

Extrajudicial Declaration with a Protest

Panteleimon Bishop and Metropolitan of Thessaloniki
To the Minister of National Education and Religions

COMMUNICATED TO

- 1) His All Holiness the Ecumenical Patriarch Mgr. Athenagoras
- 2) His Excellency the Regent, General George Zoitakis

In the name of our Lord Jesus Christ and in the eyes of God and the Christian World, I protest for my conviction which is very unjust and absolutely contrary to the sacred canons of the Church.

Mr. Minister,

On the decision taken against me, on the 28th of February 1968, by the special newly founded ecclesiastical synodic Court for Bishops, formed against the divine and sacred canons of the Holy Eastern Orthodox Church of Christ, and against the constitutional Laws of additional value which regulate the procedure of the autocephalous Church of Greece, I declare to you the following:

The Emergency Law 214/1967 is unconstitutional because it violates flagrantly the article 2 of the Constitution of 1952 now in force, according to which the State recognizes to the Church the right and duty to keep unshaken the sacred Apostolic and Synodical canons and the sacred traditions. "The Orthodox Church of Greece recognizes our Lord Jesus Christ as Her Head, exists unseparably united dogmatically with the Great Greek Church of Constantinople as well as with every other Church of the same faith, following exactly, as they do, the sacred Apostolic and Synodical canons and the Holy Traditions". (Constitutional Article 2 par. 1). Taking into consideration that in the canons of Church are included the sixth Canon of the Second, and the 21st Canon of the fourth Ecumenical Synods, which Canons referring specially to the way of calling upon and forming accusation against a Bishop, it is impossible for the State, by a simple law, and violating every sacred canon which constitutes the adopted right of the increased constitutional power, to change, reform and abolish them.

The unconstitutionality of the aforementioned law is proved also by the following:

The Canons of Ecumenical Synods that govern the Eastern Orthodox Church of our Christ through the ages, which were respected even by enemies of our Church and Race of a different faith, formed that right that, among other things, regulates the way of passing judgement on members of Clergy; Bishops included, committing crimes against the Church. Thus, ecclesiastical Courts were created, which today are accepted to be proper to Judge Bishops under charge. The composition, the right, and judicial rules that govern these Courts, are well known and are constantly in force for ages. But, alas, it was destined already for the Church of Greece, which was founded by the Apostle of Nations to acquire its special Court Martials and for me to be deprived of my natural judge, in spite of the fact that I have been in Clergy for forty five years. This Judging Authority, according to me and in accordance with the Sacred and Holy Canons, can only be Synods and Courts, formed by all the Bishops or by governing bodies, in accordance with the By-Constitution (Patriarchate of Constantinople until 1860), or according to the Seniority of the Clergy, as accepted in Greece, according to the specific requirement of the Synodical Tomos of 1850, by which the Church of Greece became autocephalous. So ever through this reason the item of the article 2 of the present Constitution in force is violated.

Such a composition of a Special Court to judge a Bishop who served for 45 years, never appeared in the history of the Eastern Orthodox Church, since founded to date, except the case of the Holy Synod founded by merit, in spite of the Church's contrary opinion, increased by four Bishops over 50 years of age.

In addition I protest for the flagrant violation of the fundamental and judicial rules which were accepted for ages as the necessary guarantee of any accused for his essential defence.

I also was informed of the contents of a corollary by an examining magistrate against me, during the time of my defence and only after my specific inquiry.

But even abolition of the principal of the existence of two degrees of jurisdiction, imposed by the unconstitutional Law, leads only to my conviction beforehand, because I should mention that the Eastern Orthodox

Church does not recognize to anyone infallibility, not even in this very case of the newly formed Holy Synod by merit, which under the presence of four additional Bishops, convicted me and which constituted at the same time the first and highest court, the decision of which is irrevocable. The deviation from the principal of the existence of two degrees of jurisdiction imposed by the Emergency Law 214/1967, it also happens to be unconstitutional, being in contradiction with the item of the articles 2 and 8 of the constitution in force, because the indeprivable and sacred right of appeal to a Major-Synod was imposed by the IB and ID Canons of Antiochia and cannot possibly be abolished according to the above by a simple law. The contents of the aforementioned Canons ran as follows:

"If a priest or deacon unfrocked by his Bishop, or a Bishop unfrocked by a Synod, dared ask for a hearing by the King, he should apply to a major Synod and whatever he thinks his right is should report to a Synod with increased number of Bishops and he should accept their examination and judgement...." IB' of Antiochia.

"In case that a Bishop chanced to be dedged for certain crimes, and the Bishops of the same province were of a different opinion whether innocent or guilty, in accordance with the opinion of the Holy Synod, so as to vanish any doubts the Bishop of the Metropolis should also call upon other Bishops of an adjacent province, so as to give a final unanimous solution to the problem in question..." ID' Antiochia.

Moreover the principal of appealing, as accepted in this country, belongs to the fundamental items of the Uris Canonicus of the Eastern Orthodox Church.

In addition to the above, a new crime against the church is established with the Emergency Law 214/1967 for the Bishops. For that reason St. Paul was referred to, in order that the pettiness of our times should be hidden behind his sayings as well as the entirely unfounded, judicially and canonically, fact of release of appointment and of forwarding of Bishops in accordance to preferences of a bunch of antichurch agents. Because what other but the absolute self-will does the aforementioned Emergency Law 214/1967 show by the submission to the ecclesiastic Court of Bishops that lost the "good report of them, which are without".

It is worth noticing that the lack of the "good report of them which are without" is not included within the sacred Canons nor even in the very Holy Scripture itself and cannot be regarded as a crime, bearing punishment, this

being the case that the holy Canons do not provide any punishment for such a failure. In consequence there cannot be lack of the "good report of them which are without" without the existence of the relative crime.

It is a golden Canon of the Right the principal of Nullum Crimen Nulla Poena Sine Lege, that is, no crime, no penalty without law. This principal gained by the Civilized humanity of the year 1215 by the Magna Charta Libertatum of King John and adopted by every constitution of every civilized Country, including Greece after 1821, became a basic right for the individual, and it was reinforced by the article 2 of the Constitution in force of 1952 which runs as follows:

"There is no crime nor does a punishment occur without any law existing before the crime itself. There is never a heavier punishment after the act itself".

This principal is included in the article 11 par. 2 of the International Declaration of Human Rights of 10-12-1948 and the article 7 par. 1 of the Treaty for the Protection of Human Rights signed in Rome on November 4, 1950.

This principal means that the retroactive power of a law concerning the establishment or the increase of the punishment is out of the question that there is no crime not even punishment without the existence of a law beforehand. This is referred to Apostle Paul stressing in his letter for the Romans, that it cannot possibly be considered that there exists a violation and a crime against the law, when there is no such law or guilt.

"For where no law is, there is no transgression D, 15 and further he says (E13) "But sin is not imputed when there is no law".

Therefore for the existence of a criminal act there should be the relative law. This is when a punishment could also be enforced. This principal was established by the Holy Fathers of the Church, who detailed the nature of various crimes with the respective punishment and included the truth of this principal specifically in the Holy Canons, describing what crime should be punished and how.

As I have been deprived unconstitutionally and against the Canons, as I have already mentioned in detail, of my Natural Judge, that is of the proper and legal composition of the Church Synodic Court of the First Degree, and that of Appeals, I feel obliged to ask for help according to the practice and tradition of the Eastern Orthodox Church and to appeal, according to my rights,

to the Ecumenical Patriarchate. My case is unique and cannot be compared to other appeals, because in other previous cases, the applicants were not illegally and Anticanonically deprived of their rights of appeal against a conviction by the First Degree Court.

Therefore the right in these cases of the appealing parts was considered as an unacceptable pleasam of jurisdiction. But in my case, my decision to use the legal means of the appealing party, remains the sole avenue for the sake of the Church authority and the avoidance of a very wicked arbitrary present.

In conclusion, the observance of the Holy Canons, these of Tradition, Practice and Ethics, in the name of God, always compels me, being a Bishop, not to withdraw before my foes but to proceed in the battle of restoring Church's Authority. The slanderer, the calumniator and the humble accuser of a Clergyman, of those who spoke against me and insulted me, are faced by a silence and disdain. But those who are based on such forged and unfounded accusations, can be faced only by my judicial justification.

Because of the fact that in my country, by the Emergency Law 214/1967, I have been deprived of the ability of defending myself and, in consequence, of a judicial justification, as I have already mentioned above in every detail, I am forced as a member of a Church under a strain, to consider a recourse to the "Court for the Protection of the Human Rights".

As by the unacceptable items of the article 7 par. 3, of the Emergency Law 214/1967, that is the exhaustion of the By-ecclasiastical laws of jurisdiction of the First and Highest Degree, the jurisdiction of all Courts of the State, of which I am a subject, is consumed, and therefore, according to the article 26 of the International Treaty for the Protection of Human Rights signed in Rome on November 4th, 1950, the suitability of international Courts is adopted.

If all the above mentioned were not accepted, respecting my rank and Degree, I should appeal to the European Committee and to the European Court for the Protection of the Human Rights, for an obvious violation of the article 7 of the above mentioned Treaty, which is considered to be an adopted, applied in Greece, law. According to the article in question, no one can be convicted for any action or omission which at the time of its performance was not considered to be a crime, according to the national or international Law.

The avenue of the International Court is the last and indispensable resort to save the right of Church and mine.

During my service in the Greek Church I faced the barbaric Nazi German conquerors and the Bulgarian destroyers of the Greek Race, the Atheist mercenary Communists, and I prevailed, never fancying that the Greek Church could ever use calumnies and insults of known wicked persons and of untrustworthy publications to accuse me.

T H E R E F O R E

I DEMAND: a) that the issue of a Royal Decree, verifying a punishment to an unexisting and without guilt crime, based on an unconstitutional and anticanonical Law, be suspended.

b) That the case be referred to the Ecumenical Patriarchate, for the reason that the right of appealing was abolished, and because the sole responsible Higher Ecclesiastic Power, is His All Holiness the Ecumenical Patriarch, Primate of the Church of Christ under the jurisdiction of which also comes the sacred Metropolis of Thessaloniki.

As a consequence of my 45 years of Service in the name of God I am proud and have my conscience clear, being certain that for the Greek people, in its major part, including the properly governed worldwide Churches of God, my modesty is and will always be Bishop of Thessaloniki, in spite of the unjust and anticanonical conviction of mine.

It is the duty of proper bailiff to forward the present to its destined course.

Athens, February 29, 1968

The canonical and legal Bishop of Thessaloniki
PANTELEIMON

A large, stylized handwritten signature in dark ink, written over the printed name 'PANTELEIMON'. The signature is cursive and somewhat illegible due to its fluidity and the overlapping lines.