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BULGARIA: Massive fines for bishops charged as "impostors"?

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Metropolitan Inokenty (Petrov) of the Orthodox "Alternative Synod" has been warned he faces a fine of more than 90,000 US dollars if found guilty under the Criminal Code of describing himself as deputy head of the Holy Synod and Metropolitan of Sofia. Prosecutors assert that only bishops of the Bulgarian Orthodox Patriarchate can claim to be Orthodox bishops and any others are impostors. Inokenty's criminal trial was postponed on 22 March until 5 June because he was ill. The trial on identical charges of Metropolitan Gavriil (Galev) began in Blagoevgrad on 28 March but was adjourned until 19 May. The lawyer for the two, Ivan Gruikin, has denounced these criminal prosecutions as a "scandal", telling Forum 18 News Service they violate the separation of church and state. The government has in recent years favoured the Patriarchate over the rival Alternative Synod which emerged in the wake of a split in the Church in 1992.

The lawyer for two senior members of the Orthodox hierarchy of the "Alternative Synod" facing massive fines if found guilty under the Criminal Code for declaring that they are bishops of the Bulgarian Orthodox Church has denounced the cases as "stupid" and "absurd". "These are political cases designed to isolate them from their followers and to intimidate them," Ivan Gruikin told Forum 18 News Service from the Bulgarian capital Sofia on 28 March. "I believe the prosecutions are a scandal as they violate above all the separation of church and state." He said he believes the very fact these prosecutions are underway might harm Bulgaria's chances of acceding to the European Union.

Gruikin insisted that prosecutors' and courts' interventions into who is and is not a legitimate religious leader violates religious communities' self-determination. "Anyone can say they are the Dalai Lama, or Christ or the Pope," Gruikin told Forum 18. "This is not a matter for the state."

Regarding these prosecutions as "questionable" in the light of international human rights standards is Yanko Grozev, who has taken up legal cases on behalf of the Bulgarian Helsinki Committee. "These charges are about a dispute between religious factions," he told Forum 18 from Sofia on 29 March. "Under international law the government has a duty to stay neutral in such a dispute, but it did not." He said this is why the government's position has been challenged at the European Court of Human Rights in Strasbourg.

Forum 18 was unable to immediately reach Ivan Jeleu, the director of the government's Religious Affairs Directorate to find out why the government was intervening in internal religious affairs. But deputy director Georgi Krustev refused even to talk to Forum 18 on 29 March, declaring through an aide that he was unable to discuss specific questions.

The two wings of the Bulgarian Orthodox Church emerged after a 1992 schism led by those who alleged that Patriarch Maksim had uncanonically been elected to head the Church in 1971 as he had in reality been nominated by the then Communist authorities. Officials have in recent years firmly backed the Patriarchate (which also retains the recognition of the rest of the Orthodox world) and declared that Bulgaria's controversial 2002 religion law was specifically aimed at "reuniting" the divided Orthodox Church.

After increasing official hostility to the "Alternative Synod", as opponents of Patriarch Maksim were dubbed, the authorities expelled all Alternative Synod followers from their churches in a mass swoop in July 2004. Officials then declared the schism "ended", despite the existence of many parishes of the Alternative Synod, which struggle to survive without parishes. Official hostility has continued (see F18News 17 March 2006 <http://www.forum18.org/Archive.php?article_id=745>).

Separate cases against the head of the Synod, Metropolitan Inokenty (Petrov), and Metropolitan Gavriil (Galev) of Nevrokop under Article 274 part 1 of the Criminal Code, which punishes "unwarrantedly committing an act within the scope of the office of an official which he does not occupy" with a penalty of up to one year's imprisonment. One source told Forum 18 they believe the cases were launched at the instigation of the National Security Service.

Although it is not quite clear whether this article can be applied to officials working outside the framework of the government, such as officials of religious communities, Gruikin believes it can. Sharing his view is Dobrinka Chankova, Professor of Criminal Procedure Law at South West University in Blagoevgrad, who told Forum 18 it covered those pretending to be both state and other officials.

Despite his belief that the article can be applied against those pretending to be non-governmental officials, Gruikin believes these prosecutions violate the Constitution and Bulgaria's international human rights obligations, which he says are higher than the Criminal Code.

Once the cases against the two had been launched, they were then handed to the local prosecutors in Sofia (against Inokenty) and Blagoevgrad (against Gavriil). The charge sheet against Inokenty signed by prosecutor Daskalova and dated 15 July 2005 - of which Forum 18 has received a copy - details specific letters he signed in his role as Deputy Chair of the Holy Synod and Metropolitan of Sofia between 2 January 2003 and 6 July 2004, which the prosecutor claimed was evidence he was pretending to hold a role he did not hold.

The charge sheet against Metropolitan Gavriil, prepared by Prosecutor Borsilav Kovachki from Blagoevgrad and dated 5 August 2005 (of which Forum 18 has also received a copy), is similar.

Metropolitan Inokenty was due to be tried at Sofia District Court on 22 March, but the case was postponed as Inokenty was ill. The court set a new date of 5 June to hear the case. Metropolitan Gavriil's case was begun in Blagoevgrad District Court on 28 March, but was adjourned until 19 May, Gruikin told Forum 18. He reported that the judge said he wanted to acquaint himself with further documents of the Bulgarian Orthodox Church and establish who is the real Metropolitan of Nevrokop.

However, in what might be seen as a concession, the prosecutors in both cases have decided that they will continue the prosecutions under Article 274 while bearing in mind Article 78a of the Criminal Code, which in certain circumstances allows courts to hand down on those found guilty not terms of imprisonment but administrative fines instead. "They realised the cases are stupid," Gruikin told Forum 18. "I believe the courts are now aiming to drag out the cases as long as they can."

However, Metropolitan Inokenty has already been warned that he faces a fine if found guilty of 150,000 leva (611,153 Norwegian kroner, 77,697 Euros or 92,496 US dollars).

For more background information see Forum 18's Bulgaria religious freedom survey at

<http://www.forum18.org/Archive.php?article_id=745>

A printer-friendly map of Bulgaria is available at

<<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=bulgar>>

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