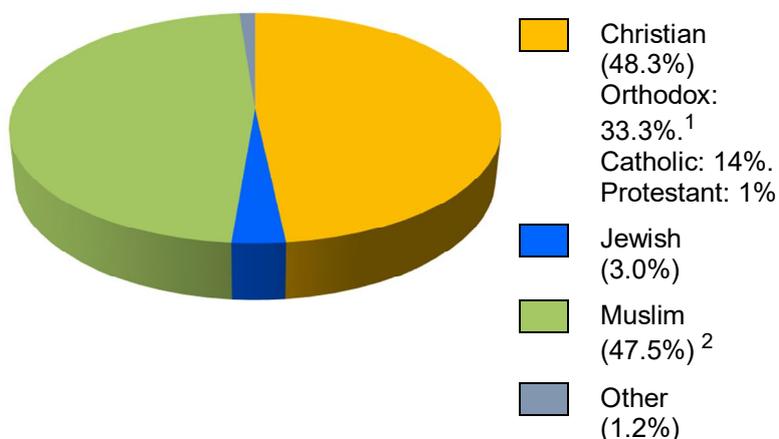


BOSNIA-HERZEGOVINA



Area: 51,197 km ²	Population¹: 3.79 million	Political system: Democracy	Major Language(s): Bosnian, Croatian, Serbian
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Legal framework on Freedom of Religion and actual application

The 1995 Dayton peace agreement brought an end to the 1992-95 war but cemented the results of the “ethnic cleansing” which, through displacement and migration, segregated the population into separate ethnoreligious areas. Two separate entities were established, effectively along ethnoreligious lines: the Bosniak -Croat Federation of Bosnia-Herzegovina, occupying the western and central areas and the Republika Srpska, located in the north and east. Both entities have their own president, government, parliament and police. Overarching these entities is a state government and rotating three-member presidency. In addition, there is a district of Brcko, a self-governing administrative unit. Annex 4 of the Dayton accord contains the Constitution of Bosnia and Herzegovina.

In post-war Bosnia and Herzegovina (BiH), the increased presence of religion in public life is evident. Some welcomed the religious revival as healthy assertion of identity after the decades-long secularisation during the Communist period, while others see it as rising threat to the politically fragile state. The country is still healing from its many wounds, and religious and cultural tensions still simmer.

By law, Bosnia and Herzegovina is a secular state with no official religion. The “Law on Freedom of the Religion and the Legal Position of the Churches and Religious Communities in Bosnia and Herzegovina” was adopted in 2004. This law provides for freedom of religion, ensures the legal status of churches and religious communities, and prohibits any form of discrimination against any religious community. The law also provides the basis for the establishment of relations between the state and religious communities.

The above mentioned law also mandated a register for all religious groups to be kept at the Ministry of Justice, while the Ministry of Human Rights and Refugees is tasked with documenting violations of religious freedom.

The law recognises four traditional religious communities and churches: the Islamic Community, the Serbian Orthodox Church, the Roman Catholic Church and the Jewish Community.

According to the above mentioned law, any group of 300 adult citizens may apply to form a new church or religious community with a written application to the Ministry of Justice. The Ministry of

Justice will issue a decision within 30 days of the application, and an appeal may be made to the Council of Ministers. The law allows minority religious organisations to register legally and operate without unwarranted restrictions.

The law reaffirms the right of every citizen to religious education. It calls for an official representative of the various churches or religious communities to be responsible for teaching religious studies in all public and private preschools, primary schools, and universities.

The "Basic Agreement between the Holy See and Bosnia-Herzegovina" was signed on 19th April 2006. In April 2010 an agreement was signed regarding pastoral care for Catholic members of the BiH armed forces. The Basic Agreement between BiH and the Serbian Orthodox Church was signed on 3rd December 2007. On 6th January 2010, the Islamic Community submitted its draft proposal to the BiH Presidency for its own agreement with the State. The content was still under negotiation at time of writing.

Bosnian Muslims or Bosniaks have traditionally had a secular and European outlook. During the pre-war period it was mostly the elderly from rural areas who attended mosques. However, the post-war period was characterised by an increase in the number of young, educated and urban Bosnian Muslims regularly attending the mosque. Such large scale attendance of mosques is noticeable mostly on the weekly Friday prayers (*jumu'a*) and on the annual Bayram prayers (*'Eid*).

Today in Bosnia and Herzegovina almost every Islamic group is represented from the followers of Said Nursî to Salafis, Islamic Revivalists and supporters of Abu Hamza al-Masri, at least on the internet.³ Malaysia, Saudi Arabia, Jordan, Indonesia, etc. have had mosques constructed in Sarajevo and other cities. Qatar and UAE assisted with the reconstruction of the buildings of the University of Sarajevo's Faculty of Islamic Studies and Gazi Husrev Bey's Library. The King Fahd mosque, built by the Saudis in 2000, is the largest Muslim holy place in the Balkans. Most of the new construction contrasts sharply with traditional Ottoman stone mosques, with low, rounded domes and a single monumental minaret.

The influence of Wahhabi Islam originates with foreign fighters who arrived during the war in the 1990s to fight alongside the Bosnian Muslims and never left.⁴ They are financed by Saudi charitable foundations.

Husein Bosnic, the leader of the country's Wahhabi movement, was sentenced to seven years in jail in November 2015 for recruiting fighters to join Daesh (ISIS) in Syria and Iraq. At least six BiH citizens, who attended Bosnic's lectures which were held in Salafi strongholds in the western and northern parts of the country, were killed in Syria.⁵ Police estimate about 200 BiH citizens, including women and children, have left to join fighters in Syria's war over the past three years, of whom more than 50 have returned and about 30 have been killed.

Incidents

Over the last 15 years, there have been clashes between the moderate local community and outsiders with more radical assumptions about Islam and its role in Bosnia and Herzegovina. Extremists repeatedly targeted Selvedin Beganovic, an imam in the small village of Trnovi in north-west of BiH, after he wrote an open letter stating his opposition to the recruitment of young Muslim men to fight in Syria and Iraq. The current head of the Islamic community in Bosnia-Herzegovina, Husein Kavazovic, was placed under police protection after receiving a death threat from a member of the Daesh (ISIS) terrorist organisation.

In mid-January 2016 the Riyasat, the main body representing the Islamic Community, called for the dissolution of parallel Muslim communities illegally established in the country. It called on members of those communities to integrate into the legal structures in line with Bosnian legislation on religious communities. An estimated 64 illegal Islamic communities are active in BiH and are regarded as hotbeds of radicalism and extremism. The Riyasat distanced itself from these

communities, stating that it has no insight into their activities and cannot be held responsible for them.

In November 2015 an Islamist killed two soldiers in a Sarajevo suburb. A Bosnian Serb police officer was killed in an attack on the Zvornik police station in April 2015 by Nerdin Ibric, a member of the Wahhabi movement. It followed another attack on a police station in Bugojno in 2010 in which a police officer was killed, and a shooting incident at the US embassy building in Sarajevo a year later.

In December 2015 leaders of the largest Bosniak (Muslim) political parties and the Islamic Community met in Sarajevo and adopted a declaration condemning violence perpetrated in the name of Muslims and calling on the Bosniaks in the country to oppose such actions. They stated that Bosnia and Herzegovina is seriously threatened by increasingly stronger Islamic radicalism and terrorism which has found a foothold in isolated communities led by self-styled interpreters of the Islamic faith. They explicitly mentioned promoters of the Takfir strand of Islam who consider almost all Muslim-populated countries today to be infidels and who advocate a return to "original Islam".

While dozens of mosques were built in the capital Sarajevo, no building permissions were given for Christian churches. Authorities have so far refused to return hundreds of nationalised Church buildings, despite a ruling by the European Court of Human Rights to do so.

The Diocese of Banja Luka in Republika Srpska, has fewer than 10,000 Catholics, most of whom are elderly, compared to 200,000 before the war. Today the lack of employment opportunities, a sense of political inaction and rising Islamic radicalism have triggered another exodus, especially among young Catholics.

According to Bishop Franjo Komarica, the head of the Catholic Bishops' Conference of Bosnia and Herzegovina, for a number of years the Catholic Croats have not received any support from the funds provided by the international community to enable former refugees to return.

Cardinal Vinko Puljic, the Archbishop of Sarajevo, stated in a letter to Patriarch Irinej of the Serbian Orthodox Church in February 2016 that the statements in which he glorified the creation of Republika Srpska, caused "disbelief, shock and disappointment," notably his claim that it was founded on "God's truth and justice."⁶ The letter reminded the Serbian patriarch that more than 140,000 Catholics were driven out of their homes on the territory which makes up present-day Republika Srpska.

Due to more than 50 years of Communism and a devastating war which included interethnic and interreligious tensions, interreligious tolerance is fragile and complex today. Religion has played role in the conflict in BiH but mostly indirectly and its dimension is often exaggerated.

Weak and marginalised during Communism, religion became vulnerable to manipulation by communists-turned-nationalists who sought a new ground of legitimacy. Hundreds of churches and mosques were intentionally destroyed. In many places religious communities were divided along the conflict lines. Where links between the Orthodox, Catholic and Muslim communities had existed, after the war in the 1990s they were heavily damaged.

Throughout the war, both the Vatican and the Catholic bishops in Bosnia and Herzegovina supported a united, multi-ethnic state and opposed proposals to partition along ethnic and religious lines. As the situation in Bosnia and Herzegovina did not improve and became more desperate, some Muslims began to speak in terms of a *jihad*. Unlike many of their Catholic and Muslim counterparts who stayed in Serb-held areas until they were forced out by "ethnic cleansing," most Orthodox bishops and priests fled areas under Croatian and Bosnian control early in the war.

One of the pioneers in interfaith dialogue in BiH is the Franciscan priest Marko Orsolich who founded the International Centre for the Promotion of Interreligious Dialogue in Sarajevo before the war. This centre involved priests, an imam, the President of the Jewish community, and numerous atheists. The Franciscans have been working in the region since at least the 14th century and have a long tradition of promoting interfaith tolerance.

The subsequent foundation of an Interreligious Council in 1997 has been a turning point in the history of religion in Bosnia and Herzegovina. Its task is to provide an authentic basis for mutual esteem, cooperation and living together peaceably in Bosnia and Herzegovina. During his visit on 6th June 2015 to Sarajevo, Pope Francis emphasised the importance of dialogue during an ecumenical and interreligious meeting of representatives from the different faith communities. The Pope encouraged all citizens to work in solidarity with all ethnic and religious groups in the country to create lasting peace. He suggested interreligious dialogue should not be left to religious leaders alone, but should “extend as far as possible to all believers, engaging the different sectors of civil society.”⁷

Prospects for Freedom of Religion

Bosnia and Herzegovina lacks a common narrative, but her people and leaders agree on one point: the State in its current form is unsustainable. After billions of dollars in foreign aid and intrusive international administration, it is nevertheless slowly leaning toward disintegration. Neither the country’s survival nor its integration into the EU and NATO are guaranteed.

BiH might reform sufficiently to complete EU accession but split peacefully. It might hold together but stagnate and never join the EU. Worst, it could split into parts along ethnoreligious lines and, unable to survive individually this could open the door to corruption and conflict.

For the time being there is not a significant Muslim group in BiH that advocates the establishment of an Islamic state or the application of Shari’a. Meanwhile, Saudi Arabia’s emerging rival, the Turkish government, also sees an opening to influence the future of Bosnia and Herzegovina. This is the main field of competition between Turkey and Saudi Arabia in terms of shaping the future of Islam.

Freed from the fear of war, violence and intimidation, people of various faith traditions in BiH should live together in peace in a multi-ethnic and multi-religious society. But initiatives to promote interreligious dialogue in post-war BiH remain distant from the lives of ordinary people. They have mainly focused on small circles of intellectuals and have not affected wider parts of society.

There is hope that, since religion has been a key divider of identity in BiH, interreligious dialogue could contribute to the multi-ethnic and multi-national tolerance. Religious leaders seem to agree on the need to renew genuine dialogue, and for reconciliation between the religious bodies and between the three communities. The Interreligious Council of Bosnia and Herzegovina, founded by Catholic Cardinal Vinko Puljic, Archbishop of Sarajevo, has an important moral weight and strong symbolic value.

The challenge for the Bosnia and Herzegovina would be to show that religion can counter extreme nationalism and can be a source of peace because of the close link between culture and national identity.

¹ The results of the first after-war census held in October 2013 were not available at the time of this writing. Members of the three statistical agencies have been unable to agree on the methodology to elaborate the results. The legal deadline for publication is 1st July 2016.

² The majority of Muslims by nationality today declare themselves Bosniaks

³ Ahmet Alibasic, “Globalization and its impact on Bosnian Muslims practices”, Democracy and Global Islam Conference, UC Berkeley, 22nd April 2005, <http://www.bosanskialim.com/rubrike/tekstovi/000355R021.PDF>

⁴ Wahhabi Islam is an 18th-century development of Sunni Islam practiced today mainly in Saudi Arabia.

⁵ Amela Huskic, the chairman of the court council, citing witness testimonies on 5th November 2015.

⁶ The letter on behalf of all Bosnian bishops on 8th February, prompted by Irinej's statements on the occasion of Republika Srpska Day, observed on 9th January. The BiH Constitutional Court declared the holiday unconstitutional because it reflects the wishes of only one nation.

⁷ Radio Vatican, 6th June 2016

http://en.radiovaticana.va/news/2015/06/06/pope_says_interfaith_dialogue_is_a_duty_for_all_in_bosnia/1149623

¹ Serbian Orthodox Church.

² The majority of Muslims by nationality today declare themselves Bosniaks.