



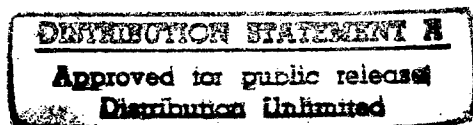
JPRS Report

Supplement

East Europe

Recent Legislation

Constitution of the Federal Republic of Yugoslavia



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19 May 1992

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Constitution of the Federal Republic of Yugoslavia
92BA0813A Belgrade BORBA in Serbo-Croatian
13 Apr 92 pp 15-18

["Text" of the new Constitution of the Federal Republic of Yugoslavia adopted and promulgated on 27 April 1992 by the Federal Chamber of the Assembly of the Socialist Federal Republic of Yugoslavia on the basis of the proposals and consent of the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro]

[Text] Taking as its points of departure the freedom-loving, democratic, and constitutional tradition, historical ties, and common interests of the state of Serbia and the state of Montenegro,

and on the basis of Yugoslavia's uninterrupted existence as an international entity and the voluntary nature of the association of Serbia and Montenegro,

the Federal Chamber of the Assembly of the Socialist Federal Republic of Yugoslavia, on the basis of the proposals and consent of the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro,

hereby adopts and promulgates the following:

**CONSTITUTION OF THE FEDERAL REPUBLIC
OF YUGOSLAVIA**

Basic Provisions

Article 1

The Federal Republic of Yugoslavia is a sovereign federal state based on the equality of the citizens and the equality of its member republics.

Article 2

The Federal Republic of Yugoslavia is made up of the Republic of Serbia and the Republic of Montenegro.

Other states may join the Federal Republic of Yugoslavia as member republics, in keeping with this Constitution.

Article 3

The territory of the Federal Republic of Yugoslavia is unified and made up of the territory of the member republics.

The border of the Federal Republic of Yugoslavia is inviolable.

The border between the member republics may be altered only by their agreement, in keeping with the constitutions of the member republics.

Article 4

The Federal Republic of Yugoslavia has its own flag, anthem, and great seal.

The flag of the Federal Republic of Yugoslavia consists of three horizontal stripes in this order from top to bottom: blue, white, and red.

The anthem of the Federal Republic of Yugoslavia is "Hej, Sloveni" ["Hey, Fellow Slavs"].

The great seal of the Federal Republic of Yugoslavia is to be established by federal law.

Article 5

The capital of the Federal Republic of Yugoslavia is Belgrade.

Article 6

The member republic is a state in which power belongs to the citizens.

The member republic is sovereign on matters which this Constitution has not established as the jurisdiction of the Federal Republic of Yugoslavia.

The member republic independently establishes the organization of government in its own constitution.

The right to local self-government is guaranteed, in keeping with the constitution of the member republic.

Article 7

Within its own competency, the member republic may maintain international relations, establish its own missions in other states, and join an international organization.

Within the limits of its competency, the member republic may conclude international agreements, but not to the detriment of the Federal Republic of Yugoslavia or another member republic.

Article 8

In the Federal Republic of Yugoslavia, power belongs to the citizens.

The citizens exercise power directly and through freely elected representatives.

Article 9

The Federal Republic of Yugoslavia is based on the rule of law.

Laws must be consistent with the Constitution.

The executive and judicial branches are bound by law.

Human and civil liberties and rights are limited by the equal liberties and rights of others and when this Constitution so provides.

Article 10

The Federal Republic of Yugoslavia recognizes and guarantees human and civil liberties and rights recognized by international law.

Article 11

The Federal Republic of Yugoslavia recognizes and guarantees the rights of ethnic minorities to preserve, develop, and express their ethnic, cultural, linguistic, and other distinctive features and also to use national symbols, consistent with international law.

Article 12

Authority in the Federal Republic of Yugoslavia is organized on the principle of division into legislative, executive, and judicial branches.

Article 13

The Federal Republic of Yugoslavia constitutes a single economic area and a single market.

Economic activity in the Federal Republic of Yugoslavia is based on the laws of the market.

Article 14

The democratic political system in the Federal Republic of Yugoslavia is based on political pluralism.

Political parties take part in the formation and expression of the political will of the citizens.

Article 15

The official languages of the Federal Republic of Yugoslavia are the Ekavian and Ijekavian dialects of the Serbian language and the Cyrillic script, but the Latin script may be used in official matters, in accordance with the Constitution and law.

In the regions of the Federal Republic of Yugoslavia where ethnic minorities live, their respective languages and scripts are simultaneously used in official matters, in the manner established by law.

Article 16

The Federal Republic of Yugoslavia will fulfill in good measure the obligations that arise from international treaties of which it is a party.

International treaties which have been confirmed and published in accordance with this Constitution and the generally accepted rules of international law constitute an integral part of the domestic legal system.

Article 17

Yugoslav citizenship exists in the Federal Republic of Yugoslavia.

Yugoslav citizenship and citizenship of the member republic is acquired by and terminated simultaneously.

A Yugoslav citizen may not be deprived of citizenship, deported from the country, nor extradited to another state. A Yugoslav citizen abroad enjoys the protection of the Federal Republic of Yugoslavia.

Yugoslav citizenship is regulated by federal law.

Article 18

Church is separated from state.

Churches are equal and free in the conduct of religious affairs and religious services.

The rights of the church in the conduct of other business are regulated by federal law.

Human and Civil Liberties, Rights, and Duties**Article 19**

Human and civil liberties, rights, and duties whereby the equality of persons and citizens is ensured in the Republic of Yugoslavia are regulated by this Constitution.

Article 20

Citizens are equal regardless of nationality, race, sex, language, faith, political or other conviction, education, social origin, property, or any personal characteristic.

All are equal before the law.

Everyone is required to respect the liberties and rights of others and is accountable for it.

Article 21

Human right is sacred.

The death penalty may not be envisaged for crimes prescribed by federal law.

Article 22

The inviolability of the individual's physical and mental integrity, of his privacy and personal rights is guaranteed.

The individual's personal dignity and safety are guaranteed.

Article 23

Everyone has the right to personal freedom.

No one may be detained except in the cases and according to the procedure established by federal law.

Anyone detained must immediately be informed in his native language or a language which he understands concerning the reasons for his arrest, and he has the right to have the authorities inform those closest to him of his arrest.

A person who has been arrested must at the same time be informed that he is not required to make any statement.

A person who has been arrested has the right to engage defense counsel of his own choice.

Unlawful arrest is punishable.

Article 24

If there is warranted suspicion that a person has committed a crime, on the basis of a decision of the competent court, he may be arrested and kept in custody only if this is necessary in order to conduct criminal proceedings.

A person arrested must be presented in writing the order and supporting arguments at the time of his arrest or no later than within 24 hours. Such person has the right to appeal that order, and the court shall rule on the appeal within 48 hours.

Detention must be reduced to the shortest time.

Detention may last no longer than three months from the date of arrest by order of the court in the first instance. This period may be extended another three months by

decision of a higher court. If at the end of those periods no indictment has been filed, the accused is released.

Article 25

Respect for human individuality and dignity is guaranteed in criminal proceedings and any other proceedings in cases of arrest or restriction of freedom, and also during the serving of sentences.

Any violence against a person who has been arrested or whose freedom has been restricted and any extraction of confessions and statements is prohibited and punishable.

No one may be subjected to torture nor to humiliating punishment and treatment.

It is prohibited to perform medical or other scientific experiments on a person without his consent.

Article 26

Everyone is entitled to equal protection of his rights and to due process.

Everyone is guaranteed the right to appeal or other legal remedy against a decision which rules on his right or on an interest based on law.

Article 27

No one may be punished for an act not prescribed as punishable by law or regulation based on law before it was enacted, nor may punishment be pronounced against him which has not been prescribed for that crime.

Crimes and criminal punishments are defined by law.

No one may be deemed guilty of a crime until this has been established by a valid verdict of a court.

A person wrongly convicted of a crime or wrongly arrested has the right to rehabilitation, to compensation of loss at public expense, as well as other rights established by federal law.

Article 28

No one may be convicted or punished a second time of a crime when proceedings against him for that crime were duly dismissed or the indictment against him was duly rejected, or he has been acquitted or convicted under a verdict that has become final.

Article 29

Everyone is guaranteed the right to defense and the right to have a defender before the court or other body competent to conduct proceedings.

No one who is accessible to a court or other body competent to conduct proceedings may be punished if, in conformity with federal law, he has not been given an opportunity to be interrogated and to defend himself.

Everyone has the right to be interrogated in the presence of defense counsel of his choice.

Federal law specifies in which cases the accused must have defense counsel.

Article 30

The citizen is guaranteed the right of movement and residence and the right to leave the Federal Republic of Yugoslavia and return to it.

The freedom of movement and residence and the right to leave the Federal Republic of Yugoslavia may be restricted by federal law if this is indispensable to the conduct of criminal proceedings, prevention of the spread of infectious disease, or to defense of the Federal Republic of Yugoslavia.

Article 31

The dwelling is inviolable.

Federal law may prescribe that an officer, on the basis of a court decision, may enter a dwelling or other premises against the will of its owner and conduct a search. The search is conducted in the presence of two witnesses.

An officer may enter the dwelling of another or other premises even without a court order and conduct a search without witnesses present if this is necessary to the immediate apprehension of the perpetrator of a crime or in order to rescue people and property, in the manner envisaged by federal law.

Article 32

The secrecy of mail and other means of communication is inviolable.

Federal law may prescribe that on the basis of a court order there may be a departure from the principle of the inviolability of the secrecy of mail and other means of communication if this is indispensable to the conduct of criminal proceedings or for defense of the Federal Republic of Yugoslavia.

Article 33

Protection of personal information is guaranteed.

The use of personal information contrary to the purpose for which it was gathered is prohibited.

Everyone has the right to examine the personal data gathered concerning him and also the right to court protection in case of misuse of that information.

The gathering, processing, use, and protection of personal information are regulated by federal law.

Article 34

A Yugoslav citizen who has reached age 18 has the right to vote and to be elected to the bodies of government.

A political party or group of citizens may nominate a candidate for federal deputy.

Article 35

Freedom of conviction, conscience, thought, and public expression of opinion is guaranteed.

Article 36

Freedom of the press and other news media is guaranteed.

Citizens have the right to express and publish their opinions in the news media.

The publishing of newspapers and public information through other media is accessible to all without license, by registering with the competent body.

Article 37

The right to correction of inaccurate information that has been published and that injures someone's right or interest and also the right to compensation of damage incurred on that basis is guaranteed.

The right to respond in the news media is guaranteed.

Article 38

Censorship of the press and other news media is prohibited.

No one may prevent the distribution of newspapers or the dissemination of other news unless a court verdict establishes that they are calling for forcible overthrow of the constitutional order, violation of human and civil liberties and rights which have been guaranteed, or arousing ethnic, racial, or religious intolerance and enmity.

Article 39

The freedom of speech and public appearance is guaranteed.

Article 40

The citizen is guaranteed the freedom of assembly and other peaceful gathering, without having to obtain a permit, provided the competent authority is notified in advance.

The freedom of assembly and other peaceful gathering of citizens may be temporarily restricted by decision of the competent authority in order to prevent a threat to health and public morality, or in order to protect people and property.

Article 41

The freedom of political, trade union, and other association and activity is guaranteed following registration with the competent authority, no permit is required.

Political parties are established and organized on the geographic principle.

Sources of revenues of political parties are accessible to public scrutiny.

Trade unions are established in order to protect the rights and promote the professional, economic, and social interests of their members.

Article 42

All activity of political, trade union, and other organizations is prohibited if it is aimed at forcible overthrow of the constitutional order or at arousing ethnic, racial, religious, and other intolerance and enmity.

Establishment of secret organizations is prohibited.

Professional members of the army and police do not have the right to organize a trade union.

Justices of the Federal Court, the Federal Public Prosecutor and his deputies, judges of the Federal Constitutional Court, personnel employed in the bodies and agencies of the Federal Republic of Yugoslavia, and members of the army and police of the Federal Republic of Yugoslavia may not be members of political parties.

Article 43

Freedom of belief, of public or private expression of faith, and performance of religious services is guaranteed.

No one is required to declare his religious conviction.

Article 44

The citizen has the right to criticize publicly the performance of government bodies and agencies and other bodies and agencies and officials, to submit requests, petitions, and proposals to them, and to obtain an answer to them if he requests it.

A citizen may not be held to account nor may he be subjected to other harmful consequences for positions taken in public criticism or in a request, petition, or proposal submitted, unless he has thereby insulted or slandered someone.

Article 45

Freedom of expression of nationality and culture is guaranteed, as is the freedom of use of native language and script.

No one is required to declare his nationality.

Article 46

Members of ethnic minorities are entitled to school instruction in their own language, pursuant to law.

Members of ethnic minorities have the right to be informed in their native language.

Article 47

Members of ethnic minorities have the right, pursuant to law, to establish educational, cultural, and religious organizations or associations financed on the voluntary principle, but the government may assist them.

Article 48

Members of ethnic minorities are guaranteed the right to establish and maintain unhindered mutual relations within the Republic of Yugoslavia and outside its borders with members of their own nationality in other states, but not in a manner detrimental to the Federal Republic of Yugoslavia or a member republic.

Members of ethnic minorities have the right to participate in nongovernmental international organizations.

Article 49

Everyone is guaranteed the right in proceedings before a court or other government body or agency or organization, which in the exercise of public authority is deciding on his

rights and duties, to use his native language and to be informed of the facts in those proceedings in his native language.

Article 50

It is unconstitutional and punishable to promote in any way ethnic, racial, religious, or other inequality or to incite ethnic, racial, religious, or other enmity and intolerance.

Article 51

The right of ownership and inheritance is guaranteed, in accordance with the Constitution and law.

Article 52

The people have the right to a healthy environment.

Everyone is required to preserve the environment.

The state is custodian of a healthy environment and to that end establishes the conditions and manner of performance of economic and other activities.

Article 53

The freedom of creation and publication of scientific and artistic works, scientific discoveries, and technical inventions is guaranteed, as are the moral and property rights of their originators.

The manner of the exercise and protection of the rights of originators to their work and also the rights of the organizations in which those works were created are regulated by federal law.

Article 54

Free choice of occupation and employment is guaranteed.

Employed persons may be discharged from employment against their will under the conditions and in the manner set forth in law and the collective agreement.

Forced labor is prohibited.

Article 55

The right to material support during temporary employment is guaranteed, in conformity with federal law.

Article 56

Employed persons are entitled to limited working hours, to daily and weekly rest, and to paid annual vacation and leave, in conformity with law and the collective agreement.

Employed persons are entitled to workplace health and safety, in accordance with law.

Young people, women, and the handicapped have particular protection in the workplace, in conformity with law.

Article 57

Employed persons have the right to strike in order to protect their occupational, economic, and social interests, in keeping with federal law.

The right to strike can be restricted by federal law when this is required by the nature of the activity and the public interest.

Persons employed in government bodies and agencies and professional members of the army and police do not have the right to strike.

Article 58

Employed persons provide all forms of social insurance for themselves and family members through mandatory insurance, in keeping with law.

Farmers have all the rights based on work as other employed persons.

The state guarantees the material security of a citizen who is disabled and does not have the means of subsistence, as it does any citizen who does not have the means of subsistence, in accordance with law.

Article 59

Special protection is provided for disabled persons, in accordance with law.

Article 60

Everyone is entitled to health care, in accordance with law.

Children, pregnant women, and the elderly have the right to health care at public expense when this is not realized on some other basis, while other persons are entitled under the conditions set forth in law.

Article 61

The family enjoys particular protection.

Marriage, relations in marriage, in the family, and in the extramarital community are regulated by law.

Children born outside marriage have the same rights and duties as children born in marriage.

Article 62

Schooling is accessible to everyone under equal conditions.

Elementary schooling is mandatory, in accordance with law, and no tuition is paid for it.

Article 63

Defense of the Federal Republic of Yugoslavia is the right and duty of every citizen.

Article 64

Everyone has the duty to pay taxes and other charges established by law.

Article 65

Everyone has the duty to abide by the Constitution and law and other enactments and general acts.

Everyone has the duty to perform public office honorably and responsibly.

Article 66

A foreigner in the Republic of Yugoslavia enjoys the human freedoms and rights established by the Constitution and other rights and duties established by federal law and international treaties.

A foreigner may be extradited to another state only in the cases envisaged by international treaties which are binding on the Federal Republic of Yugoslavia.

The right of asylum is guaranteed to a foreign national or stateless person who is being pursued because of advocating democratic views and because of participation in movements for social and national liberation, for the freedom and rights of the human personality, or for the freedom of scientific or artistic creation.

Article 67

Human and civil liberties and rights are exercised, and duties discharged, on the basis of the Constitution.

The law may prescribe the manner in which the various human and civil liberties and rights are exercised, when the Constitution so envisages or when this is necessary to exercising them.

Abuse of human and civil liberties and rights is unconstitutional and punishable.

The liberties and rights recognized and guaranteed by this Constitution enjoy the protection of the courts.

Economic System

Article 68

Freedom of work and economic activity is guaranteed.

All forms of ownership have equal protection.

No one may be deprived of the right of ownership except when this is required by the general interest as established in accordance with law, with fair compensation, which may not be less than the market value.

Article 69

A foreign national acquires the right of ownership and the right to carry on economic activity under conditions of reciprocity, in accordance with federal law.

A foreign national and a stateless person may not acquire the right of ownership to real estate which has recognized cultural value.

A stateless person cannot acquire the right of ownership to land, and a foreign national may acquire that right under conditions of reciprocity, in accordance with law.

Article 70

An enterprise or other juridical person may perform an activity and invest funds abroad under the conditions established by federal law.

Article 71

Property rights to real estate are exercised depending on the nature and purpose of the real estate, in accordance with federal law.

Property rights to forests and forestland are exercised within the limits established by federal law.

Article 72

Natural resources and property in general use, as property of general interest, and municipal [original reads "civilian"] land for construction are the property of the state.

Certain property of general interest may be privately owned, under the conditions established by law.

Property of general interest and municipal land for construction may be leased at a rate of compensation established by law.

The management, protection, use, and improvement of property of general interest are performed under the conditions established by law.

Article 73

The exchange of goods and services and also the movement of manpower and capital are free on the unified market of the Federal Republic of Yugoslavia.

Enterprises and other organizational forms for performance of activity or rendering services shall be established, organized, and linked together freely and independently, in accordance with federal law.

Economic entities are independent and equal, and the conditions for conduct of economic activity are equal for all.

Enterprises and other juridical persons are liable for their obligations to the extent of their property.

Any enactment or action that creates or promotes a monopoly position or restricts the market in some other way is unconstitutional.

Article 74

The law may restrict the disposition or establish a particular manner of use of a portion of the resources of juridical and natural persons during a state of war, immediate danger of war, or state of emergency, so long as that state persists.

Article 75

The funds to finance exercise of the powers of the Federal Republic of Yugoslavia are furnished in the federal budget.

The resources of the federal budget are made up of revenues from customs, a portion of the turnover tax, and other revenues, in accordance with federal law.

Powers of the Federal Republic of Yugoslavia

Article 76

Through its bodies, the Federal Republic of Yugoslavia establishes policy, adopts and carries out federal laws, other regulations, and general enactments, and provides protection of the Constitutional Court and judicial protection in those areas and concerning those matters that pertain to the following:

1) Human and civil liberties, rights, and duties as established by this Constitution, proceedings before courts and other government bodies and agencies; accountability and penalties for violation of human and civil liberties, rights,

and duties established by this Constitution and for violation of federal laws, other regulations, and general enactments; amnesty and pardons for criminal acts envisaged by federal law;

2) The monetary, banking, foreign exchange, foreign trade, and customs systems; the system of foreign credit relations; the bases of the tax system;

3) The unified market; development of the Federal Republic of Yugoslavia, regional development, and reduction of differences in level of development from one region to another;

4) Technical and technological systems and communications systems and the bases of environmental protection; the water regime of interest to the entire country and international waters; the regime of coastal waters of interest to the international relations of the Federal Republic of Yugoslavia; waterways on waters where navigation is subject to an international or intergovernmental regime;

5) Safety in all branches of transportation; relations in contract law and property law; the bases of social security and employment relations;

6) International relations; the crossing of the border and monitoring the movement of goods, services, and passenger traffic over the border; the status of foreigners and foreign juridical persons;

7) Defense and security of the Federal Republic of Yugoslavia;

8) Protection of human life and health against infectious diseases threatening the entire country; the marketing of drugs; protection of animals against infectious diseases and protection of plants against diseases and pests when they threaten the entire country; the marketing of chemicals for plant pest and disease control and monitoring the movement of plants and animals over the national borders; production and use of radioactive materials and protection against ionizing radiation; the sale of poisons, the production and sale of hazardous materials, the transport of flammable liquids and gases;

9) Financing the exercise of the powers of the Federal Republic of Yugoslavia as established by this Constitution;

10) The organization and activity of the bodies and agencies of the Federal Republic of Yugoslavia;

11) The holidays and decorations of the Federal Republic of Yugoslavia;

12) As well as other areas as set forth by this Constitution.

Institutions of the Federal Republic of Yugoslavia

1. Federal Assembly

Article 77

The Federal Assembly:

1) Decides on the Constitution of the Federal Republic of Yugoslavia;

2) Decides on acceptance of other states as member republics in the Federal Republic of Yugoslavia;

3) Decides on war and peace; proclaims a state of war, a state of immediate danger of war, and a state of emergency;

4) Adopts federal laws, other regulations, and general enactments; adopts the federal budget and final statement; ratifies international treaties within the competence of the Federal Republic of Yugoslavia;

5) Grants amnesty for crimes envisaged by federal law;

6) Elects and dismisses the president of the Republic, the federal prime minister, judges of the Federal Constitutional Court, the president and associate judges of the Federal Court, the governor of the National Bank of Yugoslavia, and other federal officials as designated by federal law;

7) And also performs other functions set forth in this Constitution.

Article 78

The Federal Assembly may on a common proposal of all member republics regulate federal law and other matters.

Article 79

By a two-thirds majority of the votes in both chambers, the Federal Assembly may on a proposal of the Federal Government adopt a federal law granting the Federal Government the authority to issue decrees with binding force for a period not to exceed one year in order to regulate certain matters in the area of the economy within the competence of the Federal Assembly.

The Federal Government must submit those decrees to the Federal Assembly for confirmation at the end of the period for which that authority was granted.

Article 80

The Federal Assembly is made up of the Chamber of Citizens and the Chamber of Republics.

The Chamber of Citizens is made up of federal deputies elected in the member republics in direct elections, by secret ballot, so that there is one federal deputy elected for every 65,000 voters, but at least 30 federal deputies are to be elected in the member republic.

The Chamber of Republics is made up of 20 federal deputies from each member republic.

Article 81

The election and termination of the mandate of federal deputies in the Chamber of Citizens of the Federal Assembly is regulated by federal law, but the election and termination of the mandate of federal deputies in the Chamber of Republics of the Federal Assembly is regulated by the law of the member republic.

Federal deputies in the Chamber of Citizens of the Federal Assembly are elected for a term of four years, but federal

deputies in the Chamber of Republics are elected in the manner and for the term established by the law of the member republic.

Article 82

The mandate of deputies in the Federal Assembly is terminated if within three months from the beginning of proceedings a federal government is not chosen or if the federal budget is not adopted, as well as in other cases established by this Constitution.

Termination of the mandate of the Federal Assembly is invoked by ukase of the president of the Republic.

Article 83

The Federal Assembly is dissolved at the request of the Federal Government.

The Federal Government may not request that the Federal Assembly be dissolved if proceedings of a vote of confidence in the Federal Government have been instituted.

The dissolving of the Federal Assembly is invoked by ukase of the president of the Republic.

Article 84

If the mandate of deputies is terminated or the Federal Assembly is dissolved, elections to the Federal Assembly are held within 60 days from the date it is dissolved.

When the mandate of the Federal Assembly is terminated or it is dissolved, the mandate of the Federal Government is also terminated.

Article 85

The Federal Assembly may not be dissolved within the first and last six months of its term, during a state of war, immediate danger of war, or state of emergency.

In case of a state of war, immediate danger of war, or state of emergency, the Federal Assembly may decide to extend the term of federal deputies to the end of that state or until conditions are brought about for election of federal deputies.

The election of new federal deputies is immediately undertaken upon cessation of the circumstances which were the grounds for extending the term of office of federal deputies.

Article 86

Federal deputies in the Chamber of Citizens of the Federal Assembly represent the citizens of the Federal Republic of Yugoslavia, while federal deputies in the Chamber of Republics of the Federal Assembly represent the member republic in which they were elected.

The federal deputy in the Chamber of Citizens takes a position and votes on his own conviction.

The federal deputy in the Chamber of Citizens may not be recalled.

Article 87

The federal deputy enjoys immunity.

The federal deputy may not be held accountable, taken into custody, or punished for an opinion expressed or vote cast in the Federal Assembly.

The federal deputy may not be taken into custody without approval of the chamber of the Federal Assembly of which he is a member, unless he was caught committing a crime for which a prison sentence longer than five years has been prescribed.

Criminal proceedings or other proceedings in which a prison sentence may be pronounced may not be instituted against a federal deputy who invokes immunity without approval of the chamber of the Federal Assembly of which he is a member.

The chamber of the Federal Assembly whose federal deputy has not invoked immunity may decide to apply immunity if it deems that necessary.

Article 88

The Chamber of Citizens and the Chamber of Republics of the Federal Assembly elect their own president and vice president from the ranks of their own deputies for a four-year term.

The president of the chamber represents the chamber, directs the work of the chamber, and performs other functions as established by federal law and the operating procedure of the chamber.

Each chamber adopts an operating procedure whereby it regulates its operation and organization.

Article 89

The Federal Assembly conducts its business in regular and extraordinary sessions of the chambers.

A regular session is held without summons twice a year, in accordance with the chamber's operating procedure. The first regular session begins on the first working day in February, and the second regular session begins on the first working day in September.

An extraordinary session is held at the request of at least one-third of the number of federal deputies in one chamber or at the request of the Federal Government, with an agenda established in advance.

Article 90

On matters within the competence of the Federal Assembly, the two chambers decide equally, by a majority of the votes of the federal deputies in each chamber, unless this Constitution provides otherwise.

Article 91

When the proposed version of a federal law, other regulation, or general enactment has not been adopted within the same text in both chambers, the chambers form a committee to reconcile the differences, which is made up of five federal deputies from each chamber.

The two chambers vote on the proposal of the joint committee in keeping with this Constitution.

Article 92

If the joint committee does not reconcile the text of the federal law within a period of one month, or if the chambers do not adopt the reconciled text of the federal law, the text of the federal law adopted in the Chamber of Citizens is applied temporarily, but in the case of federal laws pertaining to the areas referred to in Article 76, Subparagraphs 2, 3, and 4, of this Constitution, the text adopted in the Chamber of Republics is applied temporarily.

A federal law which is applied temporarily remains in effect until final adoption in both chambers, but no longer than one year from commencement of its application.

Article 93

If during the temporary application of a federal law that federal law is not adopted in both chambers, in accordance with this Constitution, the mandate of the Federal Assembly is terminated.

Article 94

When the federal budget is not adopted before commencement of the year to which it pertains, the powers of the Federal Republic of Yugoslavia are financed temporarily according to the federal budget from the previous year until adoption of the new federal budget.

Article 95

The Federal Assembly adopts federal law on the flag, great seal, and anthem, election of federal deputies, election of the president of the Republic, the Federal Court, the Federal State Prosecutor's Office, and on the organization, proceedings, and legal effect of decisions of the Federal Constitutional Court.

Article 96

The Federal Government, a federal deputy in either chamber of the Federal Assembly, or a group of at least 30,000 voters have the right to propose a federal law, other regulation, or general enactment.

2. President of the Republic

Article 97

The president of the Republic:

- 1) Represents the Federal Republic of Yugoslavia within the country and abroad;
- 2) Promulgates federal laws in a ukase; issues certificates of ratification of international treaties;
- 3) Proposes to the Federal Assembly nominees for federal prime minister after hearing the opinion of representatives of deputy groups in the Federal Assembly;
- 4) Proposes to the Federal Assembly nominees for judges of the Federal Constitutional Court, the presiding and associate judges of the Federal Court, and the governor of the National Bank of Yugoslavia, after obtaining the opinion of the presidents of the member republics;
- 5) Calls elections to the Federal Assembly;

6) Appoints and recalls in a ukase ambassadors of the Federal Republic of Yugoslavia on the basis of proposals of the Federal Government; accepts letters of accreditation and letters of recall of foreign diplomatic representatives;

7) Awards decorations and commendations of the Federal Republic of Yugoslavia envisaged by federal law;

8) Grants clemency for crimes prescribed by federal law;

9) And also performs other functions as defined by this Constitution.

Article 98

The president of the Republic is elected by the Federal Assembly to a four-year term.

The same person may not be elected president of the Republic twice.

The president of the Republic may not hold other public office or carry on professional activity.

The president of the Republic enjoys the same immunity as the federal deputy. The immunity of the president of the Republic is decided by the Federal Assembly.

The president of the Republic may be dismissed only when the Federal Assembly finds that he has violated the Constitution.

Article 99

The president of the Republic may resign from office.

On the date when his resignation is submitted or the president of the Republic is dismissed, his mandate is terminated.

In a case of termination of the mandate of the president of the Republic, the president of the Chamber of Republics of the Federal Assembly performs his duties until election of a president of the Republic and also in a case of temporary incapacity of the president of the Republic.

The procedure for election and dismissal of the president of the Republic is established by federal law.

3. Federal Government

Article 100

The Federal Government:

- 1) Establishes and conducts domestic and foreign policy and executes federal laws, other regulations, and general enactments;
- 2) Maintains the relations of the Federal Republic of Yugoslavia with other states and international organizations;
- 3) Proposes federal laws, other regulations, and general enactments;
- 4) Adopts decrees, decisions, and other enactments to implement federal laws and other regulations and general enactments of the Federal Assembly and decrees with binding force;

5) Renders an opinion on the proposal of federal laws, other regulations, and general enactments submitted to the Federal Assembly by another authorized sponsor;

6) Forms and abolishes federal ministries and other federal bodies, agencies, and organizations and establishes their organization and the scope of their activity;

7) Guides and coordinates the work of federal ministries and other federal bodies, agencies, and organizations and nullifies or revokes their acts;

8) Elects and dismisses the federal public prosecutor, appoints and dismisses officials in federal ministries and other federal agencies and organizations;

9) Orders general mobilization and organizes preparations for defense;

10) Proclaims the state of an immediate danger of war, state of war, or state of emergency when the Federal Assembly is unable to meet, after it hears the opinion of the president of the Republic and the presidents of the chambers of the Federal Assembly. The Federal Government is required to submit these acts to the Federal Assembly for confirmation as soon as the latter is able to meet. Acts adopted during a state of war may restrict certain human and civil liberties and rights, except those covered in Articles 20, 22, 25, 26, 27, 28, 29, 35, and 47 of this Constitution;

11) Adopts acts on matters within the jurisdiction of the Federal Assembly when the Federal Assembly is unable to meet, during a state of war, immediate danger of war, or state of emergency, after hearing the opinion of the presidents of the chambers of the Federal Assembly;

12) Regulates its own organization, manner of operation, and decisionmaking;

13) And also performs other functions as set forth in this Constitution.

Article 101

The Federal Government is made up of the prime minister, the deputy prime minister, and the federal ministers.

The Federal Government is formed for a term of four years.

A member of the Federal Government from the ranks of federal deputies retains the mandate of a federal deputy.

A member of the Federal Government may not hold other public office or perform professional activity.

A member of the Federal Government enjoys the same immunity as a federal deputy.

The immunity of a member of the Federal Government is decided by the Federal Government.

Article 102

A candidate for federal prime minister presents his program and the makeup of the Federal Government to the Federal Assembly.

The Federal Government is formed when the Federal Assembly adopts the program and elects the federal prime minister by a majority of the votes of all the federal deputies in both chambers, by secret ballot.

The Federal Government is also formed after election of the Federal Assembly.

Article 103

The federal prime minister directs the effort of the Federal Government.

The federal prime minister informs the Federal Assembly of a change in the makeup of the Federal Government.

Article 104

The federal prime minister is accountable to the Federal Assembly for his performance and the performance of the Federal Government.

In the Federal Assembly, the federal prime minister may put a question of confidence in the Federal Government.

The Federal Government is accountable for the performance of federal ministers and its own bodies and agencies.

Article 105

The Federal Assembly may vote nonconfidence in the Federal Government.

A motion to vote nonconfidence may be made by a group of at least 20 federal deputies of one chamber of the Federal Assembly.

Nonconfidence in the Federal Government may be voted on when three days have passed from the date of the motion.

Nonconfidence in the Federal Government has been voted when it has received the votes of a majority of the total number of federal deputies in each chamber.

The mandate of a federal government in which nonconfidence has been voted is terminated.

Article 106

A federal prime minister may submit his resignation to the Federal Assembly.

A member of the Federal Government may submit his resignation to the federal prime minister.

Resignation of the federal prime minister automatically terminates the mandate of the entire Federal Government.

Article 107

A federal government whose mandate has terminated continues to perform its functions until formation of a new federal government.

Article 108

Federal ministries execute federal laws, other regulations, and general enactments of the Federal Assembly and Federal Government, rule in administrative cases, provide

administrative oversight, and perform other administrative functions as established by federal law.

The federal minister who heads a federal ministry is accountable for the performance of the federal ministry.

4. Federal Court

Article 109

The Federal Court:

- 1) Decides in the last instance or on an extraordinary legal remedy against decisions of courts in the member republics when application of a federal law is involved;
- 2) Decides on property dispute between member republics and also between the Republic of Yugoslavia and the member republics;
- 3) Decides on the legality of final administrative acts of federal bodies and agencies;
- 4) Rules on a conflict of jurisdiction between courts of two member republics and also between the military courts and other courts;
- 5) Lays down fundamental positions on matters of interest concerning uniform application of federal laws, other regulations, and general enactments by the courts;
- 6) And also performs other functions placed in its competence by this Constitution and federal law.

Article 110

The Federal Court consists of five judges.

The president and judges of the Federal Court are elected and dismissed by the Federal Assembly.

The president of the Federal Court is elected from among judges of the Federal Court.

A judge of the Federal Court enjoys the same immunity as a federal deputy.

The Federal Court decides on the immunity of judges of the Federal Court.

The president and judges of the Federal Court may not perform other public or professional activity.

Article 111

A judge of the Federal Court is elected for a term of nine years and may not be reelected.

The president of the Federal Court is elected for a term of three years and may not be reelected.

Article 112

The judicial office of a judge of the Federal Court is terminated before expiration of his term when he himself so requests, when he qualifies for an old-age pension established by federal law, and when he receives a prison sentence that has not been suspended.

A judge of the Federal Court may be relieved of his duties before the end of his term if he is convicted of a crime which makes him unfit to perform his judicial function; if he performs his judicial function unprofessionally and

dishonestly, or when he becomes permanently unable to perform his judicial function.

The Federal Court, pursuant to federal law, establishes the existence of grounds for termination of the office of a judge of the Federal Court, that is, for dismissal of a judge, and so informs the Federal Assembly.

5. Federal State Prosecutor

Article 113

The federal state prosecutor invokes the legal powers for which he is authorized by federal law in cases where the Federal Court has jurisdiction and performs other functions defined by federal law.

The federal state prosecutor issues mandatory instructions to prosecutors in the member republics and may take over criminal prosecution in cases in which the crimes and other punishable acts are defined by federal law.

Article 114

The federal state prosecutor is elected and dismissed by the Federal Government for a term of four years.

The federal state prosecutor may not hold other public office or engage in professional activity.

6. National Bank of Yugoslavia

Article 115

The National Bank of Yugoslavia is an independent and unified organization of the monetary system of the Federal Republic of Yugoslavia responsible for stability of the currency and financial discipline and for performance of other functions defined by federal law.

The governor directs the National Bank of Yugoslavia and is accountable for its performance.

The governor of the National Bank of Yugoslavia is elected for a term of four years and may be reelected.

Constitutionality and Legality

Article 116

The constitutions of the member republics, federal laws, the laws of the member republics, and all other regulations and general enactments must be in conformity with the Constitution of the Federal Republic of Yugoslavia.

Laws, other regulations, and general enactments in the member republic must be consistent with federal law.

Regulations and other general enactments of federal bodies and agencies must be consistent with federal law.

Article 117

Laws, other regulations, and general enactments of federal bodies and agencies take effect no earlier than the eighth day following the date of publication, unless it has been provided that they are to take effect earlier for justifiable reasons established at the time of their adoption.

Article 118

Laws, other regulations, and general enactments may not have retroactive effect.

Only certain provisions of a law may have retroactive effect if this is required by the general interest, as established at the time of their adoption.

Article 119

Certain public authorities may be entrusted to an enterprise or other organization by law.

State agencies and organizations which exercise public authority may in certain cases rule on the rights and obligations of natural and juridical persons or, on the basis of law, apply coercive and restrictive measures, only in proceedings prescribed by law.

Article 120

An appeal may be filed with the competent body against a decision and other individual acts of judicial, administrative, and other state agencies, and also against such acts of agencies and organizations which violate public authority, adopted in the first instance.

As an exception in certain cases the law may preclude an appeal if protection of rights and legality have been otherwise guaranteed.

Article 121

The competent court decides on the legality of final administrative enactments in an administrative dispute unless other judicial protection is provided by law.

As an exception in certain types of administrative cases an administrative dispute may be precluded, but only by law.

Article 122

Decisions, certificates, and other individual acts issued by government agencies and authorized organizations in one member republic have the same validity over the entire territory of the Federal Republic of Yugoslavia.

Article 123

The proceedings of federal bodies and agencies are accessible to the public.

The public may be restricted or excluded from the proceedings of federal bodies and agencies only in the cases defined by federal law.

Article 124

Everyone has the right to compensation of the damage he has incurred from the unlawful or improper action of an official or state body or organization or organization exercising public authority, in accordance with law.

The state is required to make compensation.

An injured party has the right, pursuant to law, to also seek compensation directly from the person who committed the injury.

Article 125

Individuals and juridical persons are offered legal assistance by the bar as an independent and self-sufficient service, in accordance with law.

Federal Constitutional Court

Article 126

The Federal Constitutional Court decides on the following:

- 1) The conformity of the constitutions of the member republics with the Constitution of the Federal Republic of Yugoslavia;
- 2) The conformity of laws, other regulations, and general enactments with the Constitution of the Federal Republic of Yugoslavia and with international treaties confirmed and published;
- 3) The conformity of laws and other regulations and general enactments of the member republics with federal law;
- 4) The conformity of other regulations and general enactments of federal bodies and agencies with federal law;
- 5) The conformity of general enactments of political parties and other civic associations with this Constitution and federal law;
- 6) Constitutional appeals because an individual act or action has violated human and civil liberties and rights as established by this Constitution;
- 7) A conflict of jurisdiction between federal bodies and agencies and the bodies and agencies of the member republics and also between the bodies and agencies of the member republics;
- 8) Prohibition of the activity of political parties and other civic associations;
- 9) A violation of rights during election of federal bodies.

The Federal Constitutional Court may rule on the constitutionality and legality of enactments which have ceased to be valid if less than one year has passed from termination of validity to the institution of proceedings.

Article 127

The Federal Constitutional Court consists of five judges.

A judge of the Federal Constitutional Court is elected to a term of nine years and may not be reelected to the same office.

The president of the Federal Constitutional Court is elected by the judges from among their own ranks, by secret ballot, for a term of three years, and he may not be reelected.

A judge of the Federal Constitutional Court may not hold other public office or perform professional activity.

A judge of the Federal Constitutional Court enjoys the same immunity as a federal deputy.

The immunity of a judge of the Federal Constitutional Court is decided by the Federal Constitutional Court.

Article 128

The office of a judge of the Federal Constitutional Court is terminated before the end of the term for which he was elected when he so requests, when he qualifies for an

old-age pension as established by federal law, and when he receives a prison sentence that is not suspended.

A judge of the Federal Constitutional Court is dismissed if he is convicted of a punishable act making him unfit to perform his function or if he permanently loses the ability to perform the functions of a judge of the Federal Constitutional Court.

The Federal Constitutional Court informs the Federal Assembly and president of the Republic on the existence of grounds for termination of the office or dismissal of a judge of the Federal Constitutional Court.

The Federal Constitutional Court may decide that a judge of the Federal Constitutional Court against whom criminal proceedings have been instituted shall not perform his duties so long as those proceedings last.

Article 129

Anyone may petition institution of proceedings for evaluation of constitutionality and legality.

Proceedings before the Federal Constitutional Court are instituted by federal bodies and agencies and juridical persons when they judge that a right or interest of theirs has been infringed by an act whose constitutionality and legality is disputed.

The Federal Constitutional Court may itself institute proceedings for evaluation of constitutionality and legality.

Article 130

The Federal Constitutional Court decides on a constitutional appeal when other legal protection has not been furnished.

Article 131

The Federal Constitutional Court decides by a majority of the votes of the judges.

A decision of the Federal Constitutional Court is universally binding and enforceable.

Should it be necessary, the Federal Government sees that a decision of the Federal Constitutional Court is executed.

Article 132

When the Federal Constitutional Court finds that the constitution of a member republic is not in conformity with the Constitution of the Federal Republic of Yugoslavia, the constitution of the member republic ceases to be valid at the end of six months from the date when the nonconformity was established if the nonconformity is not corrected in that period.

When the Federal Constitutional Court finds that there is a nonconformity of laws, other regulations, and general enactments, the respective law, other regulation, or general enactment ceases to be valid on the date of publication of the decision of the Federal Constitutional Court.

Article 133

The organization, procedure, and legal effect of decisions of the Federal Constitutional Court are regulated by federal law.

Article 134

In the course of proceedings, before a decision is rendered, the Federal Constitutional Court may order a stay of execution of an individual enactment or action undertaken on the basis of the law, other regulation, or general enactment if irreparable and harmful consequences could result from their execution.

Army of the Federal Republic of Yugoslavia

Article 135

The Federal Republic of Yugoslavia has an army which defends the sovereignty, territory, independence, and constitutional order.

The Army of the Federal Republic of Yugoslavia may be at the service of an international organization by permission of the Federal Government.

Article 136

The Army of the Federal Republic of Yugoslavia is made up of Yugoslav nationals.

The Army of the Federal Republic of Yugoslavia consists of professional personnel and reserves.

Commissioned officers, noncommissioned officers, and men constitute the professional personnel.

Civilians who have trained for the army make up the reserves.

A federal law is adopted on the Army of the Federal Republic of Yugoslavia.

Article 137

The Army of the Federal Republic of Yugoslavia is commanded in peacetime and wartime by the president of the Republic on the basis of decisions of the Supreme Defense Council.

The Supreme Defense Council is made up of the president of the Republic and the presidents of the member republics.

The president of the Republic is the chairman of the Supreme Defense Council.

Article 138

The president of the Republic commissions, promotes, and dismisses officers of the Army of the Federal Republic of Yugoslavia designated by federal law, appoints and dismisses the presidents, judges, and lay judges of military courts and military prosecutors.

Article 139

The military obligation is universal, under the conditions defined by federal law.

A citizen who on religious or other grounds of conscience does not desire to discharge his military obligation under

arms is allowed to discharge his military obligation in the Army of the Federal Republic of Yugoslavia without a weapon or in civilian service, in accordance with federal law.

Article 140

Military courts and military prosecutors are established by federal law.

The military courts are independent courts and render judgment on the basis of federal laws.

Amending the Constitution of the Federal Republic of Yugoslavia

Article 141

A proposal to amend the Constitution of the Republic of Yugoslavia, excepting Articles 1, 2, 3, 6, 7, 76, 142, and 143, may be submitted by a group of at least 100,000 voters, a group of at least 30 federal deputies in the Chamber of Citizens, a group of at least 20 federal deputies in the Chamber of Republics, and by the Federal Government.

A proposal to amend the Constitution of the Federal Republic of Yugoslavia is decided on by both chambers of the Federal Assembly by a three-fourths majority of all federal deputies in each chamber.

If a proposal to amend the Constitution of the Federal Republic of Yugoslavia is not adopted, the same proposal may not be submitted within one year from the date when the proposal failed of adoption.

Article 142

A proposal to amend Articles 1, 2, 3, 6, 7, 76, 142, or 143 of the Constitution of the Federal Republic of Yugoslavia may be submitted by a group of at least 100,000 voters, a group of at least 30 federal deputies in the Chamber of Citizens, the Federal Government, or the assembly of a member republic.

A proposal to amend the Constitution of the Federal Republic of Yugoslavia is decided on by the Chamber of Citizens of the Federal Assembly by a three-fourths majority.

The Chamber of Citizens may decide to undertake to amend the Constitution of the Federal Republic of Yugoslavia when the assemblies of the member republics concur in a proposal to amend the Constitution of the Federal Republic of Yugoslavia.

If a proposal to amend the Constitution fails of adoption, that same proposal may not be repeated within one year from the date when the proposal was rejected.

Article 143

A proposal of an act to amend Articles 1, 2, 3, 6, 7, 76, 142, or 143 of the Constitution of the Federal Republic of Yugoslavia is decided on by the Chamber of Citizens of the Federal Assembly by a three-fourths majority.

An amendment to the Constitution of the Federal Republic of Yugoslavia is adopted when the assemblies of the member republics concur in the text adopted by the Chamber of Citizens of the Federal Assembly.

If the assembly of a member republic does not concur with the text of an act to amend the Constitution which has been adopted by the Chamber of Citizens, the proposal to amend the Constitution on which consensus has not been achieved may not be placed on the agenda within one year from the date when the Chamber of Citizens established that consensus did not exist.

Article 144

Amendments to the Constitution of the Federal Republic of Yugoslavia are proclaimed by the Federal Assembly in a joint session of the Chamber of Citizens and the Chamber of Republics.

Final Provisions

Article 145

A constitutional law will be enacted to implement the Constitution of the Federal Republic of Yugoslavia.

The constitutional law is adopted by the Chamber of Citizens of the Federal Assembly by a two-thirds majority of all its deputies.

The constitutional law is promulgated and takes effect simultaneously with the Constitution of the Federal Republic of Yugoslavia.

Article 146

This Constitution takes effect on the date when it is promulgated.

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