

Bosnia (79)



Bosnia-Herzegovina

International Religious Freedom Report 2003

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The State Constitution of Bosnia and Herzegovina and the entity constitutions of the State's two constituent entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, provide for freedom of religion, and individuals generally enjoy this right in ethnically mixed areas or in areas where they are adherents of the majority religion; however, adherents of minority religions in non-ethnically mixed areas have had their right to worship restricted, sometimes violently.

There was no change in the status of respect for religious freedom during the period covered by this report. After a significant increase in 2001-2002 in the number of refugees returning to areas in which they constituted a religious minority, the number of returns sharply declined during the first 5 months of 2003. This decline likely resulted from a combination of factors, including the success of nationalist parties in the October 2002 elections, poor economic conditions, an increase in return-related violence, deaths and injuries caused by landmines, and frustration over problems with property restitution.

Religious intolerance in the country directly reflects ethnic intolerance because of the virtually indistinguishable identification of ethnicity with one's religious background. Ethnic Bosnian Muslims (Bosniaks) generally are associated with Islam, ethnic Croats with the Roman Catholic Church, and ethnic Serbs with the Serbian Orthodox Church. Despite the constitutional provisions protecting religious freedom, some discrimination against religious minorities occurs in virtually all parts of the country. In some communities, local religious leaders contributed to intolerance and an increase in nationalist feeling through public statements and on occasion in sermons. Following the October 2002 elections, which returned nationalist political parties to power, the number and severity of violent incidents directed against refugee returns have increased sharply.

The U.S. Government discusses religious freedom issues with the Government and leaders from all three major religious communities in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country's territory is divided into two entities, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), with a separate administrative district comprising Brcko. The country has a total area of 19,781 square miles, and its population is estimated to be between 3.4 and 4.4 million. In 2001 the U.N. High Commissioner for Refugees estimated that the population was 3.8 million. Reliable statistics on the precise membership of different religious groups remained unavailable.

Ethnic groups identify very closely with distinct religions or religious/cultural traditions, including the predominantly Muslim Bosniaks, the predominantly Roman Catholic Croats, and the predominantly Serbian Orthodox Serbs. According to the U.N. Development Program's Human Development Report 2002, Muslims constitute 40 percent of the population, Serbian Orthodox 31 percent, Roman Catholics 15 percent, Protestants 4 percent, and other groups 10 percent.

The rate of religious observance remains low among all religious groups; however, religious leaders claim that observance is increasing among the young as an expression of increased identification with their ethnic heritage. While the rate of religious observance generally has

remained moderate among members of the three major ethnic groups, some areas of significantly greater observance do exist, such as among Roman Catholic Croats in the Herzegovina region.

Ethnic cleansing during the 1992-1995 war caused internal migration, which almost completely segregated the population into separate ethno-religious areas. Increased levels of returns in 2001-2002 slowed markedly in 2003, leaving the majority of Serbian Orthodox adherents still living in the RS and the majority of Muslims and Catholics still living in the Federation. Within the Federation, distinct Muslim and Catholic majority areas remain. Returns of Serbian Orthodox adherents and Muslims to their prewar homes in Western Bosnia Canton and Muslims to their prewar homes in eastern Bosnia near Srebrenica have shifted notably the ethno-religious composition in both areas.

Missionary activity is limited but growing and includes a small number of representatives from the following organizations, some of which have their central offices for the region in Zagreb or another European city outside of the country: Seventh-day Adventists, Jehovah's Witnesses, the Methodist Church, the Church of Jesus Christ of Latter-day Saints (Mormons), and Krishna Consciousness.

Section II. Status of Religious Freedom

Legal/Policy Framework

The State Constitution provides for freedom of religion, and individuals generally enjoyed this right in ethnically mixed areas or in areas where they were adherents of the majority religion; however, adherents of minority religions in non-ethnically mixed areas had their right to worship restricted, sometimes violently.

The State Constitution attempts to safeguard the rights of the three major ethnic groups by providing for each group's proportional representation in the State Government and the military; for example, the country has a three-member joint Presidency composed of one representative from each of the three major ethnic groups, with a chairmanship that rotates every 8 months. Prior to 2003, the State Council of Ministers had six ministries, with each ethnic group holding two ministries and a deputy ministry position in each of the other four ministries. The chairmanship of the Council of Ministers rotated every 8 months with a Bosniak, a Croat, and a Serb minister assuming the chairmanship in turn. Since 2003 the chairmanship of the Council of Ministers ceased to rotate, and each ministry has only one deputy.

After the October 2002 elections, the coalition ruling parties reached an internal agreement on how to distribute ministries and deputy ministries among the governing parties (which are divided along ethnic lines) and how to select the Chairman of Council of Ministers (COM). The strongest political party in the coalition is the Bosniak Party for Democratic Action (SDA) (Bosniak) which holds the Chairmanship of the COM. Serb, Croat, and Bosniak political parties hold other positions. The entity governments also employ systems of proportional representation. In the RS in 2003, Serbs led eight ministries, Bosniaks led five, and Croats led three, while in the Federation, Bosniaks led eight ministries, Croats led five, and Serbs led three. Due to the intrinsic identification of the major ethnic groups with distinct religions or religious/cultural traditions, this principle of ethnic parity in effect has reserved certain positions in Government and the military for adherents or sympathizers of certain faiths.

Political parties dominated by a single ethnic group remain powerful in the country. Most political parties continue to identify closely with the religion associated with their predominant ethnic group; however, many political parties claim to be multiethnic. Some clerics have characterized hard-line nationalist political sympathies as part of "true" religious practice. Many political party leaders are former Communists who have adopted the characteristics of their particular ethnic group, including religion, to strengthen their credibility with voters.

Nationalists lost power in the Federation and State Governments as a result of the November 2000 general elections but returned to power after the October 2002 elections. Candidates of the three main nationalist parties, the SDA, the Serb Democratic Party (SDS), and the Croat Democratic Union (HDZ), won seats to the tripartite joint Presidency. The SDS, founded by wartime Serb leader Radovan Karadzic, won a plurality of votes in the RS elections but lost ground to the moderate Alliance of Independent Social Democrats (SNSD). Following the

October elections, coalitions of nationalist parties from all three ethnic groups gained control in the State Parliamentary Assembly, as well as the Federation and RS Parliaments. Several swing parties that previously had supported the moderate Alliance For Change (AFC) government, including the RS-based Party of Democratic Progress (PDP) and the Bosniak Party for Bosnia and Herzegovina (SBiH), joined with the nationalist parties, giving the nationalist coalitions the numbers they needed to gain control.

While the majority of the population of the Federation consists of Bosniaks and Croats, neither Islam nor Roman Catholicism enjoys special status under the Federation Constitution. In 2000 the State Constitutional Court struck down a provision in the RS Constitution directing the RS Government to "support materially the Serbian Orthodox Church and cooperate with it in all fields." In 2002 the RS gave approximately \$233,962 (500,000 KM) in assistance to the Serbian Orthodox, Roman Catholic, and Islamic faiths. In 2003 the RS Government planned to spend approximately \$330,980 (600,000 KM) on assistance to religious groups, principally to reconstruct religious buildings.

No legislation governs religion or the licensing of religious groups. As a result, minority religions seeking entry into the country generally apply for legal recognition as cultural or humanitarian organizations. Foreign religious workers normally enter the country with tourist visas, which allow for stays as long as 3 months. Some apparently enter and reenter the country every 3 months, essentially extending their tourist status indefinitely. The Government requires foreign missionaries to obtain a temporary residence permit from a Cantonal Ministry of Interior before their 3-month tourist visas expire. At that point, they must submit documentation substantiating the nature and status of their religious group/organization and its work plan for the country. If the organization can readily demonstrate its status as a non-profit organization engaged in voluntary, humanitarian activities, the Ministry normally will approve the application. There were no reports of authorities refusing to approve missionaries' applications for temporary residence permits. The Federation Government reported that some missionaries chose first to apply for a work permit with the Federation Institute of Employment. If authorities issued a work permit, they generally granted temporary residence for the same length of time as the work permit.

The canton and entity governments and the Brcko District authorities have responsibility for education; there is no national education ministry or policy. Public schools offer religious education classes, but with the exception of Brcko, schools generally offer religious instruction only in the area's majority religion. In theory, students have the option not to attend; however, in practice students of the majority religion face pressure from teachers and peers to attend the classes. The Government does not recognize home schooling as an alternative to obligatory public education.

The RS requires Serbs to attend religion classes but does not require attendance for Bosniaks and Croats. If more than 20 Bosniaks or Croats attend a particular school, the school will organize classes for their religions. In the five cantons with Bosniak majorities, schools offer Islamic religious instruction as a 2-hour per week elective course. Many schools in the predominantly Muslim Sarajevo Canton schedule religious instruction in the middle of the day, forcing students who do not attend the classes to wait or sit in the hall. Other cantons and Brcko District offer religious instruction at the end of the day, allowing students who do not attend the classes to go home early. In Sarajevo, Tuzla, Travnik, and Zenica/Vares, Croat students may attend Catholic school centers. In cantons with Croat majorities, all Croat students attend the "elective" 1-hour weekly Catholic religion course for primary and middle schools.

After the Office of the High Representative (OHR) endorsed a declaration signed by the Federation and RS Ministers of Education calling for the introduction of countrywide courses on "Democracy and Human Rights" and the "Culture of Religion," the democracy course has been completed and implemented as part of the official school curriculum in all Federation cantons, the RS, and Brcko. The comparative religion course, "Culture of Religion," is still under discussion, and had not been introduced at the end of the period covered by this report.

The State Government does not officially recognize any religious holidays. Entity and cantonal authorities routinely recognize religious holidays celebrated by members of the area's majority religion, with government and public offices closed on those days.

The leaders of the Muslim, Roman Catholic, Serbian Orthodox, and Jewish communities have prepared a draft law that would define the legal status of religious organizations, including

property rights. The State Council of Ministers has adopted the draft law and forwarded it to the Parliament for consideration. The World Conference on Religion and Peace, an NGO that assisted in drafting the law, expected the Parliament to take action on the measure in September or October. If adopted the law would grant religious organizations a right to property restitution "in accordance with the law"; however, no such restitution law exists. The four religious communities responsible for the draft law all have extensive claims for restitution of property that the Government of the former Yugoslavia nationalized after World War II and did not return. Some international observers believe that a legal framework governing property restitution that accords equal status to all religious communities would decrease dependence on the political process for religious leaders seeking property restitution on behalf of their communities.

Restrictions on Religious Freedom

The weak administrative and judicial systems effectively restrict religious freedom and pose major obstacles to safeguarding the rights of religious minorities. In some cases, the RS Government, local governments, and police forces made some improvements in protecting religious freedoms, although problems remained, including an atmosphere in which abuses of religious freedom may occur.

Deputies being sworn into the RS National Assembly may choose either a religious oath consistent with their religious tradition or a nonreligious civil oath. Deputies to the State and Federation Parliaments take nonreligious civil oaths.

The State Constitution provides for proportional representation for each of the three major ethnic groups in the Government and the military. Because of the close identification of ethnicity with religious background, this principal of ethnic parity in effect reserves certain positions in Government and the military for adherents or sympathizers of certain faiths. The military in the RS is staffed overwhelmingly by ethnic Serbs and only has Serbian Orthodox chaplains. The Federation military is composed of separate Bosniak and Croat units, as well as integrated units, and has both Muslim and Catholic chaplains.

In previous years, RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild some of the 618 mosques and 129 churches in the RS that were destroyed or significantly damaged during the 1992-1995 war. Local police also subsequently failed to conduct a serious investigation into several of the incidents. The RS Government has mediated a number of disputes between religious communities and local governments, resulting in the issuance of permits in virtually all of the outstanding reconstruction cases from 2001-2002, including permits for all five mosques being reconstructed in Bijeljina, for mosques in Trebinje, and for other disputed cases. The mosque in Doboj reopened following a bombing incident in December 2002, and in Zvornik the Islamic community and the city continued negotiations over an alternative mosque site.

The Human Rights Chamber, established under the Dayton Agreement, issues rulings that at times affect religious freedom, particularly regarding religious properties. The Chamber considers alleged violations of the European Convention on Human Rights if the violation falls within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing; parties cannot appeal the Chamber's decisions to the State Constitutional Court. In June the Human Rights Chamber found Travnik municipality in the Federation to be in violation of Article 9 of the European Convention on Human Rights. The municipality had returned property to the Islamic community but not to the Roman Catholic community. The Chamber ordered the Federation to expedite relocations of public schools housed in the Roman Catholic school building in Travnik so that remaining portions of the building could be returned to the Roman Catholic Archdiocese.

In the absence of a law governing property restitution, municipal and cantonal authorities have broad discretion regarding disposition of contested property nationalized under the Communist government. Many officials use property restitution cases as a tool of political patronage, rendering religious leaders dependent on politicians to regain property taken from religious communities.

Abuses of Religious Freedom

The RS Government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was some improvement from previous years. The absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them posed major obstacles to safeguarding the rights of religious minorities. While new officers continue to be accepted into the police academies under strictly observed ethnic quotas, the goal of establishing effective, professional, multiethnic police forces throughout the country will take years of concentrated effort. Administrative and financial obstacles to rebuilding religious structures impeded the ability of religious minorities to worship freely and delayed the return of minority refugees in many areas.

Thirteen Croats who in December 2001 had attacked the site of a mosque being reconstructed in Stolac received fines of \$113 (250 KM) per person for disturbing the public order, a petty offense. Two Bosniaks who had attempted to defend the mosque site received fines of \$91 (200 KM) each for the same violation. Reconstruction of the Stolac mosque continued without further problems and should reach completion by the end of 2003.

In October 2002, after many delays, 14 persons received sentences of 2 to 13 months in prison for their role in a violent demonstration by Serb nationalists in May 2001 that disrupted a cornerstone laying ceremony on the site of the destroyed Ferhadija Central Mosque in Banja Luka. The demonstration had resulted in injuries to approximately 30 individuals, as well as the destruction of Bosniak-owned businesses and other property.

A significant number of citizens remained internally displaced or as refugees abroad following the 1992-1995 war. Virtually all had fled areas where their ethno-religious community had been in the minority or had ended up in the minority as a result of the war. Although organized and spontaneous returns significantly increased in 2001-2002, they began to fall sharply in 2003.

A variety of incidents directed at religious targets in all three ethnic majority areas were reported throughout 2002 and the first half of 2003. In March a booby-trapped hand grenade killed a Muslim and seriously injured his son as they tried to repair an apartment in the Croat-controlled part of the ethnically divided town of Mostar. The apartment belonged to someone other than the two victims, making the intended target of the attack unclear.

In June the offices of the Travnik Islamic community were destroyed, although nothing was stolen during the incident.

In January local police arrested two suspects for breaking the windows in the houses of two Bosniak returnees in Srebrenica.

Incidents directed at Bosniak Muslims during the last months of 2002 included: The December 19 bombing of the house of a Bosniak returnee near Bijeljina, the December 23 desecration of two Muslim tombstones in a graveyard in Prijedor, the December bombings in Doboj of a mosque and two houses belonging to Bosniaks, and a November bomb attack against a mosque in Prijedor.

In September 2002, a powerful explosion completely destroyed the minaret and damaged the roof and windows of a newly reconstructed mosque in Gacko, only 3 months after the inauguration of the mosque in June 2002. During the same month, police arrested two Serbs for breaking the windows of a mosque in Doboj.

There were also incidents directed at Bosnian Croats during the last months of 2002. In December 2002, vandals in Mostar burned the municipal creche; police arrested several suspects in connection with the incident. Later that month, Muamer Topalovic, a Bosniak, attacked a Croat family that had recently returned to Konjic, killing three and severely injuring another. Topalovic, who apparently had carried out the attack for religious reasons, was sentenced to 35 years in prison.

A Croat family in Mostar received a threatening, racist letter with slogans praising Hamas, Islamic Jihad, and al-Qa'ida, attached to a hand grenade. Unknown culprits stoned the reading room and headquarters of the Croat humanitarian-cultural association "Danica" in Banja Luka. In November 2002, vandals sprayed the walls of Saint Joseph's Catholic Church in Drvar with

insulting graffiti.

Roman Catholic Church authorities in Sarajevo reported vandalism to cars belonging to church workers and other church property, the overturning of gravestones in Catholic cemeteries, and church entrances stained by urine. In April 2002, stone throwers attacked St. Anthony Church in Sarajevo during Easter week services.

There were incidents directed against members of the Bosnian Serb Orthodox community during the period covered by this report. Federation police arrested three suspects for attacking a Serb returnee family in Lukavac. In May the Orthodox Church of St. Peter and Paul in Kozarac repeatedly was stoned; police arrested four minors in connection with the incident, and the investigation continued at the end of the period covered by this report.

There were no reports of religious detainees or prisoners.

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 refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

In June Pope John Paul II made an official visit to the predominantly Serb Orthodox city of Banja Luka in the RS. Approximately 50,000 pilgrims and dignitaries attended an outdoor mass at the Petricevac monastery. RS police and some Federation police units, working with the NATO-led Stabilization Force, succeeded in deterring security incidents on the day of the visit. No nationalist demonstrations or altercations took place. The country's Croat leadership generally praised the organization and handling of the visit, although Banja Luka Bishop Franjo Komarica commented during the visit that "the Catholic Church in the Banja Luka region faces extinction" because of the low rate of Croat returns. The top three RS leaders—RS President Dragan Cavic (SDS), RS Prime Minister Dragan Mikerevic (PDP), and RS National Assembly Speaker Dragan Kalinic (SDS)—issued a joint statement criticizing Bishop Komarica's speech and denying that the RS Government had obstructed Croat returns. Orthodox Patriarch Pavle did not travel from Belgrade to meet the Pope, and local Orthodox bishops and the Metropolitan (the head of the Bosnian Serb Orthodox Church) did not attend the mass at the Petricevac monastery but did meet with the Pope privately.

Relations among religious communities in the Croat-dominated Stolac municipality in the Federation improved significantly over the past year. There have been no recent incidents of violence against returnees or attempts to obstruct the reconstruction of the municipality's historic Careva Mosque, which is nearly completed. Some tensions remain between the Catholic and Muslim religious communities.

In April Foca Mayor Nedeljko Pavlovic and Gorazde Mufti Hamed Efendic agreed on the construction of a Muslim religious facility in Foca, a notoriously hard-line Serb municipality in the RS.

In December 2002, the Serb-dominated Bijeljina Municipal Department for Urban Planning issued construction licenses for the reconstruction of all five mosques in Bijeljina, which had been mined and largely destroyed in 1993. A new mosque was constructed in Kupres. The reconstruction of three destroyed mosques finally began in Croat-dominated west Mostar. Finances, more so than religious discrimination, hampered further work on mosques in the Mostar area.

In June a foundation stone was laid for the reconstruction of Esma Sultana's mosque in Jajce. The mosque, originally constructed 340 years ago, had been destroyed in 1993. Also in June reconstruction began for the Osman-Pasha mosque in Trebinje, demolished at the beginning of 1993. In March reconstruction commenced for the Hadji-Omer mosque in Banja Luka, which was deliberately destroyed by fire in 1993. In December 2002, a new mosque was constructed in Livno on the foundations of an older mosque destroyed in 1993.

In September 2002, the first phase of repairs to a Roman Catholic church destroyed in 1992 in Teslic reached completion. One piece of Roman Catholic Church property was returned in Banja Luka.

The situation of religious minorities improved somewhat in Prijedor, a notably hard-line Serb municipality in the RS. In May 2002, five former police officers from Prijedor were detained for their suspected involvement in the 1995 murders of Catholic priest Tomislav Matanovic and his parents. In November 2002 after 2 years of delay, Prijedor city authorities approved a zoning plan permitting the construction of the city mosque; the city's several mosques had been destroyed during the war. Reconstruction of a Catholic church in Prijedor neared completion at the end of the period covered by this report. In Bosniak-dominated Bradina, Konjic municipality, the Islamic community agreed to remove a mosque that had been constructed on someone else's land.

Section III. Societal Attitudes

Until the 19th century, most of the country's residents identified themselves by religious affiliation. With the rise of Balkan nationalism in the 19th century, the country came to identify itself in ethnic, as well as religious terms. This tendency increased during the Communist era when the regime discouraged religious affiliation. Under the Communists, most of the country's population identified themselves by ethnic group or simply as "Yugoslavs." Only with the adoption of the 1974 Yugoslav Constitution could Muslims identify themselves as such in the census. Since the country's independence, there have continued to be persons who decline to accept either ethnic or religious identification and consider themselves simply as Bosnians.

The 1992-1995 war 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 approximately 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, some discrimination against religious minorities occurs in virtually all parts of the country. Discrimination is significantly worse in the RS, particularly in the eastern RS, and it remains a serious problem in Croat-dominated areas of the Federation; discrimination appears to also have become worse in Bosniak-majority areas.

Religious buildings, clerics, and individual believers in any area where they constitute a religious minority bear the brunt of retaliation for discrimination and violence perpetrated by other members of their religious/ethnic groups in areas where those groups constitute the majority. Because they are powerful symbols of religious identification and ethnicity, clerics and religious buildings are favored targets. Most religious leaders severely criticize violence and nationalism against their own group but can be less vocal in condemning acts against members of other groups.

While Sarajevo, the Bosniak-majority capital of the country, has preserved in part its traditional role as a multiethnic city, complaints of discrimination increased during the period covered by this report. There were reports of verbal attacks directed against nuns driving through Sarajevo and increased vandalism of cemeteries. 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. The religious buildings destroyed during the war included 618 mosques and 129 churches in RS territory. RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild many of the mosques and churches.

After violent efforts to obstruct the reconstruction of Osman Pasha Mosque in Trebinje, the rebuilding process finally commenced in June. Reconstruction of the Ferhadija Mosque in Banja Luka had not begun by the end of the period covered by this report, although the Islamic community has all the necessary permits and was collecting money for its construction.

At the end of the period covered by this report, no progress had been made in solving the May 2001 grenade attack against the Serb Orthodox Church in the Bosniak-dominated town of Sanski Most; the May 2001 stoning of Serb-inhabited houses in Sarajevo, Bocinja, and Glamoc; or the May 2001 desecration of 11 tombstones in an Orthodox cemetery in Tuzla.

