

# EXCURSUS 1

## Cathy Fitzpatrick on TRIAL IN YUGOSLAVIA

One of the most important group show trials in Eastern Europe in many years has reconvened this month in Yugoslavia, a country many Westerners believe to be the least repressive of Communist regimes. It is the first major political trial in Belgrade since the death of President Jozef Broz Tito five years ago, and it may well determine the latitude both officials and citizens will have to publicly voice criticisms of the system and effect real changes. Political repression has always been a feature of Yugoslav society (there are currently about a thousand political prisoners, mainly sentenced for "verbal crimes"), but the current crackdown, which includes arrests of dissidents, increased censorship, and an attack on independent civil rights attorneys, is symptomatic of the increasingly severe economic, political, and social crises besetting this Balkan nation.

Six Yugoslav intellectuals, whose trial opened in November, are accused of conspiring to organize a group of people "in order to act for the subversion and unconstitutional change of the socio-political system, and the overthrow of the existing power." They are Vladimir Mijanovic, 38, a sociologist; Miodrag Nikolic, 38, a sociologist; Pavlusko Imsirovic, 37, a translator; Miodrag Milic, 55, a film director and amateur historian; Dragomir Olujic, 35, a political science graduate employed as a Radio Belgrade technician; and Gordana Jovanovic, 23, a philosophy student. Three of the defendants have previously served jail terms for "hostile propaganda," including support of Poland's Solidarity. None of the six has ever used or advocated violence.

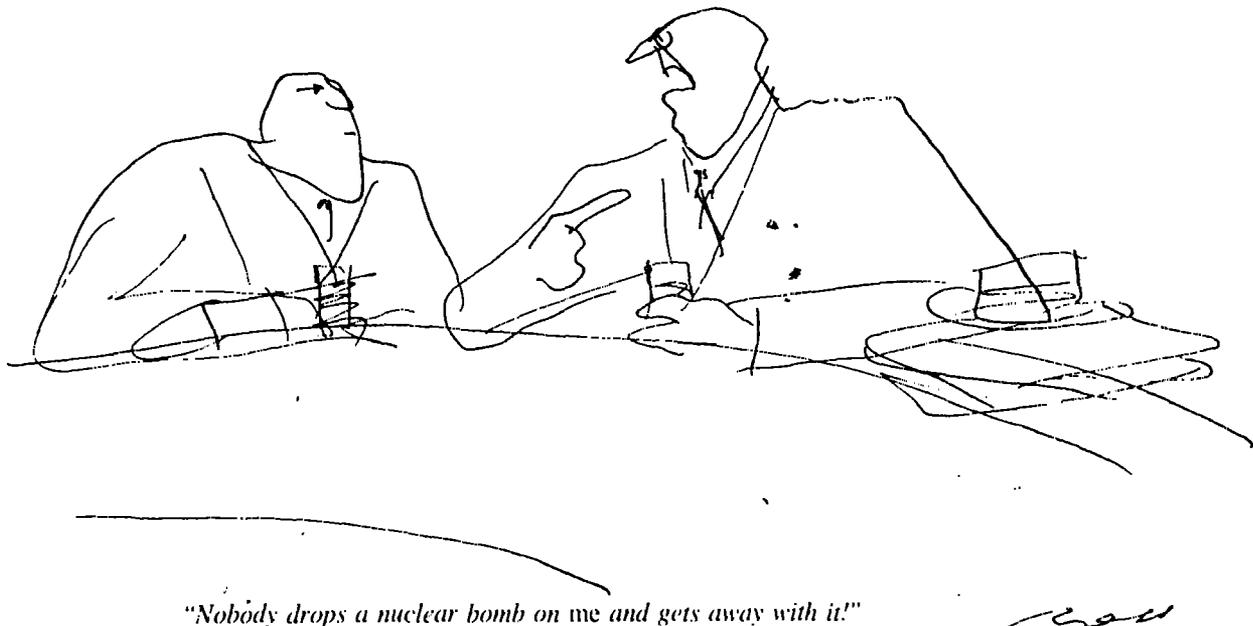
Although the six scholars reportedly met as a group for the first time during the trial preparation, they had all par-

ticipated at various times in a living-room discussion group known as the "free university." The informal get-togethers were organized seven years ago by Belgrade professors who were involved in the independent Marxist journal *Praxis* and had been suspended from their positions. Over the years, as many as a thousand people of all political persuasions attended the monthly meetings, where a wide range of topics were discussed—from Zen Buddhism and cybernetics to Yugoslavia's history and Marxist theory.

Although the gatherings were open to the public and known to the authorities, last April police raided a home where the group had met to hear veteran dissident Milovan Djilas speak on the nationalities question, a sensitive issue for Yugoslavia's fragile federation. Twenty-eight persons were arrested, several were beaten severely in detention, and one, Radomir Radovic, died under mysterious circumstances after being released from interrogation.

Most of those detained were subsequently released, but one former Sarajevo University lecturer, Vojislav Seselj, was tried and sentenced to eight years in prison (reduced to four upon appeal), and the "Belgrade Six" now standing trial face from five to fifteen years in prison, if convicted.

Unlike similar political trials elsewhere in Eastern Europe and the USSR, the intellectuals' trial has been open to the public, including foreign correspondents and observers. Yugoslav officials issued more press passes to foreign reporters than to domestic correspondents at the trial's opening. A number of Western groups, including Amnesty International, the American Bar Association, Helsinki Watch, La Federation Internationale des Droits de L'Homme, the Norwegian Bar Association, and the Swedish Jurists' Committee, have been granted permission to audit the trial. Petra Kelly and other members of the West German Green party visited the trial in the opening weeks, publicly proclaimed their support for the defendants, and attempted to hold a press conference in their hotel—quickly broken up by Yu-



Yugoslav internal security agents. U.S. embassy officials have been attending the trial each day, standing in line with other spectators. But when a staff member of the U.S. Congressional Commission on Security and Cooperation in Europe (CSCE) attempted to gain official observer status, Yugoslav authorities established the limits of their flexibility and denied him permission.

The trial has attracted much unwanted publicity for Yugoslavia both in Western Europe and the United States. No doubt the regime calculated that the defendants, unknown intellectuals without any following in Yugoslavia or abroad, would be easy to prosecute, garnering little protest, and would serve as an object lesson to others. But the grassroots response from the academic communities of Yugoslavia, Western Europe, and the U.S. has been rapid and widespread. Protests from the faculty of Brandeis University were particularly vigorous—this because defendant Miodrag Nikolic studied at Brandeis in 1982. In fact, a paper he had written for a graduate seminar there, a critique of Yugoslavia's bureaucracy, was produced by the prosecution as evidence of "hostile propaganda." Nikolic had kept the paper in his desk drawer for some time. The prosecution also charged him with circulating an article by Michele Lee on the Albanian minority problem in Yugoslavia, one sent to him unsolicited and later published in the British *New Left Review*. In a clever defense, Nikolic pointed out that he could not be charged with spreading "hostile propaganda," since the paper was first translated from English into Serbo-Croatian and copied by the police themselves. And waving a library copy of *New Left Review*, he demonstrated that

the magazine was available on open shelves in Belgrade's public libraries.

The vaguely worded indictment charges that the scholars "gave texts to each other," "read texts in front of large numbers of persons," and allegedly tried to secure the presence of a core group of people at every meeting. But the prosecution has yet to prove these counts, much less demonstrate that they constitute a "counterrevolutionary conspiracy" to subvert the regime. In fact, witnesses for the prosecution have only illustrated the groundlessness of the subversion charges, and their testimony has favored the accused more often than it has supported the indictment. One man even testified that his statement in support of the prosecution was false because it had been extracted by torture.

Both the official press and the defendants' supporters have called the trial a farce, and the casual, circus-like atmosphere in the courtroom, combined with outrageous abrogations of international standards of due process, have surprised foreign observers. One woman, asked to testify about the alleged conspiracy, stated that she had been invited to a meeting simply to deliver a lecture in her field—extrasensory perception—prompting one defendant to ask whether six people who had never met together could form a conspiracy to overthrow the state by mental telepathy! Another man acknowledged knowing something about the organizing of "a group." As the prosecution and defendants anxiously leaned forward to hear what could be the first real testimony on the alleged conspiracy, he confided that once there had been a discussion about the merits of group sex. The women were not in favor, he commented, and the courtroom erupted in laughter. The court sessions are also characterized by much milling around, chatting, and the inevitable "Balkan intrigue." The judge continues to put off decisions on all major motions until the next day, apparently to consult with higher-ups, and exercises both harshness (Mijanovic has been expelled from the courtroom for his "provocative" questions) and leniency (Nikolic was granted permission to leave the trial to pick up his children from school).

The press has vilified the defendants, carrying denunciations by high-ranking party officials that proclaim the defendants' guilt, and has accused foreign observers of undermining Yugoslavia on instructions from Western intelligence agencies. Yet the Yugoslav public, between the lines, has consequently gleaned more information about the trial and international support for the defendants than would be the case in any other East European country.

The defense has used delay tactics to gain time for domestic and international support to gather momentum, in the hope that Yugoslavia's divided leadership will decide in favor of dropping the charges. A number of officials in the Communist hierarchy have expressed embarrassment and displeasure over the trial, and even some secret police agents are reported to have said that there is no evidence that the scholars have broken Yugoslavia's laws. In an interview with *The New York Times* in December, Janz Stanovnik, a member of Slovenia's collective presidency, said that he would be "very, very unhappy" if the trial went ahead and that advocates of prosecution were those who wanted to "prevent further critical analysis of social and political concepts that have been taboo."

Conventional wisdom has it that the six-person collective presidency of Yugoslavia's multinational federation is di-

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vided two to four between liberals and hardliners. It is the Serbian and Slovenian officials who are purportedly in favor of more political freedom and reform, while the other four, including former internal affairs minister Stane Dolanc, are seeking to downplay discussions on changes in the political system and oppose the tolerance of dissent in favor of maintaining stability and authority.

But the prosecution shows every sign of following instructions from the top to proceed with the trial. The leadership may have closed ranks for a display of unity to outsiders on the issue of dissidents, and, rather than appearing to bow to Western pressure, may be forced into sentencing the defendants. Some have speculated that Serbian authorities agreed to the trial to placate Bosnian and Croatian hardliners, and the current prosecution may even be part of a trade-off to attain other reforms pushed by Serbia.

Yugoslavia is now engaged in talks with the International Monetary Fund in efforts to reschedule some of its \$20 billion foreign debt. The trial could cast a pall over a financial agreement due in January, although widespread nationalist disturbances in Kosovo, home of the Albanian minority, have failed to do so. Officials seem confident that the current crisis will not adversely affect Yugoslavia's aid packages. The Reagan administration, following a forty-year-old U.S. policy of maintaining friendly relations with Yugoslavia as a bulwark against the Soviet Union, has been utterly silent on the trial. Instead, President Reagan recently sent reassurances of economic assistance, cooperation, and expanded ties. At an official Belgrade news conference his message was offered as a contrast to the "interference" and statements of Congressman Dante Fascell, chairman of the CSCE, which was denied observer status at the trial.

The drama of the six scholars and their families has been shared by the defense attorneys, who, unlike lawyers in other East European countries, have endeavored to protect and represent their clients. Defense Attorney Vladimir Seks is himself currently appealing charges of "hostile propaganda" for remarks allegedly made in 1981; recently he collapsed from heart trouble as he stood up to make a reply at the trial. As of this writing, Seks has been ordered by authorities to report to jail on January 14; prosecutors have circumvented his right to remain free pending appeal by making the unsubstantiated claim that he is a "likely fugitive from justice." Authorities also maneuvered successfully to bar Srdja Popovic, Yugoslavia's best-known civil rights attorney, from the defense by calling him as a witness in the trial. Last April, police ransacked his law offices, seized his files on the defendants, and held him overnight for interrogation. Later, his son was beaten by security agents.

Despite the chaos prevailing in the courtroom now, it seems clear that since the authorities have staged a trial in the first place, they are determined to get a verdict and will pull together a case by any means necessary. The prosecution has hinted at "surprise witnesses" and has unexpectedly announced the presence in the indictment of a large sheaf of documents whose contents are unknown to both the defendants and their attorneys. Thus the defendants may be tried for materials they have never seen and which evidently were brought into the proceedings after the trial opened. The prosecution has threatened to read statements of absent witnesses into the record, and even entire books found in the possession of the accused and wit-

nesses. It appears the trial will drag on for quite some time, although some high officials are rumored to want to get it over with and give the defendants light sentences.

Many issues are at stake for Yugoslavia and the West: the degree to which Communist regimes can provide basic political rights and tolerate peaceful change; the degree to which Western intellectual communities can influence Yugoslav authorities; and the future of a purportedly nonaligned nation increasingly tugged in opposite directions by the two superpowers. Under Western economic pressure, Poland cancelled its show trial last summer and granted amnesty to its political prisoners. Many will be watching to see if Yugoslavia, without similar pressure, will do the same.

*Cathy Fitzpatrick is Staff Director of Soviet and East European Affairs in the New York office of Helsinki Watch. This article was prepared with the assistance of information provided by Russell Karp, a member of Helsinki Watch's executive committee, who is currently monitoring the trial in Yugoslavia.*

## EXCURSUS 2

### Bruce Nichols and Linda Griffin on THE STATE OF THE STATELESS 1985

"Perhaps my greatest concern...has been the manifest erosion in many parts of the world of the fundamental concept of asylum, coupled with a tendency to 'look the other way' when we talk of durable solutions." So began the U.N. High Commissioner for Refugees, Poul Hartling, in his opening statement to representatives and guests gathered in Geneva for the annual meeting of the Executive Committee of the U.N. High Commissioner for Refugees (UNHCR). Mr. Hartling focused on "special problems" of particular concern to his agency, the international organization with a mandate to coordinate worldwide refugee assistance, ensure protection of refugee populations, and seek durable solutions to refugee problems.

When he said that nations often look the other way when discussions turn to durable solutions of the refugee dilemma, the statement had a double edge: One may turn away from a problem entirely or one may look at "other ways" to address it. Mr. Hartling knew that he faced an unpleasant year. While the UNHCR has been among the most successful of the U.N. agencies at delivering services, the volume of such services has begun to tax the political attention span of many of the major donor nations. Feeding millions of refugees for years on end in situations that promise few or no successes for donor governments has begun to wear on the West, and donations to the UNHCR are down substantially from the early part of the decade. In the corridors during the Executive Committee sessions, fears were expressed that pressures on the U.N. to support repatriation schemes were on the increase.

The High Commissioner cited some disturbing trends that, he said, "we must all deplore." Prominent among these were such violations and disregard of the physical safety of ref-