

EXTERNAL
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BOSNIA-HERZEGOVINA

Conscientious objection: Marko and Velibor LALOVI_

Marko and Velibor Laloivi_ are Serbs from the town of Sarajevo in Bosnia-Herzegovina. Although details are difficult to confirm, it is alleged that they have been detained by the Bosnian Government authorities and have been charged with criminal offenses, possibly desertion from the armed forces. A trial was reported to have been scheduled for 10 or 11 March 1994. Amnesty International has not yet been able to confirm whether this has taken place or whether they have been found guilty and sentenced.

The two brothers were allegedly arrested in Sarajevo some time in January 1994. According to the report, they had already been mobilized and had been made to dig trenches near to front-lines. They allegedly deserted their unit when they were asked to carry arms.

Amnesty International considers persons detained or imprisoned as a result of refusal to perform military service on grounds of conscience, where no legal means of seeking a civilian alternative service exist, to be prisoners of conscience. The organization believes that the right to seek release from the armed services or to perform an civilian alternative also exists when an individual develops conscientious objections after commencing military service or completing an earlier period. Amnesty International would consider Marko and Velibor Laloivi_ to be a prisoners of conscience if they have been imprisoned as a result of conscientiously held objections to performing military service in the Bosnian army.

BACKGROUND INFORMATION

There are three main armies organized within Bosnia-Herzegovina, the Army of Bosnia-Herzegovina (*Armija B-H*) which is controlled by the mainly Muslim Bosnian Government, the army of the self-proclaimed "Bosnian Serb Republic" (VRS) and the Bosnian Croat army, the Croatian Defence Council (HVO). Various paramilitaries fight alongside them; in western Bosnia a breakaway army has been proclaimed in part of a pocket of territory under the control of a Muslim politician who is in dispute with the Bosnian Government. There is also compelling evidence of the direct involvement of the Croatian Army in Bosnia-Herzegovina as well as reports of actions by the Yugoslav Army. All three armies in Bosnia-Herzegovina itself have declared all men of military age to be liable for military service and have declared mobilizations. Renewed announcements of mobilizations have been made periodically. Mobilizations of Bosnian-born men for the HVO and VRS have also been carried out in Croatia and the Federal Republic of Yugoslavia respectively. In different contexts, all three sides are alleged to have mobilized men who are of different nationality from the one predominant in their own side and then to have used them to perform dangerous tasks such as digging trenches close to front-lines.

The Bosnian Army is largely composed of Muslims although the composition varies from area to area. In Sarajevo and Tuzla, towns which have retained some of the multi-ethnic character they had before start of the war, the units contain significant numbers of Serbs, Croats or men of mixed or other nationalities. The Bosnian authorities have frequently announced mobilizations of men and threatened sanctions against those evading call-up or deserting although details of individual cases are difficult to confirm. The Bosnian Government normally applies former federal Yugoslav legislation which has been incorporated into the republic's laws. Although the exact situation is difficult to ascertain, offences related to military service allow for prison sentences of up to 10 years. In certain circumstances the death penalty is applicable, although Amnesty International does not believe that any such sentences have been passed or that this is a real possibility in this case.

The chairman of the Supreme Military Court in the Bosnian Serb-controlled town of Banja Luka announced last year that 1,000 VRS deserters had been sentenced between January and August 1995. Sentences ranged from suspended sentences to prison sentences of up to five years. Warrants had been issued for 2,500 other men. The Bosnian Serb authorities have also announced the formation of women's army units.