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SERBIA/MONTENEGRO: Breakthrough for conscientious objectors?

By Branko Bjelajac, Forum 18

In what might be a breakthrough in achieving a civilian alternative to military service, currently unavailable in Serbia and Montenegro, a military judge in Nis in south eastern Serbia has decided not to sentence Jehovah's Witness conscientious objector Milan Gligoric. He instead allowed him to apply for civilian service under the terms of newly-adopted Constitutional Agreement of Serbia and Montenegro, which recognises the right to conscientious objection to military service, though he remains in custody in a military barracks. Nazarene and Adventist leaders told Forum 18 News Service that their young men are generally prepared to do unarmed service within the military. But a Nazarene elder told Forum 18 that should a civilian alternative be introduced, he had "no doubt" that all the Nazarenes would opt for it instead.

In what might be a breakthrough in achieving a civilian alternative to military service, currently unavailable in Serbia and Montenegro, a military judge in Nis in south eastern Serbia has decided not to sentence a conscientious objector and instead allowed him to apply for civilian service under the terms of newly-adopted Constitutional Agreement of Serbia and Montenegro, which recognises the right to conscientious objection to military service. Forum 18 News Service has learnt that Milan Gligoric, a Jehovah's Witness from Ljubovija, a town in western Serbia on the border with Bosnia, was taken into custody after refusing his latest call-up in early March. NGOs working with conscientious objectors believe that the situation in Serbia for those unwilling to do military service on grounds of conscience is improving. However, a military prosecutor who preferred not to be named told Forum 18 that the military is afraid of possible negative effects if a civilian alternative service is introduced now.

In a report timed for Serbia and Montenegro's accession on 3 April to the Council of Europe, Amnesty International expressed concern over "the absence of a non-punitive and genuine alternative civilian service for conscientious objectors to military service, and the continuing imprisonment of some conscientious objectors to military service". It called for the government "to guarantee conscientious objectors a non-punitive and genuine alternative civilian service, under civilian control, and in accordance with international standards as recommended by the UN Human Rights Committee, the Council of Europe and the European Parliament."

Gligoric was called up to the army in February and was told to report to barracks on 4 March, where he declared that he was prepared to serve a civilian service. He was taken into custody in military investigatory detention in Nis. On 12 March the military judge at the Investigation Court allowed him to apply for alternative service as allowed under the new Constitutional Agreement and sent him back to the military barracks in Vranje. He then applied in writing.

However, conscientious objector activist Igor Seke reported on 3 April that Gligoric, to whom he spoke earlier in the day, is still in the barracks in Vranje, not wearing uniform or performing any other military duty, but without permission to leave. "He is still expecting an answer to his application to conduct civilian service in a genuine civilian institution," Seke told Forum 18. "He was told that he would get the answer in seven days. It's three weeks now and still no answer. Milan is becoming desperate as they told him that it might take up to 60 days to get the final answer. For all that time he might not be able to leave the barracks."

After his earlier refusal to report to barracks after call-up, Gligoric had been sentenced on 12 December to four months' imprisonment, suspended for two years.

Jehovah's Witness representatives in Serbia declined to comment to Forum 18 on Gligoric's case. Among Jehovah's Witness conscientious objectors sentenced over the past year, Dusan Djorkovic was imprisoned on 13 November 2002 after being sentenced to six months' imprisonment. Most other objectors have been given suspended sentences.

"We estimate that there are about 30 people from various religious communities who are being prosecuted, are serving prison terms or are conducting unarmed military service," Dejan Milenkovic of Yucom, the Lawyers' Committee for Human Rights in Belgrade, an NGO that is involved in the legislative issue of conscientious objection in Serbia and Montenegro, told Forum 18 in Belgrade on 30 March.

Milenkovic declared that many more young people are now interested in choosing alternative civilian service, which they insist must

be completely separate from unarmed military service, which usually consists of work in army-owned factories or farms. "There are more people who prefer civilian service, either because of their religious belief or their philosophical standpoint, but our laws do not provide a framework for this to be available," he told Forum 18.

He said he was confident that Serbia and Montenegro's acceptance into the Council of Europe would usher in new laws and would provide all three options: regular military service, unarmed military service and alternative civilian service. "Not only that, but we believe that this option of alternative service will be available not only at the conscription offices, when most of the men are still in their teens, but during their military reserve status at an older age."

"The situation with the Jehovah's Witness objectors is very specific," Zdravko Sordjan, general secretary of the Association for Religious Freedoms in Serbia and Montenegro, told Forum 18 in Belgrade on 28 March. "We knew of severe sentences during the conflict with NATO in 1999, with Jehovah's Witness sentenced to up to six years in prison for refusing to bear arms." He said most of them served at least a year or longer in prison, until a general amnesty was proclaimed in February 2001. "The only solution we see is the establishment and recognition of civilian service as fully equal to military service. Otherwise, we will over time have more young people in jail."

Other religious communities which have had problems in the past over compulsory military service are the Adventists, the Reform Adventists and the Nazarenes, although none of these communities report any current cases. Bogdan Bibulovic, secretary of the Adventists' South-European Union told Forum 18 on 3 April that their communities had faced "severe persecution" in the 1950s and 1960s and he had been among those sent to prison for refusing military service. "After the mid-1970s, the military showed much more understanding for our Sabbath-keeping, and since 1992, when the new law was adopted, our youth have had no problem serving with or without arms."

Branko Bosanac of the Reform Adventists recounted a similar story. "The situation was much more serious before the law in 1992 permitted unarmed military service. My son was among those imprisoned," he told Forum 18 on 3 April. He said at present there are two young men conducting unarmed service with the army in Backa Palanka. "We are much more comfortable with unarmed service, since our young men can declare their religious objection at the draft."

"Most young Nazarene believers serve unarmed in the military in the economy or care service," a Nazarene elder who preferred not to be named told Forum 18 on 3 April. He said the last of their believers to be imprisoned were Pavle Bozic from Nova Pazova and Goran Zizic from Leskovac in 1999, who served repeat sentences of one year and seven months respectively for asking to serve only a civilian and not unarmed military service. "At the moment we have about two dozen believers serving without arms in the military." The elder insisted that should a civilian alternative be introduced, he had "no doubt" that all the Nazarenes would opt for it.

One military prosecutor serving at the Military Headquarters in Belgrade, who preferred not to be named, told Forum 18 the problem of conscientious objection was not as acute as in the past. "We do not have many cases like this any more, there used to be more serious cases and sentences in the past. Young men are free to express their religious or philosophical objection to bearing arms, and we send them to farms, hospitals or warehouses."

But he expressed the army's concern about troops' morale were the right to conscientious objection to bearing arms, wearing uniform or swearing the military oath to be extended to "anyone, at any time". "That might bring us to a position of having no reserve army," he declared. "At this point, we cannot permit reservists to become conscientious objectors."

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