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Released by the Bureau of Democracy, Human Rights, and Labor
October 2001

The State Constitution of Bosnia and Herzegovina and the entity Constitutions of both the Federation and the Republika Srpska (RS) provide for freedom of religion, and individuals generally enjoy this right in areas that are ethnically mixed or where they are adherents of the majority religion. However, despite constitutional protections, the ability of individuals to worship in areas where theirs is a minority faith was restricted, sometimes violently.

Respect for religious freedom did not change overall during the period covered by this report, but the increased number of refugees returning to areas in which they constitute a religious minority suggested increased confidence among refugees that their religion and culture would be respected. On the other hand, these returns provoked a reaction by ethnic nationalists in some areas, who at times met the returnees' efforts to follow their faith with violence.

Religious intolerance in the country directly reflects ethnic intolerance because the identification of ethnicity with religious background is so close as to be virtually indistinguishable. In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons. In addition, increasing refugee returns and the resulting growth in ethnic/religious minorities, combined with sustained pressure from the international community on nationalist political parties, led to severe tension and several violent incidents during the first half of 2001. Minority religious believers, clerics, and properties associated with them sometimes became targets.

The U.S. Government sought to encourage leaders from all three major religious communities to play a more supportive role in promoting a multiethnic society that is conducive to religious freedom. Strong U.S. Government support for full implementation of the Dayton Accords, refugee returns, and politically moderate, multi-ethnic, government is intended, over time, to improve respect for religious freedom in the country.

Section I. Religious Demography

The territory of Bosnia and Herzegovina is divided into two entities, the Federation and the Republika Srpska (RS). The country has a total area of 19,781 square miles and its population is approximately 3.4 million.

Reliable statistics on the numbers of believers of different faiths are unavailable. However, ethnic groups are identified with distinct religions or religious/cultural traditions. The three largest are: Bosniaks, who are generally Muslim or of Muslim background (46 percent); Serbs, who are generally Serbian Orthodox or of Orthodox background (31 percent); and Croats, who are generally Roman Catholic or of Catholic background (14 percent). There are also small numbers of Romani and Jews. Protestants and other religious groups constitute a very small part of the population. Missionary activity is limited.

Ethnic cleansing during the 1992-95 war caused forced internal migration which almost completely segregated the population into separate ethnic/religious areas. Despite the increasing return of refugees, the majority of Serbian Orthodox adherents still live in the RS, and the majority of Muslims and Catholics still live in the Federation. Within the Federation, distinct Muslim and Catholic majority areas remain.

While the practice of religion is low among all groups, it reportedly is increasing among the young and is likely an expression of increased identification with their ethnic heritage. Religious practice is reportedly highest among Croats in the Herzegovina region.

Section II. Status of Religious Freedom***Legal/Policy Framework***

The Constitution provides for religious freedom; however, free exercise of this right is often denied to minorities, particularly in the RS and some areas of Herzegovina.

While the majority of the population of the Federation consists of Bosniaks and Croats, neither Islam nor Catholicism enjoys special status under the Federation Constitution. In July 2000 the Bosnian Constitutional Court struck down a provision in the RS Constitution directing the State to "materially support the Orthodox Church and cooperate with it in all fields." However, constitutional changes required by the decision have not yet been implemented.

The leaders of the Muslim, Catholic, Serbian Orthodox, and Jewish communities jointly presented a draft law that would define the legal status of religious organizations, including property rights. The draft law also grants a right to property restitution "in accordance with the law," but no such law has been established. Some international observers believe that a legal framework that accords equal status to all religious communities would decrease the dependence of religious leaders on the political process. However, the draft law has not yet been introduced in the State Parliament.

On May 10, 2000, the Education Ministers of both entities and the Deputy Federation Education Minister agreed on a standard curriculum, which requires all schools to teach the shared cultural heritage of all three communities. Government and religious leaders in the RS agreed in May 2000 that RS public schools would offer classes in all religions beginning in September 2001. However, this agreement has not yet been implemented.

Parties dominated by a single ethnic group remain powerful in the country, particularly in Serb and Croat-dominated areas. These parties have identified themselves closely with the religion associated with their predominant ethnic group. Some clerics have characterized hardline nationalist political sympathies as part of "true" religious practice. Many political party leaders are former Communists who have adopted the characteristics of ethnicity, including religion, to strengthen their credibility with voters.

However, the nationalists lost power in the Federation and in the State governments as a result of the November 2000 general elections. Following the elections, the multiethnic Social Democratic Party, the Party for Bosnia and Herzegovina, and several smaller parties formed the Alliance for Change coalition now in control of the Federation and State governments. However, the Bosniak Party for Democratic Action (SDA) (which continues to be identified as a nationalist party) and the Croat-nationalist Croatian Democratic Union (HDZ) remain powerful, particularly in areas where nationalist politicians can more easily prey on the fears of the population. The nationalist Serb Democratic Party (SDS) remained ideologically committed to Serb cultural and religious authority in the territory of the RS, where it won a significant plurality in the November 2000 elections. While the Party for Democratic Progress (PDP) of RS Prime Minister Mladen Ivanic is relatively moderate, it is heavily dependent on the SDS in order to remain in office.

Restrictions on Religious Freedom

In certain cases, local officials have blocked the return of minority religious leaders by using administrative obstacles. For example, on June 4, 2001, the Islamic community, in consultation with the international community, agreed to abandon a plan to lay the cornerstone at the central mosque in Stolac. Instead, a fence will be placed around the site for the time being. The mayor of Croat-dominated Stolac recently denied permission for the Islamic community to reconstruct the mosque, which stood near the center of the city. The mayor claimed that the Catholic Church had requested permission to reconstruct a church that was on the site before the mosque. In light of these "competing claims" the mayor stated that the site should be turned into a park. RS authorities frequently delay or deny building permits for reconstruction of religious buildings destroyed during the 1992-95 war. For example, the mayor of Trebinje has hinted that further information, gathered from archeological studies of the site of the Oman Pasha mosque (see Section III), destroyed during the war, could prevent reconstruction. The Islamic Community also has requested permission to rebuild a number of other destroyed mosques in the RS, but has received permission only in a few cases where a large number of Bosniaks have returned and are the only residents of villages that were deserted after the war. The Catholic Church reports that local authorities in Pecnik are threatening to demolish a Catholic church currently being rebuilt because the work is being done without a building permit. In December 2000, the Human Rights Chamber concluded that local authorities in Bijelina prevented reconstruction of five mosques that were destroyed in 1993 and allowed buildings to be constructed on two of the former mosque sites, a parking lot on one, and flea markets on the remaining two. RS authorities ignored an order by the Chamber in 1999 to halt construction on one site. The Chamber ordered that permits be granted for reconstruction of the five mosques. No action by the authorities was taken by the end of the period covered by this report.

In the Federation, Ivan Mandic, a Croatian Democratic Union of Bosnia and Herzegovina (HDZ) hard-liner and the head of Mostar Municipality Southwest (MSW), refused to grant permission in December 2000 for reconstruction of Baba Besir Mosque, one of three mosques in MSW that were destroyed during the war.

In August 1998, the municipal government of Prnjavor, in the RS, ordered a Bosniak to move his deceased

wife's remains from the Muslim cemetery to a "new" Muslim cemetery. The municipal authorities claimed that the Muslim cemetery in which the deceased had been buried was closed. At a February 1999 Human Rights Chamber hearing concerning the case, evidence indicated that there was in fact no "new" Muslim cemetery in the area and that no reasonable grounds existed for closing the old Muslim cemetery (nearby Catholic and Orthodox cemeteries remained open). In February 2000, the Human Rights Chamber determined that the municipal government of Prnjavor had discriminated against the Islamic community by closing the cemetery. Prnjavor municipal authorities were ordered to allow burials within a month. As of June 30, 2001, Prnjavor authorities had not complied with the order.

All three major religious groups and the Jewish community have claims to property confiscated during World War II, the Communist period, or the 1992-95 war. While the Federation and the RS legislatures have passed laws on restitution of property, the High Representative has suspended action on both until an economically acceptable restitution plan is developed. Currently, municipal and canton authorities have broad discretion regarding disposition of contested property that was nationalized under the Communist government. Many use this as a tool of political patronage, rendering religious leaders dependent on politicians to regain lost property.

Public schools offer religious education classes. In theory, these classes are optional. However, in some areas, children who do not choose religion classes are subject to pressure and discrimination from peers and teachers. In many areas, schools do not hire teachers to offer religious education classes to students of minority religions. Sarajevo Canton's public schools tend to offer only Islamic religion classes. In Croat-majority West Mostar minority students theoretically have the right to take classes in non-Catholic religions; however, this option reportedly does not exist in practice. Orthodox symbols are present in public schools throughout the RS.

An estimated 1.2 million citizens remained internally displaced persons (IDP's) or refugees abroad as a result of the 1992-95 war. Virtually all of them had fled areas where their ethnic/religious community had been in the minority or had ended up in the minority as a result of the war.

Abuses of Religious Freedom

There were no reports of religious prisoners or detainees.

The RS government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom can take place. For example, during the violent riots by Serb demonstrators to prevent reconstruction of mosques in Trebinje and Banja Luka, local authorities failed to intervene to stop violent attacks on bystanders including elderly people, high-ranking government officials, and representatives of the international community (see Section III). The absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them are major obstacles to safeguarding the rights of religious minorities. While new officers are accepted into the police academies under strictly observed ethnic quotas, it will take years of concentrated effort to establish effective, professional multiethnic police forces throughout the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

A significant number of citizens remained IDP's or refugees abroad as a result of the 1992-95 war. Virtually all had fled areas where their ethnic/religious community had been in the minority or had ended up in the minority as a result of the war. However, both organized and spontaneous returns significantly increased during the period covered by this report.

In some cases the returns are directly associated with increasing religious pluralism. In the RS, reconstruction has been completed on five mosques that were destroyed during the war. All of the completed mosques are in areas with large numbers of Bosniak returnees. Three of the reconstructed mosques are in two small villages in the Prijedor municipality, two in Kozarac, and one in Kozars. Before the war, there were several mosques in the town of Prijedor. Unfortunately, Prijedor city authorities continue to refuse permission to reconstruct any of the mosques that were located within the city limits; however, reconstruction of a Catholic church is near completion. In other parts of the RS, the Islamic community has been able to reconstruct one destroyed mosque in the village of Jelic, Foca municipality, and one in Zvornik municipality.

In Bosniak-dominated Gradina, Konjic municipality, the Islamic community has voluntarily decided to remove a mosque constructed by the army during the war because the mosque is partially located on Serb-owned land.

On April 24, 2001, the foundation stone for a new synagogue was laid in Mostar. The synagogue will form part of a future Jewish Cultural Center. The Muslim and Croat members of the State Presidency attended the ceremony.

An Orthodox prayer is no longer offered at the beginning of Republika Srpska National Assembly (RSNA) sessions. When a new RSNA is sworn into office, each deputy may choose a religious oath according to his or her own religious tradition or a nonreligious civil oath. When the new RSNA was sworn in following the November 2000 general elections, the Orthodox Church marked the occasion with a service in a nearby church, not in the RSNA building.

Section III. Societal Attitudes

Until the 19th century, most Bosnians identified themselves by religious affiliation. With the rise of Balkan nationalism in the 19th century, Bosnians came to identify themselves in ethnic, as well as religious terms. This tendency increased during the Communist era when the regime discouraged religious affiliation. Under the Communists, most Bosnians identified themselves by ethnic group, or simply as "Yugoslavs." Since the country's independence, there have continued to be Bosnians who decline to accept either ethnic or religious identification and consider themselves simply as "Bosnians."

The 1992-95 war in Bosnia was not a religious conflict as such. However, the association of ethnicity and religion is so close that the bitterness engendered by the war and the 270,000 deaths it caused has contributed to mutual suspicion among members of all three major religious groups.

Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurs in virtually all parts of the country. Discrimination is significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation. However, incidents of discrimination occurred in Bosniak-majority areas as well. During the period covered by this report, Catholic cemeteries were vandalized in Tuzla and Tesanj in Bosniak-majority areas of the Federation and in Lukavac and Bosanski Brod in the RS. Catholic Church officials also reported the following incidents in the RS. On August 9, 2000, a hand grenade was thrown at a church in Zaslavica, Bosanski Samac county. On September 9, 2000, in Donji Kladari the words "This is Serbia" were written on the wall of a Catholic church. Finally, on December 16, 2000, a parish priest was attacked in Turic, Gradacac county.

While Sarajevo, the Bosniak-majority capital of the country, has preserved in part its traditional role as a multiethnic city, instances of discrimination continue to occur there, especially in education. Attacks against Orthodox and Catholic clerics and religious edifices have occurred in Sarajevo. On May 28, 2001, a Muslim woman walking with her husband and children physically and verbally assaulted a Catholic nun in central Sarajevo. On June 3, 2001, a group of Muslim youths harassed Catholic seminary students in front of the Catholic cathedral in central Sarajevo.

Throughout the country, religious minorities felt pressure and were intimidated by the ethnic/religious majorities in their regions. Numerous buildings belonging to the Islamic, Serbian Orthodox, and Roman Catholic communities were damaged or destroyed during the 1992-1995 war, usually in a deliberate attempt at ethnic intimidation. Among the religious buildings destroyed during the war were 618 mosques in the territory of the RS. Efforts to rebuild the destroyed Oman Pasha Mosque in Trebinje and the Ferhadija Central Mosque in Banja Luka resulted in violent riots in those cities in early May 2001. The violence started on May 5, 2001 in Trebinje when an estimated 1,500 Serb demonstrators attacked Islamic clerics and believers, international community representatives, and Federation government officials who had gathered to mark the laying of the cornerstone for reconstruction of the Oman Pasha Mosque. A number of people were beaten and injured while local authorities and police looked on and failed to intervene. On May 6, 2001, a grenade was thrown at the house of the leader of Trebinje's Muslim community. On May 9, 2001, the RS Interior Minister dismissed Trebinje police chief Jovo Cokoril. Local police officers arrested four persons in connection with an attack on the Office of the High Representative special envoy, and six other persons were arrested on other charges related to the riot. However, the Banja Luka court handed down extremely light sentences to those arrested. The RS Government released a statement expressing regret about the riot; however, the statement stressed that the reconstruction of religious buildings is being used for political purposes and is "causing tension" in the RS.

On May 7, 2001, an estimated 2,000 to 5,000 Serb demonstrators violently disrupted a similar ceremony on the site of the destroyed Ferhadija Central Mosque in Banja Luka. The mosque, deliberately destroyed by Serb nationalists during the war, had become a symbol of the ravages of ethnic cleansing, and efforts to rebuild it were politically sensitive. Before the ceremony could begin, about 200 protestors broke through police lines and violently attacked participants including elderly people, high-ranking government officials, and representatives of the international community. Violent Serb protestors trapped over 300 people in a building on the site owned by the Islamic community for about 8 hours until RS police were able to evacuate them. Protestors attacked the building with stones and removed Islamic symbols from the building. About 30 people were injured during the riot, including a Muslim man from Cazin, who died from his wounds on May 26, 2001. Protestors also burned Bosniak-owned businesses and destroyed the Bosnian Foreign Minister's car and several buses.

In the Banja Luka riots, RS government officials belatedly attempted to defuse the situation and the local police acted to safely evacuate the people trapped at the site, but they did not do so immediately. Some police officers reportedly joined the demonstrators. In the aftermath of the riots, RS Prime Minister Mladen Ivanic publicly accepted responsibility on behalf of the RS government for failure to ensure security. The Joint State Presidency strongly condemned RS authorities as "unprepared and incompetent in providing the respect of basic human rights and the freedom of religious confessions." Five senior RS police officers were suspended after the riots, and Interior Minister Ivica Bundalo resigned. However, on May 30, 2001 the RSNA adopted a report blaming the Islamic community and the international community for creating a situation, by seeking to rebuild destroyed mosques, which was likely to cause violent demonstrations. In a May 8, 2001 statement, Federal Republic of Yugoslavia President Vojislav Kostunica exacerbated the tensions when he, while condemning the violence, questioned whether the mosque should be rebuilt. RS leaders have suggested that the presence of international community figures and the use of Islamic symbols and music were provocative.

On June 18, 2001, Islamic community leaders finally were able to lay the cornerstone of the Ferhadija mosque. The RS government ordered a large security operation for the event. RS police used tear gas and water cannons to disperse hundreds of demonstrators, who sang nationalist songs and chanted anti-Muslim slogans to protest the ceremony.

Scattered reprisals by Bosniaks in the Federation to the violence in Banja Luka typify the problem of religious freedom in Bosnia and Herzegovina. Religious buildings, clerics, and individual believers in any area where they are a minority bear the brunt of retaliation for discrimination and violence perpetrated by other members of their religious/ethnic groups in areas where they are the majority. Because they are powerful symbols of religious identification and, therefore, ethnicity, clerics, and religious buildings are favored targets. Most religious leaders condemn violence and nationalism, but their message is undermined by other clerics who continue to support nationalist causes and separatism.

Serb Orthodox buildings and believers in Bosniak-dominated areas were targeted in the days following the riots in the RS. In contrast to events in the RS, protests in Bosniak majority areas against events in Trebinje and Banja Luka were well-organized and usually peaceful. However, there were some violent acts, a number of them directed against buildings of the Serb Orthodox Church, the primary symbol of the Serb ethnic group. On May 8, 2001, two Bosniaks threw a hand grenade at a Serb Orthodox Church in the Bosniak-dominated town of Sanski Most. The windows of a nearby cafe owned by a Serb were also smashed. Local police detained two Bosniak men in connection with the incidents. Also on May 8, a group of displaced Bosniaks originally from the RS refused to allow a group of displaced Serbs, originally from Sarajevo, to enter the Osjek cemetery in Ilidza, a suburb of Sarajevo that was predominantly Serb before the war. On May 9, 2001, about 20 Bosniaks stoned a house inhabited by Serbs in Sarajevo. Local police responded immediately to the attack, but no arrests have been made. Also on May 9, 2001, 11 tombstones in an Orthodox cemetery in Tuzla were desecrated and the cemetery chapel vandalized. Three Bosniak juveniles were arrested and charged in the case and local government officials condemned the vandalism. On May 25, 2001, a large group of Bosniaks stoned the houses of two Serb returnees in Bosniak-dominated Bocinja. In Croat-dominated Glamoc, Serb returnees' houses and the Orthodox Monastery Veselinje were shot with automatic weapons. Police have no suspects in the case.

In May 2001, leaflets were distributed in Doboï, in the RS, calling on Muslims to leave the city and urging Serbs to protest against the reconstruction of the city's mosque.

Leaders of the Muslim, Orthodox, Catholic, and Jewish communities have committed themselves publicly to building a durable peace and national reconciliation. The leaders of these four communities are members of the Interreligious Affairs Council of Bosnia and Herzegovina, which operates with the active involvement of the World Conference on Religion and Peace, a U.S.-based nongovernmental organization. The Organization for Security and Cooperation in Europe (OSCE) and OHR facilitate interfaith meetings at the local level as well. On June 8, 2001 in Rome, the Catholic conflict resolution group Sant'Egidio hosted a conference on religious reconciliation in Bosnia and Herzegovina. The Muslim, Catholic, Orthodox, and Jewish communities sent representatives to the conference, which released a joint statement supporting reconstruction of all religious sites in the country.

Section IV. U.S. Government Policy

The U.S. Government supports the return of refugees, democratization, and protection of human rights throughout the country. The U.S. Government also encourages leaders from all major religious communities to promote a multiethnic society that is conducive to religious freedom. The U.S. Government provides financial support to the Human Rights Chamber, which hears cases on religious discrimination. The Ambassador frequently meets with the principal religious leaders, individually and collectively, to urge them to work toward moderation and multiethnicity. In addition, the Embassy publicly condemns instances of religious discrimination and attacks against religious communities or buildings, and encourages leaders from all ethnic groups and members of the international community publicly oppose such attacks. The U.S. Agency for International Development provides funding to train lawyers and judges concerning human rights, including religious freedom.

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Released on October 26, 2001

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