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FEDERAL REPUBLIC OF YUGOSLAVIA

Still forgotten: An update on conscientious objectors after the Kosovo conflict

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When the North Atlantic Treaty Organization (NATO) launched its bombing campaign against the Federal Republic of Yugoslavia (FRY) on 24 March 1999, the reaction of most of the FRY population outside of Kosovo was disgust with NATO. However, opposition to NATO's actions did not mean that individuals blindly followed the FRY government's policies of opposition to NATO. Some joined the anti-NATO demonstrations which were widespread and daily throughout the country, whether or not the authorities were behind organizing them. Many, either willingly or reluctantly, answered call-ups under the mobilizations which followed the proclamation of a state of war. However, thousands of others expressed their opposition to the conflict by refusing to participate in it. Many of them on them did so on the basis of their conscientiously-held objections or beliefs.

In October 1999 Amnesty International published a report *The forgotten resisters: the plight of conscientious objectors to military service after the conflict in Kosovo* (AI Index: EUR 70/111/99). The report described the fate of those who disobeyed the FRY leadership by failing to answer call-up or deserting their units. Despite calls by NATO states inciting Yugoslav soldiers or reservists to desert, those men who did just that, have done so at great personal risk to themselves and now find themselves with little protection either inside the FRY or in the countries – mostly NATO member states – where they have sought sanctuary.

This report updates the earlier report with more information on conscientious objectors seeking protection abroad, the situation of those who have remained in the FRY and the relevant legal issues. It also makes further recommendations to the FRY and other governments.

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This report summarizes a 13 -page document (5.276 words), *FEDERAL REPUBLIC OF YUGOSLAVIA - Still forgotten:An update on conscientious objectors after the Kosovo conflict* (AI Index: EUR 70/28/00) issued by Amnesty International in June 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at http://www.amnesty.org and Amnesty International news releases can be received by email: http://www.amnesty.org/news/emailnws.htm

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Contents

1. Introduction

When the North Atlantic Treaty Organization (NATO) launched its bombing campaign against the Federal Republic of Yugoslavia (FRY) on 24 March 1999, the reaction of most of the FRY population outside Kosovo was disgust with NATO. However, opposition to NATO's actions did not mean that individuals blindly followed the FRY government's policies of opposition to NATO. Some joined the anti-NATO demonstrations which were widespread and daily throughout the country regardless of who was behind the demonstrations. Many, either willingly or reluctantly, answered call-ups under the mobilizations which followed the proclamation of a state of war. However, thousands of others expressed their opposition to the conflict by refusing to participate in it, either by refusing to answer the call-up, refusing to accept arms or deserting their units. Many of them did so on the basis of their conscientiously-held objections or beliefs.

In October 1999 Amnesty International published a report *The forgotten resisters: the plight of conscientious objectors to military service after the conflict in Kosovo* (AI Index: EUR 70/111/99). The report described the fate of those who disobeyed the FRY leadership by failing to answer call-up or deserting their units. Despite calls by NATO states encouraging Yugoslav soldiers or reservists to desert, those men who did so at great personal risk to themselves now find themselves with little protection either inside the FRY or in the countries – mostly NATO member states – where they have sought sanctuary.

This report updates the earlier report with more information on conscientious objectors seeking protection abroad, the situation of those who have remained in the FRY and the relevant legal issues. It also makes further recommendations to the FRY and other governments.

2. Background information on the right to alternative service in the FRY

With the creation of the FRY out of two republics of the former Yugoslavia in 1992 the right to conscientious objection was acknowledged in the Federal Constitution with the words:

> "Citizens who because of religious or other reasons of conscience do not wish to fulfil their military obligations under arms, will be allowed to fulfil their military obligations by the serving in the Yugoslav Army without arms or in civilian service, in accordance with federal law."[1]

Although the Constitution was promulgated in April 1992, it was another two years before the this right was at least partly realized when the Law on the Yugoslav Army came into force in May 1994. However, the 1994 law fails to meet international standards in crucial respects which are outlined below.

The 1994 law allows recruits expressing conscientious objections to armed military service to serve a civilian service in civilian institutions. However, this alternative service is punitive in length at 24 months instead of the regular 12-month military service.

More significantly the alternative service is unavailable to most men affected by recent events such as the mobilizations before, during and after last year's conflict in Kosovo and NATO air campaign against the FRY. Restrictions in the 1994 law mean that new recruits have just 15 days in which to make a request for conscientious objector status when they are first registered (recruited) for army service. After this 15-day window they have no other opportunity whatsoever to seek conscientious objector status.[2] Most men currently liable for mobilization today have thus been excluded because they were recruited long before the 1994 law came into force and before the recent armed conflict over Kosovo.

[1] Constitution of the FRY, Article 137.

[2] The Yugoslav Lawyers' Committee for Human Rights also points out that the process by which applications for conscientious objector status are evaluated leaves much to be desired, particularly in respect of the possibilities for appeal against negative decisions. *Prigovor Savesti* (Conscientious objection). Dr Stevan Lilić and Biljana Kovačević-Vučo. Belgrade 2000.

Moreover, men who have been recruited since 1994 and were aware of their rights, but did not have conscientious objections at the time of recruitment, have no possibility in law to have recognized conscientious objections which they have since developed.

Two important rights are thus not recognized in Yugoslav law:

The right to have recognized conscientiously held objections developed at any time during military service including the period of obligation to perform reserve duties (this might arise from a change in religious beliefs or other moral considerations)

The right to have recognized conscientiously held objections to service in a particular conflict (selective objection).

The absence of these rights has been confirmed when challenged. The Constitutional Court in May 1994 ruled that the 1994 law *did not* allow the possibility of conscientious objection for reservists and in November 1999 rejected another initiative to examine the issue.[3]

Selective conscientious objection

Amnesty International's mandate for research and campaigning on the right to conscientious objection to military service includes upholding the right of the individual to be recognized as what is often described as a "selective" objector on the basis of his or her political opinions. The organization's definition of who merits recognition as a conscientious objector to military service omits any requirement of a strict pacifist position or opposition to all armed conflict. Political objections are by their very nature selective, and Amnesty International has been taking up the cases of such conscientious objectors for many years. During the Vietnam War, for example, the organization adopted as prisoners of conscience United States citizens who refused to be drafted into military service in a particular conflict which they regarded as unjust. The organization has subsequently continued to recognize the selective objections of those who might otherwise be prepared to defend their country, but feel they cannot participate in a specific military operation as a result of their "profound conviction"[4] (for example, during the 1991 Gulf War).

[3] ibid.

[4] See, for example, the case of Vic Williams, in *United Kingdom: Conscientious objection to military service - Vic Williams* EUR 45/15/91, 2 October 1991.

3. The continuing failure to protect refugees

In the October 1999 report Amnesty International called on the international community to ensure that those who fled the FRY in order to avoid military service during the Kosovo conflict on the grounds of their conscientiously-held beliefs or convictions were granted effective and durable protection - in keeping with the well-established principle of *non-refoulement*. The organization furthermore suggested that for some, for example, those in Hungary or other countries in the region, that this could be achieved, by facilitating resettlement to third countries where necessary and appropriate. Amnesty International called on governments to ensure that all officials dealing with such cases in the course of their duties were made properly aware of the relevant international standards concerning conscientious objection to military service generally, and in particular, the application of the 1951 Refugee Convention[5] to cases of conscientious objectors to military service in a situation of internationally condemned conflict.

Regrettably, since the publication of that report, few governments have responded positively to these recommendations. Neither have they taken account of the increasing recognition by inter-governmental bodies like the United Nations Commission on Human Rights and the Council of Europe Parliamentary Assembly that conscientious objectors to military service may require protection as refugees when recognition of their rights is not granted in their country of origin. Recently, on 16 March 2000, in its Resolution on the Annual Report on International Human Rights and European Union Human Rights Policy in 1999, the European Parliament called "...in particular on the Council (of Ministers) and on European Union Member States to grant asylum rights or refugee status to conscientious objectors and deserters from countries where the right to conscientious objection is not recognized and/or where military forces are practising violations of human rights or contravening international law (Resolution A5-0060/2000, Paragraph 68)." Few European Union governments have shown an inclination to respond positively to this call.

The situation in the region

In Hungary, where, during 1999 Amnesty International interviewed more than 20 individuals from the Federal Republic of Yugoslavia claiming to be conscientious objectors to military service, the Refugee Directorate of the Office for Immigration and Nationality has continued to state that they do not consider these people eligible for refugee status under the terms of the 1951 Refugee Convention. Nevertheless, the Hungarian authorities have made clear that they can remain in Hungary for the time being without fear of being forcibly returned to the Federal Republic of Yugoslavia. In a letter of 28 March 2000 to the

[5] United Nations Convention Relating to the Status of Refugees, adopted on 28 July 1951.

League of Conscientious Objectors (a Hungarian non-governmental organization), a copy of which has been given to Amnesty International, the Office for Immigration and Nationality stated that:

> "[a]pplicants of Yugoslav citizenship are not in dread of being deported, since they are aware from the refugee authorities and those of their fellow-citizens whose cases have already been dealt with that, because of the Yugoslav situation, the rejection of an application for asylum does not entail deportation from Hungary or repatriation."

Those waiting in Hungary nevertheless continue to feel insecure and it is unclear how well informed they are about their situation. The latest reports suggest that in the Debrecen refugee reception centre no more than 30 remain of the several hundred Yugoslav nationals claiming to be conscientious objectors to military service who were there in 1999. The others have left in attempts to get to other countries by legal or illegal means.

In a background information paper on Hungary produced in December 1999, the Office of United Nations High Commissioner for Refugees (UNHCR) continued to uphold its assessment that Hungary can be considered a safe third country for those seeking asylum. UNHCR contacts have subsequently told Amnesty International that they do not therefore support a resettlement program from Hungary for those from the Federal Republic of Yugoslavia claiming to be conscientious objectors to military service - although the agency would not seek to block the granting of entry visas to such people if another government decides to do so. In a communication to Amnesty International in March 2000, UNHCR explained that this position was based on the view that "...although the current asylum system (in Hungary) presents evident shortcomings, basic protection and assistance is provided to asylum-seekers, refugees and persons authorized to stay."

However, in an important legal development, the Budapest Central Court issued a judgment in March 2000 on an appeal lodged by a FRY national whose application for asylum in Hungary on the grounds of his conscientious objection to military service had been earlier rejected by the authorities.[6] The court ruled that the decision of the Office for Immigration and Nationality in this instance was not well-founded, as it had not taken into sufficient consideration the evidence that the individual concerned could indeed face persecution on the basis of his expressed political convictions and his resulting claim to be a conscientious objector to military service. The court subsequently instructed the Office

[6] Amnesty International had interviewed this individual in Hungary in September 1999, and his case was included (using the pseudonym 'Milan') in the organization's October 1999 report.

for Immigration and Nationality to begin a new procedure to reassess the individual's claim to refugee status.

In another case detailed in Amnesty International's October 1999 report (using the pseudonym 'Aleksa'), the Migration Office of the Australian Embassy in Vienna rejected the individual's application for migration to Australia from Hungary under the Refugee Humanitarian (Migrant) class (Class BA). Aleksa, a Seventh Day Adventist whose conscientious objection arises from his Christian beliefs, who had also been interviewed by Amnesty International in Hungary in September 1999, had sought resettlement in Australia in order to join his mother, two sisters, grandparents and other relations in the country - as well as the large community of Serbian Seventh Day Adventists in Australia who had expressed a willingness to support him. Amnesty International had sent a copy of its October 1999 report - complete with details of Aleksa's case - directly to the Immigration and Humanitarian Office of the Australian Embassy in Vienna in November 1999.

In a letter to Aleksa of 15 March 2000, a copy of which was given to Amnesty International, the Australian Embassy rejected his application for a permanent visa on the grounds that he had not met all the essential criteria - which include the degree of persecution or discrimination to which he is subject in his country of origin; the extent of his connection with Australia; the capacity of the Australian community to provide for his permanent settlement; and "...whether or not there is any suitable country available, other than Australia, that can provide for the applicants's settlement and protection from persecution and discrimination..." There is no indication which of these criteria the Embassy had based its decision upon, but it is most likely that it is the latter - given the status of Hungary as a safe third country according to UNHCR's assessment. There was no mention in the letter of the possible sentence which Aleksa could face were he to be returned to the FRY; nor of the expressed willingness of his close family relations and religious community to support his resettlement in Australia.

In other countries in the region the situation is still less certain. In the former Yugoslav Republic of Macedonia draft resisters and deserters whom Amnesty International interviewed had not tried to seek asylum, relying instead on family connections to remain in the country. Although Macedonia is a party to the 1951 Refugee Convention, it has not yet passed legislation defining asylum procedures and refugees' rights. Amnesty International has in the past had concerns about *refoulement* from Macedonia. Those interviewed in Macedonia wanted to keep a particularly low profile because they fear, probably with justification, that Serbian or Yugoslav police or intelligence agents are well established in the country, and it is possible that their whereabouts would be known to the Yugoslav authorities.

Developments in Western Europe

In Germany, a refugee advocacy organization in Münster has successfully organized the resettlement of two conscientious objectors to military service from the FRY on the basis of a resolution first passed by the city assembly in May 1996. The resolution specifically called on the city authorities to provide funding for the resettlement and maintenance of a number of conscientious objectors to military service and deserters from the countries of the former Yugoslavia. The outbreak of the conflict in Kosovo in 1998 prompted supporters of the measure to revive the idea. With the support of the mayor and a local member of the German parliament, visas were issued in December 1999 to two Serbian objectors who had been residing in Hungary since June 1999. The two men have been given a resident permit on humanitarian grounds which enabled them to settle in Germany (according to Paragraph 30, Section One of the Aliens Law). According to representatives of the host organization in Münster, interviewed by Amnesty International in March 2000, as their cases are not going through the asylum procedure, the two men cannot be subject to any deportation order from the federal authorities. Any decision on their future status rests solely with the local authorities.

More recently, on 10 May, the German Federal Government announced at a session of the parliamentary committee on internal affairs (*Innenausschuss*) that it was prepared to grant protection status to a limited number of conscientious objectors and deserters from the Federal Republic of Yugoslavia - following an application made by the Party of Democratic Socialism (PDS). According to information received by Amnesty International, approximately 250 conscientious objectors and 130 deserters will most likely be eligible for this status.

According to information received by Amnesty International, at least two individuals from the FRY have reportedly been granted *de facto* refugee status in Denmark on the grounds of their conscientious objection to military service. The Danish authorities have reportedly ruled that only those objectors who left the FRY between 24 March and 23 June 1999 (the period of the NATO intervention) will be considered eligible for such protection. Amnesty International is aware of the case of one conscientious objector from the FRY who reportedly fled to Denmark in 1998 because of his refusal to participate in military operations then under way in Kosovo, and who was allegedly sentenced to eight years' imprisonment in absentia as a result of his actions. The organization has been told that he, as well as another conscientious objector to military service from the FRY who sought asylum in Denmark, had their applications refused on the grounds that they had left the FRY before the period of the NATO intervention. Amnesty International is also aware of cases of conscientious objectors to military service from the FRY who are seeking asylum in Sweden and Norway - where decisions on such applications are still pending.

4. Developments in the FRY

Montenegro and the Amnesty Law

In June 1996 the Federal Parliament passed a law granting amnesty to those who had evaded draft or deserted the armed forces prior to 14 December 1995. This law arose from the FRY's obligations under the Dayton agreement on peace in Bosnia-Herzegovina. It should be noted that no similar agreement was required of the FRY after the cessation of hostilities over Kosovo and the passing of United Nations Security Council Resolution 1244 (1999).

The Republic of Montenegro, the smaller republic in the two-member FRY which is in a deepening dispute with the Serbian and Federal governments, declared its "neutrality" during the Kosovo conflict. This was reflected in the Amnesty Law for draft resisters and deserters which the Montenegrin parliament passed in November 1999. However, these issues fall within the jurisdiction of Federal Law and the relevant laws are enforced by the military courts and military police. The FRY and Serbian authorities have made it clear that they have no intention of introducing a new amnesty law. The Montenegrin law can thus give only symbolic support to those it is intended to assist.

The Montenegrin law gives amnesty - release from prison, annulment of fines and deletion from the criminal records - for those who deserted or evaded military service in the period 1 June 1998 to 30 June 1999. Most of the relevant articles of the Federal Criminal Code are included. However, Article 202, referring to "[r]efusal to accept or use arms", is not included. This article was used to imprison objectors, such as Jehovah's Witnesses, who answered call-up and then refused to accept uniforms and arms on religious grounds.

Lawyers in Montenegro have received positive decisions from the Montenegrin Ministry of Justice, which makes decisions on the application of the amnesty law. However, it is extremely unlikely that these decisions will be accepted by the FRY federal authorities who have already announced that they do not consider the Montenegrin amnesty law to be applicable.[7]

The situation in Montenegro is otherwise tense because of the dispute between the republican government and the Serbian/FRY authorities. A new army battalion, ostensibly filled with volunteers loyal to the Belgrade authorities and pro-Belgrade Montenegrin opposition is prominent in the republic. At the same time military-style special police units

[7] *Federal defence minister dismisses Amnesty Law*, *Tanjug* news agency, 18 November 1999.

have been created by the Montenegrin government. There are fears that the two forces may come in to a violent confrontation.

Serbia

Indictments for draft evasion or desertion still arrive at the homes of men in Serbia who have fled or gone into hiding. In some cases, the families of such men learn that trials have gone ahead *in absentia*. The worried families of some have approached lawyers and non-governmental organizations for assistance, but without an amnesty and changes in the law as recommended in this report, the chances that the men can return home without fear of imprisonment are small.

Although the state of war ended in June 1991, mobilizations of reservists still go on in the FRY. Amnesty International finds the statement in the US State Department Country Report on FRY for 1999, which reports that "military service is enforced only sporadically", to be unfounded.[8] Opposition activists have claimed that these mobilizations have been politically motivated and been targeted at their supporters or that mobilizations have been focussed on towns where the opposition is strong. The army has repeatedly denied such claims. It is difficult to substantiate the claims that call-ups have been politically motivated, but opposition parties and groups clearly feel that this is the case and have organized demonstrations against them. The issue is of concern to many citizens.

Many tensions exist in FRY, leading people to fear that some sort of civil war might occur. As well as those already described in Montenegro, there are tensions over Kosovo and part of southern Serbia which has an ethnic Albanian majority; over increasing demands for autonomy in the province of Vojvodina; and in the increasingly bitter confrontation between the Serbian/FRY authorities and the Serbian opposition parties. In such a situation it is almost inevitable that military service and mobilization will remain a sensitive issue. Indeed in demonstrations held in Kraljevo in March the protesting reservists' leaders made the point that:

> "... not one single member of the reserve units of the Yugoslav Army would respond to any call-up which even smacks of being sent to a war in Montenegro or for quelling possible civic unrest in Serbia."[9]

[8] *1999 Country Reports on Human Rights Practices*. United States Department of State, 25 February 2000.

[9] Radio B292 (Belgrade), 1600gmt, 22 March 2000, as reported by BBC monitoring service.

Amnesty International emphasizes that in this situation, as in the earlier conflicts in the former Yugoslavia and during the NATO attacks, the right to selective conscientious objection is particularly relevant.

The peace movement in Serbia has also been active in highlighting the issue. At the beginning of May activists from non-governmental organizations from 19 Serbian towns gathered in Studenica (Montenegro) and adopted resolutions calling for an amnesty for all deserters and draft evaders from the Kosovo conflict and the introduction of adequate legislation allowing for conscientious objection.

The release of imprisoned Jehovah's Witnesses

Amnesty International is aware of at least 10, if not more, Jehovah's Witnesses from various towns in Serbia who have either been released from prison or who have had their sentences reduced - effectively to those normally imposed during peacetime. These men were sentenced in military courts last year under Article 202 of the Federal Criminal Code -for "refusing to receive or use arms" - in connection with Article 226 which provides for increased penalties in time of war. They had been called up as reservists. All received sentences of between two and six years' imprisonment between April and June 1999, but have had been able to appeal to the Supreme Military Court. In each case the Supreme Military Court confirmed their guilt, but several had their sentences reduced by one or two years. In further appeals which have been processed, several have had their sentences reduced further to between six and 18 months' duration or received a lighter sentence where one was refused by the Supreme Military Court. Since most were detained between April and May 1999, most should be released soon. As well as Jehovah's Witnesses, those released included one other religious objector, who wrote to Amnesty International:

> "I received [your letter] at home as a free man. I was released from prison on 14 April 2000 because my sentence was reduced to one year on the basis of the request for special amnesty and because of petitions. The Military High Court decided to reduce the sentence for all prisoners of conscience. Some have already been released while others will be released soon. There are two or three cases which are still in the courts."

However, this good news could be only temporary. Despite serving these sentences, all these men remain liable for military service and could be called up again at any time. Without a change in the law they would thus risk further imprisonment when they refused to bear arms.

4. Further Amnesty International interviews with conscientious objectors

Since issuing the October report, Amnesty International has carried out more interviews with conscientious objectors and with released prisoners who have been detained with them. Those interviewed more recently confirm the concerns previously expressed by Amnesty International and also provide insight into the situation. All those interviewed understandably requested anonymity and discretion in the release of information about their cases. The most interesting cases are described below.

The cases of "Doctors A and B"

Doctor A worked in a hospital in a small Serbian town. Like almost all men he was required to become a reservist after completing his army service. Should a general mobilization occur, he was meant to report to his own hospital and work as a doctor. He had no objection to this. However, in April when the mobilization orders came he received a call-up notice ordering him to report to serve in a military hospital. He believes that the change was motivated by his activities as an opposition party member. Soon after he fled FRY, his family told him that military police came looking for him.

Doctor B comes from another town, but his story is similar to that of Doctor A. He also was designated to carry out reserve duties in his own hospital where, in any case, he considered himself to be indispensable because of a shortage of staff. A few days before the NATO attacks started he received notice that he would have to report to the medical station in a military garrison near another town. He doubted this information at first, but when the initial notification was confirmed, and because he was unwilling to serve in the army, he fled leaving his home, family and job. He claims that a few days later, after the NATO bombing had commenced, the call-up notice was delivered to his house.

The case of "Nenad"

Nenad was already serving his regular military service period when the NATO intervention started. In the days before the attacks began and while the soon-to-fail negotiations on the future of Kosovo took place in Rambouillet, France, it was clear to him that his unit was going to be deployed in Kosovo. Orders on how to behave in battle were read to the unit; to Nenad, the orders sounded as if they were going to fight a "holy war". Nenad nervously related parts of these orders to Amnesty International, telling how soldiers were to avoid being captured at all costs and that "everything that is the enemy was to be destroyed".

The unit was soon sent to northern Kosovo where it came under attack from NATO air craft on several occasions. Nenad felt a growing revulsion at the war: in his own words

he was "a cup which was quickly filling up and soon spilling over". In one village, he claimed, the Yugoslav forces gave orders to the whole ethnic Albanian population to leave in two hours otherwise "they would be killed".

Some days later he came to see some of this in reality. He and several other soldiers were sleeping in the abandoned houses of the ethnic Albanians who had fled or been expelled. Houses which had already been thoroughly looted by police or paramilitary units before ordinary soldiers like him got to them. They changed houses from day to day. At one location, they came across civilians who had been killed in one house. The body of one old man he found had had his head split open with a blunt instrument. Nenad did not consider himself any sort of expert in ballistics or pathology, but it was obvious to him that this was a civilian and that he had not been killed by a bullet. He left it to his comrades to examine two similar bodies nearby. Nenad was further revulsed by the war shortly after when NATO bombs intended for his unit killed Serb civilians.

Nenad fled his unit for an uncertain future. If he were to be arrested he would risk imprisonment of up to 10 years. Asked about his convictions by Amnesty International, Nenad answered:

> "I always think that with talk and dialogue things can be sorted out. It's better to talk than to fight. Innocent people are killed ... on our territory it is stupid to make war, according to me there is no need for an army. You cannot defend yourself from a big man and you should not attack a little one."

Nenad is an example of a man who has developed conscientious objection to military service after being recruited. Amnesty International is aware of several cases of Yugoslav Army deserters imprisoned who reportedly saw the bodies of ethnic Albanian civilians in Kosovo (including women and children) whom they believed to have been unlawfully killed. Nenad's case is thus representative of others.

5. Amnesty International's Recommendations

To the authorities in the Federal Republic of Yugoslavia:

Release immediately and unconditionally all imprisoned conscientious objectors to military service.

Suspend immediately all judicial proceedings currently being brought against those charged with draft evasion or desertion who merit recognition as conscientious objectors to military service and introduce a moratorium on their mobilization or

prosecution for similar offences until the 1994 Law on the Yugoslav Army is revised as recommended below.
Pass legislation to bring the 1994 Law on the Yugoslav Army into line with international standards regarding the right to conscientious objection, in particular recognizing the right to selective objection and the right to develop conscientious objections after recruitment, and the establishment of a genuinely civilian alternative service of non-punitive length.

To the Hungarian and other national authorities:

Ensure that no individual who fled from the FRY in order to avoid military service during the Kosovo conflict, on the grounds of their conscientiously held convictions or beliefs, is returned to the FRY to face arrest, prosecution, or imprisonment.

Grant effective and durable protection to all those who fled from the FRY in order to avoid military service during the Kosovo conflict, on the grounds of their conscientiously held convictions or beliefs.

Ensure that all officials at national and regional level who are dealing with such cases in the course of their duties are made properly aware of the relevant international standards concerning conscientious objection to military service generally, and in particular, the application of the 1951 Refugee Convention to cases of conscientious objectors to military service in a situation of internationally condemned conflict.

To the international community:

Ensure that all officials who are dealing with such cases in the course of their duties are made properly aware of the relevant international standards concerning conscientious objection to military service generally, and in particular, the application of the 1951 Refugee Convention to cases of conscientious objectors to military service in a situation of internationally condemned conflict.

Uphold international responsibility and cooperate with the Hungarian and other national authorities to ensure that those who fled from the FRY in order to avoid military service during the Kosovo conflict on the grounds of their conscientiously held convictions or beliefs are granted effective and durable protection - in keeping with the well-established principle of *non-refoulement*. This could be achieved, for example, by facilitating resettlement to third countries where necessary and appropriate.