

Supervisor Orders that Houses of Worship and Cemeteries May Not Be Privatized as Part of Public Enterprises

Under this order, issued on 18 November 2002, houses of worship and cemeteries must be excluded from the assets of public enterprises before they can be privatized. Houses of worship include churches, mosques, synagogues, and other buildings used primarily for prayer or worship by a religious community. The exclusion does not apply to completely destroyed buildings or to cemeteries from which all known human remains have been removed.

Supervisor of Brcko, Henry L. Clarke, had the following comment on his order. "During the 20th Century, fascist and communist governments seized, destroyed and abused religious property. But since the fall of communism, democratic governments all over Eastern and Central Europe have been restoring religion and respect for the dead to their rightful places in our societies.

"The immediate need for this order arises from the recent advertisement of the public company "Majevica" for privatization. On the grounds of the factory is a church. We must not compound the error of the communists in seizing the church by selling it as if it were legitimate public property. This is not a question of monetary value – the church, in its damaged condition, is not valuable. This order simply shows respect for property originally used primarily for religious purposes. Of course it applies equally to mosques and synagogues and cemeteries, should any be found among the assets of enterprises to be privatized."

The order does not address other buildings or land, whether property of religious communities or not, nor does it deal with the question of compensation. Such matters would have to be addressed in a more comprehensive law.