

## **Press Release of the Episcopal Council of the Serbian Orthodox Church in Montenegro (June 12, 2020)**



Cetinje, June 12, 2020

Prime Minister Duško Marković decided to speak publicly about the meeting that he, the president of the state and our archbishops: Metropolitan Amfilohije and Bishop Joanikije, held a few days ago.

Since the Prime Minister made several claims, we are obliged to comment on the most important ones.

First of all, it is true that the meeting was held, but scheduling the mentioned meeting had its own history in which it cannot be simply said that it was held “at the invitation of Metropolitan Amfilohije with Bishop Joanikije”. It would be most accurate to say that the initiative for the meeting at the highest level, before the continuation of the expert dialogue requested by us, was first given by the Prime Minister himself, and that the Metropolitan proposed a broader format of that meeting. Since the adoption of the unconstitutional and discriminatory Law on

Freedom of Religion or Belief and the Legal Status of Religious Communities, the Metropolitanate of Montenegro and the Littoral, as well as all dioceses of the Serbian Orthodox Church in Montenegro have had intensive contacts and meetings at all levels: with political parties, individuals, embassies, civil sector, as well as numerous international institutions. We inform the public only about those meetings which are constructive and contribute to a true and committed dialogue. And this one, unfortunately, was not like that.

In the conversation, the bishops asked for the acceptance of the Proposed Law on Amendments to the Law on Freedom of Religion or Belief and the Legal Status of Religious Communities, which was submitted to the Government a long time ago in official talks of our expert team. They also asked for the approval of residence permits, which have been denied for years to a (smaller) number of priests, monks and nuns who do not have Montenegrin citizenship, and some of them are being expelled from Montenegro these days, after they have been in Montenegro for more than ten to fifteen years.

We cannot agree with the Prime Minister's allegations about the "permanent commitment" of the authorities to conduct a dialogue and seek common and best solutions. If that were the case, there would be no dispute here. Precisely because of the absence of such an attitude towards the Orthodox Church, the problematic situation we are in has occurred, and which, we agree on something with the Prime Minister, "burdens the overall social environment".

The only thing that could be honestly concluded from the conversation was the regime's offer, several times and publicly stated, that the Serbian Orthodox Church in Montenegro be "part of the solution" in a way that we should participate in the realization of the ruling party's political program and creation of a party "church" in Montenegro. For such a senseless proposal, of course, he will never have an interlocutor in the Serbian Orthodox Church, nor in any true religious community in the world. It is precisely such offers, not processions, that are merely a reaction to injustice, which drastically reduce the possibility of successful dialogue and create "misunderstandings and confrontations" in society.

It is really incomprehensible to accuse the Serbian Orthodox Church in Montenegro of "rejecting dialogue, and thus the possibility of finding a sustainable solution", after our many years of efforts to establish an institutional dialogue with state authorities, asking for nothing but basic human and religious rights, which were confirmed by treaties to other traditional religious communities in Montenegro.

We remind that in that sense, in order to enable an easier way to a solution, we

have reduced our remarks on the unconstitutional and discriminatory Law with explanations on ninety pages to the Proposed Law on Amendments to the Law in four short articles concerning only the recognition of the existing legal personality to Church and religious communities and the provision according to which all “property disputes between Montenegro and religious communities regarding religious buildings and land, which were built or acquired before December 1, 1918” would be “resolved exclusively” before the competent courts in civil proceedings in accordance with ratified international agreements, the Constitution of Montenegro, the Law on Property Relations, the Law on State Survey and Real Estate Cadaster and other relevant regulations.” Therefore, before the courts and in accordance with the laws of this state. Is such a proposal a call for breaking the law, which the Prime Minister accuses us of?

As for the “generous” offer of President Đukanović and Prime Minister Marković to suspend the application of the law until the decision of the Constitutional Court and the European Court of Human Rights, it is unconstitutional, and thus malicious, for several reasons. It is also nothing new, and it has already been talked about in public. First, it is an attempt by the state authorities to absolve themselves of responsibility for passing an unconstitutional and discriminatory law. Secondly, the Government does not have the possibility to suspend the application of any law and has no institutional mechanisms by which it could guarantee that the law will not be applied, because it is currently an integral part of the legal order of Montenegro. Third, the Constitutional Court has the powers under which it has so far been able to initiate an assessment of the constitutionality of this unfortunate Law. The Government could have done the same, as well as the PMs of the ruling majority in the Assembly. Also, that court does not have a deadline to decide on the constitutionality of the law. The fact that the Constitutional Court does not currently have a president is not unimportant for such an important issue. Fourth and perhaps most important – the assessment of the constitutionality and legality of laws and other regulations is not in the jurisdiction of the European Court of Human Rights, but individual acts, which would be adopted during the application of the law. Therefore, this again rejected the request of our Church to conduct a dialogue on changing the law, which showed that the government is essentially not interested in the arguments of the Church or professional and general public about the unconstitutionality and discriminatory nature of certain norms of this law.

We are sorry to state that, especially after Prime Minister Marković’s statement, we cannot understand this conversation or the offer to suspend the application of the law as a way to an open and constructive dialogue, but exclusively as a political abuse of a serious topic before the announced elections. This is supported by the

attitude of the ruling party and its political partners towards church property, which these days is reflected in the sale of the monastery mill in Pljevlja, stock exchange trading of Orthodox churches on Sveti Stefan, demolition of the monastery residence on Briska Gora near Ulcinj... on the site of an ancient monastery (the present church was built ninety years ago). Did the spiritual cry of the small Orthodox people there, who are building a house for the nuns, have to be stifled by anti-terrorist units armed to the teeth?!

As for the processions and their continuation, which, we remind, President Đukanović, probably in the spirit of alleviating “misunderstanding and confrontation”, which the Prime Minister accuses us of, declared a “crazy movement” – they represented and represent the only peaceful protest of its kind in the world against anti-constitutional and discriminatory law. Such a right is guaranteed to all democratic constitutions of the world. After all, if Montenegro is truly a “democratic society of European and Euro-Atlantic values” how is it that, unlike street violence happening around the world, peaceful religious processions can be problematic in such a society, on any grounds, let alone characterized as “threats and blackmail”, as Prime Minister Marković characterized them? According to prominent lawyers, the orders on limiting public gatherings to two hundred people violate the Law on the Protection of Population from Communicable Diseases, because bylaws arbitrarily change legal norms, and in accordance with the Constitution, only the introduction of a state of emergency can ensure that such bylaws can have legal force. It seems that these orders in Montenegro are especially aimed at restricting the religious rights of Orthodox believers.

In this regard, we strongly disagree with the Prime Minister that laws in Montenegro are implemented “in the spirit of equal application” for all, and we have talked about this discrimination many times. We remind that, of all the traditional Churches and religious communities, only the Orthodox Church has been left without an agreement with the state on the regulation of issues of common interest, and that only its clergy and monks are denied residence permits. There is still no word on the equal application of the latest epidemiological measures and regulations. Orthodox bishops, priests and believers were held in detention, arrested, held in custody, convicted and punished disproportionately more than other factors in Montenegrin society, including many citizens who went unpunished for the same “acts” (suffice it to mention the believers gathered in front of temples or bumper-to-bumper traffic on Saint Vasilije Ostroški day in Boka and Spasovdan in Kuči, whose participants were punished, unlike traffic jam, conflicts and gatherings, for example, on the occasion of May 21).

In the end, despite attempts to misrepresent the talks held as an introduction to

the continuation of expert negotiations, which were almost sabotaged by this public appearance of the Prime Minister, the Episcopal Council remains open to continue dialogue and talks next week, if the Government has the will and strength to approach these conversations honestly and effectively.

The government cannot expect the violence of seizure, directed only at Orthodox churches and shrines, which is clearly enshrined in the unconstitutional and discriminatory Law on Freedom of Religion, to be peacefully accepted by the people, who are from fear after decades of repression under the communist regime and its successors and send a clear message to everyone in Montenegro and in the world: We won't give up our shrines!

Archbishop of Cetinje and Metropolitan of Montenegro and the Littoral AMFILOHIJE

Bishop of Budimlje and Nikšić JOANIKIJE

Bishop of Mileševa ATANASIJE

Bishop of Zahumlje and Herzegovina DIMITRIJE