State Persecution of the Religious Freedoms in the Former Yugoslav Republic of Macedonia

A Chronological Overview of the State Persecution against the Orthodox Ohrid Archbishopric in the Time Period from June 2002 to July 2012

The Persecution Continues

Highly esteemed

we would like to very briefly inform You about the violation of the basic religious freedoms of the part of the citizens of the Former Yugoslav Republic of Macedonia (FYROM). Namely, in FYROM exists the Orthodox Ohrid Archbishopric with a recognized autonomous status in the world of Orthodox Christianity, but persecuted by the state in its homeland. Her prelate, Archbishop of Ohrid and Metropolitan of Skopje k.k. Jovan, has served two prison terms because of his religious beliefs, and the court on two terms refuses the registration of the Archbishopric in the register of religious communities. In regard to the imprisonments of Archbishop Jovan and the refusal of registration of the Archbishopric to which, among the other nationalities, the FYROM citizens of Serbian nationality also belong, the representative of the Serbs in the Government and Member of Parliament, Mr. Ivan Stojilkovic stated: “it is not being mentioned that the Serbs in FYROM cannot realize their religious freedom, granted by the Constitution” (Blic, 24th February 2010). At the same time, we regret to convey to you the standpoints of a part of the citizens, members of our Church, who are considering seeking asylum in some of the countries, members of the European Union, due to the violation of the basic religious freedoms by the FYROM authorities, having in mind that FYROM already twice rejected our application for registration.

For a more precise insight into the above stated, in continuation we enclose a chronological overview of a part of the events, since the constitution of the Orthodox Ohrid Archbishopric in 2002 until today.

The residence of Archbishop John in Veles, which was his only home, was broken into, and he was expelled by the police, without a court order and a period for moving out, 6th July 2002
Upon entering in the canonical and ecclesiastical unity with the Serbian Orthodox Church—and through that with the whole community of Orthodox Churches—in June 2002, Archbishop Jovan was illegally and brutally expelled from his residence and cathedra in Veles, by the police, without a court order and without a period for moving out.

In the same manner, illegally and without a court order or period for moving out, the monks of four monasteries, were expelled from their monasteries, i.e. homes, in January 2004, immediately after joining the Orthodox Ohrid Archbishopric.

The declaratively secular state legalized its identification with a specific religious community—the schismatic “Macedonian Orthodox Church” (MOC), through the Parliament’s “Declaration for support of the autocephaly of the MOC” reached on 23rd January 2004, thus favoring a single religious community at the cost of discrimination of the other religious communities.

In February 2004, the monastery, “St. John Chrysostom”, in the village Nizepole, was broken into by armed and masked men, who—not finding the Archbishop Jovan they were after—harassed and threatened the nuns with machine-guns, cut their hair and set the monastery on fire. Until this day, the police has not found the perpetrators.

The Church in the “St. John Chrysostom” monastery was illegally demolished by the state authorities on 15th October 2004.

On 3rd November 2004 the State Commission for Relations with the Religious Communities and Groups refused the registration of the Orthodox Ohrid Archbishopric, without stating essential grounds for the refusal.

On 22nd June 2005, Archbishop Jovan was sentenced to 18 months imprisonment for “Instigation of ethnic, racial and religious hatred, discord and intolerance”. The verdict stated the conviction relied on these three points: 1) he agreed to be appointed as an Exarch of the Ohrid Archbishopric in FYROM, 2) he participated in the ordination of the bishops Joakim and Marko and 3) he officiated at a religious service in an apartment owned by his parents. He served 220 days in prison before the Constitutional court declared the last two of these three points, upon which the sentenced was based, to be unconstitutional and his sentence was shortened to 8 months.

In 2006, Archbishop Jovan was sentenced for the second time, on charges for
“Embezzlement”, and as a second defendant was sentenced 2 years imprisonment, while the first defendant was sentenced 1 year and 3 months. He served 256 days before the Court of Appeals shortened his prison term, and he was released.

- The chapel “St. Nektarios of Aegina” in the suburb of Skopje, after being broken into and vandalized on several occasions, was at the end completely demolished on 12th July 2005, before the eyes of the police, which undertook nothing to prevent the incident.

- Bishop Marko was beaten up while serving at a public graveyard on 10th February 2007. The police refused to investigate the case.

- The clergy of the Orthodox Ohrid Archbishopric is constantly being harassed at the border-crossings by the police. (See: http://www.forum18.org/Archive.php?article_id=506)

- On 28th July 2009 the Orthodox Ohrid Archbishopric was for the second time refused registration, this time by the Court (which, according to the new religion law, took the responsibility for the registration of religious communities and groups).

- The clergy of other Orthodox Churches is not allowed to enter the country, for several years already.

- On 15th October 2009, Archbishop Jovan has been sentenced for the third time, on charges

Left: the service of sanctification of the foundations for the church in the “St. John Chrysostomos” monastery in Nizepole, near Bitola. Metropolitan Ignatios of Demetrias and Almyros (Orthodox Church of Greece) and Metropolitan Kiril of Varna and Preslav (Bulgarian Orthodox Church) took part in the service together with the Bishops and clergy of the Orthodox Ohrid Archbishopric on 18th September 2004. Right: the church in the “St John Chrysostom” monastery, before the destruction.

The church in the “St. John Chrysostom” monastery, in the village Nizepole, after the destruction on 15th October 2004
for “Embezzlement”, in a court process which lasted 8 years. As in the previous cases, he has first twice been acquitted by the primary court, but the court of appeals returned the case, until a newly appointed judge finally convicted him. He is to serve 2 years and 6 months prison term and to pay damage of 240,000 Euros to the schismatic “Macedonian Orthodox Church” (MOC) for items that the expertise proved that have remained property of the MOC.

Although in order to comply with the European legislation, a new law for registration of religious communities has been adopted in May 2007, that law practically never began to function. The application for registration of our Church, the Orthodox Ohrid Archbishopric, as already pointed out, was rejected also according to that new law. On 20th July 2009, the Ambassador of United States of America in the Former Yugoslav Republic of Macedonia, Mr. Philip T. Reeker, stated: “A year ago, I described the law on religious organizations in Macedonia as a model for the region when I spoke in front of the United States Senate. We have over the past year made our concerns clear on the lack of implementation of that law at the highest levels of government.” (http://macedonia.usembassy.gov/bektashi_community.html) In addition, the US Mission to the OSCE reports that: “In Macedonia, the law favors the Macedonian Orthodox Church and Islamic Community of Macedonia, and discriminates against other religious groups... In Macedonia, the lack of effective implementation of the registration provisions of the 2007 Law on the Legal Status of Churches, Religious Communities and Groups helps to further an atmosphere of apparent discrimination against the non-establishment religious organizations.” (http://osce.usmission.gov/media/pdfs/statements-at-hdim/hdim09_session02.pdf) De-
spite the new law has declaratively been adopted, in practice, in FYROM today there are more religious communities that have been rejected registration, than ones that have been registered, by which the state is protecting the monopoly of the MOC.

Many international institutions and organizations have also spoken out against this persecution. Following are only a few examples:

US Department of State constantly includes in its “Religious Freedom Report” and “Human Rights Report” information regarding the restrictions of the religious freedoms of the members of the Orthodox Ohrid Archbishopric, the existence of religious prisoners, the violation of freedom of movement, the police terror and demolition of a monastery, the prevention of OSCE from obtaining a copy of the decision upon which the demolition was carried out, the police interrogations of the members of the Orthodox Ohrid Archbishopric etc. (http://www.state.gov/g/drl/rls/irf/2008/108458.htm, http://www.state.gov/g/drl/rls/irf/2007/90187.htm, http://www.state.gov/g/drl/rls/irf/2005/51567.htm, http://www.state.gov/g/drl/rls/irf/2004/35470.htm etc.)

US Mission to the OSCE warned of “Violation of freedom of religion” and “encouraged the authorities to apply the law fairly”, advising “the government should avoid involving in religious disputes”, reminding that “Article Nine of the European Convention on Human Rights and Article 19 of the Macedonian Constitution as well as Macedonia’s OSCE commitments, and international norms, all guarantee his right to freedom of religion.” (http://osce.usmission.gov/media/pdfs/2004-statements/fyrom_2-5-04.pdf).


The European Commission pointed out that “cases of violations of religious freedom exist” and emphasized that “the new law should provide more liberal procedure for registering religious communities” in its report. (http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/fyrom_sec_1387_en.pdf)

The domestic public had the opportunity to be informed about the latest state terror on religious basis carried out towards the Orthodox Ohrid Archbishopric single-sidedly and identically by the police and the media, which—according to the latest U.S. State Department Human Rights Report—together with the judiciary, are marked as the most problematic segments of the society in the Former Yugoslav Republic of Macedonia (FYROM).

In continuation we will briefly indicate the reasons for the latest police searches and harassments, as well as the judicial measures against the Bishops, priest-monks, nuns and the faithful people of the Orthodox Ohrid Archbishopric.

The Orthodox Ohrid Archbishopric has on two terms—according to both the old and the new law—had the applications for its registration in the court register of churches and religious communities rejected. In regard to that case the Prosecution also refused to protect the lawfulness. The Orthodox Ohrid Archbishopric is a pan-orthodoxly recognized Church that has its structure in which people are realizing various activities, and it is simply not possible that these citizens cease to exist only because the state—in the last 10 years—is unjustly terrorizing them on religious basis and refuses to register the Church.

For those reasons, the Association of citizens “Anastasia” was legally registered, its primary purpose being the enhancement of the religious freedoms in FYROM. (Through the realization of its legally granted right, the establishment of the Association and its activities are in accordance with the Law for associations of citizens and foundations, and hence, according to article № 2, the Association has the right to income, to donations intended for the realization of purposes and activities, according to the Statute and the Law.) If the court allows for a registration, then the Orthodox Ohrid Archbishopric would not have a reason to accomplish its activities through associations of citizens. The Association “Anastasia” (which is founded by nuns), made a contract for purchasing of premises where the members of the Orthodox Ohrid Archbishopric would be able to realize their religious needs. For that purpose, donors, members of the Orthodox Ohrid Archbishopric, decided to aid the Association with their own funds. The public prosecution, on the other hand, fully unjustified, illegal, and without absolutely no proof upon which a suspicion for a criminal act of “money laundering” would be based, aims to present the donors’ funds as funds that Archbishop Jovan of Ohrid has misappropriated from the schismatic “Macedonian Orthodox Church” (MOC)! But what clearly shows that this is a case of state terror on religious grounds, among other things, is the fact that in the court process against Archbishop Jovan, it was insisted to the instructions of the Court of Appeals that the criminal act “evasion” does not suggest that someone had gained material benefit for himself, and the expertise, as well as the acquittal verdicts for Archbishop Jovan showed that he has not misappropriated any funds. Finally, the court is aware that the automobile of the Eparchy, the library, the marble pillars in Bitola’s temple of “St Demetrios”, the building “Malina” in Veles, the church economy “V oskresenie” and the whole movable and immovable property for which the schismatic MOC is accusing Archbishop Jovan, has not even for one moment been his private property, but instead, it is inalienable property of the schismatic MOC, for which—as we indicated—the Court of First Instance in Veles has on two terms acquitted Archbishop Jovan, and also the court in Sofia, Bulgaria, denied the extradition of Archbishop Jovan in FYROM, wondering how at all could it be possible for Archbishop Jovan to have “embezzled” even those funds that he—as the active Bishop—has paid as personal income to the employees, and how could it be possible for him to “embezzle” even the paid bills for electricity and public
services! Therefore, the court in Bulgaria refused his extradition with a rationale that “the financial embezzlement for which Archbishop Jovan is being accused of, are nothing else, but a political persecution on religious grounds”.

That this is a case of a staged state persecution, it could be clearly seen from the court decision for an investigative process in which, in neither of the accusations the expression presumably there is “money laundering” is used, but rather, the decision for the persecution looks as if the investigative bodies have already written the sentence. At the same time, the Ministry of Internal Affairs (MIA) has placed—contrary to the law—all information in the public, with what a prejudice is made of a contradictory process which should be lead in the court. Also, the MIA should not have stated with certainty that there had been intentions for money laundering, because the evidences for such a case are being additionally collected and the formation of the accusation in process. Also, the court and the police are not respecting the presumption of innocence, and by publicly displaying the private data and by making the detentions with handcuffs on the hands and in front of video cameras, they have in a way already sentenced the donors of the Orthodox Ohrid Archbishopric! On top of that, the police harassed and hit nuns. During the search it confiscated the registry books of the baptized and the married, the protocol books with the whole correspondence of the Orthodox Ohrid Archbishopric, of exclusively religious character, and many other documents and items, also of exclusively religious character! What has that to do with “money laundering”! The impression is undoubtedly that the state apparatus, with totalitarian methods is persecuting the members of the Orthodox Ohrid Archbishopric, without laws and trials.

In the European judiciary, in regard to money laundering, an additional, very precise expression is used: laundering of dirty money. That is money gained through drugs, prostitution and other illegal activities. In the FYROM judiciary even the law itself is titled: Law for prevention of laundering of money and other income of criminal actions and financing of terrorism.

In this case, such funds neither exist, nor have been laundered. It is a case of donors’ personal funds, which they have, with a contract for the donation, on their personal will and wish, donated to the account of the association “Anastasia”, solely for the purpose of realization of their religious needs. For that purpose, the association “Anastasia” has signed a contract for purchasing of premises. In FYROM there are many donors which are in any time ready to donate to the Orthodox Ohrid Archbishopric! Having in mind the newly aroused circumstances, we expect that the authorities start to imprison and terrorize all people who are members of the Orthodox Ohrid Archbishopric!
In that manner, the authorities of FYROM are performing a selective implementation of the laws. The priests of the state-sponsored schismatic MOC for their activities, baptisms, marriages, funeral services, selling of candles etc. are not issuing fiscal receipts to the citizens, hence the state has no control over their incomes and the way those incomes are realized, but none of them has been spectacularly detained, as were the members of the Orthodox Ohrid Archbishopric, who are donating personal funds in a legal manner! Also, for the secular authorities all religions should be equal, but in this case, the MIA named the last action against Archbishop Jovan, the Bishops, priest-monks, nuns and the faithful people as “Schismatic”, with which it has deliberately and undoubtedly put itself in the service of the schismatic MOC, since only they consider Archbishop Jovan a schismatic. At the same time, it should be highlighted that the schismatic MOC does not have doctrinal and eucharistical unity with all local orthodox Churches.

The Former Yugoslav Republic of Macedonia is the only country in Europe that—making a great injustice—in the last ten years has already for the sixth time imprisoned Archbishop Jovan, who is a Prelate of a recognized orthodox Christian Church. And while he is in prison, as many times before, it prepares a new accusation against him! Now, continuing to make injustices, it has taken the passports of and is starting a new court process in which it threatens with prison sentences other two Hierarchs—Bishop Marko and Bishop David, priest-monks Mojsej and Irinej, the abbess Kirana, the prioress Olimpiada, the nuns Magdalina and Pelagia and not a small number of citizens members of the Orthodox Ohrid Archbishopric.


After the Information Service of the Orthodox Ohrid Archbishopric announced that the deed for which the schismatic “Macedonian Orthodox Church” (MOC) is suing Archbishop Jovan is outdated, and the Court of Appeals has not reached a verdict, various interpretations and denials appeared in the FYROM media.

Dominant was the news that there has been a decision, but it was not written yet!!!(Dnevnik, 09.07.2012, 12:13)

Other regime media hastened to report that even if the Court of Appeals had not reached a
decision, that would not save Archbishop Jovan from being imprisoned, because a new, different charge was being raised against him!!! (Vecer, № 15036). Such stances testify that the state will infinitely make up various things with the sole purpose of making sure that Archbishop Jovan will not be released from prison!

However, the undeniable fact remains, that on June 28th, during the court process in Skopje, where Archbishop Jovan was present, the Court of Appeals neither reached, nor announced any decision, it only stated that the decision would be delivered in a written form! Such decision the court has not been delivered until this day, and the deed is already fully outdated!

The information services also stressed that the Orthodox Ohrid Archbishopric considers the FYROM judiciary to be corrupted and subjected to political pressures, but they forgot to indicate that those qualifications have been fully quoted from the relevant reports, from the last several years, of the U.S. State Department and Freedom House, and the reformation of the FYROM judiciary has been marked as a first and required condition for the integration of FYROM into the contemporary democratic flows.

The corrupted FYROM judiciary has rudely twisted, in whole, the procedure during the court process against Archbishop Jovan. Following, we will name only a few violations of the procedure!

**The Court Prosecutes Archbishop Jovan Solely due to His Religious Convictions**

The court made an essential violation of the procedure by accepting the charges after the allowed time period (Article 48 of the Criminal Law), because the whole work of Archbishop Jovan was very clearly known to the synod of the schismatic MOC, exactly through their financial control in the Eparchies where Archbishop Jovan was a Bishop. The mentioned financial control, without exceptions, showed that Archbishop Jovan simply does not have irregularities in his financial operations. That can especially be seen through the final accounts that were checked and verified by the schismatic synod of the MOC! That is why the schismatic bishops had not raised charges against Archbishop Jovan during the time he was part of their synod. Hence, it is very obvious that the state-schismatic persecution against Archbishop Jovan begins in the moment he established the canonical and liturgical unity with the catholic Orthodoxy. In that way, the proverbial FYROM judiciary is also violating Article 9 of the *Convention for the protection of Human Rights and Fundamental Freedoms*, according to which, everyone has the right to a belief, consciousness and religion, including the right to change his religion, as well as the right to publicly express his religion through religious services.

**The Former Yugoslav Republic of Macedonia Annihilates the Principle of Secular Society**

The judiciary is violating the procedure also by initiating a court process for which the Court of First Instance in Veles is not relevant to trial Archbishop Jovan for the mentioned deed, because for that only an ecclesiastical court would be relevant, having in mind that “the decisions of the bodies of the religious communities have no effect outside of those same communities”
(Official Gazette of FYROM, № 35, dating from July 23rd 1997, which was valid at the critical time, article 14), which strictly forbids the state to have powers in the church works. In the case of Archbishop Jovan, FYROM is annihilating the principle of secular society and the Court of First Instance is placed in the position of an ecclesiastical court that makes judgments according to the Constitution of the schismatic MOC. In that way, one court instance, i.e. the Court of First Instance in Veles, is changing the state constitution, and that autocracy has been silently accepted by the legislative and the executive authorities of FYROM.

The Public Prosecution Did Not Prove Who Was Damaged, Which Means—There Is No Damaged Party

Also, nobody from the schismatic MOC is telling the undeniable truth that the automobile which was used by the Eparchy in Veles in the time of Archbishop Jovan, the two tractors, each square meter of land under concession, the marble pillars in the temple “St Demetrios” in Bitola, the building “Malina” in Veles, the church economy “Voskresenie” and its two automobiles, and all other movable and immovable property for which the schismatic MOC, after ten years, is accusing Archbishop Jovan, have not even for a single moment been his private property, on the contrary, they are even today inalienable property of the schismatic MOC, hence it is very clear that Archbishop Jovan left the Eparchy in a much better condition that the one he found it in. For that reason he has been twice acquitted by the Court of First instance in Veles, while the third time, the authorities had dismissed the judge Valentin Zafirov and set the judge Tanja Mileva only to read the political verdict for imprisonment of Archbishop Jovan.

Therefore, the reallocation of the funds which is mentioned throughout the accusation against Archbishop Jovan, is with the purpose that the schismatic MOC and no one else, gains material goods, which means that—there is no damaged party. The public prosecution did not prove which regulation had been violated by the work of Archbishop Jovan in the critical period. It is not clear what the Public prosecution and the Court understands by “gaining material goods for oneself”, when it is evident that everything has been gained for the schismatic MOC, and remained in the schismatic MOC, thus the question is raised: what exactly does the Public prosecution want to protect with this bill of indictment?! And who has been damaged when the schismatic bishops Agatangel and Timotej, who were both examined in the court, clearly testified that Archbishop Jovan did not take anything with him!!!

The Court Violates the Human Rights of Archbishop Jovan

Also, violating the Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 3-b, 3-c and 3-d, in which it is determined that everyone should be provided conditions for the preparation of the defense, as well as the right to call and examine witnesses, the court first refused to call as witnesses the schismatic bishops Stefan and Peter, who, as opposed to Archbishop Jovan, had executive functions in the time when he was a vicar bishop; afterwards, although the expertise had been made in the absence of Archbishop Jovan, the court prohibited expertise in his presence; and at the end it deprived him of the time for his statement in regard to the mentioned expertise, i.e. it deprived him of the time for exposition of the defense.

Continuous Accusations with the Aim of Destruction of Archbishop Jovan and the Orthodox Ohrid Archbishopric

In regard to the latest accusations for “money laundering”, it is completely clear that, according to the recommendations by the Court of Appeals, it is clear that Archbishop Jovan has not gained any funds for himself, but rather “operated with the funds of the schismatic MOC

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as they were its own”. So, it is obvious that he has not embezzled the funds, but everything that the schismatic MOC accuses Archbishop Jovan of, is today their property. In that case, such “money laundering” is possible only for the corrupted and subjected to political pressures judiciary!

**Religious Persecution—Endangering of the Future**

All this testifies that the authorities in FYROM, in the eyes of the international public are protecting the monopoly of the schismatic MOC, and are placing MOC above the laws, thus signing capitulation of the democratic values, which will surely have its consequences for the future of all citizens of FYROM. The imprisonments and the continuous court processes, one after the other, are clearly demonstrating that the FYROM authorities are determined by all means to destroy the religious freedoms in our homeland and with communistic methods covered with the guise of “independent court decisions” to wipe from the face of the earth Archbishop Jovan and the Orthodox Ohrid Archbishopric.

The state pogrom on religious basis in 21st century Europe, in the Former Yugoslav Republic of Macedonia, continues.

This is only a part of the persecution that the Orthodox Ohrid Archbishopric faces in the past ten years.

This information for continuation of the limitations of our rights is at the same time an appeal to all the persons being in position to assist the implementation of the Democratic laws and values regarding the respect of religious freedom for all the citizens in the Former Yugoslav Republic of Macedonia, without any ethnic or religious prejudice, as one of the basic conditions for integration in the Euro-Atlantic civilization trends.

With respect,

BISHOP

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