

**Country Visit: Bosnia and Herzegovina
Report of the Personal Representative of the OSCE Chair-in-Office
on Combating Anti-Semitism, Rabbi Andrew Baker
May 29-June 3, 2009**

Background:

Most of the Jews of Bosnia and Herzegovina date their origins to the early 16th Century, when forced from their homes in Spain they found a haven in this Balkan land. On the eve of World War II they numbered about 14,000, with the vast majority living in Sarajevo. About 10,000 were murdered by the Nazis and their Ustase collaborators during the Holocaust. With the break up of the former Yugoslavia and the siege of Sarajevo, its small Jewish community, a "neutral" party when it came to the lethal conflict among Serbs, Croats and Muslims, played a unique role in offering aid to its embattled neighbors. At the same time Jews left the country and in the intervening years have chosen not to return. Today the Jewish community numbers about 1,000 people, with most of them living in Sarajevo.

The National Museum in Sarajevo maintains a separate gallery to showcase the *Sarajevo Haggadah*, an illuminated manuscript believed to originate in 14th Century Spain. It is an almost legendary book, with many tales explaining its sojourn before being acquired by the museum and daring accounts of its being hidden from the Nazis and spirited away for safekeeping during the shelling of the city during the recent war. As a result the *Sarajevo Haggadah*, used for the observance of the Jewish festival of Passover, has become one of the country's national symbols.

View from the Jewish Community:

The Jewish community in BiH is far too small to figure into the ongoing ethnic political struggles that are so much a part of the country today. In fact, by some accounts each ethnic bloc wants to be viewed positively from the perspective of the Jewish community. The community leadership participates in the country's interreligious council, and Judaism is recognized as one of the country's traditional religions. An annual gathering of Jews from the states of the former Yugoslavia regularly includes the performances of Bosnian Muslim artists.

During the conflict in Gaza there were pro-Palestinian demonstrations in Sarajevo in which Israeli actions were equated with those of the Nazis. Even the Islamic religious leader of Bosnia, with whom the Jewish community has generally warm relations, hurled the charge of genocide. In response the Jewish community

addressed the public through the press. A joint statement issued by the Jewish community chairman and the (Muslim) Mayor of Sarajevo sought to dampen emotions and condemned civilian casualties on both sides.

Shortly before this visit a synagogue in Dobož (Republika Srpska) was defaced; someone had written, "Death to the Jews" on its wall. This was viewed with great surprise, as Serb-Jewish relations have been quite good.

In the post-Dayton formulas that allot almost all ministerial and diplomatic appointments according to the three major ethnic groups, it is notable that the Foreign Minister is a member of the Jewish Community and descendant from one of Sarajevo's oldest Jewish families. Those rules also mandate that the President of the country must come from one of the three groups, which occurs on a rotational basis. Because of this policy, the current chairman of the Jewish Community has filed suit with the Court of Human Rights in Strasbourg (together with a Roma citizen of BiH) claiming discrimination. It is essentially a symbolic gesture, but it reflects a larger concern about the long-term place for Jews (and other minorities) in a rigidly defined multi-ethnic state.

Holocaust-related Issues:

Bosnia and Herzegovina has yet to pass legislation restituting former communal and private property. Draft legislation would limit claimants to first generation heirs (i.e., children of original owners) which in the case of Jewish properties originally seized during the Holocaust means time is running out. While the relatively liberal policies of Communist Yugoslavia permitted many Jews to emigrate, they were usually required to "donate" their properties to the State upon departure. Community leaders would like to see any adopted legislation cover such de facto seizures as well.

There is no official Holocaust commemoration day in the country. Recent legislation, which tied its memory to the genocide in Srebrenica, did not pass the Parliament. The former synagogue building in the old center of Sarajevo now functions as a Jewish museum and includes informational displays on the history of the Holocaust. Community representatives, including Holocaust survivors, serve as guides in the museum and so far they have played host to 10,000 children. However, an agreement with the government to host school groups must be renewed each year.

OSCE Mission (Human Rights Department) in BiH:

OSCE experts report a general lack of understanding on the part of BiH police, prosecutors and judges in identifying and addressing hate crimes, for which there is no data available. Field operations report typical cases of hate crimes but

no specific numbers. Such cases involve religious sites or returning refugees, as well as Roma. Only a very small percentage of cases are prosecuted and public condemnation by political or religious leaders is rare.

The OSCE reports that recent LEOP training conducted in BiH was well-received but as yet there has been no evaluation to determine its impact. A particular challenge is the make up of police, which tend to reflect only the ethnic majority. As such most police officers in Republika Srpska (RS) are Serbs, while most in the Federation are Bosniaks. The level of confidence at a community level is not very high.

An anti-discrimination law has been drafted. It was developed in consultation with NGOs and is based on CERD (UN) recommendation and ECRI (Council of Europe) guidelines, but it has not yet passed.

OSCE Mission (Education Department) in BiH:

By the account of OSCE experts and other observers the education system in the country poses serious, long-term problems with regard to confronting intolerance and ethnic hatred. Short-term measures adopted following the Dayton Accords sought to restore a measure of normalcy in the country. One step was the adoption of a policy known as "two schools under one roof" whereby Croat children might attend class in the morning and Bosniak children in the afternoon. This has meant a de facto segregated school system, with children growing up unaware of what it is to live in a multi-ethnic society.

The problem is compounded by the fact that each of the ten cantons in BiH as well as the RS has its own education minister. While they meet regularly as a group, decisions are taken and implemented independently. One project, the Culture of Religions, promoted by the OSCE in BiH has been a program to teach about all religions, drawing on the *Toledo Guidelines*. On the face of it such a project should seem to be an obvious and positive contribution to promoting interreligious understanding and many of the canton education ministers support it. However, depending on the locale, there has been vocal opposition by religious leaders who are insistent that only they teach about their own religions and oppose training others to do so. With such an impasse any knowledge of Judaism (as well as the religious beliefs of the other minorities in the country) is absent in the school curricula and in the day to day experience of students. None of the individual curricula include Holocaust education. In the RS it is referenced as the "genocide against Serbs, Roma and Jews" while in the Croat cantons as the "massacre against civilians."

Meetings with Government Officials

Meeting with Haris Silajdžić, Member of the BiH Presidency.

Mr. Silajdžić shares his view that the country should be a nation of its citizens and of individuals rather than one of its respective ethnic groups as it now is. He has been a vocal opponent of constitutional changes that, he maintains, would only further codify the ethnic bloc rule established at Dayton. However, he does not believe that anti-Semitism is a serious problem in BiH and takes pride in the fact that he has appointed several prominent members of the Jewish Community to important posts—Sven Alkalaj as Foreign Minister and Jakob Finci as head of the Civil Service Commission and now Ambassador to Switzerland.

Meeting with Minister of Human Rights and Refugees, Safed Halilović:

This ministry has existed for 8-9 years and includes responsibility for helping those Bosnians living outside of BiH to return and resettle. They number one-third of the prewar population. Combating anti-Semitism is part of combating all forms of discrimination, and great stock is placed in the pending legislation. Additional laws will amend the existing criminal code and outline neo-Nazi and fascist groups. In his remarks the Minister echoes a view heard elsewhere—that as victims of genocide themselves, Bosnians have a special sensitivity to the experience of the Jewish people and are aware of the dangers of anti-Semitism. The meeting provides an opportunity to share with the Minister and his staff a copy of the working definition of anti-Semitism, which he says can serve as an explanatory note to the antidiscrimination legislation. Appropriate ODIHR materials are also shared.

Meeting with (Prime Minister) Nikola Spirić, Chairman of the Council of Ministers:

In the assessment of the Prime Minister conditions in BiH have improved markedly since the war but political debate is not one of dialogue but rather confrontation. Acknowledging the critical role played by the international community in restoring peace to the country, he maintains that now is a time for internal discussions, when respective ethnic leaders will “call each other rather than the High Representative.” He is an advocate of a stronger, central state and cites the harmful role that religious communities played in the division of the country. He stresses the importance of reforming and centralizing the education system as a necessary means to combat intolerance. The meeting also provides an opportunity to flag a particular problem which we recently learned. A request from the Jewish community asking that Holocaust education be part of the school curricula was rejected—essentially on grounds that the Federal ministry did not have jurisdiction. The Prime Minister believes this is an issue on which there should be a positive consensus and volunteers to take it up himself.

Meeting with Deputy Minister of Civic Affairs, Senad Šepić:

Mr. Šepić is among those who share the criticism of the “two schools under one roof” policy in education. He maintains that with pending changes in the constitution his ministry will have the authority to replace this program within the next one to two years, and they are already preparing a single, unity program. It is critical, he says, that children in the country will “learn the same history.” As part of developing a unified approach to educational curriculum, Holocaust education will also be included. The Deputy Minister also expresses interest in including ODIHR’s teaching materials on combating anti-Semitism into the new curriculum.

Meeting with Deputy Minister of Justice, Srđan Arnaut:

In Communist times there were laws concerning verbal attacks, but since then freedom of speech has been protected. However, in light of Bosnia’s experience, Mr. Arnaut believes that freedom of expression must have limits. However, he also maintains that the ethnic politics of the country make it difficult to enact proper hate crime legislation. By way of example he cites the difficulty in passing a Holocaust denial law (tied as it was to the genocide in Srebrenica).

The Ministry is open to working cooperatively with ODIHR in the development of materials and training, although it is pointed out that judges and prosecutors are appointed by an independent institution, the High Judicial and Prosecutorial Council. Police training on a state level is also identified as an area of need.

Conclusions and Recommendations:

The problems of Bosnia and Herzegovina are considerable, and senior officials sometimes shared their own doubts about the country’s future viability. The ethnic conflicts which exploded into Europe’s first post-Holocaust genocide are still present. The hope that comes in some conversations rests in the belief that the prospects of eventual European Union membership and the normalcy and prosperity that would accompany it will trump all of the prevailing divisions and prejudices. But diplomatic observers point out that, despite the goal and the well-defined steps to accession, the necessary measures are not –or not yet—being taken.

There are certainly areas for cooperation between various BiH agencies and ODIHR’s Department on Tolerance and Non-Discrimination which were identified during this visit. Nearly all government officials expressed the importance of enacting hate crime legislation and spoke of the usefulness in training police, as well as prosecutors and judges. The importance of education is virtually a given in all places, but the special problem in BiH is how to first stop and reverse a

policy which appears to promote intolerance rather than combat it. When the direction is set right, there should be a place for ODIHR teaching materials.

In light of the overall ethnic tensions and state-building requirements, the problem of anti-Semitism in BiH is modest indeed. Ironically, even at the height of the fighting, each side still regarded the country's Jewish community in a friendly and favorable light. But the war and the siege of Sarajevo—where most Jews lived—led to a further emigration. Nothing prevents them from returning today, but in the meantime they have already put down roots elsewhere. Those Jews who remain live without special concerns or fears. The synagogue and community building lack the enhanced security features that are commonplace elsewhere in Europe. Holocaust education and commemoration should be established in the school curricula and in public life. The history of Jews and Judaism, particularly as it has been a central element of life in BiH for the last half millennium, should also be taught. But doing these things may be less for the Jewish community itself than for the society at large which should always be reminded of the danger of genocidal hatred and the value of pluralism and diversity.

In describing their own place in Bosnia, Jews in Sarajevo draw an analogy to the baking of bread. The baker requires three main ingredients for his product—flour, water and yeast—and these are likened to three major ethnic groups in the country. But a fourth ingredient is added—salt—without which the bread would just not taste good. The Jews represent the salt. They are very small in number but they bring an outsized flavor to the society as a whole.