U.S. Department of State
Annual Report on International Religious Freedom for 1999: Bosnia and Herzegovina

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BOSNIA AND HERZEGOVINA

Section I. Freedom of Religion

The Constitution provides for freedom of religion, and, in general, individuals enjoy this right in their religious majority areas. However, the efforts of individuals to worship in areas in which they are an ethnic/religious minority were restricted, sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries (see Section II).

The Constitutions of the State and of both entities provide for religious freedom. 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 the Republika Srpska (RS), although the Constitution provides for religious freedom, it also states that "the Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion" and indicates that the "state shall materially support the Orthodox Church and it shall cooperate with it in all fields."

Because of the close identification of ethnicity with religious heritage in the country, it is difficult to distinguish clearly between religious freedom and freedom from ethnic discrimination. The three largest ethnic groups in the country are identified with three distinct religions, or at least religious ancestries. These groups include Bosniaks, who are Muslim or of Muslim descent, Croats, who are Roman Catholic or of Roman Catholic descent, and Serbs, who are Serbian Orthodox or of Orthodox descent. While no census has been taken in the country since 1991, a credible estimate of the ethnic breakdown is that 46 percent of the population are Bosniak, 14 percent Croat, and 31 percent Serb. The remainder of the population includes those of Romani, Jewish, mixed, and other origin.

As a legacy of the Communist period of 1945-1991 when religion was discouraged, the practice of religion is low among all groups. However, religious practice reportedly is increasing among the young. Currently religious practice is reportedly highest among Croats in the Herzegovina region.

All three major religious groups and the Jewish community have claims to property taken away from them during World War II, the Communist period, or the 1992-95 war. Neither the State nor the entity governments have enacted laws clarifying the legal status or ownership rights of religious organizations. Municipal and cantonal authorities have

broad discretion regarding disposition of this property. Many use this as a tool of political patronage. This renders religious leaders dependent on the beneficence of nationalist politicians in order to regain lost property. Some international observers believe that a legal framework providing equal religious status for all religious communities throughout the country would decrease the dependence of religious leaders on nationalist politicians from their respective communities.

Prior to mid-1998, car license plates identified vehicles as being registered in predominantly Bosniak, Serb, or Croat areas. This constituted a major obstacle to freedom of minorities to safely visit cemeteries and other religious sites in areas of the country with a majority population of a different group. The introduction in June 1998 of universal license plates significantly improved the ability of religious minorities to visit such sites.

An estimated 1.4 million citizens remained internally displaced persons (IDPs) 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.

In certain instances, local officials have blocked the return of minority religious leaders by using administrative obstacles. For example, in the spring of 1998 authorities in the Serb-dominated city of Mrkjonic Grad refused to approve the return of the Islamic community leader to the city. In the RS city of Bijeljina, the Islamic community leader has been unable to return since the end of the war in 1995 because local authorities have allowed Serb displaced persons to occupy his home. Officials in the Bosniak-dominated city of Bihac have hindered the return of an Orthodox priest to the city since the end of the war by declining to remove Bosniak IDPs from the Orthodox Church property that previously served as the resident priest's home. In July 1998, local government authorities and Serb protestors in Banja Luka, the capital of the RS entity, prevented the burial of the deceased Muslim religious leader of Banja Luka in that city. Demonstrators broke into an Islamic community building and harassed mourners. The body of the Mufti subsequently was interred in Sarajevo.

Numerous buildings belonging to the Islamic, Serbian Orthodox, and Roman Catholic communities were damaged or destroyed during the 1992-1995 war. Administrative and financial obstacles to rebuilding religious structures discouraged minority returns in many areas. RS authorities have blocked the reconstruction of any of the mosques or other Islamic community-owned buildings in the Banja Luka area destroyed during the war. Consequently, the Islamic community filed a case against RS authorities with the Human Rights Chamber, a legal institution established by the Dayton Accords. The Chamber held a hearing on the case and decided in favor of the Islamic community in June 1999. However, the RS government did not implement the decision as of the end of the month.

In Sarajevo cantonal authorities have provided funds for repair of the residence of the Orthodox Metropolitan. In the Bosniak-majority Una Sana canton, authorities provided a house and support to Orthodox priests who returned to the area to rebuild a monastery damaged during the war. Bosniak municipal leaders in Bosanska Krupa have offered to supply labor and are seeking to get additional funding to rebuild the Catholic Church, which also was damaged 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 had existed for closing the old Muslim cemetery (nearby Catholic and Orthodox cemeteries remained open). The Chamber had announced no decision on this case as of June 1999.

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. Schools generally do not hire teachers to offer religious education classes to students of minority religions. In Sarajevo canton, primary schools reportedly only offer Islamic religion classes. In Croat-majority West Mostar, while in theory minority students have the right to take classes in non-Catholic religions, reportedly this option does not exist in practice. Orthodox symbols are present in public schools throughout the RS. For a variety of reasons, minority families with children have been slow to return to the RS. Consequently, municipalities have not yet been compelled to deal with the issue of minority religious education.

Parties dominated by a single ethnic group remain powerful in the country. In the Federation, these include the Bosniak-dominated Party of Democratic Action (SDA) and the Croatian Democratic Union (HDZ), which participate in the entity's ruling coalition government. In the RS, the Serb Democratic Party (SDS) and the Serb Radical Party (SRS) remain openly opposed to the territory of the RS accommodating a multiethnic population. All these parties have identified themselves closely with the religion associated with their predominant ethnic group. Many leaders of these parties are former Communists who have adopted the trappings of ethnicity, including religion, to strengthen their credibility with voters.

Bosniak deputies in the RS assembly, the entity parliament that meets in Banja Luka, have been subjected to harsh rhetoric, and on one occasion to physical violence, from Serb colleagues at assembly sessions. At the beginning of every assembly session, an Orthodox priest recites a prayer, which leads Bosniak members to feel obliged to excuse themselves. Orthodox priests also deliver a sectarian blessing every time a new assembly is sworn in.

There was no change in the status of respect for religious freedom during the period covered by this report.

There were no reports of religious detainees or prisoners.

There were no reports of the forced religious conversion 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.

Section II. 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 1992-1995 war resulted in over 270,000 deaths. The war was primarily a conflict between those who supported the continued existence of the country as a multiethnic state and nationalist separatists. While the war was not a religious conflict, due to the close association of ethnicity and religion in the country, bitterness over the war has contributed to mutual suspicion among members of all three major religious groups.

Throughout the country, religious minorities felt pressure and were intimidated by the ethnic/religious majority. In 1998, violent incidents continued to hinder worship and cause damage to religious edifices and cemeteries. In the first half of 1999, incidents of vandalism reportedly took place.

There were instances of mob violence in the RS aimed at preventing Catholics from worshiping. In July 1998, a bomb explosion severely damaged a Roman Catholic church in the central Bosnian town of Kakanj, which had a mixed population before the war but currently has a Bosniak majority. On April 23, 1998, mob violence prevented the holding

of a Catholic ceremony in Derventa, that had been approved by RS authorities, involving Cardinal Vinko Puljic, the leader of the country's Roman Catholic community. Bosnian Serb protesters set up roadblocks to prevent participants, including Cardinal Puljic, from reaching the church. The violence appeared to be a reaction to the earlier murder of two Bosnian Serbs in Croat-controlled Drvar. Similarly, a Bosnian Serb mob prevented Catholics from Slavonski Brod from attending Mass at the Plehan monastery near Derventa. This incident followed a day of rioting against Bosnian Serb returnees in Drvar.

In Croat-dominated areas of Herzegovina, Muslims felt pressure not to practice their religion in public. In 1998 several incidents of vandalism occurred against Muslim religious sites, including a cemetery in Mostar.

None of the mosques in the RS destroyed during the war have been rebuilt or repaired, despite requests from the Islamic community for reconstruction.

The international community has increased pressure on both Bosniak and Croat leaders to compromise and join in an effort led by the Office of the High Representative (OHR) for a multiethnic Federation network. The Reis-ul-ulema, head of the Islamic community in the country, sent a public letter to the management of Federation State Television (RTV BiH) criticizing its "excessive" Christmas coverage and its "inadequate" coverage of Ramadan. The Reis-ul-ulema's chief of staff also noted that the Islamic community was dissatisfied with RTV BiH's treatment of Islam and the Islamic community, culture, and tradition in the country. Leaders of all three communities have sought to maintain political control of the media.

Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurs in virtually all parts of the country. It is significantly worse in the RS than in the Federation. Within the Federation, discrimination against minorities tends to be greater in Croat-majority than in Bosniak- majority areas. Sarajevo, the Bosniak-majority capital of the country, has preserved in part its traditional role as a multiethnic city. However, instances of discrimination exist in Sarajevo, especially in the areas of housing and support for return of minority refugees and displaced persons.

Leaders of the Muslim, Orthodox, Roman 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 and the OHR facilitated many interfaith meetings at the local level as well.

Section III. U.S. Government Policy

The U.S. Government has sought to engage leaders from all three major religious communities to play a more supportive role in promoting a multiethnic society with religious freedom for all. The U.S. Government has provided financial support to the Human Rights Chamber, which has heard cases on religious discrimination (see Section II). The U.S. Agency for International Development has funded training for lawyers and judges concerning the European Convention on Human Rights, which provides for religious freedom, and which the parties to the Dayton Accords agreed to apply in the country.

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