



Serbian Bar Association of America Human Rights Committee

5319 N. Clark Street, PMB 279 Chicago, IL 60640

November 7, 2005

Honorable Branko Crvenkovski
President
Republic of Macedonia
Skopje

Re: Release of Archbishop Jovan

Dear Mr. President:

On behalf of the Human Rights Committee and the entire membership of the Serbian Bar Association of America, we call on you to exercise your executive authority and immediately release Archbishop Jovan, the Head of the Autonomous Orthodox Ohrid Archbishopric, as required by the Constitution of the Republic of Macedonia and the customs, practices, norms and conventions of international law regarding and protecting religious freedom.

On July 26, 2005, Archbishop Jovan of the Orthodox Ohrid Archbishopric began serving an eighteen (18) month sentence as a result of an Appellate Court ruling which upheld the lower Court finding of guilt on the charge of "inciting ethnic and religious hatred, discord and intolerance." This sentence is to be served consecutively to a one year sentence already imposed upon Archbishop Jovan, simply for the act of performing the Holy Sacrament of Baptism of his niece.

Article 9, section 1, of the Constitution of the Republic of Macedonia (adopted November 17, 1991), states "Citizens of the Republic of Macedonia are **equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status**" (emphasis supplied). This Constitutional guarantee of religious freedom is to be read in conjunction with Article 19, Sections 1, 2 and 3, wherein it states "(1) **The freedom of religious confession is guaranteed.** (2) **The right to express one's faith freely and publicly, individually or with others is guaranteed.** (3) **The Macedonian Orthodox Church and other religious communities** and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law." (emphasis supplied).

All of the canonical autocephalous Orthodox Churches recognize Archbishop Jovan and those hierarchs united with him as the canonical Orthodox Hierarchy for the territory of the Republic of Macedonia; therefore, it is our position that only Archbishop Jovan can truly be considered as the Head of the Macedonian Orthodox Church which is referred to in the Article 19, Section 2 of the Constitution of the Republic of Macedonia. However, we understand that you and the government of Macedonia have recognized Metropolitan Stefan and his hierarchy as the Macedonian Orthodox Church referred to in Article 19, Section 2 of the Constitution. At the very least, the Orthodox Ohrid Archbishopric headed by Archbishop Jovan is a protected entity under the clause which refers to "other religious communities" and the Archbishopric's "freedom of religious confession is guaranteed", as set forth in that same article of said Constitution. Thus, in conducting Divine Liturgy, the Sacrament of Baptism and other Holy Sacraments and by actively carrying out the mission of the Church, Archbishop Jovan was participating in constitutionally protected activities.

Furthermore, Article 54, Section 4 states; "the restriction of freedoms and rights cannot be applied to the right to life, the interdiction of torture, inhuman and humiliating conduct and punishment, the legal determination of punishable offenses and sentences, **as well as to the freedom of personal conviction, conscience, thought and religious confession.**" (emphasis supplied).

The freedom of religious confession is a fundamental human right offered to individuals in every democratic society. The fact that the Macedonian Judiciary operates under the falsehood that the Orthodox Ohrid Archbishopric and the work of her First Hierarchy, Archbishop Jovan, is not protected by the Macedonian Constitution, should be of grave concern to you and every citizen of Macedonia. The actions of the Macedonian Judiciary are more akin to those found in Titoist Yugoslavia, rather than that of a democratic nation.

As a result of the foregoing, we demand that you intercede at once in the events which have led to the unlawful imprisonment of Archbishop Jovan and effectuate his immediate release. In releasing Archbishop Jovan, you will have a rare opportunity to advance the Macedonian democracy, the rule of law and the protection of religious rights and freedoms within your nation.

We pray that you will find the strength to do all that is within your power and that which the law demands to release Archbishop Jovan.

The Human Rights Committee
of the Serbian Bar Association of America



Slavko Ristic, Esq.
Chairman