

MONTENEGRO 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion as well as the right to change one's religion. There is no state religion. Religious groups, especially the Serbian Orthodox Church (SOC), said the law governing their legal status was inadequate. They stated the government's decision not to include representatives of religious groups in drafting new legislation regulating the status of religious communities was discriminatory. The government denied visas to SOC clergy on the basis the SOC was not properly registered. The government and the SOC continued to contend over property issues. There was no restitution of property to major religious groups during the year.

Religious concerns such as efforts to construct new places of worship, but also non-religious events, such as soccer matches, sparked religious protests and sometimes violence. Disputes continued between the SOC and the Montenegrin Orthodox Church (MOC) over the ownership of religious shrines. Negative SOC speeches and media articles targeted the Muslim community. The Muslim community experienced internal disputes between adherents of Serbian and Montenegrin imams. Incidents of desecration and theft targeting religious property continued.

The U.S. Ambassador and other embassy officers met with government officials to discuss developments regarding the draft law on the legal status of religious communities. The embassy met with religious and civil society leaders to discuss relations among religious groups and hosted events to foster dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 650,000 (July 2014 estimate). According to the 2011 census, approximately 72 percent of the population identify themselves as Orthodox, either SOC or MOC. Local media estimate the SOC accounts for approximately 70 percent of the Orthodox population, while the MOC makes up the remaining 30 percent. The census also reports 16 percent of the population identify themselves as "Bosniak" (an official category mostly made up of Sunni Muslims), 3.4 percent as Roman Catholic, and 3 percent as Muslim. According to the census, approximately 1.3 percent of the

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population identify themselves as atheist. The Jewish community numbers approximately 350.

There is a strong correlation between ethnicity and religion: ethnic Montenegrins and ethnic Serbs are generally associated with the MOC and the SOC, ethnic Albanians with Islam and Catholicism, and ethnic Croats with the Roman Catholic Church. Many Bosniaks and other Muslims live along the eastern and northern borders with Albania, Kosovo, and Serbia.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of religion as well as the right to change one's religion. There is no state religion, and the constitution guarantees equality and freedom of all religious communities in religious activities and affairs. It states the declaration of one's beliefs is not obligatory, and all persons are guaranteed the freedom to express their religion in public and private, alone or collectively, through prayer, preaching, custom, or rites. The constitution states freedom to express religious beliefs may be restricted only if required to protect the life and health of the public, peace and order, or other rights guaranteed by the constitution. The abuse of religious communities or their religious sites for political purposes is forbidden.

The law provides a basic framework for recognition of religious groups and their relationship with the state. Religious groups must register with local police within 15 days of their establishment to receive the status of a legal entity, although there is no penalty specified for failing to do so. The police must then file this registration with the Ministry of Interior, which maintains a register of all religious organizations in the country. To register, a religious group must provide its organizing documents, the names of its officials, the name of the religious organization, and the addresses of the group's headquarters and of the locations where religious services will be performed. Religious organizations must have at least two members to register.

Registration entitles groups to own property, hold bank accounts in their own name, and receive a tax exemption for sales of goods or services of up to 18,000 euros (\$21,900) directly related to their religious activities. The law restricts the performance of religious services and rites to churches, shrines, and other

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designated premises approved by municipal authorities. Unregistered groups may not legally engage in religious practices or in nonreligious activities, but the law does not provide specific sanctions for doing so.

There are 19 active religious groups in the country, including the SOC, the MOC, the Islamic Community of Montenegro (ICM), and the Roman Catholic Church. The other recognized religious communities are: The Church of Christ's Gospel, Catholic Mission Tuzi, Christian Adventist Church, Evangelistic Church, Army Order of Hospitable Believers of Saint Lazar of Jerusalem for Montenegro, Franciscan Mission for Malesija, Biblical Christian Community, Bahais, Montenegrin Community, Christian Adventist Church, Buddhists, Protestants, The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, and the Jewish community.

The Directorate for Religious Communities within the Ministry of Human and Minority Rights (MHMR) by law regulates relations between state agencies and religious groups, and is charged with protecting free exercise of religion and advancing interfaith cooperation and understanding.

Agreements signed by the government with the Islamic and Jewish communities and the Holy See formalize the legal status of the respective religious groups within the country and regulate their relationship with the state nationally and internationally. These agreements do not replace the requirement of registration. There is no similar agreement with the SOC or the MOC.

The criminal code prescribes a fine or up to two years' imprisonment for preventing or restricting an individual's freedom of belief or membership in a religious group, or for preventing or obstructing the performance of religious rites. The code also provides for a fine or a maximum of one year in prison for coercing another person to declare his or her religious beliefs. Any government official found guilty of these crimes may receive a sentence of up to three years in prison.

The law prohibits discrimination, including on religious grounds. It is also a crime to cause and spread religious hatred, which includes the mockery of religious symbols or the desecration of monuments, memorial tablets, or tombs. This is punishable by a prison sentence ranging from six months to 10 years if it is the result of an abuse of position or authority; it leads to violence; or the

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consequences are deemed detrimental to the coexistence of people, national minorities, or ethnic groups.

By law religion is not taught as a subject in public primary or secondary schools.

The law provides prisoners with the right to conduct religious practices and have contact with clergy. Prisoners may request a diet conforming to their religious customs.

Government Practices

Major religious groups stated the law regulating their legal status was outdated and inadequate, attributing the problem to the fact that the law was drafted for conditions existing during the time when there was a Yugoslav government. During the year, the government continued work on writing a new law on the legal status of religious communities, but some religious communities said they had not been included in the drafting process. There were also registration issues, and the government denied visas to SOC clergy on the basis that the SOC was not properly registered. The government and the SOC continued to contend over property issues and there was no restitution of property to major religious groups during the year.

The MHMR provided the names of the government-nominated members of the working group to draft the new law on the legal status of religious groups, but none of those individuals were religious community representatives. The SOC called the government officials responsible for drafting the new law “incompetent.” The SOC Legal Council (Budimlje-Niksic Diocese), headed by Bishop Joanikije, said the MHMR’s decision not to include representatives of religious groups in drafting the law was an example of discrimination.

The government issued a statement in the pro-government newspaper *Pobjeda* in July on the need to adopt the new law on the status of religious communities, saying “representatives of religious communities have engaged in politicking and their shrines were used for political pre-electoral campaigns.” The government further said religious communities expressed their ideas through related nongovernmental organizations (NGOs) with a “recognizable political flavor.” The SOC, the ICM, and the Roman Catholic Church said the government’s statement was unfounded.

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During the year, the MHMR formed separate joint commissions to implement the agreements on legal status for the Islamic, Jewish, and Catholic communities. The SOC commended the formation of these commissions, but criticized the ministry for not making an effort to sign an agreement on legal status with the SOC.

In March the Ministry of Interior denied temporary residency permits to nine SOC priests from a monastery near Pljevlja because it said the SOC had not properly registered as an official religious group. The SOC stated this was a “politically motivated attack” on the church and the SOC did not need to register because it had been working within the territory administered by the government longer than the existence of the state.

On December 16, the Ministry of Interior for the seventh time denied a residency permit to Velibor Dzomic, the rector of the SOC’s Podgorica parish who had lived in the country for 19 years. At the end of May the Administrative Court overturned a previous denial by the ministry. Minister of Interior Rasko Konjevic stated that despite the Administrative Court’s decision, the ministry could not issue a residency permit to Dzomic because the Agency for National Security had concluded his presence “jeopardized national security, peace, and order.” Dzomic remained in the country at year’s end without legal documentation.

The SOC stated that the government’s denial of visas and threats of deportation of some of its foreign clergy constituted religious and political discrimination. The Ministry of Interior said its actions were lawful, because the SOC had not properly registered to obtain legal status. The SOC stated it did not need to register because it had already registered under Yugoslav law and had existed in the country’s territory before the existence of the current state.

On August 19, for the fifth year in a row, police cited security concerns and banned members of both the MOC and the SOC from celebrating the transfiguration of Christ at the Church of Christ the Transfiguration at Ivanova Korita near the historical capital of Cetinje.

Authorities did not act to remove the metal structure SOC church, which the army of the former Union of Serbia and Montenegro had erected on the summit of Mt. Rumija in 2005 prior to the country regaining its independence. The Construction Industry Inspectorate had previously declared the church

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construction illegal. The SOC continued to express its readiness to legalize the presence of the church on Mt. Rumija. In 2013 the MOC filed a legal case against the government for failing to implement a 2005 decision by the Ministry of Tourism and Sustainable Development to tear down the church. The case was still pending at year's end.

The Administration for Protection of Cultural Heritage stated the SOC had violated cultural heritage laws when it altered, remodeled, or restored original facades and interiors on a number of religious shrines, including the Ostrog monastery located 40 kilometers northwest of Podgorica. The administration said all such projects required a valid permit. The SOC called the administration's statements "ill-judged," saying without renovation the facilities would go to ruin.

During the year no religious group regained ownership of properties for which it had filed claims, nor did the government offer compensation for any properties. The government continued its policy of not seeking to adopt legislation providing for restitution of religious properties expropriated by the former communist Yugoslav government.

The MHMR provided funding to religious groups for specific renovation projects and to provide social and medical insurance for clergy. All registered religious communities were eligible to apply for this funding. The MHMR criteria for deciding which proposals should receive financing included whether the projects concerned religious shrines, education, or culture. Religious communities also received in-kind assistance from other government ministries and from local governments. According to the press, some religious groups were dissatisfied with the amount and type of assistance received from the government and stated they had not been informed of the selection criteria for the funds. During the year, the MOC received 55,564 euros (\$67,596), the ICM 53,373 euros (\$64,931), the SOC 51,262 euros (\$62,363), the Jewish community 17,500 euros (\$21,290), and the Catholic Church 22,300 euros (\$27,129).

Following the start of government efforts to draft "foreign fighters" legislation, representatives of the Islamic Community stated the government would "unjustly punish" members of the Islamic Community if the criminal code amendments only provided criminal sanctions against those individuals who fought for the Islamic State in Iraq and the Levant (ISIL).

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According to NGOs, authorities respected the rights of prisoners to carry out religious practices, communicate with clergy, and have access to a diet conforming to their religious customs.

The trial for vandalism of MOC Metropolitan Mihailo and MOC supporters Dragan Pavlovic and Jovan Tomovic continued in the Podgorica basic court. The SOC had sued MOC Metropolitan Mihailo and his supporters for their purported involvement in the desecration of the Church of Saint Archangel Mihailo in Rogami in August 2011.

On September 29, police arrested four minors for pelting the local SOC church with stones in the Muslim populated area of Rozaje, but church officials stated they did not want to press charges. The minors apologized to the local priest and promised to pay for damages.

Section III. Status of Societal Respect for Religious Freedom

There were a variety of incidents, both religious and nonreligious in nature, which sparked religious protests and sometimes violence. Disputes continued between the SOC and MOC concerning the ownership of religious shrines. The Islamic Community said it was offended by SOC speeches and media articles. The Islamic Community experienced disputes between adherents of Serbian and Montenegrin imams. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

On October 15, a mass brawl, which injured six teenagers, broke out between Catholic and ethnic Albanian Muslim students in the Podgorica suburb of Tuzi following a soccer match between the Serbian and Albanian national teams in Belgrade on October 14. The match itself had to be aborted because of violence between the teams and between spectators.

In July in an incident that generated media coverage, Milorad Spanjevic from Nedakusi, near Bijelo Polje, had an argument with attendees at the local mosque and disturbed the call to prayer. Spanjevic reportedly complained about the noise made by the call for prayer and began honking his horn. Bijelo Polje's Islamic community stated Spanjevic was intoxicated at the time.

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Disputes between the SOC and the MOC continued over the ownership of 750 Orthodox shrines. Both churches claimed to be the “true” Orthodox Church in the country. The MOC and the SOC celebrated Christmas Eve, Christmas Day, and Easter at separate locations, often with police protection around the churches. On January 6, SOC and MOC priests and followers organized parallel traditional Yule log lightings for Orthodox Christmas eve: the SOC in Podgorica and the MOC in Cetinje. According to the media, the lightings were peaceful and without incidents. On January 7, members of the SOC and MOC celebrated Orthodox Christmas throughout Montenegro.

On May 12, ethnic Albanians in Martinaj near Gusinje protested the construction of an SOC church in their community. They described the construction of the SOC church in a place solely populated by Muslims as a “provocation.”

On August 5, during the celebration of the Day of Saint Ilija, SOC Metropolitan Amfilohije reportedly criticized the restoration of Islamic influence in the Balkans, saying the “extermination” of converts to Islam at the end of 17th century was a “historically significant event.” The Islamic Community stated it was offended by his statement, but was not surprised because of the SOC’s support for Serbia’s aggression in Bosnia in the 1990s, and its failure to condemn known atrocities, such as those in Srebrenica or the exodus of Muslims from the area that followed the violence.

In September media outlets reported on a conflict between the head of the ICM, Reis Rifat Fejzic, and the head of the Islamic Community in Serbia, Mufti Muamer Zukorlic, over who represented the Islamic community and had jurisdiction over Islamic religious life in the country. Reis Fejzic said Mufti Zukorlic was trying to divide the country’s Muslims. Mufti Zukorlic answered that Reis Fejzic’s weak leadership and his close relations with the ruling parties were to blame for a rise of radical tendencies among Muslims in the country. A month earlier, Mufti Zukorlic opened a kindergarten in Rozaje, which the ICM described as an intervention in its jurisdiction. In response to these disputes, President Filip Vujanovic stated that Mufti Zukorlic’s jurisdiction had “limits” and he could not act within the country in place of the official ICM. The ICM said it represented all Muslims in the country.

At the end of September several hundred residents of the predominantly Muslim city of Rozaje near the border with Kosovo and Serbia signed a petition to

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protest the decision of the ICM to expel Abdurahman Kujevic, a Zukorlic supporter. On September 26, Enes Falja, Arben Jakupi, and Kemal Muric disrupted a religious service in the Sultan Murat II mosque in Rozaje, reportedly to express disagreement with the expulsion of Kujevic.

Two members of parliament representing ethnic Albanian parties, Genci Nimanbegu (Forca) and Nik Djeljosaj (The Albanian Alternative), filed criminal charges against the pro-government tabloid *Informer* for “spreading racial and religious hatred.” In its October 16 edition, *Informer* published an article headlined “Shiptarian Trash” (Shiptar is a pejorative term for Albanians) reporting on celebrations organized by ethnic Albanians in several Montenegrin towns following the aborted Serbia-Albania soccer game in Belgrade, Serbia, October 14. On December 2, the Basic Prosecutor in Podgorica filed charges against *Informer’s* Editor-in-Chief Novak Uskokovic for tarnishing the reputation of the Albanian minority.

Media outlets sometimes produced negative content about the SOC and the MOC. The pro-Serbian newspaper *Dan* called the MOC a “fake church” and described its head as a “defrocked priest,” while the political weekly magazine *Monitor* often portrayed the SOC and its Metropolitan Amfilohije in a negative light.

All religious groups, especially the SOC, continued to experience vandalism of church buildings and cemeteries. On February 12, police arrested a Cetinje citizen for stealing a silver cross and other objects from the SOC Saint Jovan the Baptizer Church. On February 18, unknown perpetrators vandalized the SOC Sveta Petka Church in Rasovo near Bijelo Polje and stole 300 euros (\$365). During February unknown perpetrators desecrated 50 graves at Orthodox, Catholic, and Muslim gravesites in Bar. On March 6, unknown perpetrators stole a 628-pound church bell from the SOC Saint Nicholas Church in Vrazegrmci near Danilovgrad. On December 14, police arrested Nebojsa Gazivoda for stealing 1,500 euros (\$1,825) from the Ostrog monastery.

Section IV. U.S. Government Policy

The U.S. Ambassador and other embassy officials met throughout the year with government officials and representatives of religious groups to discuss religious freedom issues. Embassy representatives attended events hosted by religious groups, spoke out against incidents involving interreligious clashes, and

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monitored and followed up on cases of religious freedom violations. In particular, the embassy discussed with the MHMR developments in the drafting of the new law on the legal status of religious communities.

The embassy met with religious and civil society leaders to discuss relations among religious groups and hosted events to foster religious tolerance and societal respect for religious freedom, particularly regarding the Islamic community. On July 17, the Ambassador hosted an iftar at the Islamic Center in Bar for representatives of the religious, political, cultural, and business communities and civil society to increase dialogue and mutual understanding. The iftar promoted interreligious discussion and allowed the embassy to engage with leaders of the Muslim community in an interfaith setting. The Ambassador heard directly from faith leaders about religious attacks and the growth of extremism and communicated a message of interfaith tolerance and religious moderation.