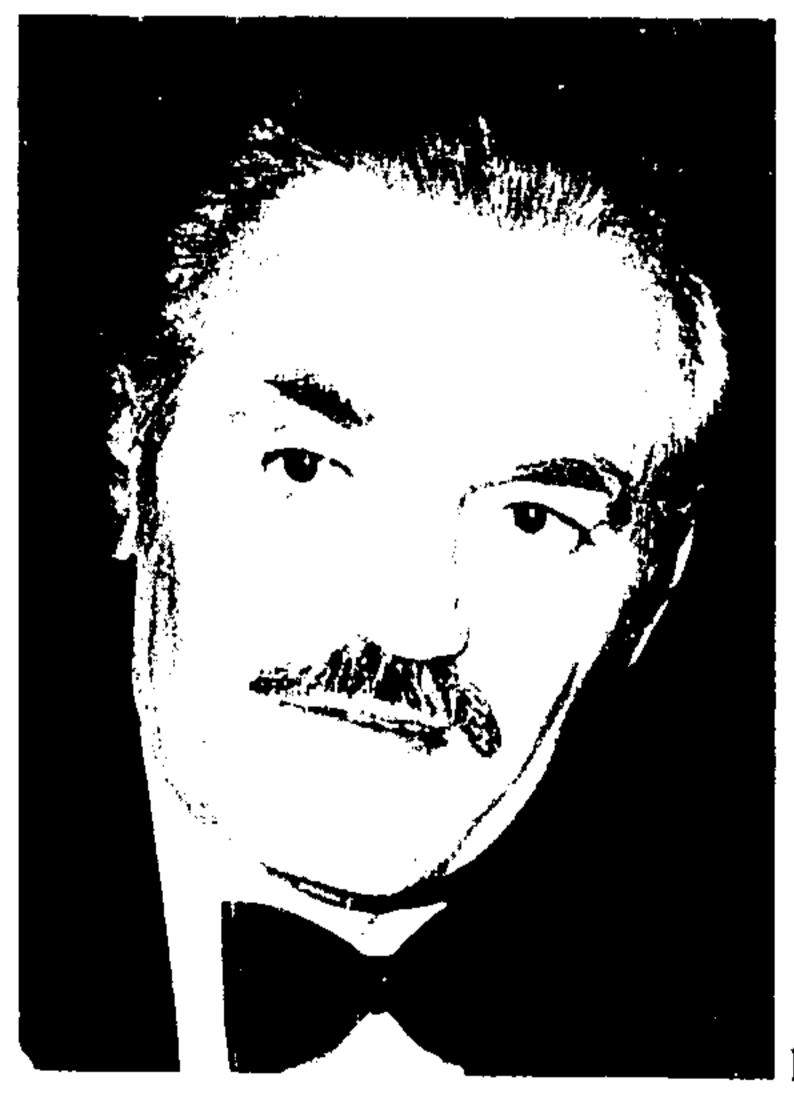
## Nikodije Minić

Nikodije Minić, aged 61, comes from a village near Nis. During the Second World War, he was captured by German forces and sent to a prison camp in Germany and he has lived in western

against him.

The charges of "hostile propaganda" related to casual remarks he was accused of having made on two occasions — the first, five years earlier in a hotel lobby in Nis, when he had allegedly spoken critically of Serbia's leadership and expressed fears for Serbia's future; the second, in 1979, when he was said to have mentioned to Yugoslav acquaintances that he had heard complaints in Croatia that Croatia's foreign currency earnings were being diverted to Serbia. He was alleged also to have said that he feared that the army might take over after President Tito's death; the charges were also linked with references he had made to historical conflicts between Bulgarians and Serbs in the Niš area.

In his defence, Nikodije Minić admitted to the remarks attributed to him on the second occasion (in 1979) and explained that they were based on articles he had read in the foreign press. His acquaintances, when called to give evidence, declared that they had not understood his remarks as "hostile propaganda". At his



Europe since then. Since 1973 he has worked as a freelance translator for German and Dutch firms specializing in medical equipment. In May 1979 one of these firms engaged him to attend a trade fair and medical congress in Yugoslavia, where on 8 June he was arrested and charged with "hostile propaganda". In November further charges of having "acted without authorization as an agent and representative in foreign trade transactions" were brought

Nikodije Minić

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trial, written statements were produced from both Yugoslavia and abroad, testifying to his goodwill towards Yugoslavia. Evidence was also provided of donations he had given in the past to victims of earthquakes in Skopje and Montenegro.

On 25 December 1979 he was found guilty by the district court of Nis and sentenced to five years' imprisonment. On appeal, the Supreme Court of Serbia upheld his conviction on the charge of "hostile propaganda" but ordered a retrial on the secondary (economic) charge.

Nikodije Minić's health, which has been poor since he was a prisoner of war, has deteriorated since his imprisonment in 1979 and he has suffered from a severe rheumatic complaint. He is serving his sentence in Nis prison.

# Franjo Vidović and Ivan Turudić

Franco Vidović, aged 22, is a novice of the Roman Catholic Franciscan order and Ivan Turudić, 21, a student at a Franciscan seminary in Visoko, Bosnia-Hercegovina.



Franjo Vidović

YUGOSLAVIA



Ivan Turudić

At the end of March 1980 the police searched the seminary and are reported to have found and confiscated cuttings from the FRG newspaper Frankfurter Allgemeine Zeitung, a Croatian emigre journal, some nationalist poems (allegedly by Franjo Vidović) and some Croatian flags. Franjo Vidović and Ivan Turudić were arrested shortly afterwards.

Their trial, by the district court of Sarajevo, began on 26 May 1980; it was reportedly held in camera. On 29 May they were both found guilty on charges of "hostile propaganda"; Franjo Vidović was sentenced to six years' and Ivan Turudić to five and a half years' imprisonment. They are reported to have appealed against their sentences but details are not known to Amnesty International. They are detained in Zenica prison.

# Amnesty International a worldwide campaign

In recent years, people throughout the world have become more and more aware of the urgent need to protect human rights effectively in every part of the world.

- Countless men and women are in prison for their beliefs. They are being held as prisoners of conscience in scores of countries—in crowded jails, in labour camps and in remote prisons.
- Thousands of political prisoners are being held under administrative detention orders and denied any possibility of a trial or an appeal.
- Others are forcibly confined in psychiatric hospitals or secret detention camps.
- Many are forced to endure relentless, systematic torture.
- More than a hundred countries retain the death penalty.
- Increasingly, political leaders and ordinary citizens are becoming the victims of abductions, "disappearances" and killings, carried out both by government forces and opposition groups.

# An international effort

To end secret arrests, torture and killing requires organized and worldwide effort. Amnesty International is part of that effort.

Launched as an independent organization over 20 years ago, Amnesty International is open to anyone prepared to work universally for the release of prisoners of conscience, for fair trials for political prisoners and for an end to torture and executions.

The movement now has members and supporters in more than 150 countries. It is independent of any government, political group, ideology, economic interest or religious creed. It began with a newspaper article, "The Forgotten Prisoners", published on 28 May 1961 in The Observer (London) and reported in Le Monde (Paris).

Announcing an impartial campaign to help victims of political persecution, the British lawyer Peter Benenson wrote:

> Open your newspapers 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 . . .. The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done.

Within a week he had received more than a thousand offers of support---to collect information, publicize it and approach governments. The groundwork was laid for a permanent human rights organization that eventually became known as Amnesty International. The first chairperson of its International Executive Committee (from 1963 to 1974) was Sean MacBride, who received the Nobel Peace Prize in 1974 and the Lenin Prize in 1975.

# The mandate

Amnesty International is playing a specific role in the international protection of human rights.

- are termed prisoners of conscience.
- detained without charge or trial.
- punishment of all prisoners without reservation.

This mandate is based on the civil and political rights set down in the United Nations Universal Declaration of Human Rights and it reflects the belief that these rights transcend the boundaries of nation, race and belief.

Through its practical work for prisoners, Amnesty International participates in the wider promotion and protection of civil, political, economic, social and cultural rights.

Amnesty International does not oppose or support any government or political system. Its members around the world include supporters of differing systems who agree on the defence of all people in all countries against imprisonment for their beliefs, and against torture and execution.

# Amnesty International at work

The working methods of Amnesty International are based on the principle of international responsibility for the protection of human rights. The movement tries to take action wherever and whenever there are violations of those human rights falling within its mandate. Since it was founded, Amnesty International groups have intervened on behalf of more than 20,000 prisoners in over a hundred countries with widely differing ideologies.

A unique aspect of the work of Amnesty International groups—placing the emphasis on the need for international human rights work—is the fact that each group works on behalf of prisoners held in countries other than its own. At least two prisoner cases are assigned to each group; the cases are balanced geographically and politically to ensure impartiality.

There are now over 2,500 local Amnesty International groups throughout the world. There are national sections in 40 countries (in Africa, Asia, the Americas, Europe and the Middle East) and individual members, subscribers and supporters in a further 111 countries. Members do not work on cases in their own country. No section, group or member is expected to provide information on their own country and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

# **Continuous research**

The movement attaches the highest importance to balanced and accurate reporting of facts. All its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, comprising nearly 30 nationalities) has a research department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

Once the relevant facts are established, information is sent to national sections and groups for action. The members then start the work of trying to protect the individuals whose human rights are reported to have been violated. They send letters to government ministers and embassies. They organize public meetings, arrange special publicity events, such as vigils at appropriate government offices or embassies.

YUGOSLAVIA

It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These

It works for fair and prompt trials for all political prisoners and works on behalf of such people

It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or

# YUGOSLAVIA

and try to interest newspapers in the cases they have taken up. They ask their friends and colleagues to help in the effort. They collect signatures for international petitions and raise money to send relief, such as medicine, food and clothing, to the prisoners and their families.

# A permanent campaign

In addition to casework on behalf of individual prisoners, Amnesty International members campaign for the abolition of torture and the death penalty. This includes trying to prevent torture and executions when people have been taken to known torture centres or sentenced to death. Volunteers in dozens of countries can be alerted in such cases, and within hours hundreds of telegrams and other appeals can be on their way to the government, prison or detention centre.

In its efforts to mobilize world public opinion, Amnesty International neither supports nor opposes economic or cultural boycotts. It does take a stand against the international transfer of military, police or security equipment and expertise likely to be used by recipient governments to detain prisoners of conscience and to inflict torture and carry out executions.

Amnesty International does not grade governments or countries according to their record on human rights. Not only does repression in various countries prevent the free flow of information about human rights abuses, but the techniques of repression and their impact vary widely. Instead of attempting comparisons. Amnesty International concentrates on trying to end the specific violations of human rights in each case.

Human rights have been violated not only by governments, but also by political groups. People have been taken prisoner and held hostage; torture has been inflicted and executions carried out in the name of different political causes. Such acts are no more acceptable than repression by governments. Amnesty International believes that international standards for the protection of human rights and the humane treatment of prisoners should be universally respected.

# **Policy and funds**

Amnesty International is a democratically run movement. Each year major policy decisions are taken by an International Council comprising representatives from all the national sections. They elect an International Executive Committee to carry out their decisions and supervise the day-to-day running of the International Secretariat.

The organization is financed by its members throughout the world, by individual subscriptions and donations. Members pay fees and conduct fund-raising campaigns-they organize concerts and art auctions and are often to be seen on fund-raising drives at street corners in their neighbourhoods. Its rules about accepting donations are strict and ensure that any funds received by any part of the organization do not compromise it in any way, affect its integrity, make it dependent on any donor, or

limit its freedom of activity.

The organization's accounts are audited annually and are published in its annual report.

Amnesty International has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe. It has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the coordinating committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.



Symbol of Amnesty International

# Other Amnesty International reports

The following list includes a selection of reports issued since 1976. For a complete list, write to Amnesty International Publications, London.

#### AMNESTY INTERNATIONAL REPORT

This annual report provides a complete country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. The report is arranged in regional sections and normally covers developments in at least 100 countries.

This is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

Now available: the Amnesty International Report 1981. This 428page report, illustrated with regional maps for easy reference, covers the period 1 May 1980-30 April 1981. First published 10 December 1981. £5.00. English, French, Spanish.

#### AMNESTY INTERNATIONAL NEWSLETTER

This monthly bulletin provides a regular account of Amnesty International's work: the latest reports of fact-finding missions, details of the and release of political arrest prisoners, reliable reports of torture and executions. It also gives practical information for Amnesty International supporters: each issue includes appeals on behalf of prisoners of conscience and victims of torture around the world.

The newsletter is written—without political bias—for human rights activists throughout the world. It is widely used by journalists, students. political leaders, doctors, lawyers and other professionals.

Individual subscriptions: \$5.00 (US\$12.50) a year. English, French, Spanish.

If you live in a country where a national section of Amnesty International has been formed, you can obtain all these reports from the section. Section addresses are available from the International Secretariat. If there is no national section in your country, you can order these reports direct from the International Secretariat of Amnesty International: • select the publications you wish to order

• note the listed price • make out a money order or bank draft payable to AMNESTY INTERNATIONAL for the total price of all the publications send your order and payment to AMNESTY INTERNATIONAL **10 SOUTHAMPTON STREET** LONDON WC2E 7HF UNITED KINGDOM

THE DEATH PENALTY This unique study of the ultimate punishment examines the laws and methods by which people can be put to death in 134 countries. The 206page report draws on more than a decade of research, using official and unofficial sources. Devoted mainly to country-by-country survey of legislation and practice, the report also covers the phenomena of "disappearances" and summary executions through which suspected political opponents have been eliminated in large numbers by repressive regimes. First published 1979: illustrated. £2.00. English, French, Spanish.

#### HOW TO ORDER THESE REPORTS

#### PRISONERS OF CONSCIENCE

Who are today's prisoners of conscience and why are they in jail? This 48-page report highlights cases in 15 countries and offers an excellent introduction to worldwide efforts to free them. First issued 1981. £2.00. English, Spanish.

# Africa

#### GUINEA

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1978. £0.40. English, French, Spanish.

## HUMAN RIGHTS

VIOLATIONS IN ETHIOPIA An account of political killings, the destruction of the rule of law, political imprisonment, prison conditions, the use of torture and the death penalty. First issued 1977. 26 pages. £0.50. English, French.

#### HUMAN RIGHTS IN UGANDA

An examination of human rights violations during the presidency of Idi Amin, including the overthrow of the rule of law, murder of judges, public executions, killings and torture. First issued 1978. 25 pages. £0.50. English, French.

HUMAN RIGHTS IN ZAIRE Details on political prisoners and their conditions, torture, extrajudicial executions and the use of the death penalty, together with the political and legal background. First issued 1980. 22 pages. £1.00. English. French.

#### NAMIBIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

#### **POLITICAL IMPRISONMENT** IN SOUTH AFRICA

A detailed report, including photographs and case histories, on the political and legal background to human rights violations, the treatment of prisoners, killings, use of torture and the death penalty. First issued 1978. 108 pages. £1.00. English, French.

# The Americas

### **DISAPPEARED PRISONERS** IN CHILE

A dossier on political prisoners held in secret detention camps. It comprises background information on "disappeared" prisoners, appeals from their relatives, a selection of case histories and numerous photographs. First issued 1977. £1.45. English, French, Spanish.

#### **GUATEMALA: A GOVERN-**MENT PROGRAM OF POLI-TICAL MURDER

Eye-witness testimony, on political abductions and killings directed from secret offices in an annex of the presidential palace. First issued 1981. 32 pages, illustrated. £2.00. English, French, Spanish.

### MEMORANDUM SUBMIT TED TO THE GOVERN-MENT OF THE REPUBLIC

Findings and recommendations of a mission that visited Havana in 1977 to examine questions of long-term political prisoners, prison regimes, the situation of released prisoners and the application of the death penalty. First issued 1978. Eight pages. £0.50. English, Spanish.

## PARAGUAY

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1978. £0.40. English, French, Spanish.

#### PERU

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1979. £0.40. English, French, Spanish.

### POLITICALIMPRISONMENT IN URUGUAY

A dossier of documents on political imprisonment, law and justice for political prisoners, detention conditions, ill-treatment and torture, with 14 case histories. First issued 1979. £0.40. English, French, Spanish.

#### **PROPOSAL FOR A COM-MISSION OF INQUIRY IN-**TO THE EFFECTS OF DOMESTIC INTELLIGENCE **ACTIVITIES ON CRIMINAL** TRIALS IN THE UNITED STATES OF AMERICA

A 144-page study of misconduct in the cases of convicted minority militants. First issued 1981. £3.00. English.

### **TESTIMONY ON SECRET DETENTION CAMPS IN AR-**GENTINA

Testimony of two detention camp victims, including detailed information about their fellow prisoners; list of prisoners and correspondence to and from government officials about missing people. First issued 1980. 60 pages. £1.00. English, Spanish.

# Asia

#### ALI LAMEDA: A PERSONAL ACCOUNT OF THE EX-**PERIENCE OF A PRISONER** OF CONSCIENCE IN THE DEMOCRATIC PEOPLE'S **REPUBLIC OF KOREA** The personal story of a Venezuelan

poet and Communist Party member subjected to six years' political imprisonment in North Korea. First issued 1979. 39 pages. £0.50. English, French.

#### INDONESIA

A detailed account of political imprisonment between 1965 and 1976, including description of trials, prison conditions and forced labour, permanent post-release "resettlement" and case histories. First issued 1977. 146 pages. £2.00. English, French, Indonesian.

#### **IMPRISON-**POLITICAL MENT IN THE PEOPLE'S **REPUBLIC OF CHINA**

A major report on the constitutional, legal and penal systems under which political dissenters have been detained, interrogated, tried and punished. First issued 1978. 171 pages, illustrated. £2.00. English, French, Spanish.

#### **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO BANGLADESH

**Representations to the Bangladesh** Government reflecting Amnesty International's concern about trials of civilians by martial law courts and the execution of military personnel. First issued 1978. 20 pages. £0.50. English.

#### **REPUBLIC OF KOREA: VIO-**HUMAN LATIONS OF RIGHTS

The report that launched a worldwide campaign against human rights abuses inflicted on South Korean dissenters. First issued 1981. 44 pages. £2.00. English, Spanish.

#### **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO THE FEDERATION OF MALAYSIA

An examination in 1978 of Malaysia's Internal Security Act, under which political prisoners, including members of political parties and trade unions, have been held without charge or trial and tortured. First issued 1979. 67 pages. £0.50. English.

#### **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO INDIA

The findings and recommendations of an investigation following the 1975-1977 Indian Emergency. First issued 1979. 84 pages. £1.00. English.

### **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO THE REPUBLIC OF THE PHILIPPINES

Second edition of the conclusions of a mission in 1975 together with the government's reply and Amnesty International's comments. Includes interviews with prisoners and an examina-

tion of the incidence of torture and other violations of human rights. First issued 1977, 95 pages, £2.00. English, Spanish.

## **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO SINGAPORE

Report of a mission in 1978 plus recommendations to the government. An examination of preventive detention, trials, arrest and interrogation, prison conditions, torture and the use of the death penalty. First issued 1978. 60 pages. £2.00. English.

### SHORT REPORT OF AN AM-NESTYINTERNATIONAL MISSION TO THE ISLAMIC **REPUBLIC OF PAKISTAN** Findings of a mission in 1978 that documented martial law provisions curtailing fundamental freedoms and the infliction of harsh punishments by

military courts on civilians for exercising the right of free speech. First issued 1978. 24 pages. £0.50. English. French.

## TAIWAN (REPUBLIC OF CHINA)

A 14-page briefing on political imprisonment, torture and the death penalty. First issued 1976; second edition 1980. £0.40. English, French. Chinese.

#### **VIOLATIONS OF HUMAN RIGHTS AND FUNDAMEN-**TAL FREEDOMS IN THE DE-MOCRATIC REPUBLIC OF AFGHANISTAN

A report, released in September 1979. on consistent violations: widespread arrests, torture, "disappearances" and deaths in detention between April 1978 and May 1979. 34 pages. £0.50. English.

# Europe

# CZECHOSLOVAKIA

A 20-page briefing on political imprisonment and the death penalty. First issued 1981, CO.60, English, hiench.

# **GERMAN DEMOCRATIC RE-**PUBLIC

A 12-page briefing on political imprisonment and the death penalty. First issued 1977: second edition 1981. CO.60. English, French, Spanish.

## TORTURE IN GREECE: THE FIRST TORTURERS' TRIAL 1975

A rare insight into the inner clockwork of a torture state, this 98-page report analyses a contemporary example of the possibility of submitting accused torturers to due process of law. First issued 1977. £0.85. English. French, Spanish.

# ROMANIA

A 19-page briefing on political imprisonment and the death penalty. First issued 1980. £0.60. English, French, Spanish.

# **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO NORTHERN IRELAND The findings and recommendations of

a mission in 1977 that investigated allegations of ill-treatment of detainees and called for a public inquiry. First issued 1978. 72 pages. £1.00. English.

# **REPORT OF AN AMNESTY** INTERNATIONAL MISSION TO SPAIN

First published in November 1980. the findings of a mission that examined the treatment of security detainees. plus Amnesty International's recommendations to prevent torture. 68 pages. £3.00. English, Spanish.

# TURKEY

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

#### PRISONERS OF CON-SCIENCE IN THE USSR: THEIR TREATMENT AND CONDITIONS

This 200-page report, containing photographs of prisoners of conscience and camps in which they are held, examines Soviet laws and their application to dissenters and includes new material on the treatment of dissenters in psychiatric institutions. First issued 1975; second edition 1980. £5.00. English, French, Spanish.

# Middle East

#### LAW AND HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

An examination of legal procedures, revolutionary tribunals, offences and post-revolutionary executions during the first seven months after the 1979 revolution. First issued 1980. 216 pages. £10.00. English.

# **IRAQ: EVIDENCE OF TOR-**TURE

This report, published after painstaking research into allegations of political torture, presents detailed findings in 15 cases and calls for the protection of all detainees. First issued 1981.44 pages, illustrated. £2.00. English, French.

## MOROCCO

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

## PEOPLE'S DEMOCRATIC **REPUBLIC OF YEMEN**

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1976. £0.40. English, French, Arabic.

#### **REPORT AND RECOM-MENDATIONS OF AN AM-**NESTY INTERNATIONAL **MISSION TO THE GOVERN-**MENT OF THE STATE OF ISRAEL

Report of a mission in 1979 that examined allegations of ill-treatment in the Occupied Territories and legal procedures used. Includes Amnesty International's recommendations, the government's reply and Amnesty International's comments on it. First issued 1980. 71 pages. £2.00. English, French.

# SYRIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1979. £0.40. English, French, Spanish, Arabic.