FORUM 18 NEWS SERVICE, Oslo, Norway
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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

27 February 2007

BULGARIA: Legal problems continue for Ahmadi Muslims and Alternative Orthodox

By Felix Corley, Forum 18 (https://www.forum18.org)

Bulgaria's Ahmadi Muslim community is still fending off attempts by a regional public prosecutor – supported by the state Religious Affairs Directorate – to strip them of legal status, Forum 18 News Service has been told. A final hearing of the case is due on 6 March. But community member Muhamad Ashraf stressed to Forum 18 that the community's religious work has not been restricted. Also, public prosecutors have failed thus far to convince two courts to convict members of the so-called "Alternative Orthodox" Synod as "impostors". In one of the two November 2006 cases, a definitive court ruling is still awaited and in the other case, prosecutors have yet to announce whether they will appeal against losing their case. Following the state's 2004 violent expulsion of the Alternative Orthodox from their parishes, the European Court of Human Rights in Strasbourg has yet to decide whether or not to admit a case brought by the Alternative Orthodox against Bulgaria.

Bulgarian public prosecutors have continued to use the courts to attempt to restrict the rights of religious minorities, Forum 18 News Service notes. A public prosecutor in Blagoevgrad is still attempting to deprive the Ahmadi Muslim community of its legal status and attempts have continued to convict two Orthodox bishops of the so-called Alternative Synod as "impostors" - despite two courts dismissing prosecution cases.

Bulgaria's small Ahmadi Muslim community is fending off attempts, by Regional Prosecutor Maria Zoteva, in the south-western town of Blagoevgrad to strip it of legal status through the local court. Denied registration as a religious community, it gained legal status as a non-commercial organisation in December 2005 against the opposition of the state Religious Affairs Directorate. Maria Zoteva lodged a case to revoke that registration in September 2006 (see F18News 22 November 2006 http://www.forum18.org/Archive.php?article_id=874).

Ahmadi community member Muhamad Ashraf told Forum 18, from Blagoevgrad, that hearings have repeatedly been cancelled or postponed. Despite the illness of the community's leader, Emil Filipov, the case began on 8 December 2006, with the judge calling two Ahmadis as witnesses. Ashraf complained that the prosecutor's questions were very intrusive, asking when they became Ahmadis, who the community leaders were, what they preached in their centre, and what the differences between Ahmadis and other Muslims were. The case was then adjourned until January, then postponed several times more. The case is due to resume on 6 March. "The judge said that this will be final day for this case," Ashraf told Forum 18 on 22 February. However, Ashraf stressed that so far the community's religious work has not been restricted.

In another long-running legal case, public prosecutors have so far failed to convince courts to convict as impostors two leading Orthodox bishops of the Synod (the "Alternative Orthodox" Synod) which rejects the authority of Bulgarian Orthodox Patriarch Maksim. Separate cases were launched 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 (see F18News 29 March 2006 http://www.forum18.org/Archive.php?article_id=751).

In Metropolitan Gavriil's case, the Blagoevgrad First Level Regional Court rejected the prosecutor's request for his conviction. However, the prosecutor appealed against the verdict and so a second trial was held at second level on 3 November 2006. "At this trial I requested the prosecutor's objection to be rejected and asked the Court to confirm that the Metropolitan Gavriil is innocent with all possible arguments," his lawyer Ivan Gruikin told Forum 18 on 23 February. The court has not yet made a decision on this, Gruikin told Forum 18 on 27 February.

The trial of Metropolitan Inokenty finished on 24 November 2006 at the first legal level and Sofia Regional Court declared him innocent. However, it was still not known on 27 February by the Metropolitan's lawyer, Ivan Gruikin, whether the Prosecutor will appeal against the Court's decision.

In a separate attack on parishes of the Alternative Synod across Bulgaria, parishioners were, on 21 July 2004, violently expelled by state authorities from the churches across the country which they had been using for more than a decade (see F18News 3 August

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2004 http://www.forum18.org/Archive.php?article_id=385). Arguing that the prosecutor's office was not legally empowered to order the police to carry out such expulsions without any court decisions, members of the Alternative Synod have lodged a case at the European Court of Human Rights (ECtHR) in Strasbourg.

Dani Bohotska, of the Sofia-based Rule of Law Institute which works on religious freedom cases and is acting for the Alternative Synod in the ECtHR case, told Forum 18 on 27 February that the ECtHR has not yet decided whether or not the case is admissible. She also noted that, since the 2004 expulsions, "there has not been such a major intrusion" by Bulgarian state authorities in the activities and organisation of the Bulgarian Orthodox Church or other religious groups.

In a legal step forward for Bulgaria's Protestant religious minority, the Bulgarian Chaplaincy Association this month gained legal status (see F18News 27 February 2007 http://www.forum18.org/Archive.php?article_id=919).

Religious freedom lawyer Ivan Gruikin commented to Forum 18 on 27 February that legal difficulties for religious minorities in Bulgaria are not "a new tendency." He thought that they were symptomatic of tendencies observable since the adoption of the 2002 Religion Law. (END)

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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