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SERBIA: Further foot-dragging in mosque burning case

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Due to persistent delays by defence lawyers and the non-appearance of several defendants, the trial of 11 young people accused of burning the Islam-aga mosque in Nis has not yet begun - over fifteen months after the arson attack took place. The attack took place at the same time as the March 2004 arson attacks on Orthodox churches in Kosovo. Miroslav Jankovic of the Belgrade-based Youth Initiative for Human Rights, told Forum 18 News Service that the accused will be tried "for group violence, not for initiating religious hatred. The prosecutor is showing there is no will in Serbia to finally prosecute anyone for religious hatred – or even to admit that religious hatred exists." Belgrade imam Muhamed Jusufspahic, whose mosque was also attacked, noted that the Belgrade attackers also were only facing charges of participating in a violent group, not of religious hatred. Novi Sad's imam stated that police had not found those who had destroyed the Muslim prayer house there.

Over fifteen months after the 17 March 2004 arson attack on the Islam-aga mosque in the southern town of Nis, the trial of eleven young people accused of participating in the attack has not started. On 4 July – for the sixth time in succession – a hearing before Nis municipal court was postponed. Miroslav Jankovic, human rights officer at the Belgrade-based Youth Initiative for Human Rights, told Forum 18 News Service on 5 July that "they needed six hearings to finally decide to judge two of the accused in absentia. And not only that, they are going to try them for group violence, not for initiating religious hatred. The prosecutor is showing there is no will in Serbia to finally prosecute anyone for religious hatred – or even to admit that religious hatred exists."

Mustafa Jusufspahic, imam of Nis region, told Forum 18 from Nis on 5 July that although Muslims have to allow the state to do its job, their patience is "not unlimited". "Our property was badly damaged, we as citizens and Muslims are hurt," he told Forum 18 from Nis on 5 July. "This mosque has been under state protection for the last fifty years, but it seems the state is not interested in protecting it." Jusufspahic said that, if the community fails to get satisfaction in court, it will appeal to the European Court of Human Rights in Strasbourg.

Almost every delay in the case was caused by the non-appearance of some of the accused or their lawyers. The eleven, two of whom are on the run, face sentences of up to five years in prison under Article 230 paragraph 1 of the Serbian Criminal Code (participating in a violent group) if convicted for the attack, which caused an estimated 5 million dinars (476,209 Norwegian kroner, 60,228 Euros or 71,658 US dollars) of damage to the Ottoman-era mosque. Eight of the accused are from Nis, while three are displaced persons from Kosovo.

When two of the accused - Aleksandar Krstic and Milan Stanisic – failed to appear at Nis court on 3 June, presiding judge Katarina Randjelovic issued an order for their arrest via Interpol if necessary, court spokesperson Misko Radivojevic told Forum 18 on 4 June. She also requested that two other defendants be placed in custody until the trial. Radivojevic noted that after the Muslim community complained it had not been properly invited to the hearing, the court would issue a formal invitation in future. Police will report to the next court hearing whether two of the accused are in the country or not.

Reasons given by defence lawyers for the non-appearance of the accused include illness, two accused being "seasonal workers" until September 2005. The court now intends to hold the trial without defence lawyers, who are being similarly evasive, as the law does not require an obligatory legal defence for these charges.

Lawyers for the accused have, in apparent attempts to delay the trial, asked judge Randjelovic to reconsider her decision to separately try the defendant said to be ill as well as the absent defendants. She refused this request, so defence lawyers then tried to have judge Randjelovic removed and the case moved from the Municipal Court to the Regional Court. Both requests were refused. Defence lawyers then submitted a request to transfer the case from courts in Nis to the Supreme Court in Belgrade. A ruling on this request is scheduled for 22 July.

The Islam-aga mosque, attacked at the same time as mosques in the capital Belgrade and in the northern province of Vojvodina, was set on fire after a crowd of several thousand spontaneously gathered in the centre of Nis to protest against the outburst of violence by ethnic Albanians in Kosovo on 17 and 18 March 2004. In the Kosovo violence, at least 20 people were killed and 30 Serbian Orthodox churches and monasteries were either damaged or demolished and burned (see F18News 24 March 2004 http://www.forum18.org/Archive.php?article_id=286). According to the 2001 census, there are 1,200 Muslims amongst the roughly

174,000 people who live in Nis.

In Belgrade, the trial of eleven people accused of taking part in attacking the Belgrade mosque is in its final stages, Belgrade imam Muhamed Jusufspahic told Forum 18 on 5 July. As in the Nis mosque case, all eleven are facing charges only of participating in a violent group, not of religious hatred. The imam told Forum 18 that the defendants are all denying the charges and that he expects them to receive only mild suspended sentences.

Also destroyed on 18 March 2004 was the only Muslim prayer house in Novi Sad in Vojvodina, as were several Muslim-owned businesses. Fadil Murati, the town's imam, complained to Forum 18 that police had not found any of the attackers and that the community had received "only a 'small slice' of funds" to restore the prayer house. The estimated 70,000 Muslims in Vojvodina (20,000 of them in Novi Sad) have four prayer houses – in Novi Sad, Beocin, Zrenjanin and Subotica.

Muamer effendi Zukorlic, chief imam of the Sandzak Islamic Faith Community in the south of Serbia, complained that although relations between the Muslim community and the state are formally good, "numerous problems" remain, particularly in light of the failure to adopt a new religion law (see F18News 16 May 2005 http://www.forum18.org/Archive.php?article_id=562). "This is creating many problems on the local level and in dealing with the state authorities," he told Forum 18. "We have our hands tied, and we often have to depend on someone's goodwill'."

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For a personal commentary by a religious freedom lawyer arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights, see F18News http://www.forum18.org/Archive.php?article_id=403

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and survey of attacks on religious minorities in 2004 at http://www.forum18.org/Archive.php?article_id=581

A printer-friendly map of Serbia and Montenegro is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>

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