

THE FORGOTTEN RESISTERS

THE PLIGHT OF YUGOSLAV CONSCIENTIOUS OBJECTORS AFTER THE CONFLICT IN KOSOVO

"It's as if we've gone from one jail to the next. We are being punished for what we have done."

- the words of one Yugoslav conscientious objector who is seeking asylum in Hungary



During the recent crisis in Kosovo, thousands of Yugoslav men of military age refused to take part in conflict on the grounds of their deeply held religious, political or moral beliefs. These men were encouraged in their actions by representatives of NATO member states, who repeatedly urged them to disobey and resist the Yugoslav leadership.

Now that the conflict has ended the men who heeded the calls of NATO leaders and the promptings of their own conscience find themselves in a desperate situation. Hundreds are believed to be serving lengthy terms of imprisonment in the Federal Republic of Yugoslavia (FRY), where criminal proceedings against thousands of draft evaders and deserters have been opened by the military courts. In November 1999 Montenegro, the smaller of the two republics making up the FRY, passed an amnesty law for its citizens who had deserted or avoided the draft. However, the Montenegrin authorities are in a poor position to protect its citizens from arrest by the Federal military police. Of those conscientious objectors who fled the Federal Republic, many are without any durable protection in the countries in which they sought refuge. In some cases the authorities have refused to recognize the men as genuine asylum-seekers and are threatening to return the men to the FRY.

Meanwhile, the governments who issued the calls to resistance appear to take little or no interest in the plight of these men, who have become the "forgotten resisters".

In October 1999 Amnesty International published a report on the difficulties encountered by a number of Yugoslav conscientious objectors who had fled to Hungary. The report revealed that the international community has turned its back on these men, who are living out marginal existences in refugee holding centres or spartan private accommodation, with little or no support from national authorities and international agencies. All are in a limbo of uncertainty about their future. Some have been told -- against the clear precepts of international refugee law -- that they have no right to remain in Hungary and may be returned to the FRY, where almost certainly they would face arrest, trial and imprisonment.

*The right to conscientious objection is a basic element of the right to freedom of thought, conscience and religion as articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the European Convention of Human Rights. **No one should be imprisoned for exercising this right.***

*Any claim for asylum put forward by individuals who fled the FRY to avoid military service during the Kosovo conflict on the grounds of conscience is based on a well-founded fear of persecution. **Such conscientious objectors are entitled to the full protection of the 1951 Refugee Convention: none should be returned or threatened with return to the FRY.***

At the end of the conflict in June 1999, UK Prime Minister Tony Blair stated, "The more we see what has happened in Kosovo, the more we see that the Serbian people have got a responsibility to make [FRY President Slobodan] Milošević be culpable for these crimes. They cannot walk away from these crimes." These conscientious objectors recognized their responsibility and took courageous personal stands, forsaking their homes, jobs and family relationships rather than serve in an internationally-condemned Yugoslav military operation.

Amnesty International believes that the UK government and the governments of other NATO member states have a clear responsibility to ensure that conscientious objectors who fled the FRY are given effective and durable protection as refugees.

AMNESTY INTERNATIONAL IS APPEALING FOR YOUR HELP

Ask your government to fulfil its international obligations to protect these men

Please write to:

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| 1) | The Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
London, SW1 2AL | 2) | The Rt Hon Jack Straw MP
Home Secretary
Home Office
50 Queen Anne's Gate
London, SW1H 2AL |
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and to your own Member of Parliament.

- Refer to the recent publication of Amnesty International's report *Federal Republic of Yugoslavia: The forgotten resisters - the plight of conscientious objectors to military service after the conflict in Kosovo* (AI Index: EUR 70/111/99, October 1999).
- Ask the UK government not to abandon those individuals from the FRY whose conscientious objection to military service during the conflict in Kosovo has left them facing long terms of imprisonment in the FRY or an uncertain future as asylum-seekers in other countries. Point out that many of these asylum-seekers have been threatened with return to the FRY by the Hungarian and other national authorities, in violation of the 1951 Refugee Convention, and that few appear to be receiving the necessary support of relevant international agencies.
- Ask the government to ensure that no such conscientious objector seeking asylum in the UK is returned to the FRY, but is granted the full protection of the 1951 Refugee Convention. Ask the government to ensure that all UK officials dealing with refugee and asylum cases are made aware of the application of the 1951 Refugee Convention to cases of conscientious objectors in a situation of internationally condemned conflict, such as was the case in Kosovo.
- Ask the government to cooperate fully with the Hungarian and other national authorities to ensure that these conscientious objectors are granted effective and durable protection, in keeping with international standards, and are not returned to the FRY. Such cooperation should extend to facilitating the resettlement of these conscientious objectors to third countries where this is appropriate, for example because of family ties.
- Ask the government to do all in its power to secure the release of imprisoned conscientious objectors in the FRY, either by direct diplomatic pressure on the FRY authorities or by raising this issue in all appropriate international fora.

If you would like further information or a copy of Amnesty International's report, please write to:

Amnesty International, 1 Easton Street, London, WC1X 0DW.

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