

# **KOSOVO 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution affirms the freedom of religion but the law does not specify a means by which religious groups may register to obtain legal status. The government implemented the law safeguarding religious and cultural special protective zones (SPZs) by providing security measures for religious sites. Kosovo Police (KP) detained several Kosovo Islamic Community (BIK) religious figures on charges of abetting or committing criminal offenses against the constitutional order and security of the country, including incitement of hatred. The government undertook several measures to improve religious tolerance between ethnic Albanian Muslim and ethnic Serbian Orthodox Christians and condemned vandalism of minority religious houses of worship, but religious groups said municipal authorities often did not treat groups equally, especially with regard to the provision and protection of religious property.

Ethnic Albanian protestors threw stones and attempted to prevent Serbian Orthodox pilgrims, including internally displaced persons (IDPs), from attending Christmas Mass in Gjakove/Djakovica and from celebrating the Feast of the Assumption in the village of Mushutishte/Musutiste in Suhareka/Suva Reka municipality. On several occasions, religious properties, particularly Serbian Orthodox and Protestant churches, were vandalized.

U.S. embassy representatives met frequently with government officials to urge religious tolerance, passage of legislation to allow for the registration of religious institutions, and to support full implementation of the law on SPZs. The embassy cosponsored a conference on interfaith tolerance and a project to bring attention to Prishtine/Pristina's Jewish heritage. The embassy provided funding to partners who completed restoration work on several Serbian Orthodox Church (SOC) properties.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 1.9 million (July 2014 estimate). Local census data from 2011 identifies 95.6 percent of the population as Muslim, 2.2 percent as Roman Catholic, and 1.4 percent as Serbian Orthodox. Census categories for "other," "none," or "no response" each constitute less than 1 percent.

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The majority of the Muslim population belongs to the Hanafi school, although a number follow Sufi traditions. Most SOC members reside in ethnic Serb enclaves or in northern regions. The largest Catholic communities are in Gjakove/Djakovica, Janjeve/Janjevo, Kline/Klina, Prishtine/Pristina, and Prizren. Small Protestant populations live in cities, with the largest concentration located in Prishtine/Pristina. The Jewish community of several dozen persons resides primarily in Prishtine/Pristina and Prizren.

Religion and ethnicity are often linked, with ethnic Serbs mostly belonging to the SOC, while the majority of citizens of Albanian descent are Muslim.

### **Section II. Status of Government Respect for Religious Freedom**

#### **Legal Framework**

The constitution affirms the right to freedom of conscience and religion for all residents regardless of their religious convictions. The constitution guarantees the right to change, express, practice, and abstain from religion, individually or as a member of a religious community. It provides for the separation of religious communities from public institutions, including the right for religious groups to independently regulate their own organizations, activities, and ceremonies, and the right to establish charity institutions. It guarantees equal rights for all religious communities, stipulates the country does not have an official religion, ensures the protection and preservation of the country's religious heritage, and prohibits discrimination based on religion.

The constitution provides for an ombudsperson's office responsible for monitoring religious freedom, among other human rights.

The law does not provide a legal mechanism or specific guidance for religious groups to register to obtain legal status, but also does not require groups to register. The law stipulates there is no official religion and it recognizes five main religious groups: the BIK, the SOC, the Catholic Church, the Hebrew (Jewish) community, and the Evangelical (Protestant) Church. This recognition does not provide extra protections or benefits to these five groups.

Religious education is not required in public schools, and the constitution provides religious communities the right to establish and manage their own private educational and training establishments.

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The law provides safeguards for SPZs based on religious and cultural significance by restricting nearby activities that could damage the surrounding historical, cultural, or natural environment. According to the law, the Implementation and Monitoring Council (IMC) arbitrates disputes concerning SPZs and other matters related to religious and cultural heritage. The IMC includes government ministries and agencies such as the Ministry of Environment and Spatial Planning (MESP) (as co-chair), the Ministry of Culture, Youth, and Sports; the SOC; and neutral stakeholders such as the Special Representative of the European Union (as co-chair) and the Organization for Security and Cooperation in Europe (OSCE).

### **Government Practices**

The government engaged with legal experts from religious communities on addressing the absence of a mechanism for religious groups to register. Minority religious groups continued to experience problems obtaining property for churches and cemeteries. Several long-standing disputes over ownership of religious property remained unresolved. Police detained BIK religious figures on criminal charges of abetting or committing criminal offenses against the constitutional order and security of the country and incitement of hatred. Police detained an SOC priest after a traffic offense.

On September 17, the KP arrested eight BIK-appointed imams on charges of abetting or committing criminal offenses against the constitution and security of the country, including incitement of hatred. Some of those arrested were charged with encouraging and organizing young people to fight in Syria and Iraq with terrorist organizations. Media reported the investigation targeted imams from Prishtine/Pristina, Gjilan/Gnjilane, Prizren, Kacanik, Hani I Elezit/Han Elez, and Dragash/Dragas. Four other suspects who were not BIK employees but claimed to be imams were also arrested. The BIK expressed concern over the arrests to the media, but stressed no one was above the law. At the end of the year, only imam Zekirja Qazimi of the Al Kudus Mosque in Gjilan/Gnjilane remained in custody. Other suspects were provisionally released or placed under house arrest while their cases were being investigated.

SOC officials reported the KP detained SOC Priest Stevo Mitric from the Church of Saint Nicholas in Prishtine/Pristina on May 22. The KP issued Mitric, who was dressed in SOC religious garments, a citation for speeding, then handcuffed and arrested him when he requested the citation be issued in Serbian as allowed by law.

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The KP detained Mitric for four hours and reportedly insulted him because he was a Kosovo Serb and an SOC priest. A Suhareke/Suva Reka judge ruled Mitric was entitled to a citation issued in Serbian, but also fined him 150 euros (\$182) for “obstructing a police officer on duty.” Mitric appealed the ruling. The SOC said it had received no information regarding the complaint Mitric filed against the KP.

At an OSCE-sponsored conference on October 30, leaders from the BIK, SOC, the Catholic Church, the Evangelical (Protestant) Church, and the Jewish Community described the challenges created by the lack of a mechanism for religious groups to register and obtain legal status. The leaders criticized the government for its failure to complete a draft law amending the Law on Religious Freedom. None of these religious groups had agreed to register as NGOs, as permitted by the law until 2009. Although many groups said they had found alternative methods to conduct their business affairs, some reported difficulties in registering property and vehicles, opening bank accounts, and paying taxes on employee salaries. Some religious communities were able to open bank accounts and the Protestant Church received a tax accounting number from the government in order to pay taxes, but some communities said it was still difficult to undertake basic financial tasks.

On November 10, the prime minister’s legal office met with experts from religious communities to address the absence of a legal mechanism for religious groups to register. The meeting discussed a March 25 Council of Europe Venice Commission report that included more than 100 suggestions and recommendations on the draft law. The government accepted several of the expert group’s recommendations to amend the draft law before opening it for public comment.

Some school officials applied an administrative directive previously issued by the Ministry of Education, Science, and Technology prohibiting primary and secondary students from wearing headscarves on school property; others did not. The ombudsperson’s office received one report of a school forbidding students to attend classes while wearing headscarves. According to the BIK, public schools expelled eight students for wearing headscarves while attending classes. Administrators in the Gjilan/Gnjilane municipality, however, allowed students to wear headscarves in schools.

Religious groups said government authorities did not take steps to ensure municipalities treated religious organizations equally on property issues, in particular with regard to churches and cemeteries. In October the leaders of all major religious communities asked the government to provide sufficient new

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cemetery space for all denominations and to care for existing cemeteries that had fallen into disrepair.

Protestants said they experienced endemic and long-term institutional discrimination by the central and municipal governments by not receiving permission to establish their own cemeteries or build new churches anywhere in the country. Protestants said municipalities regularly ignored their requests for dedicated cemetery space. They said in Prishtine/Pristina and Gjakove/Djakovica this resulted in imams performing funeral services for Protestants in Muslim-controlled municipal cemeteries and requesting payment for such services. The BIK denied non-Muslims were forced to have Muslim ceremonies or Muslim officiants at their burials, or that they ever sought payment from non-Muslims. The Protestant community stated 14 municipalities paid BIK imams to officiate at burials even though there was no statute permitting such payments.

A public hearing organized by the Prishtine/Pristina municipal authorities in October did not resolve a request by Protestants for dedicated space within the city cemetery.

Representatives of the Messiah Evangelical Church in Prishtine/Pristina said municipal authorities from Vetevendosje refused to issue a building permit for a house of worship, despite the church's work with municipal engineers to ensure the property and plans complied with legal requirements.

Prime Minister Thaci issued a statement on May 1 calling the unfinished Church of Christ the Savior, situated adjacent to Prishtine/Pristina University, "Milosevic's monument" in reference to the former Serbian dictator. On April 21, Minister for Environment and Spatial Planning Dardan Gashi suggested the church could be demolished because it was "an illegal object." The SOC Diocese of Raska-Prizren criticized both statements. Several ethnic Albanian academics and observers proposed the church be converted into a museum of the "Holocaust against Kosovo Albanians."

Decan/Decani municipal authorities and Privatization Agency of Kosovo representatives continued their appeal of a court judgment upholding the Visoki Decani Monastery's legal ownership of disputed agricultural land. SOC officials sought dialogue with government and local officials to resolve the matter, because they stated they considered the agricultural land critical to the monastery's self-

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sustainability and future security. The court issued no ruling on the appeal by year's end.

The IMC helped ensure the Law on the Historic Center of Prizren was implemented, permitting the SOC to register its land. The IMC brokered a compromise to allow a building constructed unlawfully in the SPZ in Fushe Kosove/Kosovo Polje to operate as a warehouse. In the case of land expropriated from the SOC's Zociste Monastery by the Rahovec/Orahovac municipality, the IMC facilitated an agreement by which the government and the municipality would finance a new wall for the monastery. On September 23, Deputy Mayor of Skenderaj/Srbica Fadil Nura visited the SOC's Devic Monastery to open a new road to the monastery, the first visit by an official from the municipality to the monastery.

In April the MESP delivered an administrative instruction to guide the Rahovec/Orahovac municipality's implementation of the 2012 Law on the Village of Hoce e Madhe/Velika Hoca to protect the village's 13 medieval SOC churches. A council required by law to protect these churches was not formed by the end of the year.

On April 24, the Basic Court in Prishtine/Pristina issued a decision in favor of Xhabir Hamiti, stating his removal as the dean of the Faculty of Islamic Studies (FIS) by university officials in 2010 had been unlawful. Hamiti said he had been removed for criticizing the BIK's interference at the FIS. The court did not provide any legal remedy or specify whether Hamiti should be reinstated.

The government funded Islamic education in BIK madrassahs in Prishtine/Pristina, Prizren, and Gjilan/Gnjilane. No other religious organizations received government funding for religious education.

Kosovo Serbs attended public schools that followed a curriculum designed by the government of Serbia, but coordinated with the Kosovo education ministry, which included the option of religious or civic education with instruction in the Serbian language. Most Kosovo Serbs elected to receive Serbian Orthodox religious education. The Serbian government funded the salaries of teachers in Serbian-language schools, for both academic and religious instructors. The Kosovo government supplemented the salaries of some teachers in Serbian-language schools.

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The KP closed 14 Islamic charities during the year under instructions from the Ministry of Public Administration. The closed charities included organizations such as the Association for Culture, Upbringing, and Education and Al-Waqf al Islami. The organizations reportedly supported extremism and encouraged Muslims to travel to Syria and Iraq to fight for militias.

A number of religious groups criticized the national census as unrepresentative. The SOC cited the lack of inclusion of Orthodox Serbian residents in the north, who had boycotted the census. The Protestant Church stated its members were undercounted because census takers automatically classified Protestant citizens as Muslims without soliciting respondents' explicit answers or, in some cases, over their objections.

President Jahjaga, Prime Minister Thaci, and opposition leaders condemned an October 13 incident where unknown perpetrators spray-painted anti-Christian and anti-Serb graffiti on the Visoki Decani Monastery, which also glorified the Islamic State of Iraq and the Levant, the Albanian National Army, and the Kosovo Liberation Army. Following the incident, Deputy Prime Minister Slobodan Petrovic, Decani Mayor Rasim Selmanaj, Kosovo Force (KFOR) commander Major General Francesco Figliuolo, and the regional KP Commander visited the monastery to condemn the vandalism and coordinate an investigation. On October 16, Minister of Internal Affairs Bajram Rexhepi said he could not exclude the possibility the graffiti had been painted by SOC monks or KFOR soldiers. The SOC protested the minister's statement and expressed concern that authorities were not taking the investigation seriously enough. The BIK condemned the vandalism as unacceptable. On October 21, BIK Head Imam Sabri Bajgora met with the abbot of the monastery, Father Sava Janjic, and said the vandalism was harmful to ethnic tolerance. KFOR continued to provide security at the monastery.

The KP's Unit for Specialized Protection of Cultural and Religious Heritage Sites provided 24-hour security at 28 sites around the country to ensure the functioning of these institutions. Despite this support, theft and vandalism continued at SOC sites.

As part of its Interfaith Kosovo program, the government undertook numerous initiatives to promote religious tolerance. The Interfaith Kosovo website promoted increased dialogue among religious communities, civil society, and the public. In October the website was hacked and service was blocked for several weeks, but later restored.

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The government organized the second annual Interfaith Conference on May 26, in Prizren, bringing together religious leaders from the country's five primary religious groups to increase interfaith dialogue and mutual respect. President Jahjaga and Mufti Ternava spoke in support of tolerance. Father Sava Janjic thanked Prizren municipal officials for protecting the local SOC seminary, but said few SOC members felt safe enough to return to the area. Foreign Minister Enver Hoxhaj announced Kosovo would establish an interreligious dialogue center in Prizren as part of its efforts to institutionalize religious tolerance.

### **Section III. Status of Societal Respect for Religious Freedom**

There were instances of religious-based violence, interference with religious pilgrimages, hate speech, and vandalism. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

During late August and early September Imam Zuhdi Hajzeraj of Fahtali Mosque in Peja/Pec received several death threats and an attempt reportedly was made to run him over with a vehicle. Hajzeraj had made statements critical of a fundamentalist imam. The KP interviewed a number of suspects, but no charges were filed. Hajzeraj attributed the increase in religious extremism in the country to funding from fundamentalists in Arab countries.

Several hundred ethnic Albanian protestors threw stones and attempted to prevent two buses of Serbian Orthodox pilgrims, including IDPs, from attending Orthodox Christmas Mass on January 7, at the Assumption of the Holy Virgin Mary Church in Gjakove/Djakovica. The pilgrims were able to attend services elsewhere. A large KP presence permitted the SOC priest to hold the liturgy. Six protestors were arrested for disturbing public peace and order. Three cases were sent to prosecutors for action, while two cases were sent to the basic court for action and the KP closed one case due to lack of evidence of a crime.

On August 28, approximately 400 ethnic Albanian protestors waving Albanian flags blocked buses from Serbia carrying ethnic Serb pilgrims and IDPs from reaching the Serbian Orthodox Church in the village of Mushutishte/Musutiste in Suhareka/Suva Reka municipality. The pilgrims had requested permission to celebrate the Feast of the Assumption at the village church. After a two-hour standoff that included some protestors throwing stones at the pilgrims, the KP

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could not unblock the road. The pilgrims attended church services elsewhere. Several KP officers were injured while protecting the pilgrims. The KP arrested a small number of protestors for attempting to disrupt church services. The KP earlier had denied a request for pilgrims to visit Gjakove/Djakovica on security grounds.

On October 13, following suspension of a violence-filled soccer game between the Albanian and Serbian national teams in Serbia, violence spilled over to Kosovo. Ethnic Albanians stoned an SOC parish house in Rahovec/Orahovac, breaking several windows. The perpetrators also placed an Albanian flag on the wall across from the parish house. The same evening, Kosovo Albanians removed a Serbian flag from the nearby Serbian Orthodox church. The KP responded to the incidents but did not make any arrests.

On September 22, an ethnic Albanian man shouted insults at, and made threats to, SOC nuns at the Peja/Pec patriarchate. The KP arrested the individual, who also assaulted a KP officer guarding the patriarchate.

The Union of Kosovo Tarikats, an umbrella organization of Sufi orders that practice Sunni, Alevi, and Shia traditions, expressed concern over an online video in which BIK Imam Shefqet Krasniqi portrayed Tarikat Shejhs, who are Sufi spiritual guides, as self-proclaimed saints. Krasniqi said Tarikats who prayed in Tekkes, traditional Tarikat religious buildings, had “left God’s path.”

On August 14, media reported Mufti Naim Ternava and the BIK demonstrated a lack of transparency and accountability to believers by appointing some imams, and not removing others, who did not respect BIK’s religious doctrines and traditions. On September 1, the media reported Mufti Ternava had repeated BIK calls against extremism.

Leaders of different religious groups reported generally good relations with one another and participated in numerous interfaith discussions and initiatives.

The SOC expressed concern over the draft Law on Cultural Heritage, stating it would annul the SOC’s autonomy as guaranteed in several laws. The SOC said the draft would preclude it from independently deciding upon the restoration and renovation of its immovable property and potentially disqualify SOC experts from the protection of the church’s cultural heritage.

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During the year, the KP registered 53 incidents of property usurpation, theft, and damage involving SOC facilities, primarily vandalism or theft of metal objects later sold for scrap.

Protestants reported an increase in acts of vandalism against churches and church property, including desecrations in April and June of the Way of Salvation Church in the village of Rugove in Gjakove/Djakovica municipality.

The Union of Kosovo Tarikats reported the vandalism of a Sufi saint's tomb in Dazhnica village in Kamenice/Kamenica municipality, with graffiti stating "hell for Dervishes," "sinful," and "unbelievers." The case was reported to the KP but no arrests were made.

On February 27, unknown individuals vandalized the Serbian Orthodox Assumption of the Holy Virgin Mary Church in Gjakove/Djakovica with graffiti, proclaiming "the only good Serb is a dead Serb."

A statue of Mother Teresa in Mitrovica/Mitrovica South was knocked over during the evening of January 18. The KP could not determine if this was an act of vandalism or an accident. Twelve hours after the statue was repaired by municipal authorities, it was once again found on the ground. Following the incidents, the so-called "Muslim Youth Forum" said it was "delighted," and "prayed that all her statues would be downed."

### **Section IV. U.S. Government Policy**

Embassy representatives met frequently with government officials to urge passage of legislation to allow for the registration of religious institutions and to support full implementation of the law on SPZs. Embassy officers urged increased dialogue between ethnic Albanian members of the government and civil society with SOC members. The embassy supported efforts to resolve the land dispute involving Visoki Decani Monastery and local groups, and discussed the property issues of other religious groups with government officials on at least five separate occasions.

Embassy officials regularly discussed religious tolerance with leaders of the SOC, as well as with the Muslim, Catholic, Protestant, and Jewish communities. The embassy hosted an iftar with several BIK imams where embassy officials reiterated the U.S. government's strong commitment to religious freedom in the country.

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The BIK imams discussed the diversity of views on reforming the BIK and steps to counter violent extremism.

On May 27, a Department of State official gave a presentation about the importance of teaching children religious tolerance at the embassy-sponsored Interfaith Kosovo conference.

The embassy provided funding to partners who completed restoration work on the St. Jovan's Parish House and Church in Hoce e Madhe/Velika Hoca and began work to restore St. Stefan's agricultural facilities. The embassy also sponsored a performance by an American artist, in conjunction with a local art studio, to attract attention to Prishtine/Pristina's Jewish heritage. The performance was attended by high-level officials, including Kosovo President Jahjaga.