

GOVERNMENT OF THE REPUBLIC OF MACEDONIA
Commission for Dealing with Administration Procedure
of Second Instance in the Field of Internal Affairs,
Judiciary, Public Administration, Local Self-Government
and Affairs of Religious Character
UP. II No. 28/II-1910/1-2004
S k o p j e

Pursuant to Article 23 of the Law on Government (Official Journal of the Republic of Macedonia No. 59/2000) and to Articles 202, 229 paragraph 3 and 240 of the Law on General Administration Procedure, proceeding upon the complaint lodged by Jovan Vraniskovski (John Vranishkovsky, remark of translator) in capacity of the responsible person of the religious group named as 'Orthodox Archbishopry of Ohrid' with regard to Decision No. 16-30/20 dated on 3rd of November, 2004 of the Commission for Relations with Religious Communities and Groups, on the session maintained on 11th of January, 2005 the Commission for Dealing with Administration Procedure of Second Instance in the Field of Internal Affairs, Judiciary, Public Administration, Local Self-Government and Affairs of Religious Character of the Government of the Republic of Macedonia has promulgated the following

R U L I N G

COMPLAINT lodged by the religious group named as the 'Orthodox Archbishopry of Ohrid' IS BEING REJECTED AS GROUNDLESS

R a t i o n a l e

Proceeding in accordance with Articles 8, 9, 11 and 12 of the Law on Religious Communities and Groups (Official Journal of the Republic of Macedonia No. 35/97), the Commission for Relations with Religious Communities and Groups has promulgate the Ruling No. 16-30/20 dated on the 3rd of November, 2004 rejecting the request for reporting the religious group named as the 'Orthodox Archbishopry of Ohrid' submitted by the aforesaid religious group as groundless.

Dissatisfied with the Ruling of the Commission for Relations with Religious Communities and Groups,, the person responsible of the religious group named as the 'Orthodox Archbishopry of Ohrid', Jovan Vraniskovski has lodged a complaint to the Commission for Dealing with Administration Procedure of Second Instance of the Government of the Republic of Macedonia in time, stating that dealing with the aforesaid request, the first instance body has made :

- essential violation of the guaranteed human rights and fundamental freedoms with regard to religion,
- erroneous application of the provisions of the Law on Religious Communities and Groups,

- erroneous application of the material law and
- erroneous establishment of the facts.

He has proponed that the Commission for Dealing with Administration Procedure of Second Instance in the Field of Internal Affairs, Judiciary, Public Administration, Local Self-Government and Affairs of a Religious Character to accept the complaint after having considered it, and also the reporting of the Orthodox Archbishopry of Ohrid as a religious group to be accepted by the Commission for Relations with Religious Communities and Groups.

Considering the Ruling No. 16-30/20 dated on 3rd of November, 2004 of the Commission for Relations with Religious Communities and Groups and the findings of the complaint of the complainant, the Commission for Dealing with Administration Procedure of Second Instance of the Government of the Republic of Macedonia has established that the first instance body has applied the provisions of the Constitution and of the Law on Religious Communities and Groups correctly and established the facts completely when promulgating the aforesaid Ruling rejecting the request for reporting of the religious group named as the 'Orthodox Archbishopry of Ohrid.

Considering the findings of the first instance Ruling, carrying out inspection into documents and enclosures to the case, applying the provisions of the Constitution, of the Law on Religious Communities and Groups, the Ruling No. U. 10/2004 dated on 12th of May, 2004 of the Constitutional Court of the Republic of Macedonia, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the Universal Declaration for Human Rights and the European Convention for Protection of Human Rights and Fundamental Freedoms, as well as the findings of the complaints of the complainant, the Commission for Dealing with Administration Procedure of Second Instance has established that the contested Ruling is lawful and that it does not violate the Law.

In accordance with Article 11 paragraph 1 of the Law on Religious Communities and Groups, the request regarding the application shall be submitted within 30 days as of date of promulgating the decision for founding a religious group by a responsible person assigned by the founders thereof to the Commission for Relations with Religious Communities and Groups. In accordance with the decision of the founders, the named Chairman of the Holy Archbishopric Synod of the Orthodox Archbishopry of Ohrid, the Metropolitan of Veles and Vardar Valley and Exarch of Ohrid, His Eminence John (Vranishkovsky) is the person assigned with regard to the aforesaid. Nevertheless, Mr. Janko Ninov submitted the request and the application.

The religious group named in the application as the 'Orthodox Archbishopry of Ohrid' originates from the already registered and reported religious community, the Macedonian Orthodox Church, whose place and role are being determined by virtue of the Constitution of the Republic of Macedonia. The name of the religious group named in the application as the 'Orthodox Archbishopry of Ohrid' refers to another religious community, the constitutionally determined Macedonian Orthodox Church, having reported itself to the Commission for Relations with Religious Communities and Groups under No. 1 on 12th of January, 1998 and having submitted request for recognition of the right and protection of the names being integral part of the Macedonian Orthodox Church, and the name 'Macedonian Orthodox Church / Archbishopry of Ohrid TM-2004/574' among the other ones, to the State Office for Industrial Property on 6th of August, 2004.

The request for reporting of the named religious group is opposite to Article 8 paragraph 2 of the Law on Religious Communities and Groups, providing for that there shall be only one religious community with regard to one confession. The aforesaid is opposite to

Article 9 of the aforesaid Law stating that a religious group is a voluntary association of believers sharing the same religious beliefs who do not belong to a registered religious community.

In accordance with Article 12 paragraph 1 of the Law on Religious Communities and Groups, the name of a religious group shall be essentially different from the names of the already registered religious communities, i.e., religious groups.

Paragraph 2 of Article 1 of the Rulebook for Regulation of Organization and Operation of the named religious group as the 'Orthodox Archbishopry of Ohrid' refers to that it is an autonomous church operating and being governed as autonomous one within the canonical jurisdiction of the Patriarchate of Petch.

Article 12 paragraph 4 of the Law on Religious Communities and Groups stipulates that a main seat of a religious community, i.e., religious group carrying out religious affairs and ceremonies on the territory of the Republic of Macedonia to be situated compulsory in the Republic of Macedonia and that only the citizens of the Republic of Macedonia may found religious group.

Dealing with all the aforesaid, the Commission has taken into consideration that the complainant stated in the complaint that the Commission for Relations with Religious Communities and Groups should had only to established the fact that there is an existent Orthodox Archbishopry of Ohrid having regularly submitted an application as a religious group and issued a ruling with regards to reporting thereof, but the Commission has found it groundless and therefore without significance with regard to different ruling, especially concerning that there are no decisive facts for accepting of the complaint in the rationale thereof.

The Commission has also considered the other findings of the complaint but evaluated them as without significance with regard to different ruling.

Therefore, there is no irregular application of the provisions by the Commission for Relations with Religious Communities and Groups during dealing with the issue in accordance with the limits stipulated by the regulations.

In accordance with the factual situation established, the Commission for Dealing with Administration of Second Instance of the Government of the Republic of Macedonia has ruled as stated in the wording of the ruling herein.

Legal remedy precept : Pursuant to Article 11 paragraph 4 of the Law on General Administration Procedure, a complaint against this Ruling is not allowed. A lawsuit to the Supreme Court of the Republic of Macedonia may be lodged within 30 days as of date of receipt of this Ruling.

Round seal runs :
REPUBLIC OF MACEDONIA
GOVERNMENT OF THE REPUBLIC OF
MACEDONIA
Commission for Dealing with Administration
Procedure
of Second Instance in the Field of Internal Affairs,
Judiciary, Public Administration, Local Self-
Government
and Affairs of Religious Character
SKOPJE

**CHAIRMAN OF THE
COMMISSION :**

Taip Elezi,

signature