

briefing

Bulgaria

Church invasions briefing

JULY 2005



CHRISTIAN
SOLIDARITY
WORLDWIDE
VOICE FOR THE VOICELESS

PO Box 99, New Malden,
Surrey KT3 3YF

T: 0845 456 5464

E: admin@cswworldwide.org.uk

W: www.cswworldwide.org.uk

REGISTERED CHARITY NO. 281836

Table of contents:

	Church invasions briefing.....	1
1.	Introduction.....	3
2.	Background.....	3

1. Introduction

July 21st 2005 marks the one year anniversary of a major assault by the government on religious freedom in Bulgaria. On July 21st, 2004, under orders from the Prosecutor General, Bulgarian police invaded Bulgarian Orthodox churches and monasteries across the country and forcibly dragged out more than 160 priests, many of whom were in the midst of officiating church services.

In an extraordinary turn of events which brought to mind the heavy handed tactics used by the former Communist government, the Bulgarian authorities took the side of one faction of the Bulgarian Orthodox Church, and used state police power to effectively act as a personal militia of that faction.

None of the targeted priests have been allowed to return to their churches and monasteries, all of have lost their sole means of income (Orthodox priests are allowed to marry and many have large families) and are now forced to hold services for their congregations in the open air – which over the past winter, meant freezing temperatures, snow and rain.

Under Bulgarian law it is not possible to appeal decisions of the Prosecutor General. The Rule of Law Institute, a Bulgarian legal and human rights organization, has registered 75 cases with the European Court of Human Rights in Strasbourg. The Bulgarian government has presented its statement to the ECHR and on July 13th the Rule of Law Institute presented its rebuttal. They are currently awaiting the Court's decision on whether or not it will accept the case.

2. Background

The current Bulgarian Orthodox Patriarch Maxim was appointed to that position by a resolution of the Politbureau of the Bulgarian Communist Party on 4 July 1971.

After the fall of communism in Bulgaria many in the Church expected Maxim to step down to allow for an election within the Church itself to name a new Patriarch. However, he did not step down from the post, and he continues to receive tacit and overt support from the State. A significant part of the Church refused to recognize his authority and demanded that he step down so that elections might take place. They aligned themselves under the authority of Metropolitan Innokentii.

On 18 October 2000 the Supreme Administrative Court declared that

...there are two religious communities in the Republic of Bulgaria that are called the Bulgarian Orthodox Church... Since there are citizens in the Republic of Bulgaria who do not wish to be in a church relationship with Patriarch Maxim, they have the sovereign right to separate themselves from the religious community led by that patriarch, and to found an independent church, as a religious community having its own bylaws and organs of leadership.

However, on 21 July 2004, under orders from the Prosecutor General's office, Bulgarian State Police forcibly invaded churches and monasteries across the country in an attempt to "retake" their church buildings and property for the use of the faction of the Bulgarian Orthodox Church under the leadership of Patriarch Maxim. In some cases they stormed the "holy of holies" in order to remove the priests from the premises by force. In effect, the

State intervened with force, in contravention to European human rights law, on behalf of one faction in an internal church dispute.

According to contacts at the Rule of Law Institute, Bulgarian Orthodox church property in Bulgaria legally belongs to the communities in which it is situated. They are empowered to elect church councils made up of local members of the congregation who then effectively govern the church. Church property as a whole does not legally belong to Patriarch Maxim or to any other individual church leader or corporation therefore the State has no right to intervene and forcibly take property from one faction of the Church in order to give it to another faction of the Church.