

REPORT ON REGISTERED CASES OF VIOLATIONS
OF THE RIGHT TO FREEDOM OF RELIGION OF
MUSLIMS IN BOSNIA AND HERZEGOVINA IN 2021

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RIJASET OF THE ISLAMIC COMMUNITY IN BOSNIA AND HERZEGOVINA
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For the publisher:

Mufti Remzija-ef. Pitić,
President of the Commission

Editors:

Nihad Mehmedović,
Ekrem Tucaković,
Emir Kovačević,
Dževada Šuško



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Sarajevo 2022

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INTRODUCTION

The report of the Commission for Freedom of Religion of the Riyasat of the Islamic Community on registered cases of violation of the right to freedom of religion of Muslims in Bosnia and Herzegovina summarizes the legal and social aspects of exercising the right to religious freedom.

In order to achieve broader goals of protection and affirmation of religious rights and freedoms of Muslims, the Report not only refers to the registration of cases of violations of religious rights, but also contains certain guidelines, recommendations and positive examples of religious rights in society.

This Report covers cases recorded in the media and received and considered by the Commission for Freedom of Religion of the Riyasat of the Islamic Community in Bosnia and Herzegovina in 2021.

Generally speaking, there is an adequate legal basis in Bosnia and Herzegovina for the protection of the right to freedom of religion or belief and the elimination of discrimination based on religion or belief. However, difficulties continuously arise in the application of legal regulations, often due to their inconsistency or different organizational structure of the state organization and its structure, due to insufficient education on ways and mechanisms of protection of religious rights, ignorance of legal possibilities and lack of religious accommodation in special regulatory environments, such as a workplace.

Orthodox symbols and iconography of the Serbian Orthodox Church are prominent in public institutions in the RS entity, a long-standing practice that has no valid legal basis and is further contrary to the principle of separation of state and religion and the principle of equality of religious communities and churches. The Commission warns of inappropriate iconography, festivities, celebrations and other discriminatory content in public institutions, especially, but not limited to, the RS entity of Bosnia and Herzegovina. Undoubtedly, the presence of religious iconography and symbols of one religious community in public institutions and institutions puts members of other religious beliefs at a disadvantage and in a discriminatory position. Baptismal celebrations, Orthodox religious ritual programs to which Muslims are also subjected, threaten the right of Muslims to freedom of religion and belief, which is especially pronounced in public schools. Muslim children, as the most vulnerable social population, are especially placed in an unfavorable and extremely painful position during the celebration of the Orthodox holiday of St. Sava, which marks schools in the Republika Srpska entity on January 27th. This holiday in its appearance is much more than a school holiday and is really and symbolically imbued with Orthodox ritual practice and symbolism. Forcing Muslims to participate in such school programs or stay in sc-

hool during their implementation is an undoubted violation of the fundamental right to freedom of religion and belief and is a flagrant blow to the human dignity of these children.

A large number of cities and municipalities in the BiH entity of RS celebrate the Orthodox holiday as a city or municipality day. These days are celebrated as public holidays. For the sake of illustration, the Orthodox religious holiday, Feast of the Ascension Day, is the baptismal feast 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 a religious liturgy. The baptismal feast of the city of Zvornik is St. Petka Trnova, who is also considered the patron saint of the city. This holiday is celebrated on August 8, which also begins with a liturgy, and continues with a procession through the city led by the icon of St. Petka Trnova. This day is marked as a public holiday that congratulates all the citizens of Zvornik.

The Commission considers that the secular state has an obligation to protect every individual from discrimination and indoctrination, and in particular discrimination based on religion and belief, while public authorities and institutions must reflect the religious, cultural and national diversity of the community. Christmas and Orthodox holidays and protectors of cities and municipalities are a glaring example of ignoring Muslim and Bosniak identities, their culture and traditions, and discriminating against Muslims and aggressively imposing Orthodox identities in public.

For many years, Muslim children in primary and secondary schools in the RS entity of Bosnia and Herzegovina have been denied the fundamental right to name their own language after its real name. Instead of mentioning the term Bosnian language in the school documentation, which is a constitutional category, the schools in the Bosnian entity of RS invented and arbitrarily introduced the name “Bosniak language”. Parents of children have been fighting for almost a decade in order to exercise the guaranteed right to study the Bosnian language and to be registered in school documents under that name. The authorities in the BiH entity of RS persistently continue to violate this fundamental right and remain consistent in discriminating against Muslim children.

The Commission especially points out the high potential of danger for the wider social community, which is carried by the phenomenon whose protagonist in public space is the member of the Presidency of Bosnia and Herzegovina from the Bosnian entity of RS Milorad Dodik. For an unbearably long period, Dodik, using special media in Bosnia and Herzegovina and Serbia, has persistently spread open hatred towards Muslims, their religion and culture. He calls Bosniaks the religious designation “Muslims”, uses inappropriate and offensive qualifications, calling them “converts”, “submissive people”, “only converts function like Muslims because they converted their religion at some time there” - This is a lone example in modern Europe that a high-ranking politician deprives the indigenous people of their country of their national identity, reduces them to a religious

group, and in the context of strong political tensions spreads open hatred and stigmatization. In real and symbolic terms, the universal term “Muslim”, with which over a billion people on the globe identify, Dodik portrays as suspicious, hostile and socially dangerous. This goes beyond the example of pure Islamophobia in the narrower and broader sense of the term, as it is an act of hateful targeting from the position of effective power of an entire group to eliminate it in its physical or real identity sense, reminiscent of an earlier 1993 “that Muslims are genetically corrupt material.” It is known what horrible crimes this concept left behind. Dodik’s continuous campaign, given the historical circumstances and the difficult legacy of a bloody past and genocide, inflames nationalist fervor and certainly leads to discrimination, hostility and physical endangerment of Bosniak lives and property simply because they are perceived as Muslims. The Commission warns of the seriousness of this campaign, its destructive consequences, anti-civilization and anti-human character.

Hate speech and hate crimes are still present in Bosnian society. The institutions of Bosnia and Herzegovina have not shown enough 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 through court proceedings so far. This year saw a significant number of murals of convicted war criminals accompanied by hate speech texts. The glorification of convicted war criminals and their deeds not only brings deep unrest to society, but also brazenly defies the basic values on which modern civilization rests. Muslims see in them the re-rehabilitation and continuation of the policy and culture of killing, persecution and achieving the genocidal goals to which they were exposed during the aggression against Bosnia and Herzegovina in 1992-1995. years.

The Islamic Community in Bosnia and Herzegovina, as a traditional Muslim community, has been discriminated against by the state for failing to sign a treaty with the state - like the Catholic and Orthodox Churches - in the way the BiH Presidency did in August 2007 by ratifying the Basic Agreement between the Holy See and Bosnia and Herzegovina, and in May 2008 the Basic Agreement between Bosnia and Herzegovina and the Serbian Orthodox Church. The agreement, which the Islamic Community is expected to sign with the state of Bosnia and Herzegovina, as it did with the Catholic Church and the Serbian Orthodox Church, should improve and strengthen instruments to protect Muslim rights, especially those related to the specific needs of Muslims. Delaying and blocking the process of harmonizing the draft treaty has a negative impact on freedom of religion and discriminates against the entire Islamic community and Muslims compared to the other two traditional religious communities and their believers. A member of the Presidency of Bosnia and Herzegovina from the Bosnian entity of RS has repeatedly spoken out against signing an agreement with the Islamic Community.

In the absence of a law on restitution, most of the waqf property nationalized by the former Yugoslavia has not yet been returned to the Islamic Commu-

nity, although the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities entitles religious communities to restitution of expropriated property “in accordance with the law” throughout the country. However, what is even more worrying is that after the aggression on Bosnia and Herzegovina, some municipalities had waqf property that they inherited as nationalized, although the High Representative for Bosnia and Herzegovina banned such property, afterwards the FBiH Law on Property/Real Rights has forbid it.

1. LEGAL REGULATIONS AND INTERNATIONAL STANDARDS ON THE PROTECTION OF FREEDOM OF RELIGION AND BELIEF

At the international level, several binding documents have been adopted at various levels to protect and promote freedom of religion and belief and to prohibit discrimination. Also, in the legal system of Bosnia and Herzegovina there is an adequate legal framework for the protection of the right to freedom of religion and belief, and the elimination of discrimination based on religion or belief. We remind you of some of these documents and legal provisions:

European Convention on Human Rights

The 1950 European Convention on Human Rights builds on the 1948 United Nations Universal Declaration of Human Rights. It covers civil and political rights concerning everyday life in a democratic society as well as socio-economic rights that guarantee quality of life. Article 9 “Freedom of thought, conscience and religion” speaks of freedom of religion and reads:

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 teaching, practice, 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 14 of the European Convention on Human Rights prohibits discrimination and reads as follows:

The enjoyment of the rights and freedoms set forth in this Convention shall be ensured without discrimination on any grounds such as sex, race, color, language, religion, political or other opinion, national or social origin, affiliation with a national minority, property, birth, or other status.”

In addition to the Convention, there is the European Court of Human Rights, which takes care of the implementation of the European Convention on Human Rights. It protects the rights of individuals who have exhausted the domestic judiciary which means they have gone through all the judicial instances in the homeland. Judgments of the Court are final and binding on all members of the

Council of Europe. Given that Bosnia and Herzegovina is a member of the Council of Europe, it is obliged to apply the European Convention on Human Rights as well as all previous judgments.

Constitution of Bosnia and Herzegovina and entity constitutions

The introductory part or preamble of the Constitution of the State of Bosnia and Herzegovina speaks of the principles of equality, rights, tolerance, democratic organization of government, fair procedure and pluralistic society. Adherence to these principles is very significant given the fact that aggression during the 1990s sought to eradicate the centuries-old multi-religious society of Bosnia and Herzegovina. The preamble also highlights Bosnia and Herzegovina's commitment to the United Nations Charter and the Universal Declaration of Human Rights, as well as the International Convention on Civil, Political and Cultural Rights. It is important to point out that the European Convention for the Protection of Human Rights has priority over domestic law. Article II of the Constitution explicitly speaks of human rights and fundamental freedoms:

Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. (...) 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. (Constitution of Bosnia and Herzegovina, Article II, paragraph 2).

These documents, which have supremacy over domestic law, establish that the manifestation of religion in a private environment and in public places is protected. Also, the Constitution of Bosnia and Herzegovina states that all people in the territory of Bosnia and Herzegovina have the right to human rights and fundamental freedoms such as freedom of thought, conscience and religion, as stated in Article II, paragraphs 3 and 4:

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

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 and social origin or association with a national minority, property, birth or other status.

In the following, Article II also obliges the State of Bosnia and Herzegovina, courts, agencies and state bodies to apply and adapt to human rights and funda-

mental freedoms, and to cooperate and provide unrestricted access to all interested international monitoring organizations dealing with human rights.

Given that Bosnia and Herzegovina is politically organized at the state, entity and cantonal levels, the Constitutions of both entities (Federation of Bosnia and Herzegovina and Republika Srpska) are relevant when it comes to the issue of freedom of religion. The 1994 Constitution of the Federation of Bosnia and Herzegovina clearly relies on international human rights conventions. Article 2 is taken from the United Nations Declaration and states, *inter alia*, the prohibition of all discrimination based on religion. Therefore, the Constitution of the Federation ensures the application of the highest level of internationally recognized rights and freedoms, in particular in Article 2, paragraph (1), which reads:

All persons in the territory of the Federation enjoy the rights to:

- d) the prohibition of all discrimination based on race, color, sex, language, religion or belief, political or other opinion, national or social origin;
- l) freedom of opinion, conscience and belief; freedom of religion, including private and public religion

The Constitution of the Republika Srpska guarantees the equality of citizens. Article 10 of the RS Constitution reads:

“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.”

Although Article 10 of the RS Constitution states that citizens are equal and same before the law and enjoy the same legal protection, Article 28 of the RS Constitution explicitly mentions the Serbian Orthodox Church and thus favors the Serbian Orthodox Church over other religious communities:

“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.

The Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion.”

It is important to point out that Article 49, paragraph 4 of the RS Constitution refers to the European Convention for the Protection of Human Rights and Freedoms.

“The provisions of Articles 13, 22, 23, 24, 25, 26, 28 and 30 of the Constitution relating to the rights and freedoms of citizens shall be exercised in conformity with the corresponding provisions of Articles 8 through 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.”

Law on Freedom of Religion and Legal Status of Churches and Religious Communities in Bosnia and Herzegovina

Another state law important for the interpretation of religious freedoms and relations between the state and religious communities is the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities in Bosnia and Herzegovina, dated January 28, 2004, which is often cited as “. Article 4, paragraph 1 of this Law confirms the principle of equality of all churches and religious communities in Bosnia and Herzegovina:

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 religious 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.¹

The Law on Freedom of Religion applies to the entire territory of Bosnia and Herzegovina. Therefore, the authorities of the entities, cantons, Brčko District and municipalities are obliged to ensure the rights to freedom of enjoyment and religion and the prohibition of any discrimination based on religion or other belief (Article 3).

Article 5 prohibits attacks and insults on religious officials, damage to religious buildings or other property of churches and religious communities, activities or acts aimed at inciting religious hatred against any church or religious community or its members, disparaging or mocking any religion.

Article 15 introduces a new possibility of redefining the relationship between the state and religious communities:

The matters of common interest for Bosnia and Herzegovina or some or more churches and religious communities can be governed by an agreement made between the BiH Presidency, the Council of Ministers, the governments of entities and churches or religious communities.

1 “Official Gazette of BiH”, No. 5/04.

Thus, this article stipulates that churches and religious communities can sign an agreement that would resolve some specific issues that are not covered by the Law, and for the benefit of citizens and believers. In addition, the secular organization, i.e. the principle of separation of state structures and religious communities, continues, but their cooperation is encouraged.

Law on Prohibition of Discrimination

There is another important state law, the 2009 Law on Prohibition of Discrimination, which, as stated in Article 2, paragraph 1, does not allow:

any different treatment, including any exclusion, limitation or preference based on actual or presumed grounds against any person or group of persons on the basis 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, 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.

It then continues in the same Article 2:

Prohibition of 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.²

2 "Official Gazette of BiH" number: 59/09 and 66/16.

2. FREEDOM OF RELIGION IN BOSNIA AND HERZEGOVINA - GENERAL NOTES

According to the results of the 2013 census, there are 3,531,159 permanent residents in Bosnia and Herzegovina. Out of that, in the entity of the Federation of Bosnia and Herzegovina there are 2,219,220 inhabitants (62.85%), in the entity of Bosnia and Herzegovina RS 1,228,423 inhabitants (34.79%), and in the Brčko District 83,516 inhabitants (2.37%).

When it comes to the national structure, in Bosnia and Herzegovina live 50.11% of the population who declared themselves as Bosniaks, of whom the largest number are Muslims, then 30.78% of the population declared themselves as Serbs, while 15.43% declared themselves as Croats. 0.77% of the population did not vote nationally, while less than 3% were in the 'other' category, which includes members of 17 national minorities and other ethnic groups. By entities, 70.4% of Bosniaks live in the Federation of Bosnia and Herzegovina, 22.4% of Croats and 3.6% of Serbs, while 81.5% of Serbs, 14% of Bosniaks and 2.4% of Croats live in the Bosnian entity of RS. 40.3% of Bosniaks live in the Brčko District, followed by 34.6% of Serbs and 20.7% of Croats.

Statistics on the language used by the population of Bosnia and Herzegovina are as follows: 52.86% speak Bosnian, 30.76% speak Serbian and 14.6% speak Croatian. According to religion, 50.7% of Muslims, 30.75% of Orthodox and 15.19% of Catholics live in Bosnia and Herzegovina.

According to the last census, conducted in the former Yugoslavia in 1991, there were 4,377,033 inhabitants in Bosnia and Herzegovina, of whom 1,902,956 were Muslims, 1,366,104 Serbs, 760,852 Croats and 242,682 Yugoslavs. This means that in the 2013 census, there were 845,874 fewer inhabitants.

Violations of religious rights and freedoms in any society are a very specific and sensitive issue. However, especially in nationally and confessionally very heterogeneous environments such as Bosnia and Herzegovina, this may have deeper and broader social and political implications. It is therefore important to raise social awareness and sensitivity regarding religious rights and freedoms. The statistical analysis of violations of the religious rights of Muslims, recorded by the Commission in the last five years, shows oscillations in registered cases. However, on the one hand, it indicates the continuing existence of the problem, and on the other hand, the Commission is aware that many cases have not been reported or recorded, so this problem is more pronounced than these data show.

Tabular presentation of cases in the last 5 years (2017-2021)

	Registered cases	2021	2020	2019	2018	2017
1.	Desecration of mosques, cemeteries and other buildings of the Islamic Community	8	4	5	10	11
2.	Verbal attacks	1	1	3	1	1
3.	Physical attacks	1	1	2	0	2
4.	Education and educational institutions	2	2	0	1	1
5.	Hate speech and Islamophobia	9	1	4	11	4
6.	In total	21	9	14	23	19

Considering the situation in Bosnia and Herzegovina from the position of legal possibilities and restrictions on the enjoyment of freedom of religion and belief, some laws contain controversial provisions with an absolute ban on public religious expression, such as laws on police officials of Bosnia and Herzegovina, Federation of BiH, RS and Brčko District. , then the laws on courts in the Federation of BiH, the BiH entity of RS and the Brčko District, and the Law on Civil Service in the Federation of Bosnia and Herzegovina.

Law on Police Officials of Bosnia and Herzegovina³ in Art. Article 36 § 3 states that it is the duty of police officers to be “impartial and to refrain from publicly manifesting his/her political beliefs, and from publicly manifesting religious beliefs while on duty “. The identical wording is contained in the Law on Police Officials of the Federation of BiH⁴ in Art. 36, paragraph 3; Law on Police Officials of the Republika Srpska⁵ in Art. 39 para. 3 and the Law on Police Officials of the Brčko District of Bosnia and Herzegovina⁶ in Art. 48.st. 3.

Prohibition of public expression of religious beliefs is also contained in the laws on courts in the Federation of BiH, the Republika Srpska and the Brčko District. In Art. 13 para. 1 of the Law on Courts in the Federation of BiH⁷ states that: “

3 Law on Police Officers of Bosnia and Herzegovina *Sl. Gazette Nos. 27/04, 63/04, 5/06, 58/06, 15/08, 63/08, 35/09 and 07/12*

4 Law on Police Officers of the Federation of BiH (*Official Gazette of the Federation of BiH* , No. 27/05 and 70/08)

5 Law on Police Officers of the Republika Srpska (*Official Gazette of the Republika Srpska* No. 20/14)

6 Law on Police Officers of the Brčko District of Bosnia and Herzegovina (*Official Gazette of the Brčko District of Bosnia and Herzegovina* , numbers: 41/07, 04/08, 36/09 and 60/10)

7 Law on Courts in the Federation of BiH (*Official Gazette of FBiH* 38/05, 22/06, 63/10, 72/10, 7/13 and 52/14)

Judges and officials of the Court may not display any religious, political, national or other affiliation while performing official duties.” The Law on Courts of the Republika Srpska contains identical wording.⁸ in Art. 13 para. 1, while the Law on Courts of the Brčko District⁹ in Art. 14. has a similar provision which reads: “Judges shall not display symbols of religious, political, national or other affiliation, neither shall such symbols be displayed anywhere inside the Court premises.” The Law on the Court of Bosnia and Herzegovina¹⁰ does not have such or similar provision referred to religious restrictions.

In the Law on Civil Service in the Federation of BiH¹¹ in Art. 17 para. 3 states: a) that civil servant shall be impartial and in particular, that he “Refrain from any action or omission in performing his or her official duty, which are incompatible with or infringe the duties established by this Law and refrain in particular from publicly manifesting his/her political beliefs or abusing his/her religious beliefs”. Unlike this law, the Law on Civil Service in the Institutions of Bosnia and Herzegovina¹² in Art. 14 para. 3 states that: a) it does not mention religious beliefs and limits the prohibition of civil servants to “publicly manifesting his political or religious beliefs”. Also, in the Law on Civil Service in the Republika Srpska¹³ in Art. 6 para. 3 is limited to the prohibition of “representation of political beliefs”. The Law on Civil Service in the Public Administration Bodies of Brčko District of Bosnia and Herzegovina¹⁴ applies the principle of political independence, so Art. 4 para 9. states that “civil servants or employees are not allowed to fall under political influence, nor to promote the ideas of political parties during working hours.” In other words, when it comes to civil service laws, only the Civil Service Law of the Federation of Bosnia and Herzegovina imposes religious restrictions.

The disputed provisions of the above laws contain an absolute ban on public religious expression. We would like to emphasize that Art. Article 9 (1) of the European Convention on Human Rights protects religious expression “in private and in public”, including public places and workplaces.¹⁵ Religious expression in the workplace may be restricted only if the conditions referred to in paragraph 2 of Art. 9. European Convention on Human Rights. It is necessary to amend the

8 Law on Courts of the Republika Srpska (*Official Gazette of the Republika Srpska* , No. 111/04, No. 109/05), No. 37/06, No. 119/08, No. 58/09)

9 Law on Courts of Brčko District, (*Official Gazette of BD BiH* 19/07, 20/07, 39/09 and 31/11)

10 Law on the Court of BiH (*Official Gazette of Bosnia and Herzegovina* No. 29/00, 16/02, 24/02, 3/03, 37/03, 42/03, 4/04, 9/04, 35/04, 61 / 04, 32/07)

11 Law on Civil Service of the Federation of BiH, *Official Gazette of the Federation of BiH* , number: 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12

12 Law on Civil Service in the Institutions of Bosnia and Herzegovina (*Official Gazette of BiH* , No. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32 / 07, 43/09, 8/10 and 40/12)

13 Law on Civil Servants (*Official Gazette of RS* , No. 118/2008, 117/2011, 37/2012 and 57/2016)

14 Law on Civil Service in Public Administration Bodies of the Brčko District of Bosnia and Herzegovina (*Official Gazette of the Brčko District of BiH* , No. 9/14)

15 Eweida et al. V. UK, judgment of the European Court of Human Rights of 27 May 2013. accessed January 29, 2018. file: /// D: /MRV%20-%20Emir/Downloads/001-115881.pdf

disputed provisions of the above laws in such a way as to restrict religious expression only if such expression undermines the impartiality of the institution and when necessary, in a democratic society, as provided by the European Convention on Human Rights in Art. 9 para. 2

3. OVERVIEW OF CASES OF VIOLATIONS OF THE RIGHT TO FREEDOM OF RELIGION OF MUSLIMS IN BOSNIA AND HERZEGOVINA FOR 2021

The following is an overview of cases of violations of the right to freedom of religion of Muslims in Bosnia and Herzegovina in 2021. The cases presented here are divided into two parts: a) cases received and considered by the Commission and b) cases registered in the press, online media and social networks.

Applications received and considered by the Commission on Freedom of Religion

During 2021, the Commission for Freedom of Religion received and considered a total of nine reports in which individuals or persons complained about violations of their right to freedom of religion or desecration of Islamic Community property in Bosnia and Herzegovina.¹⁶

16 According to the Organization for Security and Co-operation in Europe (OSCE), which violates the religious freedom of Muslims in Bosnia and Herzegovina in 2021, 20 cases of burglary of mosques and three other cases of desecration or damage to Islamic Community property have been reported. one involves damaging the Aladža mosque in Foča. Five cases of harassing graffiti / messages on Muslim cemeteries or mosques have been reported, including the recurrence of offensive symbols at Islamic Community facilities in Prozor Rama municipality. A theft of a 300-year-old copy of the Qur'an was recorded in Fojnica. The OSCE Mission noted three offensive or threatening graffiti in public areas specifically targeting Muslims, three verbal attacks / threats against imams or religious teachers, and two other cases of physical and verbal attacks with potential religious motives against Muslims. The mission noted three potentially discriminatory acts or practices targeting Muslim men and women, including a ban on wearing swimsuits appropriate for Muslim women at the Panonnik Lake complex in Tuzla. The removal of the banner with the Eid greeting card was registered, as well as cases related to the usurpation of the property of the Islamic Community. There have been cases of harassment of Muslims during iftar in Ramadan, and during and before the funeral rites. The mission also noted several positive developments in the enjoyment of Islamic-specific religious freedoms, such as the conclusion of a new Muslim cemetery (harem) in Stolac, which, if implemented, would resolve the long-unresolved issue of the Muslim cemetery.

1. Discrimination in the Armed Forces ¹⁷(1)

Two members of the Armed Forces of Bosnia and Herzegovina (AF BiH) cite unconstitutional and illegal violations of religious freedoms in the Armed Forces of Bosnia and Herzegovina as the reason for filing the report. Members of the AF BiH are prevented, i.e. they are not allowed to wear a beard or headscarf during religious services due to their religious beliefs. Furthermore, they state that this problem has entered a new, more serious phase, because the Minister of Defense of Bosnia and Herzegovina, by explicitly applying the disputed Article 12 of the Rules of Service of the AF BiH (number: 06-02-3-4958 / 12 of 28 December 2012; *hereinafter*: PS OS BiH) in the form of an order, number: 06-50-1210-1 / 21 dated 21 April 2021. year, issued Instructions for action which states:

If a person declares that he violates regulations for religious reasons, he should immediately consider it a conscious violation of the regulations and sanction such person (by imposing a disciplinary measure, through official evaluation during the evaluation period in Part I and the section Ability to Lead - sets an example to others personal appearance and demeanor, initiate proceedings to terminate the Agreement on Admission to Professional Military Service for non-compliance with Article VIII thereof.).

In the end, they point out that the instruction of the Minister is completely clear, precise and unambiguous, and that as such it does not leave much possibility, which is to keep the beard and leave the BiH Armed Forces or shave the beard and stay in the BiH Armed Forces.

2. Discrimination in the Armed Forces (2)

The applicant states that he feels the duty and need to draw attention and point out the serious violations of religious rights and freedoms of Muslims serving in the Armed Forces of Bosnia and Herzegovina that have been happening for a long time, and with the last act of the General Inspectorate of the Ministry of Defense, the pressure on the believers culminated. Namely, with this latest act, as he states, Muslim believers are threatened with dismissal if they do not shave their beards if they do not exceed 1 cm in length. We would like to mention that it was previously allowed to wear a beard up to 1 cm in the Armed Forces of Bosnia and Herzegovina until December 28, 2012. when the Rule of Service in the Armed Forces came into force, which absolutely forbids wearing a beard. Muslim believers serving in the AF BiH know that their freedom of religion is guaranteed by the Constitution of Bosnia and Herzegovina, the Law on Religious Rights and Freedoms, the European Convention on Human Rights, etc., but they are also exposed to unprecedented threats and attacks.

17 In this Report, which will be made public, the Commission has opted to use initials instead of the full identity of the applicant (names and surnames).

3. Insults and threats on religious and national grounds

The Zenica Mufti's Office informed the Commission that a L.V.M., religious teacher had been verbally assaulted in front of a Bingo supermarket by a Serb worker with the initials S. R in Kotorski near Doboj in the Bosnian entity of RS. Her child attends a school where L.V.M. works as a religious teacher. She addressed a letter to the Majlis IZ Doboj stating the following:

On April 22, 2021, I was a teacher on duty in PO Kotorsko. During the second class 9th graders made a big mess at school and disrupted the teaching process. As a teacher on duty I entered the classroom and admonished them to calm down. When I left the classroom I heard their inappropriate comments, especially three girls stood out, swearing, insults about which I informed their class teacher and the school initiated the procedure as follows according to the Regulations.

Day April 24, 2021 around 16:10 h, I stopped by in a local Bingo supermarket that is located in Kotorsko. After I set out to go out, the mother of one of the girls, S.R., who is an employer of Bingo, asked if she could have a minute. I said of course, thinking she would ask about the event, apologize on behalf of the daughter, but no, she started talking about how it was just fine, how she didn't say it directly to my face, how students have the right to insult their teachers behind their backs, but if she said anything to my face, she would react. I said it would be best if you come to the school to find out about it, as I set off alone towards the car. Getting into the car, she angrily started shouting at me: "**Never forget where you are and where you live, never forget**", I experienced this as a threat and asked her: *Are you threatening me and warning me that with the scarf I have to know that I live in RS?* She said "YES" and began to wave her finger while whistling that I should leave RS, she started approaching me waving her finger to leave the space in front of Bingo. I drove myself in the car and she went back to her working place.

In almost 20 years of work and life, I have not experienced such a personal threat on the religious and national level, as it is today. I understood it as a real threat to me, and a ban on entering the Bingo facility where she works and where my family buys daily. I realized that I should fear for my children which also live here, and they might be unaware about where they live.

Lately, I have been feeling some strange developments on this issue in Doboj. Almost every day after work I find my car with various offensive symbols written on it, but I attribute it to children and to what they hear from the elders, I didn't even react. This is a personal threat to me and my family and therefore I ask you to do what is within your jurisdiction, and in terms of such events and intimidation returnees and it in month of Ramadan.

Around 16:20h, I called the police. They came very quickly and took a statement from me, saying that they would file a misdemeanor report against the person in question.

4. Insults and hate speech on the Internet

N. M. states that she is speaking on behalf of a group of citizens and congregation members, with a desire to find a way to prevent online hate speech that offends Islam, Muslims and the Islamic Community. N.M. as an example cites the online edition of Avaz, dated July 13, 2021, where in the comments section, a certain person publicly wrote offensive content that belittles Islam, as well as the dignity and feelings of Muslims. N.M. also states that reporting to Facebook that results in the closure of the profile is not enough satisfaction for Muslims who feel hurt because of such people and their speech. N.M. also states that reporting to the police is not enough because there is no guarantee that the police will investigate the cases that are reported.

5. Majlis IZ Ustikolina - Denial of the right to freedom of religion in prison

The Majlis of the Islamic Community of Ustikolina states that in the area of this Majlis there is a Penitentiary-Correctional Institution Sarajevo (KPZ) - a department of Ustikolina in which the imams of this Majlis for many years maintained contact with convicts and provided religious services. These services included: Jumma prayer, Tarawih prayer, Eid prayer, occasional lectures, delivery of religious literature and informative newspapers of the Islamic Community *Preporod*. The activities and presence of the Majlis in the Penitentiary gave positive results on the behavior of convicts, their re-education and return to normal life. The Majlis provided these services until the end of March 2020, when due to the epidemiological situation, everyone except employees was banned from entering the premises of the Penitentiary, and then visits to prisoners were also banned. By improving the epidemiological situation, and re-approving the visits, the representatives of the Majlis talked with the director of the department in Ustikolina about the return and provision of religious services in the Penitentiary. In a series of interviews with the director, they would almost always receive information that the re-provision of religious services depends on the decision and approval of the Federal Ministry of Justice. For information, religious services are provided in the neighboring municipality, i.e. the Foča Penitentiary in the RS. They believe that the convicts in the Ustikolina Penitentiary are denied the fundamental human right to freedom of religion by preventing them from providing religious services.¹⁸

6. Majlis IZ Vareš - Desecration of the mosque

The Majlis of the Islamic Community of Vareš informed the Commission for Freedom of Religion that the Hajdar-deda mosque in Karići was desecrated on Sunday, November 21, 2021. The front door was forcibly broken, electrical

18 After the Commission's inquiry, the Sarajevo Penitentiary replied that the weakening of epidemiological religions creates conditions for the provision of religious services and that they are in the phase of positively resolving this issue.

installations were teared apart and taken away, as well as the fountain with abdesthana used during the Hatma prayer when a large number of believers come from all over Bosnia and Herzegovina. Following the report of this act of vandalism, the Majlis of the IZ Vareš reported this case to the competent police station in Vareš.

7. Discrimination in the use of swimming pools (1)

N.T. states in its report that she experienced discrimination at Terme “Ozren”, Petrovo, the Bosnian entity of RS, because of her style of dressing. She states that she was allowed to enter the complex in Terme “Ozren”, but she was forbidden to swim in burkini.

8. Discrimination in the use of swimming pools (2)

S.B. has approached the Commission regarding the use of spa services for covered women in burkini. She states that until 2018, she used the services of the Aqua Bristol Spa in Tuzla in the women’s term in burkini. During 2018, the women’s term was abolished and a ban on bathing in burkini was introduced. Her request is that if you already need to swim in accordance with the new regulations to provide conditions for the same, setting up screens, etc. She states that the situation is the same on the Pannonian Lake. Given that there are many women with health problems who want to use the spa, she believes that it would be good to set one women-only hour during the day, e.g. in the early morning hours for bathing / swimming in salt water, or in the afternoon in one of the small pools only for women.

In the attachment, she submitted the answers of the Spa to the Ombudsman’s request. Three ombudsmen of different nationalities have remained uncoordinated in the last two years following this inquiry.

9. Discrimination in school

A student of the JU “Medical School” Bihać addressed the Commission for Freedom of Religion regarding the problem of discrimination against Muslim students. According to the report, the principal of this school expressed dissatisfaction because the students perform prayers in the school premises, and said that they disrupt the teaching process. Allegedly, some professors of other religious denominations are bothered by this, which is why they turned to the principal with this issue. The principal believes that their worship is “conspicuous”, which is why there is a possibility of banning prayers. On the other hand, the student believes that the students who perform the prayer do not disturb the teaching process or bother anyone. He also states that some professors discriminate against students who wear beards for religious reasons, and there were situations when the principal told him that he was untidy and that he had to cut his beard.

He further alleges that his class teacher, who is of the Catholic faith, also discriminated against him several times for wearing a beard. The management of the school did not express in any way the will to harmonize the schedule of classes so that the students could perform the Jumma prayer.

Cases registered in the press, online media and social networks

Desecration of mosques, cemeteries and other buildings of the Islamic Community

Gradiška, 13.01.2021 - Burglary of the mosque in Orahovo

On January 13, the Orahovo Police Station was informed that a mosque in the town had been broken into, and that another mosque in Orahova had been broken into in the same way in October last year, as the Gradiška Police Department reports. Police officers found out that the perpetrator of the criminal offense is S.B. and a minor Đ.H., both from Orahovo. Further work established that these people found the keys to the mosque, after they broke in, they opened charity boxes with voluntary donations and stole 3,000 KM. After committing these crimes, the persons locked the buildings again after leaving the mosques and left the keys in the place where they were found. The prosecutor of the District Public Prosecutor's Office of Banja Luka was informed about everything, who ordered that persons should be interrogated for the stated circumstances and that measures and actions be taken against the minor in accordance with the Law on Protection and Treatment of Children and Juveniles in Criminal Procedure of Republika Srpska.

Foča, 19 February 2021 - The Aladž mosque was shot at

According to unofficial information, the shooting took place on February 17, 2021, and on February 19, 2021, members of the Foča Central Police Station conducted an investigation in the Aladža mosque complex.

Mufti of Gorazde Remzija efendija Pitić said in a statement to the Anatolia Agency that there was a high probability that the Aladža mosque in Foča was shot at:

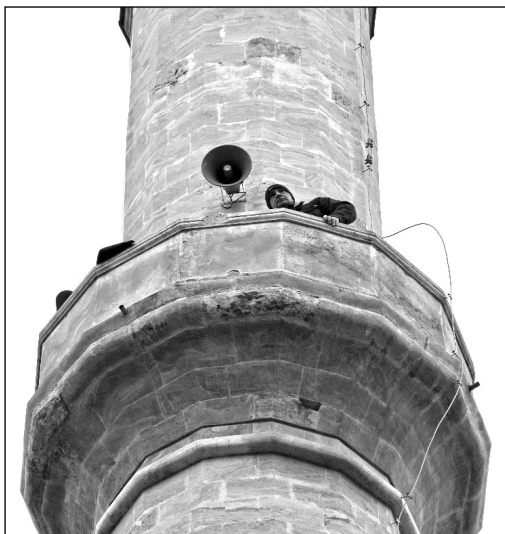
After we found out that a part of the stone fell from the balcony of the minaret of the Aladža mosque, we called on the competent authorities to make an investigation. There is a high probability that a shooting took place, that is, that the minaret of the Aladža mosque was targeted. We are sad about that. Sad

in two ways. Firstly, because this city accepted this mosque as its own during the construction of the Aladža mosque, we did not have any problems or incidents, but it is obvious that there are people who cannot stand the beauty. Unfortunately, what further complicates the situation is the fact that there is a large amount of weapons here that are prohibited by law.

Mufti Pitic further stated that, as far as he knows, the laws in Bosnia and Herzegovina do not allow the carrying of large caliber weapons, and such damage to the mosque could not be caused by small arms, and that “it had to be something bigger and someone who knows how to shoot.”

He reminded that the imams reported that they heard shooting from automatic weapons, and pointed out that it was a frequent occurrence in Foča. Mufti Pitic said that he did not know “who should tolerate such a thing”, and concluded:

We hope that the investigation will show what happened and in what way, we will not prejudge anything, but we call on all those who are obliged to do their





job, just to do their job and nothing more. Our small Bosniak community will continue to exist here despite this provocation that happened, the assaults, the attack on our Aladža, on our beauty, our common beauty that adorns this city.

To remind, after adorning Foča for almost five centuries, the Serbian authorities mined Aladža on August 2, 1992, and the fragments remaining after the explosion were scattered in various locations around the city, some parts were buried in the city dumps, with the intention of eradicating every trace.

Počitelj, March 16, 2021 - The door of the Šišman Ibrahim-paša mosque in Počitelj was smashed with a pickaxe and money was stolen from the cash register

On the night of March 15, 2021, an unknown person or several of them raided Shishman Ibrahim Pasha's mosque in Počitelj in the late hours of the night and stole money from the treasury, as confirmed by Džemal ef. Gadara, the imam of Počitelj. Džemal ef. Gadara said that a thief or several of them broke down the mosque door with a pickaxe, and then in the same way they broke into the cash register, which they took out of the mosque and collected money.

Džemal -ef. stated that in the morning, when he came to the mosque, he saw a cash register in the corner of the yard and a pickaxe next to it. When he saw that the mosque door was damaged, it was clear to him what it was about. He states that there was not much money in the cash register, maximum 300 KM, it was money that was used to pay for utilities and other needs. He also said that he



immediately informed the police, and that members of the Capljina Police Administration conducted an investigation.

The Shishman Ibrahim Pasha Mosque is located in the Historic City Area of Pocitelj, which has been declared a National Monument of BiH.

Fojnica, July 18, 2021 - A 300-year-old manuscript of the Qur'an was stolen from the mosque in Fojnica

A manuscript of the Qur'an written by Mustafa son of Salih in 1751 was stolen from the Atik mosque in Fojnica. The stolen Qur'an has been kept in the Atik Mosque for years. The disappearance was discovered quite by accident. Namely, the main imam of Dubrovnik wanted to see the Qur'an, because a similar one is kept in Dubrovnik. This was followed by a report to the MUP of the Central Bosnia Canton, which went to the scene and conducted an investigation. This work will most likely be treated as aggravated theft of cultural property or items of special scientific, artistic, historical or technical significance.



Prozor, September 14, 2021 - An Ustasha symbol is drawn in front of the martyr's cemetery in Prozor

For now, unknown perpetrators have written the entrance to the martyr's cemetery in Prozor with threatening fascist symbols. As can be seen in the photo, the vandals wrote "HOS" on the steps in front of the gate and drew an Ustasha symbol. The police there have not yet responded, although the case has been duly reported.

Trebinje, October 1, 2021 - Vandals painted the Trebinje mosque

Sadik Effendi Fazlagic, the chief imam of Trebinje, said that one or more unknown persons had written threatening graffiti on three pillars of the fence of the mosque of Osman Pasha Resulbegovic in the Old Town of Trebinje, Republika Srpska.

The duty prosecutor of the District Public Prosecutor's Office in Trebinje was informed about everything, who ordered that a report on the undertaken measures and actions be submitted in connection with the mentioned event, and the officers of the Trebinje Police Administration conducted an investigation and continued to take measures and actions to find and identify persons.

On December 20, 2021, the police in Trebinje arrested a person with the initials D.K. who is suspected of writing graffiti on the pillar of the mosque of Osman-pasha Resulbegović in the Old Town, and the duty prosecutor of the District Public Prosecutor's Office in Trebinje was informed about everything. After documenting and completing the case against D.K., the District Public Prosecutor's Office of Trebinje will receive a Report on the criminal offense of damaging and confiscating someone else's property.



Bosanska Dubica, October 19, 2021 - The Polje mosque was broken into

An unknown perpetrator or several of them broke into the Polje mosque in Bosanska Dubica last night. During the burglary, one window on the mosque was shattered, and the other 'was damaged, and money was stolen from the mosque's fund for voluntary contributions. The investigation was conducted by the local police, at the invitation of the imam of the Polje congregation. According to preliminary estimates, the intrusion into the mosque was aimed at selfishness.



Bijeljina, November 11, 2021 - Painting of Serbian symbols on the fence of the Salihbegović mosque in Bijeljina

The Majlis of the Islamic Community of Bijeljina announced that on the night of November 10-11, 2021, on the new fence of the Salihbegović mosque in Bijeljina, an unknown perpetrator painted crosses with four S.

Officers from the Bijeljina Majlis informed the police, whose members went to the scene and recorded what had happened.

Police officers and competent authorities were asked to take measures to find the perpetrators and protect the buildings and mosques of the Bijeljina Majlis from such and similar events.



Physical and verbal attacks, hate speech

Tomislavgrad, January 18, 2021 - Insults and threats to imams and believers

According to the HNK Ministry of the Interior, employees of the Tomislavgrad Police Station were informed that locals and religious officials of the Islamic Community were being verbally insulted in Mandino Selo, Tomislavgrad. Members of the Tomislavgrad Police Station went to the scene and learned that there was a reasonable suspicion that threats to religious officials were made by M.T. (born in 1969), who was deprived of liberty after his discovery and placed in a detention room, after which he was served with a misdemeanor warrant under Art. 8 of the Law on Public Order and Peace (insulting or belittling the religious or national feelings of citizens). This is not the first case. Earlier, graffiti was printed in Mokronoge, where the Memorial was desecrated.

Sapna, 20/02/2021 - Glorification of genocide and war criminals

An insulting graffiti glorifying the genocide and convicted war criminal Ratko Mladic was unveiled at a local water pool in Skakovica in the Sapna municipality of Republika Srpska, where Serb returnees live. According to information from the Majlis of the Islamic Community of Zvornik, Bosniaks do not live in this settlement. The Majlis expressed expectations that the police would investigate this case.

The graffiti appeared a day after the minaret of the Aladža mosque in Foča was damaged in an armed attack.



Condemning the attack, the Islamic Community appealed to all actors in social processes, and above all to political officials of the Bosnian entity of RS, not to use hate speech and not to spread intolerance towards Muslims and Islam, because such narratives serve as a basis and justification for such attacks.

Foča, April 19, 2021 - A new mural with the image of the convicted Ratko Mladić was painted in Foča



New murals with the image of convicted war criminal Ratko Mladic, former commander of the so-called The Army of the Republika Srpska appeared in the Foča settlement of Međurječje in Petra Bojovića Street. The mural is painted in such a way that a war criminal salutes passers-by in the street near the Fisherman's Restaurant near the school, and the slogans "In the fire and in the storm your name is hummed throughout Republika Srpska" and "we thank to your mother" are also written on the hotel building. "

Local authorities have taken no action against the mural of war criminals, including the mural of World War II war criminal Draža Mihailović, which was painted several years ago in the city center on Samoborska Street. They did not even react to the requests of the Association of Victims of War Foča 92-95, which demanded the removal of the mural. There are indications that funds for mural painting have been provided from the municipal budget.

Painting residential buildings with murals of war criminals and other personalities from Serbian history has become a trend in Foča, which in this way sends a bad message to Bosniaks returning to this city. Izet Spahić, the only Bosniak councilor in the local parliament, claims that there are more and more of them lately:



The painting of the mural of the war criminal Ratko Mladic is just another in a series of facts that the situation for Bosniaks in RS is becoming unbearable and alarming. I warned about that at the session of the local parliament and the legislative and executive power.

He states that the situation started to get worse much earlier, and only one example is a letter from a veterans' organization from Foca, in which political parties are asked not to allow "Muslim parties" to participate in the government, which happened. Spahic confirms:

One example is the shooting of automatic weapons at the house of a returnee who lives in the immediate urban area, which happened during the Christmas. On the balcony, he found bullets fired from automatic weapons. You yourself have witnessed the desecration of the minaret at the Aladža mosque that was shot at. There are also numerous examples of Bosniak returnees from the field who complain about harassment by Serb neighbors, whose cattle are destroying their properties and courtyards. Returnees report to the police regularly, but the only result is that the harassment is repeated.



Foča, April 25, 2021 - After the mural to Ratko Mladić, figure of Milorad Pelemiš was painted

Another mural dedicated to the recently deceased criminal Milorad Pelemiš, commander of the 10th Sabotage Detachment of the Republika Srpska responsible for the suffering of Bosniak civilians near Zvornik, was unveiled in Foča. Pelemiš and his unit took part in the shooting at the Branjevo farm near Zvornik, killing at least 1,200 Bosniaks. He was a witness for the defense of Ratko Mladić, and although he himself took part in the wars throughout Yugoslavia, he was never officially convicted. After the news that he passed away yesterday in Belgrade, his sympathizers from Foča painted a mural in his honor. A mural of convicted war criminal Ratko Mladić was unveiled in the same town five days ago.

The Association of War Victims of Foča posted a photo of the mural on its Facebook profile, pointing to this act and saying that Foča is “the city with the largest number of murals of war criminals from the First and Second World War, but also from the aggression against our country in 1992”.

In addition to Pelemiš and Mladić, murals of Draza Mihailovic and other criminals were painted in this city.

Vlasenica, July 29, 2021 - Returnees assaulter was arrested in Vlasenica

The Zvornik Police Administration confirmed that the attacker, who physically attacked the returnees on the night of July 28, 2021, was arrested in Vlasenica. It is an attack on a mother and son who are returnees to Vlasenica. The Zvornik Police Department said that investigative actions were underway, on the order of the East Sarajevo District Public Prosecutor's Office, Vlasenica Regional

Office. According to them, the police will take further measures and actions after the competent prosecutor qualifies this physical attack, after which it will be known whether the attacker remains in custody or will be released.

Prijedor, November 16, 2021. - Locals painted over graffiti dedicated to convicted war criminal Ratko Mladic in Prijedor



Three graffiti glorifying Ratko Mladic, convicted of genocide before the Hague tribunal, was painted over on Tuesday, November 16 in Prijedor, the Prijedor Police Administration (PU) confirmed. Zvezdana Alendarevic, a spokeswoman for the Prijedor Police Department, said:

Police officers found out that three graffiti appeared during the night, i.e. two characters associated with Ratko Mladic and one graffiti with the name 'Ratko Mladic' written on it. All three graffiti were painted by the locals, and the duty prosecutor of the District Public Prosecutor's Office in Prijedor was informed about everything, who stated that there were no elements of a criminal offense in this case. “

A graffiti with the image of Ratko Mladic was painted next to the cemetery in the settlement of Skela, most likely between the evening of Monday, November 15 and Tuesday morning, November 16, 2021.

Graffiti with the text “Ratko Mladic is a Serbian hero!” has been on one of Prijedor’s residential buildings for some time.

Prijedor, December 3, 2021 Mr. - In Prijedor, new graffiti emerged with the inscription “Serbian hero!” with the image of Ratko Mladic



For the second time, graffiti with the inscription “Serbian hero!” in red and blue, and the image of the Commander of the Army of Republika Srpska (VRS) Ratko Mladic, who was sentenced for life, were painted at several locations in the center of Prijedor. The District Public Prosecutor’s Office says there are no elements of a crime, and former detainees say they feel uneasy about crimes committed in the area during the war, but that provocations should be answered by law and live in tolerance.

New graffiti appeared on December 3, in the main street of Kralja Petra Prvi Oslobođioca, and near the underpass in Prijedor. The Police Administration (PU) of Prijedor states that they received a report on graffiti with the words “Serbian hero” with a face drawing template on it at five locations. Zvezdana Alendarević, spokeswoman for the Prijedor Police Department, confirmed:

The police officers went to the scene and informed the prosecutor of the District Public Prosecutor’s Office in Prijedor, who stated that there were no elements of a criminal offense in the case.

She added that within the implementation of the Action Plan for the Prevention of Incidents and Crimes Committed from Hate and Prejudice in the City of Prijedor, the police are taking measures and actions in order to determine the circumstances of writing and removing graffiti.

To remind, for the crimes committed in Prijedor, the Hague Tribunal sentenced 18 people to 276 years in prison. Before the Court of Bosnia and Herzegovina, 21 people were sentenced to a total of 368 years in prison for crimes against

the Bosniak and Croat population of Prijedor. About 500 victims of crimes in Prijedor are still wanted, according to the Institute for Missing Persons (INO). About 2,500 victims from the Prijedor area have been found and identified so far. In this city, 102 children were killed, and the remains of 40 of them were never found. The youngest exhumed victim is two-month-old Velid Softić.

Prijedor, December 22, 2021 - New offensive graffiti emerged in the center of Prijedor

At the location in the center of Prijedor, graffiti with offensive content was painted again, which, unlike previous cases, the Prijedor District Public Prose-

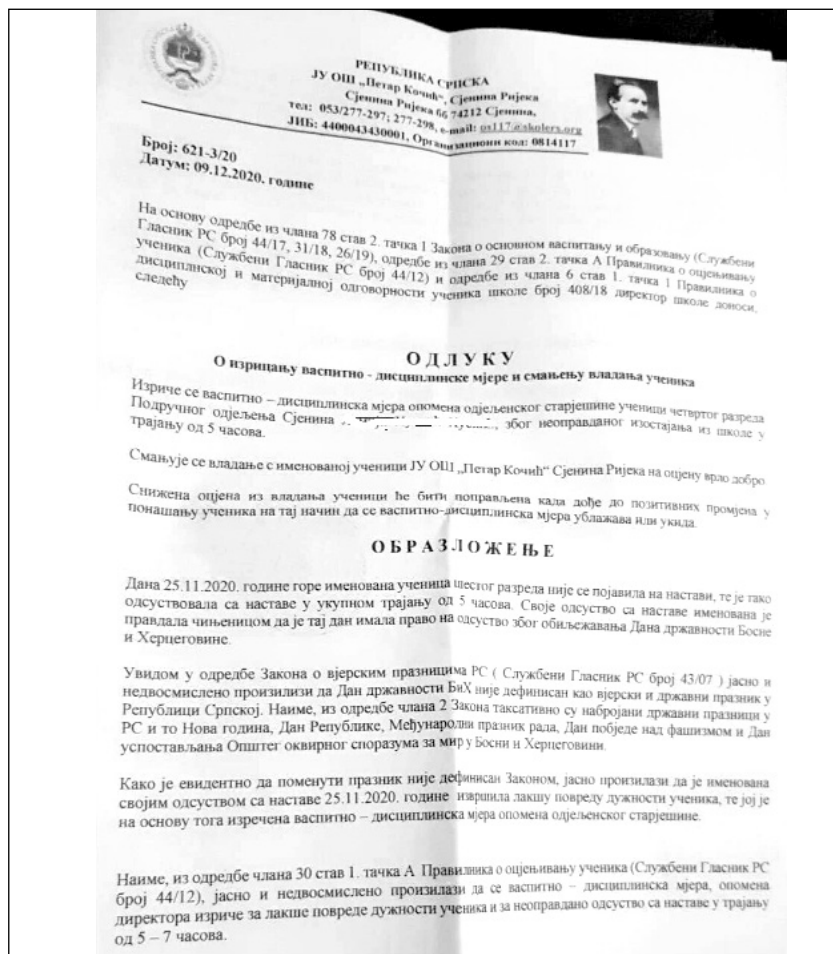


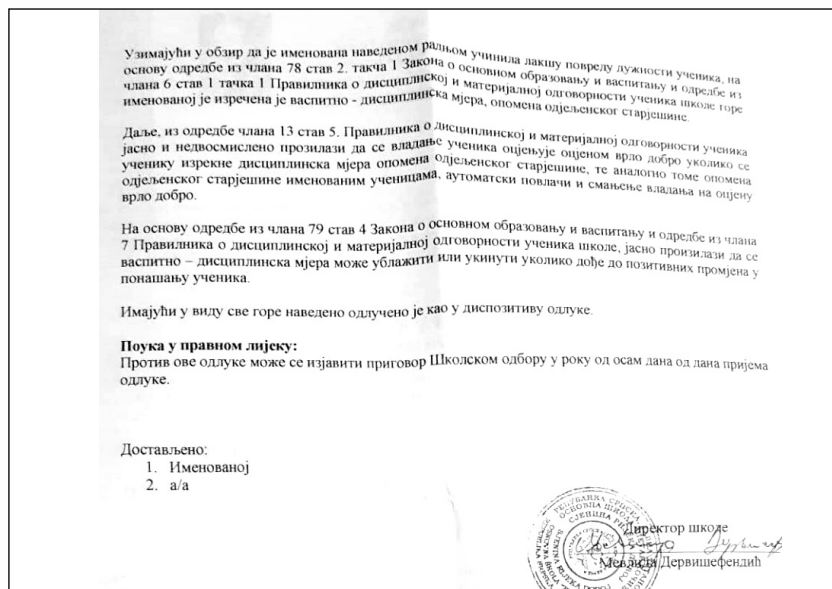
cutor's Office (OJT) qualified as a criminal offense "public incitement and incitement to violence and hatred". The Police Administration (PU) of Prijedor states that they were informed that graffiti of offensive content was written on the fence of the city stadium during the night. "Police officers went to the scene and informed the prosecutor of the Prijedor District Public Prosecutor's Office, who stated that it was a criminal offense of 'public incitement and incitement to violence and hatred'," said Zvezdana Alendarević, a spokeswoman for the Prijedor Police Department. The Chief Prosecutor of the Prijedor District Public Prosecutor's Office, Mladen Mitrović, confirmed to the Balkan Investigative Reporting Network of Bosnia and Herzegovina (BIRN BiH) that the duty prosecutor described the graffiti that appeared in Prijedor as a criminal offense. He also confirmed that the graffiti read "Ratko Mladić" and "Young balija runs through the field, I catch up with him and slaughter him!".

Discrimination

Doboj, January 5, 2021 - The school reduced the grade of conduct to a girl because she celebrated the Statehood Day of Bosnia and Herzegovina

A sixth-grade student at the Petar Kočić Elementary School in the Bosniak returnee village of Sjenina Rijeka, near Doboj, Republika Srpska, was punished by a reduction of her grade of conduct. She did not attend classes, but celebrated the Statehood Day of Bosnia and Herzegovina with her parents and friends. Accord-





ing to the decision, the girl was first punished with a reprimand. The measure was imposed on her by the class teacher.

And then came the reduction of the grade of conduct. The basis for such a decision was found in the acts of RS in which the Statehood Day of BiH is not a holiday. Statehood Day is a national holiday and, as a rule, a non-working day, but it is only celebrated in the Federation of Bosnia and Herzegovina. The decision states:

As it is evident that the mentioned holiday is not defined by the Law, it is clear that she was appointed by her absence from classes on November 25, 2020. She committed a minor violation of student duty, and based on that she was sentenced to an educational and disciplinary measure.

It is then clarified that this automatically means a reduction of the grade of conduct. It is added that an objection can be filed against this decision. It is submitted to the School Board within eight days from the day of receiving the decision. Also, "the disciplinary measure can be mitigated or abolished if there are positive changes in student behavior," reads the end of the decision. The decision was signed by director Mevlida Dervisefendić.

27.01.2021. Celebrating the feast of Saint Sava in schools in the Bosnian entity of RS

The vice president of the Bosnian entity of RS, Ramiz Salkić, said that the continuation of the celebration of the Orthodox glory of Saint Sava as a school

glory in the Bosnian entity of RS violates the secularity of the social order. Salkić pointed out that the celebration of this holiday in schools is a blow to the implementation of Annex VII of the Dayton Peace Agreement. Orthodox glory as a school glory in this entity offends the religious and national feelings of Bosniak Muslims, Catholic Croats and all other citizens who do not feel like Serbian Orthodox - said Salkić.

The Constitution of the RS entity of Bosnia and Herzegovina provides for a non-discriminatory education system, as stated in Article 38, that “everyone has the right to education under equal conditions”. The Law on Primary Education envisages the educational process without discrimination, and Article 10 states that

in primary education, students, teachers and other school staff may not be discriminated against on the basis of race, sex, language, religion, political or other opinion, national or social origin, disability or any other basis.

RS Vice President Ramiz Salkić comments on this as follows:

Despite all of the above, the celebration of St. Sava continues to be celebrated in schools in the RS entity, which is discrimination on religious and national grounds against all non-Bosnian Serb Orthodox. Due to this discrimination, but also other forms of discrimination in the educational process in the Bosnian entity of RS, every year there are fewer and fewer Bosniak and Croat students ... I urge teachers, students and their Bosniak parents not to participate in activities celebrating St. Sava. It is certainly difficult for us today to live and survive in this environment in the Bosnian entity of RS, but it is our obligation to continue our struggle, each in his own way.

Unfortunately, all these years, the OHR and the OSCE have been observing discrimination against returnees and violations of the Dayton Peace Agreement by the authorities in the RS entity without a concrete reaction. By their inaction, they can be considered accomplices in the process of Orthodoxization of the educational process in the BiH entity of RS and discrimination against returnees. The OHR and OSCE have an obligation to respond and eliminate discrimination against returnees because the High Representative imposed to the processes in the entity and thus to prevent discrimination against returnees by the authorities of the Bosnian entity of RS.

04/24/2021 Discrimination against imams during Ramadan

Adnan ef. Bašić, imam of the Crnići congregation near Kiseljak, went to the mosque for tarawih prayers and experienced unpleasantness when he was stopped in Alagići by members of the Kiseljak Police Administration (PU), allegedly for routine traffic control. The patrol asked Effendi Bašić to undergo alcohol testing, although he presented them with a valid permission to move during curfew, as well as an official ID card from the Islamic Community with a photo of him wearing the prayer hat as part of the uniform of Islamic religious officials. In

a statement for Preporod.info, ef. Bašić said that for him as a believer and imam, it was a great humiliation “to be tested for alcohol”, and the result was 0.0 per mille of alcohol. Adnan ef. stated that the police officers told him that the breathalyzer test was an order from the commander, and he acted on the order of the police officer:

In the meantime, while all this was happening, two or three cars were stopped and, probably by acquaintance, they were released quickly. They didn't even ask for their documents. I asked the officer what was the reason for my alcohol testing. He told me he had to, telling me “I know your holy month is Ramadan, but I have to test you for alcohol.” I didn't want to get into any controversy. I did what they asked of me. The breathalyzer test was, of course, negative. I was especially hurt by the fact that this happened during the blessed month of Ramadan. I was surprised by all this, because they know that I am in the Crnići congregation, because we meet every day on the road. There have been stops before, they didn't even ask me to show the documents because they know me and know I'm coming back from prayers. It was hard for me.

After this event, he says that he informed the chief imam Kenan ef Bajrić about everything, and then the president of the Majlis Nermin Merhemić:

I didn't want to keep quiet about it. At that moment, I was angry, sad, hurt. I didn't want to let it go that way. It is the month of Ramadan, the holy month, it is a special spirit and feeling in a person in these days of Ramadan. It is not at all pleasant to encounter such a situation.

In accordance with the protocol on dealing with these situations, the Majlis informed all competent bodies in the police structures of the Central Bosnia (SBK) Canton, as well as the Interreligious Council of Bosnia and Herzegovina.

Islamophobic statements by politicians

08/03/2021 - Dodik: Bosniaks are converts and subservient people

Member of the Presidency of Bosnia and Herzegovina Milorad Dodik, last night's guest appearance on the entity TV channel RTRS, provoked numerous reactions, calling Bosniaks “converts” who are “submissive people” Then he touched on the subject of Bosniaks and asked “What do they think”?

“There are not enough of them, they don't have enough capacities, they don't have character in themselves.... They are not a nation-building people, they are a subject people.” and it is pathological and only converts function in that way as Muslims do because they converted their faith at some time there... “

Dodik then continued:

In the sixties of the last century, they were called Serbs of the Mohammedan faith here, and then they became Muslims with a small ‘m’ because it was necessary for Tito because he made relations with the Non-Aligned to show that

he has a good relationship with Muslims... Well, then they started something to homogenize, so that by 1993, as Muslims, with a small 'm' at the beginning, they would declare themselves Bosniaks with the intention of making the term intriguing enough to integrate all Serbs and Croats and create a Bosnian nation, a Bosnian alphabet, Bosnian language... "<https://balkans.aljazeera.net>)

12/28/2021 - Milorad Dodik for the HRT daily

Member of the Presidency of Bosnia and Herzegovina Milorad Dodik said: "They bring a man and the mosque says choose this man now, Komšić, and these people obey the mosque, i.e. their religious officials ... Because of the electorate, Muslims have the comfort to choose their Croat at will."

December 30, 2021 - HDZ President Dragan Čović for HRT Dnevnik

Commenting on Milorad Dodik's statement that "the mosque appoints a Croat representative", Dragan Covic said that the fact that the Islamic Community has had a special place in Bosnia and Herzegovina's politics for a long time and that it was not hidden: "It could be seen in local elections. But also when members of the Presidency were elected in the last general elections. I am sure that a clear plan, strategy and logistics have been made with the Islamic Community and the policy of Bosniaks to elect two Bosniak members of the Presidency, and that is what happened. It is quite certain that the representatives of the Islamic Community are fully involved in this process. "

4. EXAMPLE OF POSITIVE SOLUTION TO THE PROBLEM OF DISCRIMINATION

Swimming in a burkini in Vogošća is allowed

In the pool that belongs to the Public Institution Cultural and Sports Center “Vogošća” in Vogošća, a rulebook was in force which does not allow swimming in burkini - a bathing suit for headscarfed Muslim women. According to experts, such a decision leads to a violation of basic human rights, especially the rights of students who, due to this ban, are not able to attend mandatory swimming lessons or join a swimming school. On the other hand, the Olympic swimming pool “Otoka” enables swimming in burkini. In March 2021, the management of the swimming pool in Vogošća, after a complaint from users and media support, amended the ordinance banning swimming in burkini, thus enabling the use of the swimming pool to all interested parties, without discrimination on the type of bathing equipment they use.

Decision of the Constitutional Court of Bosnia and Herzegovina establishing a violation of the right to freedom of religion in connection with wearing a beard for religious reasons in the Armed Forces of Bosnia and Herzegovina

We welcome the decision of the Constitutional Court of BiH no. In 9-21, which established the violation of the right to freedom of religion on the appeal of Bakir Izetbegović, in connection with wearing a beard for religious reasons in the Armed Forces of BiH. At its session held on 2 December 2021, the Constitutional Court issued a decision establishing that the provisions of Article 12, paragraphs (2) and (4) of the Rules of Service in the Armed Forces of Bosnia and Herzegovina No. 06-02- 3-4958 / 12 of 28 December 2012 are not in accordance with Art . II / 3.f) ig) of the Constitution of Bosnia and Herzegovina and Art . 8 and 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms . The same verdict finds the Minister of Defense of Bosnia and Herzegovina that, in accordance with Article 61 , paragraph (4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, no later than three months from the publication of this decision in the Official Gazette of Bosnia and Herzegovina. Of Herzegovina ” harmonizes Article 12, paragraphs (2) and (4) of the Rules of Service in the Armed Forces of Bosnia and Herzegovina No. 06-02-3-4958 / 12 of 28 December 2012 with Art . II / 3.f) and g) of the Constitution of Bosnia and Herzegovina and the 8th and 9th European Conventions for the Protection of Human Rights and Fundamental Freedoms. In its decision, the Constitutional Court points out, inter alia , that, following the case-law in Case U 8-17 , *the Constitutional Court sees no reason to decide otherwise in the circumstances of the present case . Referring to the reasons*

stated in the cited case, the Constitutional Court concludes that the absolute ban on wearing beards for soldiers of the Armed Forces of BiH, while in service and in uniform, violates the right to private life and the right to freedom of religion guaranteed by Article II / 3.f) and g) of the Constitution of Bosnia and Herzegovina and Art . 8 and 9 of the European Convention, since the disputed measure does not pursue the general objectives set out in paragraph 2 of Article 8 and 9 of the European Convention. “¹⁹

Prosecuted act of hatred

Cantonal Court in Travnik in case no. 49 0 K 041 354 18 KŽ passed a conviction for a hate crime, and the accused was sentenced to 10 months in prison.²⁰The verdict refers to Miljenko Golub , who on August 5, 2017, physically attacked Jasmina Kurt and her underage daughter from Ostružnica near Fojnica. The only motive for the attack on the woman and her daughter is that they wore a Muslim headscarf (hijab).

19 Decision of the Constitutional Court U-9/21 of 2.12.2021. par. 38

20 Art. 362 paragraph 2 in connection with Art. 2. item 11 of the FBiH CC.

5. RECOMMENDATIONS

The Commission on Freedom of Religion makes the following recommendations:

1. It is necessary to sign the Agreement between Bosnia and Herzegovina and the Islamic Community in Bosnia and Herzegovina as soon as possible.
2. Various projects and educational programs need to be implemented in order to raise awareness of the need to condemn and prevent violations of religious freedom in Bosnia and Herzegovina
3. It is necessary to draw attention to and prevent attacks on buildings and property of religious communities throughout Bosnia and Herzegovina, and treat attacks on religious buildings through amendments to legislation as hate crimes and ensure the installation of surveillance cameras, especially in places of repeated attacks, in order to reduce their number, it is 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.
4. It is necessary to work on harmonization of legal regulations in Bosnia and Herzegovina with the European Convention on Fundamental Rights and Freedoms, and the Law on Freedom of Religion and Legal Position of Churches and Religious Communities, as well as with regulations and established practice of the United Nations, Council of Europe and OSCE. In order for freedom of religion to be adequately secured and protected. Given the increasing number of complaints of religious rights violations in the workplace, we suggest the following:
 - a) Adopt legal provisions that would allow unpaid leave on Fridays for performing Jumma prayers ²¹ or the possibility of doing that hour sometime during the week.
 - b) Facilitate the performance of salah / prayers at the workplace when the conditions and work process allow it in a way that allows a break of 10 minutes. ²²
 - c) Rules of Service or Rules of Dress in Certain Institutions to allow reasonable accommodation taking into account religious reasons.

21 The Labor Law of the Federation of BiH contains this provision (Article 44 states that “the employer is obliged” to provide the worker at his request with a break of one hour for one day a week), however, the labor laws in RS and Brčko District do not such a provision.

22 Guidelines for Legislative Reviews of Laws Affecting Religion and Belief adopted by the Venice Commission at its 59th plenary session (Venice, 18-19 June 2004), p. 15; file: /// D: /MRV%20-%20Emir/Documents/ODIHR/guidelines%20Venecijanska%20komisija%202004%20vrijeme%20za%20dzumu.pdf

5. It is proposed to companies, educational and other institutions to enable the performance of prayers to workers and students in a way that does not interfere with the work and teaching process.
6. It is proposed to institutions and companies that manage swimming pools, public baths and spas to enable swimming in burkini.

6. HOW TO REPORT A VIOLATION OF THE RIGHT TO FREEDOM OF RELIGION

Violations of the right to freedom of religion are reported to the Commission for Freedom of Religion of the Riyasat of the Islamic Community in Bosnia and Herzegovina. It is important to describe in as much detail as possible the case or experience of a violation of freedom of religion. You can send a fax, email, send a letter or personally provide all information related to the case of violation of freedom of religion. If you have questions, you can call on the phone. More information about the Commission can be found on the website of the Islamic Community or at the following link <https://www.islamskazajednica.ba/index.php/komisija-za-slobodu-vjere>

The contact details of the Commission are:

Phone: 033 / 533-000

Fax: 033 / 441-955

Email: vjerskeslobode@rijaset.ba

Address: Zelenih beretki br. 17, 71000 SARAJEVO