

Amnesty International

YUGOSLAVIA
PRISONERS
OF
CONSCIENCE

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ERRATA

Page 8, line 8: Dušan not Dusan
Page 29, line 1: Zvečan not Zvecen
Page 32, heading and line 34: Xheladin not Xhaladin
Page 38, line 7: Dečane not Decane
Page 40, line 33: Kovačević not Kovacević
Page 42, line 39: eight years not seven years
Page 48, caption: designation of pictures of Behmen and Bogdanovski is the wrong way round
Page 52, caption: Momčilo Selić not Momćilo Selić
Page 52, caption: Ismet Kasumagić: eight years not seven years
Page 54, caption: Pavlusko Imširović not Pavlusko Imsirović (twice)
Page 58, line 19: Dusan Četković not Dusan Cetković
Page 60, line 22: Milisav Živanović not Milisav Zivanović



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Preface

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 the First World War. It united the former Austro-Hungarian territories of Slovenia, Croatia-Slavonia, the Vojvodina, Dalmatia and Bosnia-Herzegovina, 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-Herzegovina (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 census of 1971 and making up about 40 percent of the population in Bosnia-Herzegovina). 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 Croats and Slovenians. There is also a large Muslim community, believed to number about four million, including ethnic Slavs in Bosnia-Herzegovina, 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 23-member collective leadership, the Presidium of the Central Committee, the presidency of which rotates annually.

The functions of head of state are now 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 rotates annually.

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 own 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. During much of the 1970s annual growth in industrial production stood at eight or nine per cent but from 1980 to 1984 it dropped to about four per cent. The average annual rate of inflation from 1976 to 1980 was about 18 per cent. However, it rose sharply to about 40 per cent for 1981 and 1982, and increased again to nearly 60 per cent for 1983 and 1984. 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. By the end of 1984 Yugoslavia had accumulated a foreign debt of around 20 billion dollars.

Yugoslavia has important mineral and energy resources; its chief industrial products include transport equipment, machinery, non-ferrous 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 partner, the EEC its major importing partner. The USSR is its principal 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.

Non-Aligned Movement

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 without reference to the national tensions which have existed since the inception of this multi-national 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 Radic, 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 pro-fascist underground movement founded in the early 1930s, organized the murder of King Alexander by a Macedonian terrorist during an official visit to France.

Second World War

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

A Serbian resistance movement, whose followers were known as Chetniks, was formed under the leadership of Draža Mihailovic 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 Nedic.

According to official figures, over 1,700,000 out of a population of 15 million people lost their lives during the war. 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 Pavelic and a number of his Ustashe followers.

Post-war trials

Of the widespread trials that took place immediately after the war, two were much publicized. In June 1946 the Chetnik leader General Draža Mihailovic was tried on charges of collaborating with the enemy; he was executed in July. In September the trial started 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".

Nationalist unrest

Since the 1960s, there have been periodic outbreaks of nationalist unrest, the most serious in Croatia and in the predominantly Albanian-inhabited province of Kosovo.

After Alexander Rankovic, Vice-President of Yugoslavia, was dismissed in 1966, the excesses committed by the state security police under his supervision, including the repression of Kosovo's Albanian population, were officially condemned. Although the departure of Alexander Rankovic in 1966 was followed by 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 was supported by both members and non-members of the Croatian League of Communists. This "mass movement", as it came to be called, was abruptly curbed in December 1971 by the arrest of its leading members and a purge of the Croatian League of Communists initiated at the 21st session of the SKJ Presidium. Many of those arrested (reportedly some 550 in Zagreb alone) were soon released. Others were tried in 1972, charged with crimes "against the people and the state". According to the *Statistical Yearbook of the SFRJ*, 427 people in Croatia were convicted in 1972 of offences "against the people and the state". Amnesty International adopted over 20 people sentenced to up to seven years' imprisonment as prisoners of conscience, including Vlado Gotovac, Dr Franjo Tujman and Dr Marko Veselica. These three had been released by the end of 1977 but were later 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 Pec (Kosovo) and Titograd (Montenegro) to terms of imprisonment of from two to 14 years. They had been accused of organizing a clandestine, pro-Soviet, Yugoslav communist party congress and of taking orders from "Cominformist" Yugoslav emigres. In 1975 and 1976 there were more trials of people accused of "Cominformist" sympathies or activities. All these trials were held *in camera*. Amnesty International took up the cases for investigation, that is, 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 were arrested and tried in 1975 and 1976. In February 1976 the writer Adem Demaqi (who had served two previous prison sentences for nationalist agitation) and 18 other Albanians were tried in Priština and sentenced to 15 years' imprisonment.

They were charged with "organizing against the people and the state", "hostile propaganda" and "crimes endangering the territorial integrity and independence of Yugoslavia". Adem Demaqi was accused of forming the "National Liberation Movement of Kosovo", whose alleged goal was the unification of Kosovo with Albania. The defendants were accused also of distributing publicity material attacking the policy of the SKJ, the system of socialist self-management and the leadership of the SFRJ in the student quarters of Priština university and other places in Kosovo and Macedonia. The defendants were not accused of either using or advocating violence and they were adopted as prisoners of conscience.

Political criticism

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 best-known case is that of Milovan Djilas, Vice-President of Yugoslavia until his 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. Next year his sentence of three years' imprisonment was extended after his book, *The New Class*, had been published abroad. Released in 1961, he was again imprisoned from 1962 until 1966 after a further book, *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.

Emigre communities

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 political violence, including assassinations, usually towards Yugoslav diplomatic officials abroad.

Assassinations: There have also, however, been a number of assassinations of political emigres, well over 20 of which were committed after the early 1970s. Recent victims included the Croatian emigres Bruno Busic (a former prisoner of conscience murdered in Paris in October 1978), Nikola Milicevic (murdered in Frankfurt in February 1980 after the Government of the Federal Republic of Germany (FRG) had refused the Yugoslav Government's request for his extradition), the Serbian emigre Dusan Sedlar (murdered in Düsseldorf in April 1980), the Kosovo Albanian emigres Jusuf and Bardhosh Gervalla and Kadri Zeka (murdered in Stuttgart in January 1983) and the Croat, Stjepan Djurekovic (murdered near Munich in July 1983).

Emigre circles have frequently claimed 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 the evidence presented in several cases tried by courts outside Yugoslavia.

On 23 July 1981 Saarbrücken district court sentenced two FRG citizens Adam Lapčević and Friedrich Huber, and a Yugoslav, Dragan Barac, to eight, 14 and 13 years' imprisonment respectively for the attempted murder in December 1980 of the emigre Franjo Goreta. According to evidence given in the course of the trial, they had been paid 100,000 Deutschemark by the SDS to murder Goreta, himself a former SDS agent. The presiding judge commented: "It is intolerable that assassinations are paid for and carried out in our territory instigated by foreign states in order to solve their internal problems."

In July 1984 Frankfurt district court, after a trial that lasted for two and a half years, sentenced Zorica Aleksic and Iso Dautovski to seven and a half and 13 years' imprisonment respectively for the attempted murder of a Kosovo Albanian emigre, Rasim Zenelaj, in May 1981. The court reportedly implicated the SDS and "at least some consular officials" in the attempted murder. The presiding judge, in reply to a question after the trial as to whether he thought that his statements in court might deter such killings in future, commented: "No, I am afraid that a secret service using murder to achieve its goals will not be deterred by us."

Also in July 1984, the trial of Josip Majerski by Munich district court ended. He had been charged with intelligence activities, and during the trial he admitted he had for a long time been employed by the SDS. He gave detailed information about SDS actions against Yugoslav emigres in the FRG and named prominent members of the Yugoslav diplomatic corps he claimed had been involved. He also stated that he had been supplied with money and weapons and assigned the task of infiltrating various emigre organizations in order, as an *agent*

provocateur, to encourage the use of violence. For this he said he was paid 2,000 Deutschemark a month. He further stated that he had been ordered by the SDS to kill the emigre Bruno Busic in Paris but had refused to do so.

Abductions abroad: A number of emigre opponents have been abducted abroad and tried in Yugoslavia. The most notorious of these cases was that of Vladimir Dapčević, a Yugoslav living in Brussels who was apparently abducted by Yugoslav state security agents in August 1975 while visiting Romania. He was a former colonel in the Yugoslav army who had been imprisoned in 1948 as a "Cominformist". He had fled to Albania in 1958 and later went on 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 Stojanovic 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 Čížek, a Croatian emigre living in the FRG who 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 Sarajevo district court to 15 years' imprisonment, later reduced to 13 years, on charges of having "acted in accordance with counter-revolutionary attitudes that undermined the Yugoslav social system".

In both cases Amnesty International's information 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 frontiers 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 had such contacts or found to be in possession of emigre journals are liable to arrest and imprisonment on return to Yugoslavia. Amnesty International's information suggests that the number of such cases has increased in recent years.

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;
- departures from international standards on arrest, investigation and trial procedures;
- instances of cruel, inhuman and degrading treatment of political detainees;
- conditions of detention which in many cases fail to match the United Nations Standard Minimum Rules for the Treatment of Prisoners;
- the existence and application of the death penalty.

Political imprisonment

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

In June 1980 the Federal Public Prosecutor reported an increase in the number of political offences during the previous year. He attributed this to international tension and to an increase in activities on the part of 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-three per cent of the total were described as "verbal offences"; 78 per cent were "minor verbal offences" – usually insulting state leaders or symbols by using abusive language – punished by one to two months' imprisonment. Seventy per cent of all political offences had been due to "nationalist and chauvinist" attitudes. At a meeting of public prosecutors in April 1981 it was apparently decided to prosecute political offences more severely.

In July 1982 the Federal Public Prosecutor stated that 594 people, 64 per cent of them ethnic Albanians, had been charged with political crimes in 1981 and that "about half" of them had been charged with "most serious offences", unlike in 1980 or previous years when "only a very small number" had been charged with these "most serious offences". In May 1983 he reported that 516 – 62 per cent of them Albanians tried for "irredentist and nationalist activities" – had been charged with political crimes in 1982. Sixty-five per cent of this total were described as "verbal political offences". In June 1984 he reported that 545 people had been charged with political crimes in 1983, 76 per cent of them with "verbal crime".

Ethnic Albanians

The high percentage of Albanians charged with political crimes - 64 per cent of the 1981 total, 62 per cent in 1982, no figures given for 1983 - reflects the continuing national unrest in territories inhabited mainly by ethnic Albanians, particularly the province of Kosovo.

Renewed nationalist unrest in Kosovo had already begun in late 1979, when numerous arrests were reported there following the appearance of anti-government pamphlets and slogans painted on walls. Some 19 people were later tried, although only two trials were covered in the Yugoslav press - one in Priština in July 1980 and the other in Skopje the following month.

Eleven people at these trials were sentenced to between three and eight years' imprisonment. Amnesty International's information does not suggest that the accused had used or advocated violence.

There was further nationalist unrest in Kosovo in March and April 1981. According to official Yugoslav sources, it was sparked off on 11 March by students at Priština university protesting about their living conditions. Later in March and in early April demonstrations took place in Priština and many other parts of Kosovo; the demonstrators' main demand was for Kosovo to cease to be a constituent part of the Republic of Serbia and be accorded republican status. Some demonstrators are also said to have called for Kosovo's union with neighbouring Albania. The demonstrations appear to have begun peacefully but, according to various official sources, nine or 11 people died and several hundred were wounded in violent clashes following intervention by security forces. Unofficial sources have estimated far higher casualty figures, and Amnesty International has heard that the Central Committee of the League of Communists of Serbia was told that over 300 people had died in the course of the disturbances.

State of emergency

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

The official figures for the number of convictions of ethnic Albanians in Kosovo between the large-scale nationalist demonstrations

of March till April 1981 and the end of 1983 were 658 convictions for "irredentist" activity and "about 2,000 punished for violations" - that is, sentenced to up to 60 days' imprisonment or a fine (unofficial sources give far higher figures). According to a report in *Tanjug* (the official Yugoslav news agency) on 10 March 1984, 72 "illegal organizations" with "about 1,000 members" were uncovered in the province during the same period. In the first seven months of 1984 the official Yugoslav press reported six group trials in Kosovo of 78 ethnic Albanians. One defendant was discharged because of lack of evidence; the others were all found guilty of belonging to "illegal" organizations with "nationalist" and "irredentist" aims and sentenced to up to 15 years' imprisonment. All were accused of advocating republican status for Kosovo.

Most of those convicted were young teachers or high-school and university students and were under 25. Many of the prison sentences were of six years and more.

However, according to an article in the Belgrade weekly *NIN* on 20 November 1983, Riza Fazlija, President of the Supreme Court of Kosovo, referring to sentences passed in political trials in Kosovo after 1981, said that 60 per cent of the verdicts of the courts of first instance (that is, the district courts) had been reduced on appeal by the Supreme Court of Kosovo. Young people in particular who had been "led astray and who had expressed sincere repentance" had had their sentences reduced. Fazlija commented:

"It is correct that some sentences of the lower courts were too severe. Perhaps the courts of first instance had reason to impose these sentences in the situation that prevailed three years ago as a general preventive measure. But when these cases reached us the situation was different. Later the courts of first instance themselves began to change their criteria and to adapt them to the social danger represented by the offenders. For this reason we now have fewer changes of sentence on appeal. As far as organized hostile activity is concerned, sentences are still relatively severe, when imposed both by courts of first instance and by the Supreme Court of Kosovo".

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

include those ethnic Albanian prisoners of conscience sentenced for "hostile propaganda" or "incitement".

Some of those tried since 1981 have been accused of calling for the union of Kosovo with neighbouring Albania. The Yugoslav authorities have periodically attributed the nationalist disturbances in Kosovo to a concerted plot, orchestrated from Albania, to achieve the secession of the Albanian inhabited regions of Yugoslavia and their incorporation into a "Greater Albania". Thus the goal of republican status for the province, which all ethnic Albanians tried for political offences since 1981 have been accused of advocating, is equated by the authorities with the attempt to split up the Yugoslav federation.

Some of the defendants have been accused of violence, including firing at members of the security forces; or, in the case of one group, of having hijacked a police vehicle containing arms. In May 1984 six ethnic Albanians were accused of having smuggled arms, ammunition and explosives into Yugoslavia. Another group was arrested in March 1984 and accused of causing nine explosions in Priština between October 1982 and March 1984. Other groups have been accused of issuing statements threatening armed uprisings if Kosovo were not accorded the status of a republic by peaceful means. In many other instances, however, the charges have been unrelated to the use or advocacy of violence; for example, organizing or joining in demonstrations, either within the country or elsewhere in Western Europe, has in itself been considered a crime. So has the writing of certain slogans or possession of certain leaflets, books, magazines or poems. In some cases Amnesty International has repeatedly asked the Yugoslav authorities (without getting any response) for particulars about charges in order to ascertain if the accused had used or advocated violence.

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

Croatian trials

In Croatia three prominent dissenters, former prisoners of conscience previously sentenced in 1972, were tried in 1981. The first two to be tried were the historian and veteran Partisan Dr Franjo Tudjman, a former Yugoslav general, 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. In September 1981 another former prisoner of conscience, Dr Marko Veselica, was sentenced to 11 years' imprisonment and a four-year 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 had argued that Croatia was at a political and economic disadvantage within the Yugoslav federation. He was charged also 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. He apparently denied the second charge, and that he had had any contact with emigres. He declared that he was on principle against any extremist organization, whether at home or abroad, and against violence and hatred. He acknowledged giving the interview but pleaded not guilty to both the charge of "hostile propaganda" and that of "participation in hostile activity". His sentence was reduced on appeal to seven years' imprisonment.

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

Religious believers convicted

Other cases that have come to Amnesty International's attention in the past four years have included those of members and officials of the Roman Catholic and Serbian Orthodox Churches and the Muslim faith in Bosnia-Herzegovina. Prisoners adopted by Amnesty International have included a Roman Catholic Franciscan novice, a student at a Franciscan seminary, a Franciscan parish priest, two Franciscan friars, three Muslim religious officials, a Serbian Orthodox theology student and a Serbian Orthodox priest. All were charged with "hostile propaganda" or "incitement to national or religious hatred". To Amnesty International's knowledge none of them had used or advocated violence. Their arrest and conviction coincided with increasingly frequent attacks in the official press on the "abuse of religion for political ends", and in August 1983 a group of 13 Muslims were tried in Sarajevo, the capital of Bosnia-Herzegovina, on charges of "association for purposes of hostile activity" and of having performed "hostile and counter-revolutionary acts derived from Muslim nationalism". They received sentences ranging from five to 15 years imprisonment. Ten of them have been adopted by Amnesty International as prisoners of conscience.

Private conversations

Amnesty International has also noted an increase in the number of cases of people in Bosnia-Herzegovina who have been imprisoned on

charges based solely on the alleged contents of their private conversations, which have been regarded as "hostile propaganda". Often they have not been accused of advocating violence but of having criticized the authorities, or of having made uncomplimentary remarks about national or local politicians or the late President Tito.

Writers and intellectuals

Other political trials which have taken place since 1980 have included those in Belgrade of writers Momčilo Selic and Gojko Djogo, on charges of "hostile propaganda". In April 1980 the former was sentenced to seven years' imprisonment, reduced on appeal to three years for having written and distributed a 10-page document critical of the Yugoslav Communist Party's history and policies. He was later pardoned by the SFRJ Presidency and released in May 1982. In September 1981 Gojko Djogo was sentenced to two years' imprisonment, later reduced to a year, for publishing a collection of poems in which, according to the indictment, he had been derogatory about President Tito and depicted the socio-political situation in Yugoslavia "maliciously and untruthfully". On 28 March 1983 he began to serve his sentence, but on 17 May was released because of ill-health. He was allowed to remain at liberty on account of his health and in February 1985 was still free.

Lastly there has been the trial of six Belgrade intellectuals: Vladimir Mijanovic (previously sentenced in 1971 and 1973); Miodrag Milic, Dragomir Olujic; Gordan Jovanovic; Pavluško Imširovic and Milan Nikolic (the last two were former prisoners of conscience sentenced in 1972). Their trials followed a police raid in April 1984 on a private apartment in Belgrade where 28 people had assembled to hear a talk by Milovan Djilas. This was a meeting of the so-called "Open University" - one of the unofficial discussion groups which, with the knowledge of the authorities, had been meeting in similar circumstances for at least seven years without any official harassment. In the indictment the six were accused, among other things, of having formed a group which aimed to change the social and political system and get rid of the present government, and of holding meetings at which, both orally and in writing, they had attacked "the heritage of the liberation struggle, the building of socialism and the character and acts of Tito".

The trial began on 5 November 1984 and finished on 4 February 1985 after considerable world press coverage. Support for the defendants was widespread, both internally and externally, and over 30 petitions on their behalf, 18 of them originating in Yugoslavia, were sent to the authorities. Before the trial ended Pavluško Imširovic, Vladimir Mijanović and Gordon Jovanović were removed from the indictment due to illness and it was reported

that they would be tried on a future unspecified date. The charges against Miodrag Milić, Milan Nikolić and Dragomir Olujić were changed and they were found guilty of the less serious offence of "hostile propaganda". They were sentenced to two, one and a half, and one years' imprisonment respectively but were allowed to remain free pending appeal.

Petitions for amnesty

In June 1980 36 Belgrade intellectuals signed a petition to the Presidency calling for an amnesty for those people who had "committed the offence of expressing forbidden political views". In October 1980 over 100 citizens signed a petition calling for the deletion from Article 133 of the federal criminal code of an item making it a criminal offence to depict socio-political conditions in Yugoslavia "maliciously and untruthfully". In November 1980 a petition for an amnesty for all political prisoners was sent to the Presidency. It was signed by 43 Zagreb intellectuals. A 19-year-old student, Dobroslav Paraga, who had helped to collect signatures for it was arrested on 21 November. In May 1981 he was sentenced by Zagreb district court to three years' imprisonment after being convicted of "hostile propaganda" and "participation in hostile activity". This sentence was, on appeal to the Supreme Court of Croatia, increased to five years but later reduced to four years by the Federal Court. He was released on 21 November 1984.

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 other things, the rights to freedom of opinion, expression, assembly and association. Yugoslavia has not ratified this covenant's Optional Protocol, which permits 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 International Labour Organisation conventions: No. 87, on Freedom of Association and Protection of the Right to Organize 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 has 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 enshrined also 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". Unlike the International Covenant on Civil and Political Rights, however, it does not guarantee such equality regardless of political or other opinions.

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 judicial and prison systems.

Professional and lay judges sit on the court benches 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 have been known to have been criticized for failure to take sufficient account of party policy. At the 21st session of the SKJ Presidium in December 1971, President Tito 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 anti-socialist 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 calling 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 State Security Service, 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.

'Hostile propaganda'

Federal criminal code

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 criminal 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 the human race and international law, and certain other categories of crime.

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.

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 in some other way, advocates or incites the overthrow of the rule of the working class and the working people, the unconstitutional alteration of the socialist social system of self-management, the disruption of the brotherhood, unity and equality of the nations and nationalities, the overthrow of the bodies of social self-management and government or their executive agencies, resistance to the decisions of competent government and self-management bodies which are significant for the

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

"2) Whoever commits an offence mentioned in paragraph 1) of this Article with assistance from abroad or influenced by people 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 commit an offence mentioned in paragraph 1) of this Article shall be punished by imprisonment for at least one year.

"4) Whoever, with the intent to distribute it, 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.)

The crime of "hostile propaganda" in the form of "malicious and untruthful portrayal of the socio-political conditions in the country" was originally introduced into Yugoslav criminal legislation in 1959, apparently on the advice of the then State Secretary for Internal Affairs who claimed that it was necessary in order to achieve "monolithism", "intensified vigilance by our authorities" and "still broader development of a corrective influence on vacillating citizens" and finally the "need for harsh punitive measures against heedless individuals, enemies of our country and our government."

Amnesty International concerns

In October 1976, following discussions between an Amnesty International delegation and senior Yugoslav government officials, the organization wrote to the Yugoslav authorities stressing its concerns and 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 that it lent itself to subjective interpretation and application. 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 essential ingredients 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, "counter-revolutionary attack on 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 ending 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 described above.

Prisoners of conscience

Convictions on charges of "hostile propaganda" in cases of prisoners of conscience adopted by Amnesty International have been based on various types of non-violent activity. Prisoners of conscience have been convicted for private conversations; for writing a book or producing a film or pamphlet; for letters they had written; for writing articles or giving interviews that were published abroad. They had not advocated violence; they had merely expressed views disapproved of by the authorities and considered 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 banned political works (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 are some cases of people convicted on charges of "hostile propaganda" who have been adopted by Amnesty International as prisoners of conscience.

Ivan Pletikosa

On 13 December 1982 Ivan Pletikosa, a 58-year-old Croat who taught

in the English Department of the Philosophy Faculty at Zagreb university, was arrested at his flat in Banjaluka. When police searched his flat they apparently found some copies of Croatian emigre journals and a letter he had just written (but not posted) in which he informed the local police that he had received these journals without asking for them.

His trial in Banjaluka district court lasted four days; it began early in April 1983 but was adjourned until 20 April. He was charged under Articles 133 and 157 of the SFRJ criminal code with engaging in "hostile propaganda" and "damaging the reputation of the SFRJ". The charges were based on remarks he was alleged to have made in private conversation with acquaintances, in which he supposedly criticized Yugoslavia's political and economic system and certain of Yugoslavia's political leaders. He had also allegedly expressed dissatisfaction about the situation of Croats in the republic of Bosnia-Herzegovina (a republic with a mixed population of Muslims, Serbs and Croats). He was charged also with receiving and possessing copies of emigre journals.

Two observers delegated by Amnesty International to attend the trial on 20 April 1983 were refused entry into the courtroom by the President of the court. Amnesty International later learned, however, that at the trial Ivan Pletikosa denied the charges and denied having made the statements of which he was accused. He claimed that the witnesses, acquaintances of his, had misunderstood him and that during the conversations in question they had discussed certain articles in the (official) press which had covered particular current events. He denied that he was a Croatian nationalist and pointed out that his wife was of partial Serbian descent and that his friends included both Serbs and Muslims.

The court rejected defence proposals both to hear six witnesses for the defence and that a copy of Ivan Pletikosa's letter to the late President Tito, written in 1979, should be obtained and read. On 22 April 1983 the court declared Ivan Pletikosa guilty of the charges against him and sentenced him to six years' imprisonment. On appeal, the Supreme Court of Bosnia-Herzegovina reduced his sentence to four years' imprisonment and a further appeal to the Federal Court in Belgrade reduced the sentence for the charges covered by Article 157 to one year's imprisonment and ordered a re-trial on the charges covered by Article 133. Following this retrial by Banjaluka district court his entire sentence was reduced to three and a half years' imprisonment.

Father Luka Prcela

On 24 January 1983 Father Luka Prcela was arrested. He was a 44-year-old prior belonging to the Dominican (Roman Catholic) order and priest of the parish of "Our Lady of the Rosary" in Split. It was unofficially reported that his arrest was prompted by a sermon he had

preached the previous day in which he had expressed indignation about a cartoon that had recently been published in a student newspaper. The cartoon allegedly showed the Virgin Mary taking contraceptive pills and Jesus Christ smoking hashish. Father Prcela apparently indicated that he considered the cartoon blasphemous and attributed the blame for it to communist influence on young people.

He was tried from 9 to 12 May 1983 by Split district court. According to the indictment, he had, between 24 October 1982 and 23 January 1983, preached sermons in the church of Saint Catherine in Split which, after a short religious introduction, turned into political speeches. The indictment, citing alleged excerpts from these sermons, stated that Father Prcela had made malicious assessments of events and of the situation in the SFRJ and had disparaged the Yugoslav war of liberation, the late President Tito and certain war heroes. It was further stated that he had criticized the League of Communists of Yugoslavia and its leaders and had praised people convicted of hostile propaganda, thus stirring up national hatred; he was accused also of having incited people to abandon communist and Marxist ideology.

The court found him guilty of all charges and sentenced him to five years' imprisonment and a five year ban on making public statements. His sentence was reduced on appeal to three years' imprisonment.

'Verbal offences'

These last two cases illustrate the contentious use of Article 133 in cases of what are commonly referred to in Yugoslavia as "verbal offences". Besides Article 133, there are a number of other legal provisions which penalize "verbal offences", among them Article 157 of the federal criminal code which deals with "damaging the reputation of the SFRJ". Lesser similar offences, for example, "spreading false rumours" or "damaging the reputation of a socialist republic or socialist autonomous province", are penalized under sections of the criminal codes of the republics and autonomous provinces dealing with "offences against public order" and "offences against honour and reputation".

The following cases are examples of people convicted and imprisoned solely on the basis of private conversations which have been considered "hostile propaganda" under Article 133, sometimes in connection with other legal provisions, such as Article 157, which penalize "verbal offences". They are at present adopted by Amnesty International as prisoners of conscience.

Dr Ivan Zografski

In January 1984 Dr Ivan Zografski, a Bulgarian citizen aged 70 who had lived in Sarajevo and, before retiring, had been a doctor, was tried

by Sarajevo district court on charges of "hostile propaganda" and "damaging the reputation of the SFRJ". He was accused of having "maliciously and untruthfully described socio-political and economic conditions in Yugoslavia", and of "denying the existence of the brotherhood and unity of Yugoslavia's peoples and in particular of having denied the existence of the Macedonian nation". He was accused also of having disparaged Yugoslavia's top political leaders and of having referred in an "insulting manner" to the late President Tito.

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

Dragan Stepkovic

In March 1984 Dragan Stepkovic, a 21-year-old theology student and son of a high official in the Serbian Orthodox Church, was sentenced to two years 10 months' imprisonment by Sarajevo military court on charges of "hostile propaganda". The charges were based solely on remarks he was alleged to have made, while doing his military service, to four fellow-soldiers in conversations which took place in district barracks and the bar of a nearby hotel.

He was accused of having made a number of statements to the effect that the Serbian Orthodox Church and Serbs in general had been and still were being discriminated against by the Muslims and Roman Catholics in Bosnia-Herzegovina. He was accused also of having said that the late President Tito was responsible for Yugoslavia's economic problems and that the SKJ was incapable of solving them. In addition he was charged with having said that he hated Muslims and that all Muslims hate Serbs; that Tito was guilty of the events in Kosovo (where there were large nationalist demonstrations by Albanians during 1981) because he had promised the Albanians their own republic; that "the Tito we know is not the true Tito but a false Tito put there by the Russians"; that in the event of a future war, Croats and Albanians would unite and turn against the Serbs and drive them out of Bosnia-Herzegovina; and that "if one thinks at all freely one goes to jail; in our country there is no democracy like there is in America".

In his defence he denied having said he hated Muslims or that the Serbs in Bosnia-Herzegovina were discriminated against. Furthermore he denied blaming Tito for the situation in Kosovo, stating: "Tito was our greatest fighter for brotherhood and unity". He explained that he had said the Albanians in their slogans claimed that Tito had promised them a republic, but stressed that this was not his view. He said that the

accusation concerning his statement about "the other Tito" put there by the Russians was patently absurd, and he stressed that he had said: "All of us are to blame for the bad economic situation," not just the leaders, and that anyway he had only repeated what many official newspapers had printed about the economic crisis. As for his comment: "In our country there is no democracy like there is in America," he claimed he had meant that the two systems were different, not that the Yugoslav system was worse.

The prosecution called the four witnesses in order to substantiate the charges against Dragan Stepkovic. Three of them stated that they did not think his remarks had been "hostile", and one of them described the conversations as "mere chatter". From the available information it seems probable that the fourth witness, also possibly one of the other three, were used as *agents provocateurs* to get Dragan Stepkovic to make incriminating remarks.

Amnesty International has 15 adopted prisoners of conscience convicted of "hostile propaganda" on charges based almost exclusively on the content of their private conversations. All but one of these convictions took place in the republic of Bosnia-Herzegovina where people have received heavy prison sentences for exercising their right to freedom of expression in casual, private conversation. This judicial practice is, as far as Amnesty International knows, less common in other parts of Yugoslavia, where charges of "hostile propaganda" are usually brought in connection with published material or other forms of public expression.

Dr Vladimir Dedjic, a Yugoslav Academician and Tito's biographer who is the Chairperson of the International Russell Tribunal, said in a letter dated 13 July 1984 that the tribunal had received a statement which:

"... had testified that the late President Tito had personally asked for verbal offences to be abolished in Yugoslavia, that Tito's request was submitted to a session of the Central Committee of the League of Communists of Yugoslavia but that the Bosnian delegation, headed by Branko Mikulic [the member of the SFRJ Presidency for Bosnia-Herzegovina and a long-term advocate of strong-arm policies both in Bosnia-Herzegovina and in the Federation] lodged a veto and so Tito's wish could not be fulfilled."

Bosnia-Herzegovina has a mixed population of Muslims (the largest ethnic group and, since 1971, recognized as one of Yugoslavia's nations), Serbs and Croats. During the Second World War this region saw bitter inter-community fighting, and the authorities have frequently

referred to the bloodshed of that period as a justification for repressive measures.

Ethnic Albanians

Amnesty International has adopted as prisoners of conscience many ethnic Albanians who have been imprisoned on charges of "hostile propaganda" under Article 133 of the federal criminal code relating to the possession of books, emigre newspapers and tape-recordings, or to the writing of slogans considered "hostile". The slogan "Kosovo - Republic" is often referred to in reports of trials as constituting "hostile propaganda".

The following are examples of ethnic Albanians imprisoned for "hostile propaganda" who are now Amnesty International adopted prisoners of conscience.

Sherif Asllani

On 22 November 1983 Sherif Asllani, aged 28, from Uroševac and temporarily employed in Switzerland, was tried by Tuzla district court. According to the report of the trial in the official Yugoslav press, he was accused of having been in possession of a book entitled *The Titoists* by Enver Hoxha (leader of the People's Socialist Republic of Albania) and of two cigarette holders bearing the inscription "Kosovo - Republic", while visiting his brother in Tuzla. The court found him guilty of "hostile propaganda" and sentenced him to four years' imprisonment.

Gafur Loku

On 17 August 1982 the Belgrade daily newspaper *Politika* carried a report by *Tanjug* on the trial of Gafur Loku. According to it, Gafur Loku, an ethnic Albanian born in 1949 in Kačanik in the province of Kosovo, was tried by Skopje district court on charges of "hostile propaganda" on 16 August 1982.

He was accused of having made tape-recordings (three cassettes) of broadcasts by the Albanian radio station *Radio Tirana* about the demonstrations by Albanian nationalists in Kosovo in March and April 1981 calling for Kosovo province to be granted republican status within the Yugoslav federation. He was accused of having made these tape-recordings in his home in Tetovo in April and May 1981 with the intention of distributing them. He was found guilty and sentenced to three and a half years' imprisonment.

Xhavit Bajraktari, Shyqyri Miftari

Another *Tanjug* report was about the trial of Xhavit Bajraktari, born in 1958, and Shyqyri Miftari, born in 1957. Before their arrest in early October 1983 both were employed at the Trepča lead smelting works in

Zvečen, Titova Mitrovica.

At their trial on 11 January 1984 in Titova Mitrovica district court, Xhavit Bajraktari was accused of having written 15 "Kosovo - Republic", "Trepča is ours" and "Down with Traitors" slogans on the windows of the Trepča factory canteen on 28 September at 3.30am while Shyqyri Miftari kept watch. Xhavit Bajraktari admitted having written the slogans, but said he did not think this amounted to a hostile act as he was convinced there were national-economic inequalities which were prejudicial to Albanians. Shyqyri Miftari claimed that he had not taken part in writing the slogans and asked to be set free.

Both men were found guilty of "hostile propaganda". Xhavit Bajraktari was sentenced to four years' imprisonment, Shyqyri Miftari to two years'.

Petitions

The provisions of Article 133 have been criticized in Yugoslavia. A petition signed by over 100 citizens was sent to the SFRJ Presidency in October 1980, asking for Article 133 to be amended so as to confine its application to treason. It requested deletion of the phrase "whoever maliciously and untruthfully portrays socio-political conditions in the country", arguing that this made criminal the expression of opinion; and it asked for the article's title to be changed to "incitement to the violent change of the constitutional order". By analysing supreme court decisions and directives and referring to judicial commentaries the petition demonstrated that, in its present form, the article supplied an all-embracing definition of "hostile propaganda" and left interpretation of what was "untruthful" and "malicious" entirely to the subjective judgment of the court. It also emphasized the court's latitude 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 a subsequent article published in 1981 in the law journal *Naša Zakonitost* the President of the Federal Court acknowledged that the formulation of Article 133 was not sufficiently precise - although he dismissed the petition and others like it as "essentially political pamphlets". However, criticism of Article 133 in the country has not abated. In November 1983 at a Yugoslav Conference of Criminologists held in Struga a professor of law at Skopje university and a professor at Ljubljana university called for the repeal of Article 133, and several similar proposals have been made by members of the legal profession and others.

'Incitement'

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

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 right to the fundamental freedom of conscience and expression. They do, however, envisage possible restrictions on these rights, as in the case of incitement to racial hatred and making war propaganda. As is appropriate to international conventions, their provisions are couched in broad, imprecise terms. It is Amnesty International's view, however, that a country's criminal law should not be imprecise and that the limitations on the rights in question should not be so applied as to undermine the fundamental freedoms themselves, as has sometimes happened in the application of Article 134.

Ebibi Lazim

An example of such a case is that of Ebibi Lazim, a 45-year-old ethnic Albanian who was tried by Skopje district court on 24 May 1982. According to a report in the official Yugoslav press, he was accused of having several times during 1981 told teachers at the primary school where he was secretary that the nationalist demonstrations by ethnic Albanians in Kosovo in March and April that year had been justified. He was further accused of having said that the demonstrators' demand that Kosovo province be granted republican status within the Yugoslav federation was also justified and that the territory, once inhabited by the Illyrians whom many consider the ancestors of present-day Albanians, would "one day again be Albanian". On the basis of these statements he was found guilty of "inciting national hatred and discord among Yugoslavia's people" and sentenced to six years' imprisonment. He has been adopted by Amnesty International as a prisoner of conscience.

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 non-violent expression of their nationalist views.

'Participation in hostile activity'

In recent years there has been an increase in the number of political trials of Yugoslavs accused of having been in contact, while living or travelling abroad, with emigres opposed to the Yugoslav Government. Such contact is strongly discouraged by the authorities by means of propaganda, surveillance and legislation. Usually 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 to engage in hostile activity against the country, makes contact with a foreign state or refugee organization or group of persons, or aids them in the performance of hostile activity, shall be punished by imprisonment for at least one year."

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

Jovo Ilic

Prisoner of conscience Jovo Ilic, a 38-year-old Bosnian migrant worker working 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 Tuzla district court on charges under Articles 131, 133 and 157. The charge of "participation in hostile activity" arose from his alleged contact with several leading members of a Chetnik emigre organization in the FRG.

He was accused of having received propaganda materials from them and of using these in hostile activities towards the state by giving them to Yugoslavs working in the FRG and smuggling them into Yugoslavia in order to conduct hostile activity there. However, court documents suggested that his only proved contacts with emigres were casual and with fellow-workers, a few of whom had fought with the Chetniks more

than 30 years before. One of them had shown him some emigre papers and given him postcards and newspaper cuttings – pictures of Serbian religious and historical figures. The “propaganda material” in this case consisted of these and some badges with crowns on them advertising beer and cigarettes. He was not proved to have shown these objects to anyone, although one witness stated he had seen a picture-postcard of a Serbian king which Jovo Ilic had dropped by mistake.

Dr Nikola Novakovic

Dr Nikola Novakovic, a 68-year-old pharmacist from Rijeka and a former member of the Croatian Peasant Party, was sentenced in 1977 by Sarajevo district court to 12 years' imprisonment (reduced to 10 years in March 1982 because of ill-health) 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 to plan their program. He was alleged to have got one of these emigres a subscription to a daily newspaper published in Zagreb and to have sent cuttings from Yugoslav newspapers plus his own “hostile” commentaries to a Croatian Peasant Party emigre journal which published them. He was tried also on charges of “hostile propaganda” based on his private conversations with colleagues and his landlady in Sarajevo in which he was accused of having criticized Yugoslavia's political system and leadership. He denied the charges, claiming that, although he had visited former colleagues and had discussed political and social matters privately with them, he had not helped to plan 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.)

Some ethnic Albanians accused of taking part in “anti-Yugoslav” demonstrations abroad have been charged with “participation in hostile activity” under Article 131 of the federal criminal code. The following is an example of such a case which was reported in the official Yugoslav press. Amnesty International has adopted the person concerned as a prisoner of conscience.

Xhaladin Rustemi

Xhaladin Rustemi, aged 40, was tried on 9 April 1983 by Skopje district court. He was accused of having made contact with “hostile” Albanian emigres between April 1981 and June 1982 while temporarily in the FRG. He was accused also of having joined in “anti-Yugoslav” demonstrations in Western Europe, in Düsseldorf, Munich, Geneva, Brussels, Bonn and West Berlin, in protest against the Yugoslav

Government's handling of ethnic Albanians' nationalist unrest in Kosovo. He was found guilty of “participating in hostile activity” and sentenced to six years' imprisonment.

'Endangering the social order'

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

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

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

The following cases are examples of ethnic Albanians, tried and imprisoned under Article 114 because they had joined in nationalist demonstrations, whom Amnesty International considers prisoners of conscience.

Fadil Blakaj, Shefki Shatri

On 8 September 1981 Fadil Blakaj, a 23-year-old agricultural student, Shefki Shatri, a veterinary technician also aged 23, and four others were

tried by Pec district court, charged with having taken part in "hostile" nationalist demonstrations in Istok on 30 April 1981.

It was said at the trial that Fadil Blakaj had travelled to his home village from Priština on 27 March 1981 and had gone to Istok on 29 April 1981 where he had met two Priština university students, who had told him about demonstrations to be held the following day. It was further alleged that on 30 April 1981 he had arrived early in Istok where he had met his brother Bashkim and a group of schoolgirls whom he had told not to go to school because of the forthcoming demonstration. Finally he was accused of playing an active part in the demonstration until it was dispersed by the police, and of "applauding the hostile and counter-revolutionary slogan 'Kosovo Republic'". In his defence he claimed that he did not agree with the demonstration despite his participation. He also denied shouting any slogans.

It was alleged that Shefki Shatri had left his workplace in Istok on 30 April 1981 and that he had met Fadil Blakaj who had told him about the demonstration. He had then taken part in it with a group of people from the coffee house "Korenci" and "yelled and applauded hostile slogans". He was also said to have played an "active" part in the demonstration until it was dispersed by the police.

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

Six students

Remzi Lushi, Halil Ismajli, Sabri Lushi, Bislim Ahmeti, Milaim Dervisholli and Xhemal Aliju, all university or high-school students, were tried on 7 August 1981 by Priština district court. They were accused of organizing and taking part in demonstrations demanding that Kosovo be given republican status.

According to Yugoslav press reports of the trial, there were nationalist demonstrations by ethnic Albanian students and high-school pupils in Lipljan - as well as in Priština and many other parts of Kosovo - on 2 April 1981. They were ended by police intervention. A month and a half later, on the evening of 19 May 1981, Remzi Lushi, Halil Ismajli, Sabri Lushi, Bislim Ahmeti and Milaim Dervisholli had a meeting at Sabri Lushi's family home in the village of Muhaxher Babush at which, it seems, they planned a further demonstration in Lipljan on 21 May. Next day they met again to finalize plans. They agreed that the demonstration should begin at 1.40pm the following day and that the march should start from the courtyard of the high-school in Lipljan.

On 21 May this march was led through the town by the accused. They reportedly shouted: "We want a republic!", "Long live the Republic of Kosovo!", "Down with traitors!" and "Release our

comrades from prison!" (the last slogan referring to the widespread arrests following demonstrations in March and April 1981).

On 7 August 1981 Priština district court found the accused guilty of "counter-revolutionary endangering of the social order". They received from four- to eight-year prison sentences.

Daut Rashani

On 29 July 1981 Daut Rashani, an 18-year-old high-school pupil, was tried by Priština district court. According to *Tanjug* he was accused of having written and given to several friends some poems and leaflets of a "hostile content" before the March and April 1981 demonstrations in Kosovo.

Daut Rashani was also reportedly accused of having taken part in nationalist demonstrations in Priština and of having later described the demonstrations as "successful" in another pamphlet. He was found guilty of "counter-revolutionary endangering of the social order" and sentenced to six years' imprisonment.

'Association for purposes of hostile activity'

Most of those convicted in recent years of "association for purposes of hostile activity" under Article 136 of the federal criminal code were ethnic Albanians. Most ethnic Albanians regarded by Amnesty International as prisoners of conscience have been accused of forming or belonging to "illegal groups" and have been charged under Article 136, often in conjunction with Article 114. The variety and composition of these groups is complex. Most advocated the creation of an Albanian republic within the SFRJ although some called for the outright unification of all the Albanian inhabited territories of Yugoslavia with the People's Socialist Republic of Albania.

The complexity of the situation is illustrated by a *Tanjug* report on 10 March 1984 which stated that 72 "illegal organizations" with "about 1,000" members had been uncovered between 1981 and 1983. The loose central control of these organizations over individual members and local sections, and the relatively easy acquisition of firearms in the SFRJ have made it difficult to establish whether a particular organization has violent aims and methods. In practice certain groups operating under a particular name have used violence while other groups operating under the same name have firmly rejected any use or advocacy of violence. In yet other cases members of groups have, in keeping with national traditions, possessed firearms ostensibly for self-defence (that is, in case they were attacked by the security forces).

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

The following are examples of ethnic Albanians tried and imprisoned on charges of "association for purposes of hostile activity" often in conjunction with "counter-revolutionary endangering of the social order" whom Amnesty International considers prisoners of conscience.

Kosovska Mitrovica trial

On 21 July 1981 Bislim Bajrami, a machinist, Ismail Smakiqi, a law graduate, and Jakup Rexhepi, a teacher, were tried by Kosovska Mitrovica district court on charges of having formed an illegal group.

According to reports in the Yugoslav press, Bislim Bajrami was approached in early 1980 by a member of the "Movement for the National Liberation of Kosovo" (MNLK) which had created a five-member cell in Decane commune nearby. Later, Bislim Bajrami allegedly founded a three-member cell consisting of himself, Ismail Smakiqi and Jakup Rexhepi. They received the statutes and clandestine emigre publications of the MNLK, paid a monthly membership subscription and tried to recruit other members, although with little apparent success. At the trial Bislim Bajrami is reported to have declared: "I don't agree with the social system in Yugoslavia, with social inequalities, nepotism, and economic crime. If this is self-management socialism, it would be better if it didn't exist; and I believe that if Kosovo were proclaimed a republic these injustices would be abolished."

According to press reports the three defendants were found guilty of "founding an illegal group with the aim of destroying the constitutional order of Yugoslavia, disrupting Yugoslavia's unity and brotherhood, and the annexation of Kosovo to Albania". They received sentences of from six to eight years' imprisonment on charges of "association for purposes of hostile activity" and "counter-revolutionary endangering of the social order" under Articles 136 and 114 of the federal criminal code.

Prizren trial of 11

In July 1984 Yugoslav press and radio reported the trial of 11 young Albanians in the province of Kosovo. They were Asllan Ramadani and Arsim Stopi, both 19-year-old school pupils; Agim Galopeni, aged 24 and a student; Ali Kokolari, also aged 24 and a worker; Zek Maljaj, Feim Baljaj and Ramadan Hoti, all three 19-year-old school pupils; Ali Hoti, aged 19 and a student; Isliam Jashari, aged 20 and a school pupil, and two unnamed minors whose initials are S.K. and F.G.

At their trial by Prizren district court, which lasted from 14 to 16 July, they were accused of forming and belonging to a "hostile" group called the "Marxist-Leninist Youth of Kosovo". In the indictment Alsan Ramadani and Arsim Stopi were accused of having formed the "Marxist-Leninist Youth of Kosovo" in November 1983 and from then until March 1984 (when they were probably all arrested) of having engaged in "hostile" activities in Suva Reka and the village of Shiroka. It was alleged that the group had been organized in three-member cells and that it had produced "hostile" pamphlets and had written slogans

with "hostile" contents in the surrounding villages. It was alleged also that the group had organized "hostile" demonstrations in Suva Reka on 9 March 1984 calling for republican status for Kosovo. Finally the defendants were accused of organizing assistance for the poor relations of those who were in prison because of their nationalist activity.

They were found guilty of "association for purposes of hostile activity" and "counter-revolutionary endangering of the social order" and received sentences of from one and a half to five and a half years' imprisonment.

Teachers, students on trial

Another case is that of Nazmi Hoxha, a 33-year-old teacher, and 15 co-defendants most of whom were fellow-teachers or students. They were tried on 10 and 11 July 1982 by Gnjilane district court. This trial too was covered by *Tanjug*.

The 16 were accused of belonging to the "Group of Marxist-Leninists of Kosovo" (GMLK). According to the *Tanjug* report, the GMLK was founded in 1976 in Pristina by Hydajet Hyseni, who was sentenced to 15 years' imprisonment on 17 November 1982. The group in Gnjilane, a branch of this organization, was apparently founded in 1978 by Nazmi Hoxha (who had known Hydajet Hyseni since 1975), and Bejtulla Tahiri, a 30-year-old teacher. Members of this group allegedly used pseudonyms, paid membership fees to subsidize the group's travel and printing expenses and took an oath to defend the "freedom and rights of Albanians in Yugoslavia and the Balkans". The statute of the GMLK, set out in the group's newspaper *Paroja* (Vanguard) reportedly recommends the recruitment of educated people as they were considered better able to persuade others of the need to achieve republican status for Kosovo.

The defendants were accused of having written and produced leaflets calling on Albanians to take part in boycotts and strikes and which were "hostile" to the SFRJ. They were said to have distributed these in Kosovo as well as in towns with large Albanian communities in the republic of Macedonia. Some of the defendants were charged also with possessing and distributing "hostile" literature (originating either in Albania or Albanian emigre circles) and with writing in various places the "hostile" slogans "Kosovo - Republic", "Long live the Socialist Republic of Kosovo!", "Down with traitors", "There is no brotherhood and unity with chauvinists" and "It cannot be held by terror".

The accused said that their organization was based on the tenets of Marxism-Leninism and Stalinism and that nationalist irredentist activity could not be attributed to them. They did not deny, however, that their organization aimed to achieve republican status for Kosovo and hoped

that it would eventually be united with Albania. The *Tanjug* reports noted that despite the group's claim to have a strictly Marxist-Leninist-Stalinist basis, its members were unable to quote from any of Marx' work and appeared to be interested only in the works of the leaders of Albania. It was reported that no works by Marx or Lenin had been found among the group's possessions.

Although most of the accused are reported to have defended their actions, *Tanjug* noted that two of them expressed repentance. The court found all but one (who was found guilty of "hostile propaganda") guilty of "association for purposes of hostile activity" and "counter-revolutionary endangering of the social order". Nazmi Hoxha was sentenced to 15 years' imprisonment; his co-defendants received sentences of up to 13 years.

None were accused of engaging in violence to achieve their aims. Although *Tanjug* stated that after the demonstrations of March and April 1981 the group began to write "hostile" slogans and appeal to the population to "rise up in revolt", the slogans mentioned in the charges do not in any way advocate violence. Nevertheless it seems that the actual writing of such slogans as "Kosovo - Republic" has been officially interpreted as an incitement to "rise up in revolt".

Probably three of the defendants have by now served their sentences and been released. The other 13 have all been adopted as prisoners of conscience.

Amnesty International has adopted as prisoners of conscience a further 84 ethnic Albanians who were tried in groups and sentenced to up to 15 years' imprisonment. They had been charged mainly with forming or belonging to illegal groups.

Although most prisoners of conscience convicted on charges of "association for purposes of hostile activity" under Article 136 are ethnic Albanians, Amnesty International has adopted as prisoners of conscience members of other Yugoslav nationality groups too who have been convicted under this article. They include the Croat Dr Anto Kovacevic and the Macedonian Dragan Bogdanovski, defendants in the 1983 trial in Sarajevo of 13 Muslims.

Dr Anto Kovačević

Dr Anto Kovačević, a 32-year-old Croat from the republic of Bosnia-Herzegovina who had been a teacher in a centre in Vienna for mentally handicapped children, was arrested in October 1981 while visiting his family in Yugoslavia.

In early April 1982 the Deputy District Public Prosecutor of Doboj filed an indictment against him on charges of "association for purposes of counter-revolutionary endangering of the social order and the territorial integrity of the SFRJ", "hostile propaganda" and "damaging

the reputation of the SFRJ". He was accused of having belonged to an emigre organization while in Vienna and of having said malicious and untrue things about the Yugoslav political system while in Yugoslavia. He was accused also of having made derogatory remarks (political jokes) about the late President Tito.

According to Amnesty International's information the charges against him were based mainly on statements by two of his compatriots, students at Vienna university, who were detained for questioning by the police while visiting their families in Yugoslavia at the end of December 1984. They allegedly claimed that Dr Kovačević knew several Croatian emigres in Vienna and had several times criticized Yugoslavia's political system and leaders.

His trial in Doboj district court began on 27 April 1982, but was twice adjourned. In June 1982 the two men who had made statements about him and had returned to Vienna, sent further statements to the President of Doboj district court, various Yugoslav officials, Dr Kovačević's lawyers and several human rights organizations, including Amnesty International. In these statements, they formally withdrew their previous evidence against Dr Kovačević saying that they had given it under pressure from the police, who had threatened that if they did not cooperate they would lose their passports and thus be unable to return to Vienna to continue their studies. They declared that the police had released them and allowed them to return to Vienna after they had made statements against Dr Kovačević and that they had agreed to help the police by informing them about the activities of other Yugoslav students at Vienna university. They stated that on returning to Vienna they had not carried out the instruction to spy on their compatriots; moreover they refused to respond to a telegram summoning them back to Yugoslavia to appear as witnesses at the trial of Dr Kovačević. Despite the absence of these two men, Dr Kovačević's trial recommenced on 24 June 1982. He was found guilty on all charges and sentenced to eight and a half years' imprisonment and confiscation of his property.

On appeal to the Supreme Court of Bosnia-Herzegovina his sentence was reduced to six years' imprisonment.

Dragan Bogdanovski

Dragan Bogdanovski, according to Amnesty International's information, left Yugoslavia in 1951 without a passport and crossed the border into Greece where he was granted political refugee status. Later he went to France where he studied political science at the Sorbonne, and was politically active in Macedonian circles. In 1970 he is believed to have moved to the FRG, where he continued his political and propaganda activities and was elected President of a Macedonian emigre organization, *Dvizanjetu za osloboduvanje i obedinuvanje na Makedonija*

(DOOM), The Movement for the Liberation and Unification of Macedonia. He was also the editor/publisher of an emigre journal, *Macedonian Nation*, published in Munich. The aim of DOOM, as described by Dragan Bogdanovski in 1978 in an article in *Macedonian Nation*, was the creation of an independent Macedonian state which would incorporate not only the present Yugoslav republic of Macedonia but also certain Greek and Bulgarian territories inhabited to a greater or lesser extent by Macedonian-speaking communities. The article did not advocate violence to achieve this aim.

According to official Yugoslav press reports of the trial, Dragan Bogdanovski was arrested in 1979 after entering Yugoslavia illegally. He was tried by the Skopje district court from 12 to 13 February 1979, having been accused of "association for the purpose of hostile activity against the state" from 1956 until 1979 while he was living abroad. According to the public prosecutor, he had intended to undermine the social and political order of Yugoslavia, destroy the brotherhood and unity of the Yugoslav peoples and destroy the territorial integrity of Yugoslavia. Details of the charges against him are not available, but evidently his arrest, trial and conviction were prompted by his activities as a propagandist for the cause of an independent Macedonia.

He was found guilty and sentenced to 13 years' imprisonment. He is believed to be serving his sentence in Idrizovo prison, near Skopje. Amnesty International has received allegations, which it has not been able to substantiate, that he did not enter Yugoslavia illegally but was kidnapped by SDS agents in the FRG and taken to Yugoslavia for trial.

'Islamic Declaration' Trial

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

Dr Alija Izetbegovic, a lawyer and retired director of a building company aged 59, and Omer Behmen, a construction engineer aged 55, were charged under articles 136 and 114 of the federal criminal code. Omer Behmen was sentenced to 15 years' imprisonment and Alija Izetbegovic to 14 years', reduced on appeal to 12 and 11 years' respectively.

Ismet Kasumagic, a metallurgical engineer, professor at the Metallurgical Faculty of Sarajevo university and a UN metallurgical expert aged 56, was charged under Articles 136 and 133 of the federal criminal code. He was sentenced to 10 years' imprisonment, reduced on appeal to seven years.

Edhem Bičakčić, an electrical engineer aged 32, and Huso Živalj, a technical engineer aged 35, were charged under Article 136 and

sentenced to seven and six years' imprisonment respectively, reduced on appeal to four and three and a half years.

Salih Behmen, Omer Behmen's brother and a mathematics teacher aged 62, Mustafa Spahic, an imam aged 34, and Melika Salihbegovic, a writer aged 39, were charged with spreading "hostile propaganda" (Article 133) and sentenced to five years' imprisonment each. On appeal their sentences were reduced to four, three, and three and a half years respectively.

The same charge was brought against Džemal Latic, a 27-year-old teacher at a Muslim theological school who was sentenced to six and a half years' imprisonment, reduced on appeal to four years', and against Dervis Djurdjevic, a lawyer at the Ministry of Education aged 32, who was sentenced to six years' imprisonment, reduced on appeal to three and a half years.

Djula Bičakčić, Edhem Bičakčić's 31-year-old sister and secretary at an electrical company, was charged under Article 137(1) with "aiding a criminal" and sentenced to six months' imprisonment.

In the course of the trial 58 witnesses were called and 80 documents and written depositions examined as evidence. On the second day part of the trial was held *in camera* "in order to protect Yugoslavia's relations with certain non-aligned countries". The prosecution's case focused on the following points:

- The reading, translation and discussion of the "Islamic Declaration", written by Dr Izetbegovic, represented a conspiracy to make Bosnia-Herzegovina an "ethnically pure Islamic republic". A moot point during the trial was how many copies of the Islamic Declaration were available in Serbo-Croat (it had been translated into Arabic, Turkish, German and English from Serbo-Croat). The prosecution tried to show that a number of copies did exist in Serbo-Croat since if this could not be proved the charge of conspiracy would fall.
- A trip to Iran was planned in January 1983 by five of the defendants and during this trip they "spoke untruthfully" about the position of Muslims in Yugoslavia and tried to instigate activities opposed to the interests of Yugoslavia.
- The defendants criticized the leaders of the Islamic Religious Community (an official body which supervises Islamic religious activities) for being government agents.
- The defendants maintained that Muslims' religious rights were curtailed in Yugoslavia through schoolchildren being offered food containing pork, restrictions on the building of mosques and schools and compulsory military service for Muslim girls.
- The defendants had encouraged racial and religious prejudice

through the above activities and by urging Muslims not to associate with or marry non-Muslims.

Four of the defendants, Dr Izetbegovic, Omer and Salih Behmen and Ismet Kasumagic, had been convicted in the late 1940s for membership of the Young Muslims, described by the Yugoslav authorities as a terrorist organization. In the indictment Dr Izetbegovic was accused of claiming that Muslims had suffered considerably at the hands of communists when the partisans entered their villages at the end of the Second World War and that organizations like the Young Muslims were set up to counter this.

Dr Izetbegovic, the main defendant, was charged with having written the Islamic Declaration which, the prosecution maintained, indicated a desire to create an ethnically pure Muslim state out of Bosnia-Herzegovina, Kosovo and other Muslim areas. The prosecution further claimed that the Islamic Declaration was "the modernized platform and program of the former terrorist organization, the Young Muslims".

It was alleged that in 1977 he gave the text of the Islamic Declaration to Omer Behmen and emigres in Vienna and asked their opinion of it. The declaration was translated into Turkish, English, German and Arabic between 1974 and 1983 and given to several people to discuss in order, it was claimed, to form a group whose goal would be the revolutionary endangering of the social order. The prosecution maintained that according to the Islamic Declaration the Islamic revival must start with a religious revolution and be followed by a political one.

In his defence Dr Izetbegovic maintained that he did not know five of the accused and that he had never uttered the phrase "Islamic republic, ethnically pure Bosnia-Herzegovina" and that it had not featured in the Islamic Declaration. Both he and Omer Behmen stressed that the Islamic Declaration was concerned with the general emancipation of Muslims, not with Yugoslavia and Bosnia in particular, and that it was meant to apply to countries where the overwhelming majority of the population was Muslim.

Dr Izetbegovic stated that he had given the Islamic Declaration to Omer Behmen and some Arab students in order to get their opinion of it and that he had had it translated because he felt that "the Muslim world was turning into a third world power... the declaration offers the vision of a democratic and humanistic social order". He denied that there was any link between the declaration and the program of the Young Muslims.

Dr Izetbegovic and Omer Behmen were accused also of having written articles which, according to the prosecution, contained falsehoods about the position of Muslims in Yugoslavia including the following:

"In the circumstances of the Second World War the partisans emerged. They were in effect armed detachments of the Yugoslav Communist Party which was imposing a communist order in Yugoslavia step by step. While the physical survival of the Muslims was no longer in question, spiritual survival was now threatened. The Islamic Religious Community was placed under the control of the authorities. Supporters of the Communist Party and often even members of the Communist Party were appointed leaders of the community. The most severe losses were inflicted at the time by the Communists on the Muslims when military units entered villages. All potential opponents, mainly people of higher social standing and intellectuals known to be [Muslim] believers were simply put to death without any judicial proceedings or investigation."

The other charges related to oral statements alleged to have been made by the defendants about the position of Muslims in Yugoslavia, and, in the case of Melika Salihbegovic, to a letter she was said to have written to the Ayatollah Khomeini in Iran which included the following statement:

"For 37 years I have been living in a Christian milieu and in atheist Europe, where a handful of scared Muslims live in an atmosphere of falsehood and hypocrisy. It is no wonder therefore that my youth and that of thousands of my young compatriots was spent straying along the paths of ignorance; it is no wonder that we are returning to Allah. If we are submissive, it is our despair..."

She was accused also of having, together with Dr Izetbegovic, drafted a foreword to the Islamic Declaration in March 1982. In her defence she denied having written to Ayatollah Khomeini or having prepared a preface to the declaration, which she claimed she had not seen.

Mustafa Spahic, when asked by the judge whether he had talked about the Islamisation of Bosnia-Herzegovina, replied:

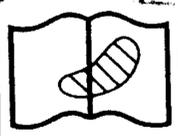
"This is totally incomprehensible to me... When Islam came to the Balkans is well known. It is known that the Turks ruled here for 446 years over what we call Bosnia-Herzegovina which is inhabited by three ethnic communities, the Serbs, the Croats and the Muslims - as these latter have been classified as a nationality since 1971. The Turks never could, nor perhaps tried, to make Bosnia-Herzegovina ethnically homogeneous. And now I am being accused of wanting this? This is utter nonsense..."



Prisoner of Conscience: *Adem Demaqi*, the well-known Albanian writer, with his two children. Adem Demaqi was one of 19 Albanian nationalists from Kosovo tried in February 1976 on charges including "crimes endangering the territorial integrity and independence of Yugoslavia. They were sentenced to up to 15 years imprisonment. Adem Demaqi has served two previous prison sentences for nationalist agitation. (See page 6).

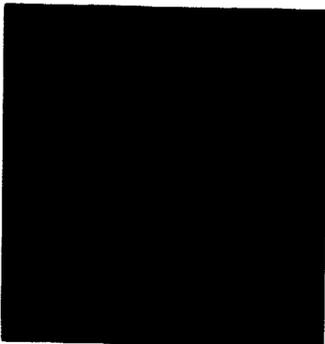


Prisoners of Conscience: *Vlado Gotovac* (above), 54, a Croatian writer, was tried in 1981 on charges of "hostile propaganda" after he had given interviews to foreign journalists. He was sentenced to two years imprisonment. (See page 14.) *Melika Salihbegović* (above right), a Muslim writer who was imprisoned after being accused of writing to the Ayatollah Khomeini of Iran and of helping to draft a forward to an "Islamic Declaration". She is serving a three-and-a-half-year prison term. (See page 43.) *Dr Alija Izetbegović* (right), 59, was the principal defendant in the 1983 trial of 13 Muslims accused of "hostile and counter-revolutionary acts derived from Muslim nationalism". Dr Izetbegović denied the charges against him but was convicted and sentenced to 14 years imprisonment, reduced on appeal to 11 years. (See page 42.) *Vjenceslav Čížek* (below right), a Croatian emigre living in the FRG, was abducted in November 1977 while in Milan and returned to Yugoslavia for trial on charges of having "acted in accordance with counter-revolutionary attitudes that undermined the Yugoslav social system". In August 1978 he was sentenced to 15 years imprisonment, later reduced to 13 years. (See page 9.)

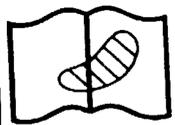




Prisoners of Conscience: *Dobroslav Paraga* (above), a 19-year-old student arrested in November 1980 for collecting signatures for a petition for an amnesty for all political prisoners. He was convicted of "hostile propaganda" and "participation in hostile activity". He was released in November 1984. (See page 17.) *Mustafa Spahić* (above right), a 34-year-old imam charged with spreading "hostile propaganda". He was sentenced to five years imprisonment on 20 August 1983. (See page 43.) *Dragan Bogdanovski* (right), former president of a Macedonian emigre organization and the editor/publisher of an emigre journal. Accused of "association for the purpose of hostile activity against the state", he was tried in February 1979 and sentenced to 13 years imprisonment. (See page 42.) *Omer Behmen*, (below right), 55, a construction engineer accused of preparing Islamic documents deemed to have been "hostile" to Yugoslavia. He was sentenced to 15 years imprisonment, reduced on appeal to 12 years. (See page 42.)



Prisoners of Conscience: *Dr Franjo Tujman* (above), historian and veteran Partisan, who was imprisoned in January 1982 because of interviews he gave to foreign journalists. Appeals for his sentence to be postponed because of his serious heart trouble were refused. He had five heart attacks in prison before his conditional release on health grounds in November 1984. (See page 68.) *Dr Anto Kovačević* (right), 32, a teacher who is serving six years imprisonment because he is alleged to have been guilty of "association for the purposes of counter-revolutionary endangering of the social order and territorial integrity (of Yugoslavia)." The charges against him were based on the evidence of two students who later withdrew their testimony and said that they had been threatened by the police. (See page 40.)





Ethnic Albanians from Yugoslavia demonstrate in July 1984 in Bern, Switzerland for Kosovo to be granted republican status within the SFRJ. The demonstrators (right) are carrying pictures of Jusuf and Bardhosh Gervalla (left) and Kadri Zeka (centre) who were assassinated in Stuttgart in January 1983, allegedly by SDS agents. (See page 8.) The demonstrators' faces have been blacked out. Ethnic Albanians have been imprisoned on their return to Yugoslavia for participating in such demonstrations. (See also the case of *Xheladin Rrustemi*, page 32.)



Ukshin Hoti, an ethnic Albanian charged with political offences. He was sentenced to nine years imprisonment. In December 1982 AI wrote to the Federal Secretary of Justice mentioning that it had received information that ethnic Albanians charged with political offences had been ill-treated. The organization referred to three specific cases and urged him to conduct a judicial inquiry into the alleged ill-treatment of Hydajet Hyseni, Halil Alidema and Ukshin Hoti. (See page 65.)



Prisoners of conscience: *Dr. Ivan Zografski*, (above) a retired medical specialist aged 70, is serving a five-and-a-half-year prison term. He has had all his property confiscated and is to be expelled from Yugoslavia after his imprisonment — all because of casual conversations in which he allegedly criticized the country and its leaders. (See page 25.) *Ivan Pleikosa*, (below) 58, who taught English at Zagreb University, was imprisoned in 1983 for "verbal offences": he was charged (with engaging in "hostile propaganda" and "damaging the reputation" of Yugoslavia) on the basis of remarks he allegedly made in private conversations. He was sentenced to six years imprisonment, reduced on appeal to three and a half years. (See page 23.)



Prisoner of conscience: *Radomir Veljković* during his time as an officer in the Yugoslav army. In 1973 he was convicted of "damaging the reputation of the state, its agencies and its representatives" and "hostile propaganda". Among other things he had filed a writ against President Tito accusing the President of being responsible for crimes and abuses allegedly committed by the SDS. The court ruled that Radomir Veljković was insane and "dangerous to his surroundings" and ordered him to be confined to a psychiatric institution. He has been in the psychiatric section of Belgrade Prison Hospital for almost twelve years. (See page 58.)





Prisoner of Conscience: Mihajlo Mihajlov (above) was publicly attacked by President Tito while on trial on charges of "hostile propaganda". This was the third occasion on which Mihajlov, a well known writer, was tried on such charges. Public statements by political leaders attacking the accused before trial or conviction have led to allegations that verdicts in political trials are decided on in advance by party officials. In 1975 Mihajlo Mihajlov was sentenced to seven years imprisonment and a four-year ban on "public expression and appearance". He was pardoned in 1977. (See page 68.)



Prisoners of Conscience: Ismet Kasumagić (above), 56 years old and a professor at the Metallurgical Faculty of Sarajevo University, was accused of "hostile and counter-revolutionary acts derived from Muslim nationalism". He was sentenced to 10 years imprisonment, reduced on appeal to seven years. (See page 42.)



Momčilo Selčić (left), a Belgrade writer who was imprisoned in 1980 for writing and distributing a document the authorities disapproved of: he was pardoned and freed in May 1982. (See page 16.)



Prisoners of Conscience: Marko Veselica (top left), former Communist Party official and economics don who was sentenced to eleven years imprisonment because of an interview he gave a foreign journalist; he is also alleged to have sent documents abroad about human rights abuses in Yugoslavia. (See page 68.) **Daut Rashani** (top right), 18 at the time of his arrest, was sentenced in 1981 to six years imprisonment for taking part in nationalist demonstrations and writing and distributing poems and leaflets. (See page 36.) **Huso Živalj** (right), a 35-year-old technical teacher tried on charges of "hostile and counter-revolutionary acts derived from Muslim nationalism". He was sentenced to six years imprisonment, reduced on appeal to three and a half years. (See page 42.) **Dr Nikola Novaković** (bottom right), 71, who was sentenced to 12 years imprisonment in 1977, reduced on appeal to 11 years. *AI* is calling for his release because he is a prisoner of conscience and because of his age and ill-health: he has a cardio-pulmonary disorder and complains of considerable pain when urinating or walking. (See page 32.)



Miodrag Milic (opposite, above), Vladimir Mijanovic (opposite, right), Milan Nikolic (opposite, left), Dragomir Olujic (below, left), Gordan Jovanovic (bottom, right) and Pavlusko Imsirovic (below, right), six Belgrade intellectuals whose trial lasted from 5 November 1984 to 4 February 1985. The six were accused, among other things, of having formed a group which aimed to change the social and political system and get rid of the present government, and of holding meetings at which they had attacked "the heritage of the liberation struggle, the building of socialism and the character and acts of



Tito". Before the trial ended the charges against Pavlusko Imsirovic were withdrawn. Vladimir Mijanovic and Gordan Jovanovic were removed from the indictment due to illness and it was reported that they would be tried on a future unspecified date. The charges against Miodrag Milic, Milan Nikolic and Dragomir Olujic were changed and they were found guilty of the less serious offence of "hostile propaganda". They were sentenced to two, one and a half and one year's imprisonment respectively but were allowed to remain free pending appeal. (See page 16.)



None of the above were charged with having used or advocated violence and Amnesty International has adopted them all as prisoners of conscience.

Djula Bičakčić, who was accused of typing up an account of the impressions of the group that went to Iran, was released at the end of the trial.

Conscientious objection to military service

Military service is compulsory and Yugoslav law does not permit any exemption or alternative service for 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 conscientious 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

According to Article 63 of the federal criminal code a court may impose "compulsory psychiatric treatment and confinement in a health institution" for offenders who when committing the offence were not responsible for their actions, this measure may be applied only if the court decides that the accused is "dangerous to his surroundings".

Amnesty International's information indicates that the forcible confinement of dissenters in psychiatric institutions is uncommon in Yugoslavia. In its report *Yugoslavia - Prisoners of Conscience* published in 1982 (to which this report is a sequel) Amnesty International mentioned two people, Vladimir Markovic and Vjekoslav Naglic, detained at that time in Belgrade prison hospital's psychiatric section because of their non-violent exercise of their right to freedom of expression. Both men have since been released. Amnesty International still from time to time receives allegations that people who have non-violently expressed dissent have been punished by psychiatric confinement.

In June 1983 Amnesty International wrote to the Yugoslav authorities raising four such cases. Since then one of those concerned - Dušan Cetkovic is reported to have been released. However, other cases suggest that the legislation may be applied in such a way that the person concerned is forcibly confined to a psychiatric institution as a direct result of the non-violent exercise of fundamental rights, without proof that he or she is "dangerous to his surroundings".

Radomir Veljkovic

An example is Radomir Veljkovic, a retired Yugoslav Army officer born in 1926 who has been forcibly confined since 1973. According to an appeal on his behalf by members of his family in March 1983, he first came into conflict with the authorities in 1959 when he criticized what he considered to be an unjust allocation of housing in his military unit. He was later arrested on several occasions, interrogated and beaten; he was also allegedly forcibly confined in a military psychiatric hospital for a time. In 1967, at the age of 41, he was forcibly retired.

The same year the Commune Assembly of Sarajevo Centre initiated proceedings to have him declared unfit for work on the grounds that he suffered from paranoia. On 19 December 1967, however, Sarajevo Clinical Hospital issued him with a certificate stating that he did not suffer from any mental illness. On 22 December 1967 proceedings against him were dropped by court order after the court had heard another psychiatrist's medical opinion.

In 1968 he filed a writ against an employee of the Commune Assembly of Sarajevo Centre, accusing her of having initiated the proceedings against him in 1967 on the orders of a Sarajevo military garrison officer. Amnesty International does not know the result of this court action.

In 1969 Radomir Veljkovic filed a writ against President Tito, accusing him of responsibility for crimes and abuses allegedly committed in the past by the SDS.

In 1970 the Zenica Medical Centre diagnosed Radomir Veljkovic as sane and fit for work. In 1970 and 1972 he filed supplements to his writ against President Tito.

In early 1973 the Sarajevo Public Prosecutor brought charges against him under Articles 174 ("damaging the reputation of the state, its agencies and its representatives") and 118 ("hostile propaganda") of the federal criminal code, based on his writs against President Tito. On 8 February 1973 he was arrested. On 20 March the Sarajevo district court found him guilty of the charges. However, the court ruled that at the time of committing the offences he was insane and that he was "dangerous to his surroundings". It therefore ordered him to be compulsorily confined in a psychiatric institution for treatment.

In a supplement to his appeal against this decision, dated 9 April 1973, Radomir Veljkovic said there had been serious departures from correct legal procedure in the course of the proceedings against him. He claimed that he had been denied the right to choose his defence counsel and had instead been assigned a court-appointed lawyer. The lawyers he had himself chosen were allegedly prevented from attending the trial, and he himself was not allowed to attend it either. Moreover, according to him, the court, in reaching its decision, did not explain the grounds for his confinement in a psychiatric institution, and in particular did not explain in what way he was dangerous. He said that the fact that a man filed a writ against another did not make him dangerous. Lastly, the appeal referred to five separate specialist diagnoses which had pronounced him sane in the period when he committed the offences of which he was accused. He claimed that the diagnosis of insanity on which the court had based its decision was false.

Apparently he was never given a copy of the court's decision to have him confined, to which he was legally entitled. He has been in the

psychiatric section of Belgrade Prison Hospital since 25 July 1973.

In an appeal to the Presidency of Yugoslavia for his release (dated 10 March 1983) his family stated that since confinement he had been harassed and forcibly given injections and drugs, which had affected his physical and mental health. They wrote:

"Insofar as Radomir's mental and physical health has been disturbed, the responsibility for this lies with the authorities and with the special treatment he has received for so many years . . . We would draw attention to the fact that he committed his political offences in a moment of despair over having been prematurely retired and over many other injustices . . . The political offences for which he was indicted cannot possibly be considered dangerous to the surroundings or security . . . We believe Radomir should be given treatment, released, rehabilitated, and that his material problems should be solved."

Amnesty International believes that Radomir Veljkovic has been forcibly confined to psychiatric hospital for the non-violent exercise of his right to freedom of expression and has adopted him as a prisoner of conscience.

Radomir Veljkovic has been forcibly confined in a psychiatric hospital for more than 11 years and another adopted prisoner of conscience, Milisav Zivanovic, has been confined for over eight years. Under Article 33 (or under the analogous Article 61 of the former federal criminal code) there is no time-limit on confinement in a psychiatric institution.

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 procedure has been in accordance with legal provisions, it 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 release or further detention.

A number of prisoners of conscience have reported that while being held without court protection during this three-day period (which has been known to be illegally extended) they were subjected to severe psychological, and in some instances, physical, pressures by the police (usually the SDS – the state security police). Certain detainees have later complained that they were threatened with violence and even death – and with reprisals against their families or friends. There have also been reports of interrogations lasting for hours on end, sometimes conducted at night, and, in certain instances, of detainees being deprived of food or 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 the former 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.

Article 67(1) guarantees the accused the right to defence counsel of their choice throughout the entire criminal proceedings; the investigating judge is required to inform the accused before the first hearing of their right to engage a defence lawyer, who may be present during the hearings, when the investigating judge examines the accused. Amnesty International knows of cases in which these provisions were respected; there have also, however, been cases in which the accused were not informed of their right to engage a lawyer, or were even kept in ignorance of the fact that their family had engaged one for them. In yet other cases, the accused are reported to have been obliged to accept the services of court-appointed lawyers.

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 Popovic 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 a year's imprisonment, suspended on appeal; he was also barred from legal practice for a year.

An example of serious departures from correct legal procedure may be found in the case of the prisoner of conscience Dr Veselin Masic, from Brcko, Bosnia-Herzegovina, 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 Tuzla district court 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 SDS. 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 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 Masic was found guilty and sentenced to six years' imprisonment (reduced to five years on appeal).

There were similar departures from correct procedure during the investigation and trial in 1979 of the prisoner of conscience Jovo Ilic, who was also tried by Tuzla district court, and during the investigation of another prisoner of conscience, Alija Izetbegovic, and his co-defendants, tried by Sarajevo district court in July 1982. In the latter case the accused were denied access to their lawyers throughout the investigation proceedings.

Prisoners of conscience have several times complained that investigating judges have refused to permit 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 heard of several cases in which the police appear to have deliberately abused their powers in order to obtain statements from witnesses. For example, after the arrest of a prisoner of conscience, Momčilo Selic, on 13 February 1980, several of his acquaintances were reportedly held as "suspects" by police and induced to make statements against him after being led to understand that they themselves might face criminal proceedings.

Again, after Jovo Ilic 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 testified against the accused.

Similar methods appear to have been used against witnesses in the case of A. Kovačević (see above p.41).

Ill-treatment and torture

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

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. They were charged with "terrorism" (planting the bomb), "association against the state" and "participation in hostile activity". Five of the 11 convicted were found guilty of planting the bomb and sentenced to death, later commuted to 20 years' imprisonment. All five claimed they were innocent and appealed against sentence on the grounds that they had been convicted on the basis of confessions extracted under torture during investigation. On 18 February 1978 the Supreme Court of Croatia ordered their retrial on the charge of planting the bomb on the grounds that the evidence was insufficient and contradictory and that correct criminal legal procedure appeared not to have been followed as regards the confessions. It confirmed their sentences on the other charges. After the retrial, the Zagreb district court found three of them - Miloš Tvrko, Antun Zink and Josip Pemic - guilty of planting the bomb and sentenced each to 15 years' imprisonment. The other two, Djuro Perica and Branko Vidaček, were acquitted but continued to serve sentences of 15 and five years' imprisonment on other charges. According to foreign press reports, in pronouncing sentence the court conceded that the accused might have been tortured during investigation.

Antun Zink appealed to the Supreme Court of Croatia against the Zagreb district court's verdict passed on 1 February 1979. In the appeal (Amnesty International has a copy) it was pointed out that although the district court had based its finding on self-incriminating statements made by Antun Zink during investigation, it had also accepted expert testimony which conflicted with his statements.

As for his assertion that he had made a false confession under torture during investigation, the appeal document noted that he had been denied access to defence counsel throughout the investigation. It recalled that

at a court hearing on 12 September 1978 he had described in great detail how he had been beaten with a rubber truncheon several times during the investigation and how he had been given electric shocks. In particular, he had described how, on the evening of 8 March 1976, he had been driven by the police to a house where he was again given electric shocks, beaten and threatened at gunpoint with death. He claimed that he had then agreed to confess to anything he was told and had afterwards written a false confession suggested to him by the police. On 10 March this was dictated on police premises for the court records in the presence of an investigating judge.

The appeal document noted also that at the main court hearing none of Antun Zink's co-defendants had testified against him. Lastly, the appeal stated that the court, in its judgment, had not given reasons why it had relied on the defendant's confession in finding him guilty, despite his account of how the confession had been obtained. His appeal was rejected by the Supreme Court of Croatia.

Amnesty International has copies of other appeals by two of his co-defendants, Vinko Markovic and Djuro Perica. Both claimed that they had made false confessions during investigation after the police had beaten them and applied electric shocks to their genitals. Similar allegations have, it seems, been made by Miloš Tvrko and Josip Pemic. (Amnesty International has not seen copies of these allegations).

Kosovo allegations

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

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

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

In December 1982 Amnesty International wrote to the Federal Secretary of Justice mentioning that it had received information that ethnic Albanians charged with political offences had been ill-treated. The organization referred to three specific cases and urged him to conduct a judicial inquiry into the alleged ill-treatment of Hydajet Hyseni, Halil Alidema and Ukshin Hoti. Hydajet Hyseni was said to have been severely ill-treated following his arrest in December 1981.

He did not appear at the trial of 18 co-defendants in Priština in July 1982 because, the court was told, he was in a depressed state. In August he was said to be in the psychiatric section of Belgrade prison hospital. On 28 November he was sentenced to 15 years' imprisonment. Halil Alidema and Ukshin Hoti, who were also alleged to have been physically ill-treated during pre-trial detention, were sentenced to 11 and nine years' imprisonment respectively in July 1982. Amnesty International received no reply to its letter and as far as the organization knows no inquiry was ever conducted.

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

Security police raid

In June 1984 Amnesty International wrote to the Federal Secretary of the Interior about allegations it had received after an SDS raid on a private apartment in Belgrade in which 28 people were taken into custody. The organization heard that four of them were beaten while being detained. Jovica Mihailović stated that the interrogating officer hit him so hard that he fell off his chair twice and that the officer had continued to hit him while he lay on the floor. He also claimed that he was then struck in the kidneys. He was released on 24 April and a medical certificate issued that day (a copy of which Amnesty International has) records injuries to his head and body. Tomislav Jeremić said that he was hit on the sole of his bare foot with a police truncheon by an SDS officer. He claimed that after being moved to the Belgrade district prison he was insulted and hit 20 times on the back of his head by another officer. Dragisa Paunić stated that he was kicked in the abdomen and twice hit on the back of the neck by an officer. Amnesty International heard that Zoran Matic was beaten with rubber truncheons by four officers.

Suicide verdict disputed

In the same letter Amnesty International expressed concern about the circumstances of the death of Radomir Radović, one of the 28 detained, who had been released from custody on 22 April 1984 but then vanished on the evening of 23 April. His body was found a week later in a country house in mysterious circumstances. According to a police statement made before the results of the autopsy were known, his death had been caused by an overdose of sedatives and was suicide. However,

the autopsy report revealed that the cause of death was poisoning by a large amount of insecticide. The official verdict remained suicide. Radomir Radović was 33 and due to be married. He had played an active part in calling for an independent labour movement. The suicide verdict is questioned by his lawyer and contested by his family and friends. Again the Yugoslav authorities did not answer Amnesty International's letter.

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

Political trials

According to 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 hands over the dossier to the public prosecutor. If the latter decides to file an indictment, this must be done 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 decided on in advance by party officials.

On 25 February 1975 President Tito publicly attacked the writer Mihajlo Mihajlov, who was then on trial 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 paper *Borba* reported on 13 February 1981 that the President of the Croatian Assembly, Jure Bilic, had "mentioned the illegal activity of the well-known nationalists Gotovac, Veselica and Tudjman, and in this connection had announced the forthcoming trials of the latter two" (investigation proceedings had not as then started in the case of Dr Marko Veselica). On 12 February 1981 the Zagreb paper *Vjesnik* reported that Jure Bilic had declared:

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

On 20 February Dr Tudjman received a three-year prison sentence, and on 5 June Vlado Gotovac was sentenced to two years. Investigation proceedings were started in Dr Veselica's case 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 be excluded only if this is necessary to

"preserve secrets, law and order, or to protect morality, the interests of a minor or other particular interests of society" (Article 288).

Access to courts restricted

Practice with regard to political trials varies. Some have been held *in camera*, others in open court. Several have been declared "open" – but with public access strictly limited because of "lack of space". Such trials have been held in small courtrooms with access restricted to those issued with official passes. This has effectively limited the "public" to close relatives, particular journalists, uniformed and plainclothes police and, sometimes, foreign observers.

Access appears to have been even more restricted in political trials in Kosovo between July and September 1981. A Yugoslav press report on 9 August stated that a group trial in Priština had been held in a courtroom seating only 20. Guards outside had directed passers-by to the other side of the road. Access for journalists had been restricted to *Tanjug* correspondents.

In other ways too political trials have failed to meet international standards. For example, there have been several complaints that courts have repeatedly interrupted defendants, defence counsel and witnesses, thus preventing the defence case from being fully presented. Sometimes when witnesses have given evidence that did not match statements they had made during investigation proceedings the court has "reminded" them of their previous testimony by reading it aloud rather than by trying to clarify the reasons for discrepancies. At other times the court has disallowed evidence and forbidden the calling of witnesses for the defence on the grounds that this was "not necessary". However, the prosecution has sometimes been allowed to depart from normal legal procedure by presenting evidence not included in the dossier. In Amnesty International's opinion this has meant that such trials have been heavily weighted in favour of the prosecution which is against national law and contrary to internationally accepted standards for fair trial. In only one of the political trials that have come to Amnesty International's attention has the accused been acquitted.

Sentencing

Sentences imposed for non-violent offences may be heavy in Yugoslavia: the average sentence imposed in the first instance on prisoners at present under adoption or investigation by Amnesty International is six and a half years. Sentences passed in political cases are usually upheld on appeal, although a number have been either reduced or increased.

Press reporting of trials

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

Number of prisoners of conscience

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

Official statistics are regularly issued on the number of people charged with or convicted of political offences. Although not all would be prisoners of conscience as defined in Amnesty International's statute - people imprisoned for their conscientiously held beliefs who have not used or advocated violence - the figures available indicate that there are many more prisoners of conscience in Yugoslavia than those known to Amnesty International. Unofficial sources tend to put the number of political prisoners much higher than those given in official statistics, and have alleged that, in addition to those convicted on political charges,

there are also political prisoners who have been convicted on false, for example "economic", counts.

According to the *Statistical Yearbook of the SFRJ*, in the 10-year period from 1961 to 1970, 1,801 adults were convicted by final court decision of "offences against the people and the state" - the principal category of political offences as defined in Section 10 of the federal criminal code of 1951. The figures given for the years 1971 to 1978 are as follows:

1971	179	1975	534
1972	697	1976	539
1973	691	1977	398
1974	571	1978	119

Of the 3,778 people convicted in this period, 3,585 received prison sentences. Of these prison sentences, 2,767 were under one year; 671 between one and five years; 114 between five and 10 years; 32 between five and 10 years; 32 between 10 and 15 years and there was one of 20 years. The highest incidence of convictions for political offences between 1971 and 1978 occurred in Croatia and Bosni-Hercegovina. These figures, however, exclude people convicted of political offences falling into other categories such as "offences against honour and reputation" or "offences against public order".

Another official source, the Federal Public Prosecutor's Office, regularly issues reports on crime figures, including those for political offences. However, these figures refer to the numbers of people charged with, rather than convicted of, political offences. The *Statistical Yearbook of the SFRJ* shows that a number of those charged are acquitted. In 1977, for instance, of 565 people charged with "offences against the people and state", 398 were found guilty.

It is not clear what definition of political offences is used by the Federal Public Prosecutor's Office and whether it has changed in recent years. It appears to include not only "offences against the people and the state" (termed in the federal criminal code of 1977 "offences against the social order and security of the SFRJ"), but also offences such as "damaging the reputation of the SFRJ" and "spreading false rumours". In the past decade the highest figures for political indictments filed were for 1972 to 1973. According to a report in *Vjesnik* in June 1973, 5,806 indictments for political offences were filed from the beginning of 1972 to the end of March 1973. Since then statistics issued by the Federal Public Prosecutor's Office and published in the Yugoslav press indicate that the number of people charged with political offences in 1975 was 1,319, and 1,131 in 1976. (1,880 and 1,465 respectively, according to figures released by the Federal Secretariat for Internal Affairs.)

The figures given for the years 1977 to 1983 are as follows:

1977.....	787	1981.....	594
1978.....	459	1982.....	516
1979.....	300	1983.....	545
1980.....	553		

At the time of writing, Amnesty International groups were working for the release of 202 adopted prisoners of conscience and investigating a further 29 cases.

Imprisonment

Location of prisons

Prisons are administered by the Secretariat of Justice and General Administration of the republic or autonomous province where they are situated. Sentences of over six months (in some republics, a 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 live.

Prisons in which prisoners of conscience have been detained include: Zenica and Foča, in Bosnia-Herzegovina; 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, most 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.

Prison conditions

Many of the above prisons were built before the Second World War and, despite some modernization, are often in a state of poor repair. Conditions in them vary considerably. Amnesty International's

information suggests that conditions in Sremska Mitrovica and Lepoglava prisons – in particular in the former (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 mentioned "the filth, the desolation, the hunger" there.

Poor prison conditions have also been reported elsewhere in Yugoslavia. Such accounts frequently refer to severe overcrowding and inadequate sanitary facilities. It seems that in these two respects in particular standards are often well below the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Prisoners are put in three categories by the prison administration and political prisoners are normally assigned to the most severe category, getting, for instance, shorter visits and smaller food parcels. They share cells and work with ordinary criminal prisoners.

Accommodation

Cells vary greatly in size and usually contain two- or three-tiered bunks. In Lepoglava prison most cells are about 4 metres by 2 metres and house three inmates. The cells have no running water and a slop-bucket is used as a toilet. Sanitation is also reported to be primitive in Stara Gradiška, where between 30 and 40 prisoners sleep in rooms measuring about 10 metres by 5 metres. The conditions are aggravated by the marshy surroundings and damp climate. In Zabela as many as 73 inmates are reported to have been accommodated in a dormitory measuring 6.6 metres by 10.2 metres. 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 up to 180 prisoners are said to have been accommodated in one dormitory. In both Zenica and Zabela 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 which has caused much bronchial, tubercular and rheumatic disease among inmates in several prisons, including Lepoglava, Stara Gradiška, Zenica, Zabela and Niš. "At roll-call at 5.30am, all you can hear is coughing," remarked one former inmate of Lepoglava prison.

Food

Prisoners are legally entitled to a diet of 2,500 calories a day. Prison menus from Sremska Mitrovica and Lepoglava seen by Amnesty International prescribe an average daily consumption of over 3,000 calories. Prisoners have complained, however, that food is inadequate, particularly its quality and variety, and low in vitamins and protein. The main meal is at midday; the evening meal usually consists of 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 from the prison shop.

Work

All prisoners capable of doing so are required to work and those who refuse are liable to be punished. There is generally an eight-hour shift, with one rest-day a week. Prisoners who have worked for 11 months in the year are allowed two weeks' rest. Prisons have their own workshops and often run their own enterprises. (Non-political prisoners are sometimes sent outside as hired labour.) Most prisons produce furniture and metal-work and some have farms where prisoners do agricultural work. 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 at home and abroad.

Safety measures in some workshops appear to be deficient and prisoners have referred to industrial accidents resulting from poorly maintained machinery used by tired or depressed inmates.

Prisoners are legally entitled to 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 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 time, 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. Usually prisoners appear to have adequate daily exercise in the open air.

Contact with families and lawyer

All correspondence is censored. Prisoners are entitled to receive and send two letters a month, and apparently some prisons have 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 2 kilograms for prisoners in the lowest category). They may also be visited by relatives 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, if they so 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 protection from ill-treatment.

Medical treatment

Reports received by Amnesty International suggest that a number of

prisoners of conscience have left prison in poor health needing medical treatment and convalescence.

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

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

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

Dr Franjo Tudjman

A case in point is that of Dr Franjo Tudjman, a prisoner of conscience sentenced to three years' imprisonment in February 1981. He has a history of hypertensive heart disease and suffers from high blood pressure, angina and other complaints. Because of his condition he appealed for postponement of sentence. This was refused by the Yugoslav authorities despite his doctors' recommendation that the sentence be postponed and that he continue to receive medical treatment and remain under close medical supervision. He began to serve his sentence in January 1982. In February 1983 he had a major heart attack and was later granted an interruption of sentence. The interruption was extended on medical grounds three times, but he was returned to Lepoglava prison on 26 May 1984 to complete his sentence.

In Lepoglava, where the medical facilities for treating acute heart complaints were reported to be inadequate, he had four more heart attacks, one of which left him partially paralysed on the left side. Despite appeals by his family and Amnesty International it was not until 11 September 1984 that his sentence was once again interrupted for two or three months on health grounds. Amnesty International later learned that his sentence had been reduced to two and a half years by the Supreme Court of Croatia and that he had been granted conditional release in November 1984 on grounds of ill-health.

Dr Nikola Novaković

Another case is that of Dr Nikola Novaković, a 71-year-old prisoner of conscience sentenced to 12 years' imprisonment in 1977. He had twice appealed on medical grounds for the curtailment of his sentence. It was reduced on 13 December 1977 to 11 years and on 24 March 1982 to 10 years. He has a cardio-pulmonary disorder and was admitted to hospital with chronic bronchitis for 4 weeks in 1981. He apparently had cardiac disease symptoms after this time in hospital and has ischaemic lumbago and varicose veins. In late 1979 he had a hydrocelectomy, and after the reduction of his sentence in March 1982 a further hydrocelectomy was performed. He complains of considerable pain when urinating and walking.

In early 1984 he again appealed for reduction of sentence. This was rejected by the Supreme Court of Bosnia-Herzegovina on 24 June 1984 on the grounds that reduction was possible only when there had been changes in the prisoner's circumstances since the verdict was passed. The court contended that as the details of Dr Novaković's ill-health were known at the time of the reduction of his sentence to 10 years, the legal requirements for further reduction had not been met. His appeal was rejected as groundless. Amnesty International is calling for his unconditional release because he is a prisoner of conscience and because of his age and ill-health.

Tomo Dumančić

A third case is that of Tomo Dumančić, who died in prison in July 1981. He had been sentenced in April 1976 by Zagreb district court to 10 years' imprisonment (reduced on appeal to eight) 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 reveal that he was not accused of using violence and strongly suggest that he had not advocated it.

At the time of his imprisonment he was already in poor health. As a child he had contracted tuberculosis of the thoracic vertebrae, which led to grave spinal deformity. He later had tuberculosis of the kidneys and bladder. In November 1979 he developed a lung complaint and applied for suspension of sentence so that he could get special treatment. A year later this petition had still received no response. In October 1980 he was admitted to hospital in Varaždin after an acute heart attack. Having treated him for this, the hospital sent him back to Lepoglava prison where he received no further treatment. Seven months later, in June 1981, he became critically ill and was sent for treatment to Zagreb prison hospital; he resubmitted his petition. On 28 July this second petition was rejected. He died in Zagreb prison hospital that day.

Amnesty International considers that in these and certain other cases the Yugoslav authorities have unjustifiably delayed appropriate care and medical treatment for prisoners in civilian hospitals for special diseases – or simply have prevented them from seeking it. Moreover, Amnesty International believes that in the cases of a number of prisoners of conscience with severe heart problems who have lodged petitions for suspension or reduction of sentence, or pardon, the Yugoslav authorities have refused the petitions without giving due consideration to the clear humanitarian grounds for granting them.

Punishment and ill-treatment

There are minor differences in prison punishments in the various Yugoslav republics and autonomous provinces, but in general such punishments include: shaving off hair, denying mail and parcels (for up to three months); denying or restricting the right to buy articles in the prison shop (for up to three months); solitary confinement, with or without work (for up to 30 days) and isolation (for up to a third of sentence but not for more than a year without interruption). Prisoners in solitary confinement are legally entitled to an hour's exercise a day in the open air.

Prisoners have complained that punishments are often arbitrarily imposed by guards and that, although they are entitled to appeal to the prison authorities and the appropriate Secretariat for Justice, in practice their complaints are ignored. There have been reports of the maximum periods of solitary confinement and isolation sometimes being exceeded through the immediate reimposition of the punishment.

A former prisoner of conscience in Stara Gradiška prison has described how he was put in a solitary confinement cell measuring 2 metres by 1.5 metres, containing no bed but only a chair. The only surface that could serve as a table was the lid of a foul smelling toilet bucket. Another former prisoner of conscience there was reportedly punished by a month's solitary confinement for having lent a foreign-language textbook to another prisoner. (Both instances occurred in 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 prisoners are alleged to have been punished by having their hands chained to rings in the floor in such a way that they could not stand upright but had 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 contain no beds (unlike isolation cells) and the toilet is a bucket. Furthermore, although, apparently, this block is heated there are no window-panes (just bars) - the purpose supposedly being to prevent prisoners from trying to mutilate themselves with glass splinters.

Prolonged isolation

Cases have been reported of prisoners being kept in isolation for more than a year. This happened to two Albanian prisoners of conscience, Isa Kastrati and Xhafer Shatri. In 1977 they reportedly went on hunger-strike in Spuž prison in Montenegro. They barricaded themselves in their cells demanding to be moved to Sremska Mitrovica prison. Guards forcibly entered their cells and a prison riot followed in which some inmates were wounded by guards. Isa Kastrati and Xhafer Shatri later each had their sentences increased by three and a half and three years and were allegedly kept in isolation for 17 months. Two years later, on 8 July 1979, they and two other Albanian prisoners in Spuž again went on hunger-strike calling for all Albanian political prisoners to be retried, for all such prisoners to be moved to prison in Kosovo province and for information about Albanians' political trials to be published in Albanian in the Yugoslav press.

Deaths in custody

Amnesty International has received allegations that Albanian prisoners, including prisoners of conscience, are treated especially harshly (Niš prison in particular has been mentioned). On 17 June 1979 *Rilindja* mentioned a trial in which the Governor of Idrizovo prison (Macedonia) and six guards were sentenced to between eight months' and eight years' imprisonment after two prisoners had died. They were apparently found guilty because "while carrying out their superiors' orders they had become 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. One of the four survivors received an additional two years' imprisonment and three an extra year.

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

who arrived at Gospić on 26 December 1981 were said to have received similar ill-treatment. Two prisoners who complained to the Prison Governor about ill-treatment were allegedly beaten unconscious in reprisal on 12 December 1981.

Accounts given by former prisoners suggested that elsewhere in Yugoslavia the beating of inmates was normal practice in certain prisons. In September 1982 a Belgrade criminologist sent an open letter to the Serbian Secretary of Justice about the treatment of prisoners in Belgrade District Prison. The letter was based on his personal observations while serving a month's sentence there for a non-violent political offence. He said that prisoners were often beaten and were threatened literally every day with beating. He noted that guards were apparently led to believe that beating was a lawful form of punishment.

Release process

Conditional release

Prisoners who have served half (in rare cases, a third) of their sentence and have been of good conduct are eligible for conditional release under Article 38(6) of the federal criminal code. On 5 March 1984 the President of the Presidency of Kosovo announced that many young Albanians who had repented of their "crimes" and behaved well had been released before completing their sentences. However, Amnesty International does not as yet know of any actual case in which a prisoner of conscience has been granted conditional release on grounds of good behaviour.

Pardon

Convicted prisoners may petition for pardon and the SFRJ Presidency is empowered to grant it to those convicted under federal law. It is the custom for the Presidency to pardon 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 *Službeni list SFRJ*, which does not, however, indicate how many of them were political prisoners. 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 pardoned 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 in the cases of a further 356 were dropped. Details for 1977 to 1984 are given in the table below.

Pardons granted to prisoners convicted
of crimes under federal law from 1977 to 1984
on the occasion of the anniversary of the SFRJ

Year	Pardons total	Releases	Sentences reduced	Judicial pro- ceedings dropped
(figures given in brackets refer to prisoners under adoption or investigation by Amnesty International)				
1977	574	144 (13)	74 (20)	356
1978	94	38 (5)	55 (13)	1
1979	51	19 (1)	32 (2)	—
1980	82*	42 (2)	38 (3)	—
1981	57**	30 (0)	26 (2)	—
1982	59	24 (1)	35 (2)	—
1983	60	29 (3)	31 (0)	—
1984	82	30 (1)	52 (5)	—

*includes two people whose short prison sentences were commuted to suspended sentences

**includes one case where a ban on promotion at work (a consequence of criminal conviction) was lifted

Amnesty

The Federal Chamber of the SFRJ Assembly is authorized to amnesty people imprisoned for offences defined by federal statute. This is done by passing an amnesty law proposed by the SFRJ Presidency. The last time such a law was 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, these offences between 1 January 1971 and November 1973 (which meant it did not affect, among others, the numerous people prosecuted or convicted after the political upheavals in Croatia in late 1971 and 1972). Excluded from the amnesty too were people who had committed any of the nine most serious of these crimes as leaders or organizers or who, in the course of committing them, had committed murder or any act of terrorism.

Released prisoners

In a number of cases Amnesty International knows about, courts have imposed not only prison sentences on prisoners of conscience but other

penalties as well, such as prohibiting them for a specific period from public expression of any kind or from following a particular profession. Moreover, many prisoners of conscience find themselves unofficially barred from their former, or similar, occupations. People with specialist training have been obliged to find menial work, often poorly paid, or to live on the earnings of their spouses. Furthermore, many former prisoners of conscience have complained because on release they were refused a passport and hence prevented from working abroad. One of them, former prisoner of conscience Petar Sale, wrote on 6 March 1981, in an appeal to the Secretariat for Internal Affairs of the Republic of Croatia against the Zadar police decision on 25 February 1981 to refuse him a passport:

"In February 1981 I filed an application for a passport in order to travel abroad. My passport was withdrawn on 22 January 1973 because, as a former student leader, I had been convicted of an offence against the people and the state. I was again arrested in 1974, also for an offence defined in chapter 10 of the former criminal code, and sentenced to a prison term of four years 10 months. I served the sentence in Stara Gradiška to the very last day. I left prison on 1 October 1978.

"Immediately after my release I reported to the bureau of employment and since then I have continued to report regularly to this bureau. In addition, for two and a half years now, I have persistently applied for employment, regardless of the job or the place. My supposed constitutional right to work is not only not implemented; for me it does not exist. I have two 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. I am not permitted to do this in my country. I really do not know what should be done so that I and my children may 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 allowed."

Death penalty

Amnesty International considers the death penalty a violation of the right to life and the ultimate cruel and inhuman punishment and opposes its use in all cases. Article 175 of the SFRJ constitution states that "a man's life shall be inviolable", but that "in exceptional circumstances" the death penalty may be provided for by federal statute for the gravest crimes. Nonetheless, 45 of the 140 criminal offences defined in the federal criminal code carry a discretionary death sentence. These include 16 types of political offence if they have:

"... resulted in anyone's death or endangered human life, or were accompanied by serious violence or great destruction, or led to 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 do 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 murder and for inducement to suicide of juveniles under the age of 14 or of people incapable of understanding the significance of their act or not responsible for their own actions. Pregnant women and people under 18 when the offence was committed are exempt from the death penalty.

Appeals, clemency

Those sentenced to death may appeal to two higher courts. The final court of appeal for those sentenced under republican or provincial 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 the death penalty has

been upheld, defendants have the right to petition for clemency. If they, or members of their family on their behalf, fail to do so, the appropriate procedures for granting clemency must be instituted *ex officio*. The right to grant 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 republican or provincial law. Official statistics show that between 1968 and 1978, 36 death sentences were upheld by the highest Yugoslav courts. Amnesty International does not know if any of these sentences were later commuted to imprisonment by presidential pardon. An article in the Yugoslav press in 1979 stated that about three or four death sentences on average were carried out every year; 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.

Sentences, executions

The latest death sentences for political offences that Amnesty International knows about were passed in 1976; all six cases were commuted by the court to terms of imprisonment. The latest judicial executions for political offences took place in 1973, the victims being two Croatian emigres, Djuro Horvat and Vejsil Keskić, who had been convicted in 1972 of making 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 29 death sentences being passed and of 10 executions. Three of those accused had been convicted of committing war crimes during the Second World War, the others of aggravated murder. Amnesty International is aware of only one case (that of Muslija Dilaver of Skopje, convicted of double murder and two attempted murders) in which death sentence was, after review by the highest court, commuted to 20 years' imprisonment by presidential pardon (in this case by the Presidency of the Republic of Macedonia).

Public discussion

In recent years the death penalty has been the subject of much public discussion in Yugoslavia. Leading abolitionists have come from the legal profession, including the lawyers Veljko Guberina and the late Filota Fila, both of whom have published works on the subject. In February 1979 Filota Fila argued the abolitionist case in a televised debate with the present President of the Federal Court,

Dr Mirko Perović. An article on the death penalty which appeared in the Yugoslav foreign language monthly *Review* on 7 August 1979 noted that another lawyer, Veljko Komljenović, had tried to found a Yugoslav League of Abolitionists, but did not say why he had not managed to do so.

On 17 October 1981 an association to campaign for the abolition of the death penalty was formed. It consisted of 11 members. In February 1982 its official registration was refused on the basis that procedural requirements had not been met during its formation. An administrative appeal against this decision was rejected in April 1982. However, on 8 December 1982 the Supreme Court of Serbia granted an appeal and ruled in favour of the organization. The Supreme Court found that the alleged irregularities had not been material and should not preclude registration. The matter was therefore referred back to the registration authority. But registration was again refused in April 1983: this time on substantive grounds. The authority considered that an organization campaigning for the abolition of the death penalty was contrary to the SFRJ constitution, the federal criminal code and Article 29 of the law regulating citizens' organizations. The administrative appeal from this decision was rejected in June 1983 as was the judicial appeal to the Supreme Court of Serbia on 31 January 1984. The association said that in its view the decision to refuse registration involved misinterpretation of the constitution and therefore appealed to the Federal Court. Amnesty International later learned that this appeal too was rejected on 5 September 1984, even though 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."

In 1984 a petition was submitted to the SFRJ Assembly for the abolition of the death penalty on the grounds of the inviolability of human life, a humanitarian vision of socialist society and the rejection of the principle of retribution. This petition, originating in the republic of Slovenia and published in the magazine *Mladina* was, according to official reports, signed by 866 people in Slovenia and other republics. It prompted a debate in the Assembly which decided there were as yet "no constitutional or other prerequisites for abolition".

Action by Amnesty International

In working for prisoners of conscience in Yugoslavia, Amnesty International has stressed to the authorities its impartiality and has supplied documentary 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 sharing the views of these prisoners, but on the belief that the violation of fundamental human rights is a cause 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 about other prisoners who might be prisoners of conscience. In each case groups have pointed out infringements 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 have stressed the authorities' obligation 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.

Amnesty International discussed with these officials its concern about legislation 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. Afterwards Amnesty International

urged the Yugoslav authorities to amend national legislation so as to make it consistent with Yugoslavia's international human rights commitments.

Over the years Amnesty International has sent observers to a number of political trials in the country.

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.
- 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 160 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 newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government. . . . 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.

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 are termed *prisoners of conscience*.

It works for *fair and prompt trials* for all *political prisoners* and works on behalf of such people detained without charge or trial.

It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

Amnesty International acts on the basis of the Universal Declaration of Human Rights and other international covenants. Amnesty International is convinced of the indivisibility and mutual dependence of all human rights. Through the practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

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 25,000 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 3,341 local Amnesty International groups throughout the world. There are sections in 43 countries (in Africa, Asia, the Americas, Europe and the Middle East) and individual members, subscribers and supporters in more than 120 other countries. Members do not work on cases in their own countries. 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 175, comprising 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 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, 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 case work 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.

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

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.

Policy and funds

Amnesty International is a democratically run movement. Every two years major policy decisions are taken by an International Council comprising representatives from all the sections. They elect an International Executive Committee to carry out their decisions and super-



Symbol of
Amnesty International

vise 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 with its annual report.

Amnesty International has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

How to subscribe to Amnesty International

A subscription to Amnesty International will give you access to new—often unpublished—information about human rights abuses on a global, independent and impartial basis. By subscribing to Amnesty International you will also receive details about how you can help the people who are the victims.

Amnesty International Newsletter



This monthly bulletin is a regular update on Amnesty International's work: reports of fact-finding missions, details about political prisoners, reliable reports of torture and executions. It is written—without political bias—for human rights activists throughout the world and is widely used by journalists, students, political leaders, medical doctors, lawyers and other professionals.

Amnesty International Report



This annual report is a country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. The report is organized into sections and normally covers at least 100 countries. It is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

Annual newsletter subscription: £ 5.00 (US\$12.50)

Subscription to both the newsletter and report:
£10.00 (US\$25.00)

Amnesty International Publications Catalogue



The Amnesty International publications catalogue lists all recent major Amnesty International reports and documents, together with a selection of earlier publications still in print. It is available, free of charge, from Amnesty International Publications.

Write to: Amnesty International Publications, 1 Easton Street, London WC1X 8DJ, United Kingdom, or your local section.

● An 18-year-old ethnic Albanian is serving a six-year prison sentence after taking part in nationalist demonstrations...

● A 70-year-old doctor is jailed for over five years and is stripped of all his property because of remarks he made in private conversations...

● A Bosnian migrant worker gets nine and a half years — the evidence used against him includes a picture postcard of a Serbian King...

All three have been adopted as prisoners of conscience by [redacted] and are among the many cases in this report which illustrate how the Yugoslav authorities act against people whose views or non-violent activities they disapprove of.