

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1983/24/Add.7  
23 December 1982

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Thirty-ninth session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION  
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under  
article VII of the Convention

Addendum

YUGOSLAVIA 1/

[14 December 1982]

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1/ The initial report submitted by the Government of Yugoslavia  
(E/CN.4/1353/Add.8) was considered by the Group of Three at its 1981 session.

## I. INTRODUCTORY REMARKS

In accordance with Art. VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid ("Official Gazette of the SFRY", 14/75 - hereinafter the Convention) the States Parties to the Convention undertake "to submit periodic reports ... on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the provisions of the Convention".

... The text and form of this report are in compliance with the transmitted General Guidelines regarding the Form and Contents of Reports (E/CN.4/1286).

## II. TEXT OF THE REPORT

1. (a) The Constitution of the SFR of Yugoslavia and the constitutions of the socialist republics and socialist autonomous provinces promulgated in 1974 provide for protection against all forms of discrimination in the Socialist Federal Republic of Yugoslavia implied by "the crime of apartheid".

In this respect, the Introductory Part entitled Basic Principles of the Constitution of the SFRY contains provisions stipulating that any activity infringing upon the freedom and rights of man and the citizen shall be contrary to the interests of socialist society. In compliance with Section V of the Basic Principles of the Constitution of the SFRY freedoms, the rights and duties of man and the citizen, as spelled out by the Constitution, are an inseparable part and expression of democratic socialist, self-management relations in which man is becoming liberated from all forms of exploitation and arbitrariness and with his labour is creating conditions for the all-round development and free expression and protection of his personality and respect for human dignity.

In section VII of the Basic Principles of the Constitution of the SFRY it is stipulated, inter alia, that the Socialist Federal Republic of Yugoslavia shall adhere to the principles of the United Nations Charter, fulfil its international commitments, and take an active part in the activities of the international organizations to which it is affiliated.

In order to give effect to these principles the SFR of Yugoslavia will strive for: the establishment and development of all forms of international co-operation conducive to the consolidation of peace, the strengthening of mutual respect, equality and friendship among nations and States and their rapprochement; the broadest and freest possible exchange of material and intellectual goods; the freedom of mutual exchange of information and the development of other relations contributing to the realization of common economic, cultural and other interests of States, nations and peoples, especially to the development of democratic and socialist relations in international co-operation, to socialist progress in general; the overcoming of the bloc division of the world, to the renunciation of the use of force or threat of force in international relations, and to the attainment of general and complete disarmament; the right of every nation freely to determine and build up its own social and political system by ways and means of its own free choice; the right of peoples to self-determination and national independence, and their right to wage a liberation war to attain these aims; respect for the rights of national minorities, including the rights of members of Yugoslav nations living in other countries as national minorities; international support for peoples waging a just struggle for their national independence and liberation from imperialism, colonialism, and all other forms of

national oppression and subjugation; the development of such international co-operation as will ensure equality in economic relations in the world, sovereign exploitation of national natural resources, and the creation of conditions conducive to the accelerated development of underdeveloped countries; respect for generally accepted rules of international law.

The Constitution of the SFR of Yugoslavia also contains a Chapter establishing the freedoms, rights and duties of man and the citizen which, inter alia, contains a number of provisions guaranteeing this protection. Especially relevant are Arts. 154, 160, 170, 171 and 177 from which it emanates that all citizens in the Socialist Federal Republic of Yugoslavia are equal and that any discrimination against or inequality of citizens are unconstitutional.

These provisions are as follows:

"Article 154

Citizens shall be equal in their rights and duties regardless of nationality, race, sex, language, religion, education, or social status.

All shall be equal before the law."

"Article 160

Freedom to work is guaranteed.

Everyone shall be free to choose his occupation and job.

Every citizen shall have access, on equal terms, to every job and every function in society.

Forced labour is prohibited."

"Article 170

Citizens shall be guaranteed the right to opt for a nation or nationality and to express their national culture, and to use their language and alphabet freely.

No citizen shall be obliged to state to which nation or nationality he belongs, nor to opt for any one nation or nationality.

Propagating or practising national inequality and any incitement of national, racial, or religious hatred and intolerance shall be unconstitutional and punishable."

"Article 171

Members of nationalities shall, in conformity with the constitution and statute, have the right to use their language and alphabet in the exercise of their rights and duties, and in proceedings before State agencies and organizations exercising public powers.

Members of the nations and nationalities of Yugoslavia shall, on the territory of each Republic and/or Autonomous Province, have the right to instruction in their own language in conformity with statute."

"Article 177

Man's freedom shall be inviolable.

No one may be deprived of liberty except in cases and by the procedure specified by statute.

Deprivation of liberty may last only as long as there are statutory grounds thereof.

Any unlawful deprivation of liberty shall be punishable."

It is obvious from the above mentioned that any discrimination against citizens is unconstitutional and that "the crime of apartheid" is considered as the crime against humanity.

(b) In the penal legislation of the SFR of Yugoslavia incriminated are all acts of discrimination committed by individuals, legal entities and responsible persons representing a legal entity.

As an example, the following provisions of the Criminal Law of the SFR of Yugoslavia are quoted below:

- criminal offence of inciting national, racial or religious hatred, discord or intolerance under Article 134 (Chapter XV - Criminal Offences against the Foundations of the Socialist Self-management Social System and Security of the SFRY); the said provision resulted from the obligation of the Socialist Federal Republic of Yugoslavia assumed by the ratification of the International Convention on the Suppression and Punishment of the Crime of Apartheid. This Article reads as follows:

"Article 134

1. Whoever, with propaganda or otherwise, provokes or furs national, racial or religious hatred or discord among the nations and nationalities living in the SFR of Yugoslavia, shall be punished with imprisonment from one to ten years.

2. Whoever provokes national, racial or religious intolerance by insulting the citizens or otherwise, shall be punished with imprisonment from three months to three years.

3. Whoever carries on systematically the offences from paras. 1 and 2 of this Article by abusing official post or authority, in a group, or if disorder, the commission of violence or other grave consequence occur as the result of the offence, shall be punished for offences from para. 1 of this Article with imprisonment of not less than one year, and for offences from para. 2 of this Article with imprisonment from six months to five years."

The provision of Art. 137 of the Criminal Law of the SFRY provides for that whoever conceals, gives shelter, food, material, money or other means to the perpetrator of this criminal offence, serves him for maintaining liaison, hinders discovering or apprehending him or otherwise assists him, shall be punished with imprisonment of not less than one year;

criminal offence of racial and other forms of discrimination under Article 154 (Chapter XVI - Criminal Offences Against Humanity and International Law) stipulated as the result of the international obligation of the Socialist Federal Republic of Yugoslavia assumed by the ratification of the International Convention for the Elimination of All Forms of Racial Discrimination ("Official Gazette of the SFRY", No. 6/67).

This Article reads as follows

"Article 154

1. Whoever, on the basis of distinction as to race, colour, nationality or ethnic origin, violates the fundamental human rights and freedoms recognized by the international community, shall be punished with imprisonment from six months to five years.

2. Whoever deters organizations or individuals involved in activities promoting equality of people shall be punished pursuant to para. 1 of this Article.

3. Whoever disseminates ideas of racial superiority or instigates racial hatred or racial discrimination, shall be punished with imprisonment from three months to three years."

Criminal laws of the socialist republics and autonomous provinces also contain provisions under which the criminal offence of discrimination, specifically the criminal offence of violating equality of citizens, is punishable (Art. 49 of the Criminal Law of the SR of Bosnia and Herzegovina, Art. 50 of the Criminal Law of the SR of Macedonia, Art. 60 of the Criminal Law of the SR of Slovenia, Art. 60 of the Criminal Law of the SR of Serbia, Art. 52 of the Criminal Law of the SR of Montenegro, Art. 41 of the Criminal Law of the SAP of Vojvodina and Art. 45 of the Criminal Law of the SAP of Kosovo).

Discrimination is considered as punishable also under the legislation regulating economic violations and infractions.

2. (a) The legislative-legal system of the SFR of Yugoslavia spells out that all persons who have committed criminal offences under Article II of the Convention shall be accountable and prosecuted for these offences regardless of whether they are nationals of the SFR of Yugoslavia or not, or stateless persons, and of whether they reside in the territory of the SFRY, which is provided for in the following provisions: Arts. 104, 105 and 106 of the Criminal Law of the SFR of Yugoslavia; Arts. 45 to 48 of the Law on Economic Offences ("Official Gazette of the SFRY", No. 4/77) and Art. 5 of the Law on Violations of Federal Regulations ("Official Gazette of the SFRY", Nos. 4/77 and 20/82).

(b) The legal system of the SFR of Yugoslavia makes provision for the implementation of Article III of the Convention, inter alia, through Art. 107 of the Criminal Law of the SFRY, which reads:

"Article 107

1. The Yugoslav criminal legislation shall also be applicable to a foreign national who, outside the territory of the SFR of Yugoslavia, commits a criminal offence against the SFR of Yugoslavia or its citizen other than criminal offences under Article 105 of the present Law if found in the territory of the SFR of Yugoslavia or extradited.

2. The Yugoslav criminal legislation shall also be applicable to a foreign national who commits a criminal offence against a foreign State or a foreign national abroad for which a prison term of five years or a severer punishment may be imposed under that legislation if the perpetrator is found in the territory of the SFR of Yugoslavia and was not extradited to the foreign State. If not otherwise stipulated by the present Law, the court, in such a case, may not adjudge a severer punishment than that stipulated under the law of the State in which the criminal offence was committed."

(c) Giving effect to Article XI of the Convention in the Yugoslav legal system is provided for by Article 525 of the Law on Criminal Procedure which makes provision for extradition of the perpetrator of the criminal offence under Article II of the Convention, under conditions provided for by law.

3. (a) Fulfilment of the obligation from Article IV of the Convention is an integral part of the over-all policy of the SFRY, and the legal system of the SFRY makes provision therefor in the aforementioned provisions of the Constitution of the SFR of Yugoslavia and in the relevant provisions of the penal legislation already mentioned under item 1 (a) and (b) of this Report.

(b) The Yugoslav public is fully familiar with the Convention, since it has been published in the "Official Gazette of the SFRY", where all legal and other regulations are published and which is available to all citizens. Similarly, the citizens of the SFRY have also been informed of the contents of the Convention through the press, radio, TV and other means of mass communication.

4. The obligation assumed under Article VI of the Convention is incorporated in the Constitution of the SFR of Yugoslavia -- in the Introductory Part, Section VII of the Basic Principles, as mentioned before under item 1 (a) of this Report.

5. The positions of the SFRY regarding this issue are well known to the world public and are particularly reflected in the activity of our country within the non-aligned movement.

6. There is a very small number of persons in the SFRY prosecuted for offences enumerated in Article II of the Convention owing to the stability of foreign and internal policy of our country. With regard to the fulfilment of the obligation under Article XI of the Convention, it should be pointed out that there have been no requests for extradition for the criminal offences enumerated in Article II of the Convention.

7. The following excerpts are annexed to this Report: <sup>2/</sup>

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<sup>2/</sup> These documents are available for consultation by members of the Group of Three in the original (English) language in the files of the Secretariat.

1. Excerpt from the Constitution of the SFRY - Basic Principles, Sections V and VII and Arts. 154, 160, 170, 171 and 177.
2. Excerpt from the Criminal Law of the SFRY - provisions of Arts. 104, 105, 106, 107, 134 and 154;
3. Excerpt from the Law on Criminal Procedure - Chapter XXXI - Procedure for the extradition of accused and convicted persons;
4. Excerpt from the Law on Economic Violations - Chapter VI (Art. 47);
5. Excerpt from the Law on Violations of Federal Regulations - General Provisions (Art. 5).