

EXTERNAL (for general distribution)

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EXTRA 88/91

**Trial of conscientious objectors
to military service**

18 December 1991

YUGOSLAVIA

Dušan Brankovi_ and Goran Stankovi_

Dušan Brankovi_ (aged 37) and Goran Stankovi_ (aged 28) are from the town of Aleksinac in the Republic of Serbia. They are to be tried on 19 December by the military court in Niš on charges of "undermining the military and defensive power of the state" under Article 121, paragraph 1 of the federal criminal code. This offence is punishable by three to fifteen years' imprisonment.

In October 1991 they were mobilized as reservists into the Yugoslav National Army (JNA). On 10 October their unit was sent to the battle front in the village of Dalj in Croatia. According to the indictment against them, on arrival in Dalj they demanded that their unit be returned to Serbia, saying that the JNA was an army of aggression in Croatia, that they should not have been sent to the battle front, that they and other reservists were inadequately trained and had been betrayed by their officers. They insisted that the buses which had brought them to Dalj be called back and they and some 300 other reservists returned to Serbia. On 11 October they were arrested and detained in Niš. The military authorities have allegedly expressed their displeasure about the lawyers engaged by the two men and threatened them with heavier sentences if they do not dismiss these lawyers.

The trial of Dušan Brankovi_ and Goran Stankovi_ is believed to be one of the first such trials - others are reportedly due to follow them later this month, before the military court of Belgrade.

BACKGROUND INFORMATION

Military service is compulsory for all men over 18 in Serbia. With the exception of religious conscientious objectors of specific denominations (who do unarmed service in the army), there is no provision for conscientious objection. Former conscripts are liable for call-up as reservists for training or exercises at any time. On 5 October four members of the federal Presidency proclaimed the country to be in a state of "imminent danger of war", which allows for the mobilization of reservists into fighting units. The legality of this proclamation is disputed, since the four other members of the federal Presidency did not attend the meeting at which this decision was made.

Since the outbreak of conflict in Croatia, large numbers of reservists have been called up, mainly from the republics of Serbia and Montenegro. There has been considerable opposition to the war on political and moral grounds. Military sources have reportedly stated that from Serbia alone more than 20,000 men

have deserted their units or have avoided mobilization (usually by going abroad). Military sources have also indicated that many of these will be administratively punished by a fine, and that criminal proceedings will be initiated only against officers and reservists who take their weapons with them when they desert. (The indictment does not charge Dušan Brankovi_ and Goran Stankovi_ with taking away their weapons.)

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RECOMMENDED ACTION: Faxes:

- expressing concern at reports that Dušan Brankovi_ and Goran Stankovi_ from Aleksinac were arrested and are to be tried by the military court of Niš on 19 December 1991 on charges under Article 121 of the SFRJ Criminal Code;
- urging their immediate release, if (as the available information indicates) they and some 300 others left their unit in Dalj on 10 October after expressing their moral opposition to the war being conducted in Croatia;
- urging that the right to conscientious objection be recognized for all those who refuse to take up arms in the JNA on political, moral, religious or philosophical grounds.

APPEALS TO

1. Federal Secretary for National Defence:

General Veljko Kadijevi_

Faxes: +38 11 636 775

Salutation: Dear General Kadijevi_

2. Minister of National Defence of the Republic of Serbia:

General Tomislav Simovi_

Faxes: +38 11 682 167

Salutation: Dear General Simovi_

COPIES TO:

Centre for Anti-War Action
Zmaj Jovina 12
11000 Belgrade
Serbia

PLEASE SEND APPEALS IMMEDIATELY. Please check with the International Secretariat, or your section office, if sending appeals after 30 December 1991.