



RIYASAT OF ISLAMIC COMMUNITY  
IN BOSNIA AND HERZEGOVINA  
**COMMISSION FOR FREEDOM OF RELIGION**

**REPORT  
ON REGISTERED CASES OF VIOLATIONS  
OF THE RIGHT TO FREEDOM OF  
RELIGION OF MUSLIMS IN BOSNIA  
AND HERZEGOVINA FOR 2020**

**SEPTEMBER 2021.**

REPORT ON REGISTERED CASES OF VIOLATION OF THE RIGHT  
TO FREEDOM OF RELIGION OF MUSLIMS IN BOSNIA AND  
HERZEGOVINA FOR 2020

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**PUBLISHED BY**

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IN BOSNIA AND HERZEGOVINA  
COMMISSION FOR FREEDOM OF RELIGION

Sarajevo, 2021.

# **REPORT**

ON REGISTERED CASES OF VIOLATIONS OF THE  
RIGHT TO FREEDOM OF RELIGION OF MUSLIMS  
IN BOSNIA AND HERZEGOVINA FOR 2020



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## Introduction

The Report on Registered Cases of Violations of Right to Freedom of Religion of Muslims in Bosnia and Herzegovina contains cases reported to and analyzed by the Commission for Freedom of Religion of the Riyasat of the Islamic Community in Bosnia and Herzegovina in 2020. The first part of the report is the Introduction, followed by the second part which offers general information on the activities of the Commission. The third part is the Summary of the work of the commission. It is followed by the fourth part of the Report, encompassing individual complaints of Muslims in regards to limiting their right to freedom of religion or discrimination. This part also encompasses cases of violation of freedom of religion registered by monitoring the media, such as desecration of mosques, cemeteries and other facilities of the Islamic Community. A novelty of the report of 2020 is the segment of education (discrimination of Bosniak children in the educational institutions in B&H entity *Republika Srpska*) and politics (statements by political leaders which negatively reflect on Bosniak Muslims). The final, fifth part consists of recommendations.

Bosnia and Herzegovina generally has a sound legal basis for the protection of the human rights and elimination of discrimination. However, difficulties arise in the application of laws, often due to lack of harmonization or complex state setup and its structure, as well as due to lack of awareness and knowledge of legal options as well as the lack of accommodation of faith in special regulatory environments, such as e.g. work.

Orthodox symbols and iconography of the Serbian Orthodox Church are prominent in public institutions in the Republika Srpska entity of Bosnia and Herzegovina - practices that have no legal basis and are contrary to the principle of separation of state and religion and equality of religious communities. Nevertheless, the Commission warns against inappropriate iconography, festivities, celebrations and other discriminatory content in public sectors

and institutions, especially in Republika Srpska. It was noticed that excessive, inappropriate presence of iconography in public sectors and institutions puts members of other religious beliefs into an unfavorable and discriminatory position. Patron saint celebrations (*krsna slava*), religious ritual programs in which Muslims are also subjected to, endangers their right to freedom of religion and beliefs, and this is especially visible in public schools.

A large number of cities and municipalities in the RS celebrate one Orthodox holiday as a municipal day. These days are celebrated as public holidays. An Orthodox religious holiday, Savior's Day (*Spasovdan*) is the patron saint of the city of Banja Luka. This holiday is celebrated by the city of Banja Luka together with the Serbian Orthodox Church every year on June 6. The celebration begins with the performance of the holy religious liturgy and is usually part of a wider event organized by the city of Banja Luka called "Spring in Banja Luka".<sup>1</sup> The patron saint of Zvornik is Saint Paraskeva (*Sveta Petka Trnova*), who is considered the protector of the city. This holiday is celebrated on August 8, and begins with a holy liturgy and continues with a procession through the city led by the icon of Saint Paraskeva. This day is celebrated as a public holiday that congratulates all citizens of Zvornik and is organized as part of the city event "Summer in Zvornik".<sup>2</sup>

This problem has not been taken seriously so far. The Commission considers that the secular state has an obligation to protect every individual from discrimination and indoctrination, and in particular discrimination on the grounds of religion and belief.

Hate speech and hate crimes are still present in our society. B&H institutions have not shown sufficient readiness and capacity in the fight against this negative and socially very dangerous phenomenon. Hate speech is especially present on social networks, which have not been sufficiently treated in the application of judicial instances. A positive example is the decision of the Cantonal

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1 "Liturgijom počelo obilježavanje krsne slave grada", *Nezavisne novine*, 6.6.2019, Banjaluka <https://www.nezavisne.com/novosti/banjaluka/Liturgijom-pocelo-obiljezavanje-krsne-slave-grada-Banjaluka/542235> (Accessed: 3.9.2019.)

2 Grad Zvornik, <http://www.gradzvornik.org/2019/08/09/proslavljena-slava-grada-zvornika/?script=lat> (Accessed: 13.2.2020.)

Court in Travnik in case no. 49 0 K 041 354 18 KŽ by which the perpetrator was convicted of a hate crime<sup>3</sup> and sentenced to 9 months in prison and 10500 KM in damages to the injured party.

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3 čl. 362 st. 2 a u vezi čl. 2. tačka 11 KZ FBiH

## GENERAL INFORMATION

On 13 September 2012, the Riyasat of Islamic Community in Bosnia and Herzegovina adopted a resolution on the establishment of the Commission for Freedom of Religion as independent expert and advisory body of the Riyasat whose role is to help Riyasat in performing its constitutional duty of protecting the religious human rights of Muslims. (Article 57 of the Constitution of the Islamic Community in Bosnia and Herzegovina - revised text)

The Commission is in charge of: promoting respect of freedom of religion, documenting cases of violating the right to freedom of religion of the members of Islamic Community, informing the members of Islamic Community about their religious rights and means of legal protection, cooperating with state institutions and similar organizations in the country and abroad, proposing to Riyasat a certain option or activity in regards to violation of the freedom of religion of members of Islamic Community. Once a year, the Commission submits a report to the Riyasat on the state of rights to freedom of religion of members of Islamic Community. The Commission has nine members: Remzija Pitić, president of the Commission; Dževada Šuško, PhD; Emir Kovačević, MA, vice president of the Commission; Nedim Begović, PhD; Ahmed Purdić, PhD; Senada Tahirović, Mensur Karadža, Ekrem Tucaković, PhD; Hikmet Karčić, PhD. Nihad Mehmedović, secretary of the Commission.

The work of the Commission is based on current regulations of the right to freedom of religion in the legal system of Bosnia and Herzegovina, primarily:

### **A. EUROPEAN CONVENTION ON HUMAN RIGHTS:**

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or

belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others. (Article 9. Convention for the Protection of Human Rights and Fundamental Freedoms. *Rome*, 4<sup>th</sup> November 1950.)

## **B. CONSTITUTION OF BOSNIA AND HERZEGOVINA:**

The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law. (Article 2.2)

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include: (...) (g) Freedom of thought, conscience, and religion. (Article 2.3)

The enjoyment of the rights and freedoms provided for in this Article or in the

international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. (Constitution of Bosnia and Herzegovina, Article II, paragraph 4.)

The Federation will ensure the application of the highest level of internationally recognized rights and freedoms provided in the documents listed in the Annex to the Constitution. In particular:

(1) All persons within the territory of the Federation shall enjoy the rights:

(d) To freedom from discrimination based on race, color, sex, language, religion or creed, political or other opinions, and national or social origin;

(l) freedom of thought, conscience, and belief; freedom of religion, including private and public worship. (Constitution of Bosnia and Herzegovina, Article 2 (1) paragraph d) and l), II chapter Human Rights and Fundamental Freedoms.)

Citizens of the Republic shall be guaranteed equal freedoms, rights and duties; they shall be equal before the law and enjoy equal legal protection irrespective of their race, sex, language, ethnic origin, religion, social background, birth, education, financial standing, political and other beliefs, social status and other personal circumstances. (Constitution of Republic of Srpska, Article 10)

Freedom of religion shall be guaranteed. Religious communities shall be equal before the law and free to manage their religious affairs and practice religious services; they may open religious schools and conduct religious education in all schools at all levels of education; they may engage in commercial and other activities, receive gifts, establish and manage legacies, as provided by law. (Constitution of Republic of Srpska, Article 28)

### **C. LAW ON FREEDOM OF RELIGION AND LEGAL POSITION OF CHURCHES AND RELIGIOUS COMMUNITIES IN BOSNIA AND HERZEGOVINA:**

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Everyone has the right to freedom of religion or belief, including the freedom to publicly profess or not a religion. Also, everyone has right to adopt or change his or her religion, and the freedom - individually or in community with others, in public or private - to manifest his religion or belief in any manner in worship, practice and observance, maintenance of customs and other reli-

gious activities. Everyone shall have the right to religious education, which shall be provided solely by persons appointed so to do by an official representative of his Church or religious community, whether in religious institutions or in public and private pre-school institutions, primary schools and higher education which shall be regulated according to the specific regulations (Article 4.1) („Official Gazette B&H“, no. 5/04)

#### **D. LAW ON PROHIBITION OF DISCRIMINATION:**

According to which discrimination on the grounds of religion and belief is every different treatment including every exclusion, limitation or preference based on real or assumed features towards any person or group of persons on grounds of religion or belief, and every other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realization, of rights and freedoms in all areas of public life (Article 2.1). Prohibition of such discrimination shall be applied to all public bodies, all natural and legal persons, in public and private sector, in all spheres, especially: employment, membership in professional organizations, education, training, housing, health, social protection, goods and services designated for public and public places together with performing economic activities and public services (Article 2). („Official Gazette B&H“, no. 59/09 and 66/16)

# **SUMMARY OF THE REPORT ON THE WORK OF THE COMMISSION FOR FREEDOM OF RELIGION OF THE RIYASAT FOR 2020**

In 2020, the Commission adjusted its work to the conditions of the COVID-19 pandemic, which is why it held one regular and two telephone sessions. The Commission received a total of 3 complaints, and further recorded 9 reports monitored through the media. The Commission continued to receive reports of violations of their right to freedom of religion by e-mail, via electronic or printed forms, and to provide advice and assistance electronically.

## **REGULATIONS RELATED TO COMPLAINTS**

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Complaints to violations of right to freedom of religion are related to laws on police officers of Bosnia and Herzegovina, Federation of B&H, Republika Srpska and Brčko District, laws on courts in Federation of B&H, Republika Srpska and Brčko District and on the Law on Civil Servants in Federation of B&H.

The Law on Police Officers of Bosnia and Herzegovina<sup>4</sup>, in Art. 36 paragraph 3 states that it is the duty of the police officers to be "Impartial and to refrain from publicly expressing religious beliefs while on duty". An identical formulation is found in the Law on Police Officers of Federation of BiH<sup>5</sup> in Art. 36 paragraph 3; Law on Police Officers of Republika Srpska<sup>6</sup> in Art. 39 paragraph 3 and the Law on Police Officers of Brčko District of Bosnia and Herzegovina<sup>7</sup> in Art. 48 paragraphs 3.

4 Zakon o policijskim službenicima Bosne i Hercegovine *Sl. glasnik* broj 27/04, 63/04, 5/06, 58/06, 15/08, 63/08, 35/09 i 07/12

5 Zakonu o policijskim službenicima Federacije BiH (*Službene novine Federacije BiH*, br. 27/05 i 70/08)

6 Zakon o policijskim službenicima Republike Srpske (*Službeni glasnik Republike Srpske* br.20/14)

7 Zakonu o policijskim službenicima Brčko distrikta Bosne i Hercegovine (*Službeni*

The ban on the public manifestation of religion is also found in the laws on courts in Federation of BiH, Republika Srpska and Brčko District. In Art. 13 paragraph 1 of the Law on Courts of the Federation of BiH<sup>8</sup>, it is stated: "Judges and officials of the Court must not express any religious, political, national or other affiliation during the performance of official duties." An identical formulation is in the Law on Courts of Republika Srpska<sup>9</sup> in Art. 13 paragraph 1, while the Law on the Brcko District Courts<sup>10</sup> in Art. 14 has a similar provision that reads: "Judges can not be emphasized marks of religious, political, national or other affiliation, nor can such a mark be highlighted anywhere in courtrooms." The Law on the Court of Bosnia and Herzegovina<sup>11</sup> does not have any or similar provisions that would relate to religious restrictions.

The Law on Civil Service in the Federation of BiH<sup>12</sup> in Art. 17 paragraph 3 states: a) that the civil servant is impartial and in particular "refrains from publicly expressing political beliefs and does not abuse religious beliefs." Unlike this law, the Law on Civil Service in institutions of Bosnia and Herzegovina<sup>13</sup> in Art. 14 paragraph 3 states that a) does not mention religious beliefs and limits the ban on civil servants to "publicly display their own political beliefs". Also in the Law on Civil Servants in Republika Srpska<sup>14</sup> in Art. 6, paragraph 3, it is states that the "representation of political beliefs" is prohibited. The Law on Civil Service in the public administration bodies of the Brcko District of Bosnia and Herzegovina<sup>15</sup> apply the principle of political independence, thus in Article 4 Paragraph 9, it is stated

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*glasnik Brčko distrikta Bosne i Hercegovine*, brojevi: 41/07, 04/08, 36/09 i 60/10)

- 8 Zakon o sudovima u Federaciji BiH (*Sl.novine FBiH* 38/05, 22/06, 63/10, 72/10, 7/13 i 52/14
- 9 Zakona o sudovima Republike Srpske (*Službeni glasnik Republike Srpske*, broj 111/04, broj 109/05), broj 37/06, broj 119/08, broj 58/09)
- 10 Zakon o sudovima Brčko distrikta, (*Sl. gl. BD BiH* 19/07, 20/07, 39/09 i 31/11)
- 11 Zakon o sudu BiH (*Službeni glasnik Bosne i Hercegovine* br. 29/00, 16/02, 24/02, 3/03, 37/03, 42/03, 4/04, 9/04, 35/04, 61/04, 32/07)
- 12 Zakon o državnoj službi Federacije BiH, *Službene novine Federacije BiH*, broj: 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 i 04/12
- 13 Zakon o državnoj službi u institucijama Bosne i Hercegovine(*Službeni glasnik BiH*, br. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10 i 40/12)
- 14 Zakon o državnim službenicima (*Sl. glasnik RS*, br. 118/2008, 117/2011, 37/2012 i 57/2016)
- 15 Zakon o državnoj službi u organima javne uprave Brčko distrikta Bosne i Hercegovine (*Službeni glasnik Brčko distrikta BiH*, broj 9/14)

that “employees are not allowed to be politically influenced, nor to promote ideas of political parties during working hours “. In other words, when speaking of civil service laws, only the Law on Civil Service of the Federation of BiH establishes religious restrictions.

The controversial provisions of the abovementioned laws contain an absolute ban on the public expression of faith. We want to emphasize that Art. 9 paragraph 1 of the European Convention on Human Rights protects religious expression “privately and publicly” including in workplace<sup>16</sup>. Religious expression in the workplace may be restricted only if the conditions referred to in paragraph 2 of Art. 9 European of the Convention on Human Rights. It is necessary to change the controversial provisions from the abovementioned laws in a way that restricts religious expression only if such expression violates the impartiality of the work of the institution and when necessary in a democratic society and how it is provided for in the European Convention on Human Rights in Art. 9 paragraph 2.

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16 Eweida i dr. v. UK, verdict of the European Court of Human Rights from 27. 5. 2013, accessed 29. 1. 2018. file:///D:/MRV%20-%20Emir/Downloads/001-115881.pdf

# **REGISTERED CASES OF VIOLATION OF THE RIGHT TO FREEDOM OF RELIGION OF MUSLIMS IN B&H FOR 2020.**

## **A. COMPLAINTS RECEIVED BY THE COMMISSION FOR FREEDOM OF RELIGION OF THE RIYASAT OF THE ISLAMIC COMMUNITY IN B&H IN 2020**

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During 2020, the Commission for Freedom of Religion of the Riyasat of the Islamic Community in B&H received a total of 3 complaints regarding freedom of religion. Below is a short summary of the cases:

1. An employee of the Federal Police Administration complained about the employer's refusal to allow him to wear a beard at work. The refusal is based on the Instruction which stipulates that uniformed police officers must be shaved, while their hair and mustache must be neat. The applicant is a Muslim who wishes to wear a beard for religious reasons and considers that wearing a beard is a sign of respect for Islamic norms and devotion to God. He does not want to jeopardize in any way the work, professionalism and impartiality of the Defendant, but considers that wearing a neat beard does not interfere with these principles. After he was acquainted with the rules and duties that uniformed police officers have, i.e that he could not wear a beard, he respected that decision but decided to initiate legal proceedings against the employer. The first-instance decision of the Court established discrimination against the appellant, and now the decision of the second-instance body on the appeal of the Defendant is awaited.

2. The Commission received a complaint from Admir Bećirović, a member of the Armed Forces of Bosnia and Herzegovina, for denying him the right to wear a beard. The applicant states that he wishes to wear a beard exclusively for religious reasons, i.e to complete one of his religious duties. The nominee also states that, at the time when wearing a beard was allowed in the AFBiH, he complied with the regulations on the maximum length of up to 1 cm. He used a protective mask regularly and his neat short beard never bothered him. The appointee considers that wearing a beard that is neatly trimmed and shortened does not constitute an obstacle to the performance of all duties of a military person, nor to the use and utilization of military equipment. This is proved by the fact that in some NATO member countries it is allowed to wear the prescribed beard shape, such as in the armed forces of Austria, the Czech Republic, Germany, Italy, etc. Therefore, it is indisputable that there are several examples in NATO member states that allow members of the Armed Forces to wear beards. The procedure initiated before the Court, the first-instance decision rejected the claim and now the decision of the second-instance body on the appeal is awaited.

3. Muhammed-ef. Velić, imam of the Ferhadija mosque in Sarajevo, filed a complaint alleging that Haris Pendić from Mostar posted a video on YouTube in which he threatened to kill him. Based on the application of Muhammad-ef. Velić, the named man was detained and questioned by the police, it is not known whether a procedure has been initiated.

## **B. CASES DOCUMENTED THROUGH MEDIA MONITORING IN 2020**

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This part presents the cases of violating the right to freedom of religion in BiH documented by monitoring the media in 2020. These are divided into several groups:

1. Documented cases of desecrating mosques, cemeteries and other facilities of the IC.;
2. Documented verbal and physical attacks.;
3. Discrimination in public institutions;
4. Hate speech and Islamophobia;

These attacks were registered throughout BiH, most commonly in returnee areas.

### **1. Documented cases of desecrating mosques, cemeteries and other facilities of the IC.**

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#### **Bosanska Dubica, January 13, 2020, mosque in Bosanska Dubica vandalized again**

An attack on the Čaršijska mosque was recorded in the Majlis of the Islamic Community of Bosanska Dubica, in which a window was shattered and the facade was damaged in several places, and it is a mosque that has not been even opened yet. The case was reported to the competent authorities, who carried out an investigation. This is not the first attack on the Čaršijska mosque in this city, attacks and verbal insults in the area around this mosque are common. The last attack took place in October last year. The mosque was built in the early 17<sup>th</sup> century. The harem of the mosque has been declared a national monument of Bosnia and Herzegovina.

### **Sarajevo, April 6, 2020, Shattered windows on a mosque in Sarajevo**

Police officers from the Sarajevo Canton Ministry of the Interior arrested A. B. and S. Š., both from Sarajevo, on a suspicion of damaging the windows of a mosque in Komatin Street in the Stari Grad municipality. They are suspected of the criminal offense of damaging someone else's property, and the Prosecutor of the Sarajevo Canton Prosecutor's Office was informed about everything. Locals claim that the mosque has been "attacked by bullies and mentally insane people" twice in the last year. The suspects used concrete blocks to damage the windows on the mosque and the building next to the mosque. Last year during the Ramadan they attacked people returning from tarawih prayers. The KS Ministry of the Interior announced that they had been arrested and handed over to the premises of the Unit for Securing Facilities and Detention of Persons Deprived of Liberty of the Canton Sarajevo Ministry of the Interior, and that the police were continuing to work on documenting this crime.

### **Bratunac, August 20, 2020, a dead pig thrown into the harem of the Town Mosque in Bratunac**

On Thursday, August 20, 2020, a dead domestic pig was found in the harem of the Town Mosque in Bratunac. Immediately after learning about it, the Majlis of the Islamic Community of Bratunac reported this incident to the Police Station in Bratunac. The main Imam of the Majlis of the Islamic Community of Bratunac pointed out that this cannot be a coincidence because it is a domestic animal that is not bred in the center of Bratunac, or near the mosque, and the animal had to be deliberately brought and left there. For several months now, the imams and congregation members of this congregation have been finding garbage bags in the morning in the harem of the mosque. The incident happened on the first day of the New Hijrah in 1442, which further disturbed the congregation. The main Imam points out that, after this incident, it is clear that even the garbage they find almost

every morning in the harem of the mosque was not left there by accident or by mistake.

### **Bijeljina, October 11, 2020, Atik mosque once again the target of a vandal attack**

On the night of 11<sup>th</sup> October, the Sultan Sulejman Atik Mosque in Bijeljina, a national monument of Bosnia and Herzegovina, was attacked. Unknown persons shattered the windows of mosque, and the case was reported to the police by the officials of the Majlis of the Islamic Community of Bijeljina. This is not only an attack on the mosque as a religious building, but also a desecration of a national monument. The police made an official note, and at the insistence of the Majlis officials, since it is a national monument, an inspector later came with a team that conducted a thorough investigation. They removed both the stones that shattered the window, as well as part of the fence that was torn down at the back of the mosque. Atik (Old) Mosque is the oldest mosque in Bijeljina, built between 1520 and 1566.

## **2. Documented verbal (and physical) attacks.**

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### **Srebrenica, February 20, 2020, student with hijab verbally assaulted**

A ninth-grade student at the First Elementary School in Srebrenica, initials F. S., was attacked for wearing a hijab as she was returning home from school. According to her mother, a dozen students of Serbian nationality surrounded her daughter, bullying her for wearing a hijab and refused to let her go. Also, according to the mother, they jumped around her and asked for her scarf. Imam of Srebrenica Ahmed Hrustanović wrote on social networks: "Do you remember the picture of children praising Chetniks in the primary school in Srebrenica? Today, the same children attacked a Bosniak girl wearing a hijab after school. What's next?" A spokesman for the

Zvornik Police Department confirmed that this case had been reported to the police, and pointed out that the police officers of the Srebrenica Police Department had acted on the report. The duty prosecutor of the Bijeljina District Prosecutor's Office and the Center for Social Work were also informed about this case.

### **Bijeljina, May 3, 2020, attack by police officers on a Bosniak in quarantine**

Duško Tomić, Ermin Krivić's lawyer who came from Sweden to Bosnia and Herzegovina to spend Ramadan and Eid with his family, said that his client had problems during the quarantine in Bijeljina on religious and national grounds. Arriving in Bosnia and Herzegovina, the appointee received a decision that he could go home to Janj, but after reporting to the Health Organization in the RS, the same was revoked and another decision was issued, where he was given a 14-day quarantine. The lawyer points out that immediately after being imprisoned in quarantine, the policemen "took him to the tooth" because he said that he did not want to go to a hall with 30 people where he could get infected, which is why the police punished him by imprisoning him in the Serbian language classroom. He considers the act as a brutal provocation which was then followed with the words "What do you want, do you want to worship alone, do you want us to tie you up". The provocations did not stop there, Krivić's lawyer points out. Soon after he left his room to light a cigarette in the school yard (which is also part of the quarantine), a new incident occurred: "The policeman on duty punched him in the face, and after he fell, he was beaten by four other police officers." The lawyer believes that there is no doubt that Krivić was beaten up due to the religious and national intolerance of the police. After he was beaten, the police returned him to quarantine, where he was lying for two hours before he was transferred to the hospital with the intervention of Tomić's lawyer. According to his lawyer, the police asked him not to report this case. The lawyer states that the RS Minister of Police informed him that he would initiate disciplinary proceedings against four police officers, including Kristijan, who hit Krivić first. Tomić also stated that a correct report was made in the hospital, except that it was

left out that Krivić was also further kicked by the police, and that the report was stamped only after persistent insistence. Ermin Krivić's mother said that she hugged her son during the visit because she had not seen him for several months, and police officer Kristijan immediately threatened to tie him up. She added that she saw that the same rules did not apply to other quarantined persons who normally communicate with visitors.

### **3. Discrimination in public institutions**

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In B&H entity RS, many schools still celebrate and bear the name "Saint Sava", which is unacceptable for Bosniaks due highlighted religious and Orthodox character. The fact that the Orthodox celebration of "Saint Sava" is celebrated in secondary and primary schools shows that education reforms in the RS have not been successfully implemented. In order for the educational process in this entity to be established according to European and world standards, it is necessary to eliminate all elements of religious, national and any other discrimination. The planned harmonization of curricula in B&H entity of RS and the Republic of Serbia, is a violation of the Framework Law on Primary and Secondary Education of Bosnia and Herzegovina. Disabling Bosniaks from studying in the Bosnian language and national groups of subjects additionally indicates discrimination against Bosniaks in the B&H entity of RS.

#### **Prijedor, January 15, 2020, Job opening in Prijedor: Professor of Islamic Religious Education is needed, fighters and RVI of the RS Army have priority**

The Public Institution School of Agriculture and Food, Prijedor, has announced a job opening for the vacant position of professor of Islamic religious studies. Mirsad Duratović, a counselor in the Assembly of the City of Prijedor, was the first to warn about this discrimination, writing the following on his Facebook profile: "Although exactly a year ago I drew attention to this problem, those

who were invited to react first did not react. JU School of Agriculture and Food, Prijedor has announced a job opening for the vacant position: "Professor of ISLAMIC RELIGIOUS STUDIES", Rulebook on the type of education of teachers and professional associates in secondary technical and secondary vocational schools ("Official Gazette of RS" number: 29/12, 80 / 14 and 83/15), among other things, candidates with the established status of a veteran of the Defensive-Patriotic War of the Republika Srpska, the determined status of a war invalid of the Defensive-Patriotic War of the Republika Srpska and the determined status of the family of the deceased will have priority when hiring. The Ministry of Education and Culture of the Republic of Srpska stated that if two or more candidates have the same number of points, the candidate who exercises rights in accordance with the law governing the rights of veterans, war invalids and families of the fallen fighters. However, they did not answer the question whether it is possible to change the rules in order to omit these controversial beliefs in the competitions for the admission of professors of Islamic religious studies. At the same time, Mirsad Duratović, a counselor in the City Assembly of Prijedor, claims that the rulebook on the procedure for admission to employment in high school and the way of scoring the criteria for admission violates basic human rights and that he will seek an assessment of its constitutionality. This is not a binding but a special condition that gives the candidate an advantage over the others, but it violates the principle of equal chances. Article 10 of the Constitution is violated, which states that all citizens are equal regardless of race, gender, language, nationality, religion, social origin, birth, education, property status, political and other beliefs. He adds that the provisions that citizens have the right to be admitted to the public service and the workplace under equal conditions are also violated.

### **Srebrenica, January 29, 2020, Serb students in Srebrenica posted photographs praising Chetniks**

A photo of seven students with šubaras in one of the classrooms (winter hats characteristic for Serbian folk attire) was posted on Instagram, and the caption "Chetnik Brothers". The photos were

published when they celebrated the Orthodox baptism of Saint Sava at school. After the first wave of criticism, they proudly declared that they “are not ashamed that we are Serbs and that our ancestors are Chetniks.” A statement from the Ministry of Culture and Education of the Republika Srpska stated that the mentioned scene from the photo was not part of the official event organized on the occasion of the school celebration of Saint Sava. It was also stated that the management and professional service of the school conducted an interview with the students who published the disputed photo and imposed adequate measures for inappropriate behavior. Parents of Bosniak students are also asking for a new School Day to be established as soon as possible, a day which will not be related to national and religious holidays.

#### 4. Hate speech and Islamophobia

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**Twitter status, April 30, 2020, Rajko Vasić, former Minister of Information in the first RS Government, insults the victims of the genocide in Srebrenica again**

Rajko Vasić, former Minister of Information in the first RS Government, wrote on Twitter: “Srebrenica has long been used for washing the dead and money laundering. Who is surprised by the Silver Raspberry.” This is not the first time that Vasić addresses himself in this way via social networks. Two years ago, he insulted Srebrenica and the genocide committed against Bosniaks in an identical way. The day before the 23<sup>rd</sup> anniversary of the Srebrenica genocide, Vasić threatened a new genocide in a tweet: “I’m thinking something. If you love this Genocide over you so much, wait for the next opportunity”, which was the subject of an investigation by SIPA and the Prosecutor’s Office of BiH.

## RECOMMENDATIONS

The Commission for Freedom of Religion provides the following general recommendations:

1. The Agreement between the Islamic Community and the state of Bosnia and Herzegovina, which will acknowledge specific rulings of the Islamic faith, needs to be signed as soon as possible.

2. Different projects and educational programs need to be implemented to raise awareness of the need to condemn and prevent attacks on buildings and property of religious communities throughout Bosnia and Herzegovina. As well as the attacks on religious buildings through changes in legislation to treat hate crimes and ensure the establishment of surveillance cameras. This is important especially when it comes to the sites of repeated attacks, in order to reduce their number and make it easier to identify the perpetrators. It is necessary to build conditions for improving the work of the competent authorities so that the perpetrators of attacks on religious buildings are more severely sanctioned.

3. Legal regulations need to be harmonized and aligned with the European Convention on Human Rights and Freedoms and with the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina, as well as with the regulations and established practice of the United Nations, Council of Europe and OSCE, to adequately ensure the freedom of religion.

4. Given that there are increasing complaints of violation of the right to freedom of religion at a work place, the Commission makes the following specific recommendations:

- Legal provisions should be adopted to allow for an unpaid leave on Friday for the Jumma Friday prayer<sup>17</sup>, or to provide a

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17 The Law on Labour of the Federation of B&H contains this provision (Art.44 which states that the "employer is obliged" to provide rest in duration of one hour for one day in a week. However, the laws in Republika Srpska and Brčko District do not contain

possibility to work extra during the week to compensate for one hour of the Jumma break, and prayers at the work place should be enabled when conditions and the working process allow it, by ensuring a 10-minute break for this purpose.<sup>18</sup>

- It should be ensured that Rules of Service or Dress Code in certain institutions provide reasonable adjustment taking in consideration for religious accommodation.

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these provisions.

18 GUIDELINES FOR LEGISLATIVE REVIEWS OF LAWS AFFECTING RELIGION OR BELIEF adopted by the Venice Commission on its 59. session (Venice, 18-19. June 2004), p.15; <file:///D:/MRV%20-%20Emir/Documents/ODIHR/guidelines%20Venecijanska%20komisija%202004%20vrijeme%20za%20dzumu.pdf>

# ANNEX REPORT

## EXAMPLES OF GOOD COURT PRACTICE

### Government of Sarajevo Canton

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01/28/2020 The Government of KS issued a conclusion ordering all administrative bodies, administrative organizations, public institutions and companies (schools, health and social welfare institutions, etc.) founded by the Canton of Sarajevo, which provide food services, to adjust the menus to traditional and religious customs of citizens.

“It is an obligation that, respecting the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities in BiH and respecting the traditional requirements of national and religious customs (**halal products, halal slaughter, kosher food, fasting food in accordance with canonical regulations of the Serbian Orthodox Church, vegetarian food etc.**), normatively prescribe that on fasting days it is provided to meal users - persons who express a wish to do so, that liquid and / or dry meals are prepared and distributed according to traditional religious customs, that the organization of food during religious holidays is harmonized with national and religious specifics, that the diet is organized in a way that respects religious regulations and regular nutrition, that the range and norms of consumption of food items are harmonized with religious customs.  
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Having in mind the fact that the harmonization of normative acts in accordance with the proposed conclusion requires a certain knowledge of religious regulations and customs in the diet for believers, the Government recommended that the holders of activities from this conclusion consult with the competent churches and religious communities.

The Commission is satisfied with the cooperation of state institutions in cases dealt with in 2020, as well as with the fair responses of institutions to the Commission’s request to comment on individual cases.