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SERBIA: Eight sentenced for 2004 Mosque burning

By Branko Bjelajac, Forum 18 News Service <<http://www.forum18.org>>

The trial of those accused of burning down the southern city of Nis' Islam-aga mosque in 2004 has produced outrage in the Muslim community at the light sentences imposed, Forum 18 News Service has learnt. The arson was triggered by Kosovo rioting which left 20 dead and 30 Serbian Orthodox churches burned or badly damaged. The maximum sentence that could have been imposed is 5 years in jail, but one person was sentenced to 5 months in jail, seven others were given 3 months each in jail, whilst two were freed. Three more people are still being tried. "We are not satisfied with the sentences," imam Mustafa Jusuf-Spahic told Forum 18, noting that the case may "unavoidably" have to come before international courts. Several Serbian political parties and NGOs have also condemned the light sentences, Miroslav Jankovic of the Belgrade Youth Initiative for Human Rights, telling Forum 18 that he hopes that the state prosecutor would appeal against the sentences.

The long-running trial of those accused of burning the Islam-aga mosque, in Nis in 2004, has resulted in one person being sentenced to 5 months in prison, and seven others to 3 months each in prison, whilst two were freed, at the Nis Higher Court on 26 July 2005, Forum 18 News Service has learnt. The defendants were accused of participation in group violence on 17 March 2004, when they set fire to the mosque, causing damage amounting to 5 million dinars (471,500 Norwegian Kroner, 60,000 Euros, or 72,200 US Dollars). Three more people are still in the process of being tried, two being absent and one being ill.

The conclusion of the trial has been long-delayed, due to persistent delays by defence lawyers and the non-appearance of several defendants, and the fact that the defendants were not prosecuted for religious hatred is controversial within Serbia (see F18News 5 July 2005 http://www.forum18.org/Archive.php?article_id=597).

The eight young men found guilty of the crime were proved to have thrown stones at the mosque, broken down a door and entered the mosque to set fire to it. The crime took place on 17 March 2004, after a mob in the main square of Nis gathered shouting "Burn the Mosque." The maximum sentence that could have been imposed is five years in prison, according to the Serbian Criminal Code.

Presiding judge Katarina Radosavljevic, reading the sentences, stated that the guilty men were aware that they were causing great damage, and that there are no excuses for violence, according to the Belgrade daily newspaper Blic on 27 July 2005. The March 2004 riots in Nis and Belgrade were triggered by the wave of violence that shook Kosovo the same day, leaving 20 dead, many houses burned, and 30 Serbian Orthodox churches and monasteries badly damaged or burned (see F18News 24 March 2004 http://www.forum18.org/Archive.php?article_id=286). Judge Radosavljevic commented that this was no reason for the accused to have been violent themselves.

Numerous security force personnel were at the court building, and around it, but as the accused and their followers left the court building they chanted "After years of jail/because of Islam-aga mosque/I am singing again/death to Muslims!" The police did not intervene.

The Muslim community is outraged at the light sentences imposed. "We are not satisfied with the sentences imposed," imam Mustafa Jusuf-Spahic of Nis region told Forum 18 on 28 July. "We see this ruling as an attempt of the court to balance in between. Everything has been done to be mild, to diminish what was done. They are not accused of religious hatred, as if it was not a mosque, then they defended them as being a group of sport fans outraged with the violence on Kosovo, and so on. The sentence is not an adequate response to what happened there."

Imam Jusuf-Spahic told Forum 18 that the Muslim community will wait until the end of the legal process, to see what action the state takes, but the Muslim community believes that they may "unavoidably" have to bring the case before international courts.

Serbian Prime Minister Vojislav Kostunica is this evening (28 July) visiting the Islamic Faith Community in Belgrade, to discuss their concerns with them.

Miroslav Jankovic, a lawyer and researcher at the Belgrade Youth Initiative for Human Rights, described the sentences to Forum 18 as "disgraceful" and hoped that the state prosecutor would appeal to a higher court against them. Jankovic added that "this is yet another proof that our legal system is not functioning."

Several Serbian political parties and NGOs also condemned the mild sentences, as did the Helsinki Committee for Human Rights in Serbia. Its president, Sonja Biserko, told Forum 18 that the sentences sent the wrong messages to the criminals or the general public, as the sentences were neither preventative nor proportional to the crimes committed. "That the accused were chanting death to Muslims that very day shows that the sentences did not persuade the criminals that they were wrong and that they are punished for it," she stated.

Biserko commented to Forum 18 that "the minimalistic policy, the diminishing of the offence, the charges put as if they demolished any building and not a mosque, which is a religious, sacral building, is showing that the society is very much against its Muslim citizens. Instead of discouraging such behavior, this ruling is only going to amplify negative sentiment against Muslims."

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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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