

# Bulgaria<sup>1</sup>

**IHF FOCUS: Freedom of expression and the media; freedom of association; peaceful assembly; judicial system and independence of the judiciary; fair trial and detainees' rights; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; religious intolerance; conscientious objection; intolerance, xenophobia, and racial discrimination; protection of asylum seekers; women's rights.**

Throughout 1999, Bulgaria was ruled by the government of the United Democratic Forces (UDF). The government continued to declare its commitment to advanced European human rights standards. In two widely publicized international reports – of the European Commission of October 1999, and of the rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) of January 2000 – Bulgaria was given a relatively good assessment of the overall situation of the protection of human rights. Both reports cited the abolition of the death penalty in Bulgaria in December 1998 as one of the most important positive changes. In August, Bulgaria ratified the Second Optional Protocol to the ICCPR, and in October – Protocol No. 6 to the ECHR. Among the other positive changes the reports cited the ratification of the Framework Convention for the Protection of National Minorities, the reforms in criminal justice system, the adoption of the refugee act, the adoption of the alternative service act, the registration of Jehovah's Witnesses, the government's declared willingness to integrate the minorities, and the democratic administration of

the municipal elections in October 1999. On 26 January 2000 the monitoring procedure on Bulgaria was closed with PACE Resolution 1211.<sup>2</sup>

Despite the noted changes, both the documents of the two international organizations and the reports of a number of local and international human rights observers cited a number of serious human rights problems, some of which have become traditional for Bulgaria. A stalemate was observed in some spheres, and in others – e.g. the political control over the national electronic media – even a regression.

## Freedom of Expression and the Media

Major concerns remained the same as in previous years: government control over the national electronic media, criminal prosecution for insult and libel of public officials, and illegal confiscation of printed publications of unpopular groups. Added to these were the intimidation by law enforcement officials of journalists attempting to publish politically sensitive materials, and a significant increase in attacks against journalists by private persons and groups. Two contradictory attempts to reform legislation were made during the year, linked with insult and slander prosecution and access to information. Neither was completed by the end of the year.

The adoption of the new Radio and Television Act in November 1998 led to the election of a new National Radio and Television Council (NRTC) composed of people close to the parliamentary majori-

<sup>1</sup> Based on *Human Rights in Bulgaria in 1999*, by the Bulgarian Helsinki Committee, March 2000, prepared by Emil Cohen, Krassimir Kanev, Stanimir Petrov and Tanya Marincheshka, using materials from Human Rights Project and the Tolerance Foundation.

<sup>2</sup> See *Regular Report of the Commission on Progress towards Accession, Bulgaria – October 13, 1999* at [http://europa.eu.int/comm/enlargement/bulgaria/report\\_10\\_99/index.htm](http://europa.eu.int/comm/enlargement/bulgaria/report_10_99/index.htm); See also <http://stars.coe.fr/ta/ta00/eres1211.htm> about the materials on the report of the PACE observers and Resolution 1211.

# Bulgaria

ty. On 22 February, the NRTC elected a former journalist from the party daily of the ruling UDF, *Demokratiya*, as general director of Bulgarian National Television (BNT), the most influential media in the country. This was followed by a restructuring of BNT's programming and by staff changes. As a result, it became even more partial to official policy and the range of expressed opinions was narrowed down still further. Fear and self-censorship reigned among journalists.

On 25 June, in response to an appeal by a group of MPs, the Constitutional Court ruled unconstitutional a number of provisions of the radio and television act but, contrary to its past jurisprudence, refused to rule unconstitutional the provisions on the constitution of the NRTC, as well as those on lustration. The court ruled that the "criteria for constituting the NRTC are not political in nature" on the grounds that they provided sufficient guarantees for its independence.

Criminal prosecution for insult and libel remained a major problem. The old criminal legislation, providing for up to two years' imprisonment for insult and for up to three years for libel, remained in force throughout 1999. The penal code included a discriminatory procedure for criminal liability, providing for action by the Prosecutor's Office in libel cases involving a "public official," but not in cases where an ordinary person was libeled. Journalists and human rights activists repeatedly protested the extremely negative effect on freedom of speech of these provisions, which continued to be applied.

■ In January, the Vratsa District Court sentenced Vesselin Angelov from *Chance Express* paper to a one-year suspended sentence and a fine of 10,000 leva (c. U.S.\$ 5,000) for having published a letter of

workers against their employer, accusing him of immoral actions.

■ In January, Georgi Popov, editor-in-chief of the Sliven paper *Sedmitsa* was sentenced to pay 300 leva (c. U.S.\$150) for damaging the reputation of a local prosecutor.

■ In April, July and October, Yovka Atanassova, a journalist from the daily *Starozagorski Novini*, was sentenced by the District Court in Nova Zagora each time to a five-month suspended prison sentence. Atanassova had many other suits filed against her.<sup>3</sup>

On 22 July, after pressure from PACE, parliament adopted changes to the penal code in its first reading, retaining insult and libel as criminal provisions, but making them offences of a private nature in all cases. Although the punishment for insult and libel changed from imprisonment to fines, these were absurdly high – up to 30,000 leva (c. U.S.\$ 15,000) – and beyond the means of individual journalists and most print media. The penal code also retained differentiation of provisions, whereby greater sanctions were envisaged for insult or libel of a "public official." Public debate continued into 2000.

Threats and attacks against journalists and the media by private persons and groups increased in 1999. Three such incidents occurred in January alone.

■ A bomb exploded in the office of the *Sedmitsa* newspaper in Sliven. The journalists themselves linked the explosion to published criticism of a local prosecutor and a private security company.

■ In another incident, the chief editor of *Zlatogradski Vestnik*, Efim Eshev, was beaten up in his office, in connection with

<sup>3</sup> See *Bulgarian Helsinki Committee, Human Rights in Bulgaria in 1997, Obektiv, February 1998.*

# Bulgaria

his published comment on the merger of two neighboring municipalities.

■ In the third incident, Georgi Spirov, a journalist from the *Pleven za Pleven* newspaper was severely beaten by two unknown persons, probably for publication of material concerning a UDF candidate for regional governor a week earlier. In June, three unidentified persons attacked Alexei Lazarov, journalist from the Sofia weekly *Kapital*, outside his home. He was stabbed five times and suffered a broken leg. Published articles about the shady business dealings of high-ranking politicians were thought to be the reason for the attack.

■ In December, four unidentified persons beat up radio journalist Russi Borissov in Nova Zagora, after he had opposed the decision of the Municipal Council to close the local radio center.

■ In September, a group of journalists was summoned to the Lovech police station one night and some detained for 24 hours, to prevent them from publicizing a leaked recording of a controversial order for fellow party members by the foreign minister. Later the journalists, and the participants in the meeting, were called as witnesses in preliminary proceedings instituted by the Prosecutor's Office for unauthorized possession of special technical means and the illegal dissemination of information thus obtained.

In September, parliament adopted a bill on access to public information in its first reading, which contained a number of shortcomings criticized by local and international human rights observers. The bill did not explicitly oblige state services to provide information of public interest. Its restrictions were vaguely and broadly formulated, containing terms not specified by law and providing for arbitrary application. A contradictory procedure for provid-

ing public information would be inapplicable. On the other hand, the bill obliged private associations, the media and even individuals to provide information. It was not tabled for second reading by the end of the year.

The illegal confiscation of literature in 1999 was confined to the Macedonian minority, often at border checkpoints with Macedonia.

## Freedom of Association

Some, albeit modest progress was made in guaranteeing the right to freedom of association of Bulgarian Macedonians in 1999. On 12 February, the Sofia City Court registered the moderate United Macedonian Organization (UMO) "Ilinden"-PIRIN (an acronym of the Bulgarian for Party for Economic Development and Integration of the Population) as a political party. On 25 August, the Central Local Election Commission refused to register the party for participation in the October local government elections, a decision repealed five days later by the Supreme Administrative Court. Although five of its candidates were elected to different local government bodies, in March, 61 MPs, mainly from the BSP, petitioned the Constitutional Court to rule UMO "Ilinden"-PIRIN an unconstitutional party because its activities allegedly threatened "the sovereignty and territorial integrity" of Bulgaria. No ruling from the court was given in 1999.

Two decisions refusing UMO "Ilinden" legal status were passed during 1999. On 28 April the Sofia Appeals Court dismissed a UMO "Ilinden" complaint against a decision of a Blagoevgrad court from 2 November 1998 against registration. The court's reasons for dismissing the appeal were controversial, yet on 12 October, the Supreme Court of Cassation upheld the decision and confirmed the court's arguments.

# Bulgaria

Besides Bulgarian Macedonians, members of unpopular political and religious groups, generally stigmatized in Bulgarian society as “sects”, were also restricted in their right to association and peaceful assembly.<sup>4</sup> On 10 March, the Plovdiv Appeals Court rejected the complaint of the monarchist group, the Civic Association for Bulgarian Interests, National Dignity, Unity and Unification-for Bulgaria against the decision of the Plovdiv District Court which had refused to register the association. The ruling was subsequently upheld by both the Appeals Court and, on 29 September, by the Supreme Court of Cassation. The Bulgarian Helsinki Committee (BHC) noted this case set a dangerous precedent where, in cases of registration as legal entities, the courts sought compliance with the constitution not of the activities, but of an association’s ideas.

During its session in May-June, the Committee on Freedom of Association of the International Labor Organization (ILO) considered the complaint of the Trade Union of Railway Engine Drivers in Bulgaria in connection with the violation of their right to strike and their right to association, due to repressive government measures in 1998.<sup>5</sup> The committee adopted intermediate conclusions and recommendations, expressing concern over the anti-trade-union measures and the hope that the government would reinstate the dismissed workers and initiate a reform of the settlement of collective labor disputes act which was assessed as not conforming to ILO standards in many respects. The Bulgarian government did not respond to the ILO recommendations.

## Peaceful Assembly

As in previous years, Bulgarian Macedonians were banned from celebrating their

traditional anniversaries. On 25 April, the Blagoevgrad District Prosecutor prohibited, and the police kept a group of c. 40 UMO “Ilinden” activists from celebrating the anniversary of the death of Yane Sandanski near the Rozhen Monastery. On the day preceding the celebrations, a number of activists were visited in their homes by police officers and forced to sign warning notices that the event had been banned.

The right to peaceful assembly of Bulgarian Macedonians was also violated in two other similar cases during the year. On 4 May, a prosecutor from the Prosecutor’s Office in Blagoevgrad banned a group of about 20 UMO “Ilinden” activists from celebrating the anniversary of the death of Gotse Delchev, and the monument to Gotse Delchev in Blagoevgrad was cordoned off by the police at the scheduled start of celebrations. On 1 August, a prosecutor from the Blagoevgrad District Prosecutor’s Office banned a group of UMO “Ilinden” activists from celebrating the anniversary of the Ilinden Uprising in the Samuilova Krepost locality near Petrich. Access to the locality was effectively blocked by a dozen policemen. All three cases restricting the right to peaceful assembly took place with the active participation of members of the National Security Service (NSS), whose representatives were overtly present during the police blockades.

## Independence of the Judiciary and Fair Trial

A 26 January 2000 Council of Europe resolution noted with concern, “the influence of the governing party over the judiciary through the change of the composition of the Supreme Judicial Council.” This referred to the termination with the judiciary act of November 1998 of the constitution-

<sup>4</sup> For details on religious groups see *Religious Intolerance*.

<sup>5</sup> See *Bulgarian Helsinki Committee, Human Rights in Bulgaria in 1998, Obektiv, February 1999*.

# Bulgaria

ally established mandate of the Supreme Judicial Council and the election of a new Supreme Judicial Council, the parliamentary quota of which was made up almost entirely of government loyalists. On 17 January, the Constitutional Court responded to an opposition appeal by confirming the changes to the act and the new election. With this politically motivated decision the court reversed an earlier decision of 1994. Concerns of political pressure on the judiciary were voiced in several cases during the year, e.g. when the Euroleft MP Tsvetelin Kanchev, chairman of the Roma association Euro-Roma, was deprived of his immunity and charges were brought against him.

A July reform of the criminal procedure code brought the criminal justice system in line with the requirements of the ECHR for fair trial. In particular, they concerned remand in custody and the termination of preliminary proceedings by the court, as well as the introduction of mandatory legal defense when “the defendant is unable to pay for legal assistance, wishes to have a defense counsel and when the interests of justice so require.” The latter provision, it was hoped, would somewhat improve the state of indigent accused and indicted and reduce the share (currently around 50 percent) of defendants taking part in pre-trial proceedings, including preliminary investigations, without a lawyer. The provision was formulated too vaguely and, more importantly, the reform did not change the system of the official appointment of lawyers, rendering its effect questionable.

The July reform also introduced pre-trial police proceedings for a large number of minor offences not presenting any factual or legal difficulty. In future, these crimes were to be investigated by the police under supervision of the Prosecutor’s Of-

fice and not, as hitherto, by judicial investigation. Although this legal formulation was in conformity with international fair trial norms, its application, together with accompanying factors, could bring difficulties for some categories of defendants. These factors included entrenched poor relations between Roma and the police, as well as the widespread absence of legal defense during pre-trial proceedings, especially in the case of indigent defendants who were Roma, thus encouraging the illegal use of physical force in extracting confessions.

On 30 September, a Constitutional Court ruling that several provisions of the criminal procedure code, concerning criminal proceedings against military servicemen, were unconstitutional made such prosecutions dependent on the decision of military commanders, thus ensuring their greater protection against criminal prosecution.

The legal framework of “correctional boarding schools” (the former “labor educational schools”) was not changed during the year either. Underage offenders continued to be confined to them without their cases being heard in conformity with the principles of fair trial.<sup>6</sup>

## Lustration Provisions in Law

On 21 January, the Constitutional Court ruled unconstitutional a number of lustration provisions of the administration act which imposed a five-year ban on persons who had held leading positions in the political and administrative apparatus of the Bulgarian Communist Party, as well as collaborators of the communist state security services, from being appointed in the state administration. Persons holding leading positions in the administration were obliged to present a declaration that they conform to the requirements of the law within

<sup>6</sup> See *Bulgarian Helsinki Committee, Human Rights in Bulgaria in 1997, Obektiv, February 1998.*

# Bulgaria

30 days of taking office. In January 2000, two PACE rapporteurs noted that the court's decision had not prevented political purges in the state administration, and that political purges in some other institutions, e.g. the Interior Ministry, had taken place despite being declared illegal by the Bulgarian courts.

## **Torture, Ill-Treatment, and Misconduct by Law Enforcement Officials**

Excessive use of physical force, including torture and systematic ill-treatment, continued to be a serious issue in relations between citizens and law enforcement officials in Bulgaria. A July amendment to the criminal procedure code<sup>7</sup>, providing legal representation for defendants "when the interests of justice so require", was supposed to increase guarantees against the illegal use of force during detention and the preliminary investigation. However, the provision was too vaguely formulated, leaving the law-enforcement officials full discretion to interpret what were "the interests of justice".

In March, the Sofia District Court sentenced the Sofia Directorate of Internal Affairs to pay damages to several persons who were beaten by police officers on 10 January 1997 during mass protests outside the National Assembly.<sup>8</sup> However, investigation by the Prosecutor's Office in many cases involving groups of individuals alleging they had been beaten by law enforcement officers in 1998 were inadequate and contributed to the climate of impunity in which officials were acting. In March, the Military Prosecutor's Office in Pleven closed an investigation into a police raid on the Roma neighborhood in the village of Mechka in July 1998, during which at least 30 persons, including

women and disabled people, were beaten and injured, on the grounds that it was impossible to identify the individuals involved. In April, the Pleven Prosecutor's Office also refused to institute preliminary proceedings in connection with the beating of protesting workers from the Plama refinery in May 1998. In a further two cases of mass beatings in Roma neighborhoods – in Krivodol in March 1998 and in Septemvri in April 1998 – preliminary investigations were not even instituted. The Prosecutor's Office justified the moves by saying that no complaints had been lodged by the victims. The criminal procedure code however does not require a complaint from a victim in order to start an investigation.

In contrast to 1998, there were no police raids reported against Roma neighborhoods, accompanied by excessive use of force.

■ However, police officers were suspected of beating several dozen football fans in Petrich on 27 November. The victims included children and a pregnant girl. The minister of the interior appointed a special commission to investigate the incident which at the end of 1999 had not completed its work.

■ In another widely publicized case, a Sofia businessman, his son and three of his friends were beaten by 15 Interior Ministry officials in camouflage uniform at the Iskar dam near Sofia. As a result, one of the victims was crippled for life.

In late 1999, the Bulgarian Helsinki Committee conducted a check in Military Prosecutor's Offices and military courts concerning cases of illegal use of force and firearms by law enforcement officials from 1997 to 1999 known to BHC. The check

<sup>7</sup> See *Independence of the Judiciary and Fair Trial*.

<sup>8</sup> See *Bulgarian Helsinki Committee, Human Rights in Bulgaria in 1997, Obektiv, February 1998*.

# Bulgaria

showed that indictments had been prepared, proceedings instituted or sentences passed in only 23 percent of the total 152 checked cases. The remaining cases were at different stages of investigation (which in some cases has been dragging on for over two years) or else the preliminary proceedings had not been instituted, the instituted preliminary proceedings had been terminated, or the accused had been acquitted by the courts. Some of the passed sentences were amazingly lenient. For example, for inhumane treatment which caused a detainee to jump from the third floor window of a Precinct Police Department, breaking his arm, leg and spine, the indicted Interior Ministry official received a five-month suspended sentence.

Reports by the organization Human Rights Project also allege routine use of illegal violence and other illegal methods by the police against Roma and the inactivity of the Prosecutor's Office in such cases. Of a total of 24 complaints of police brutality filed by Roma with the Military Prosecutor's Office with the help of the Human Rights Project in 1999, only five preliminary proceedings were instituted. Three of these were later dismissed without charges being brought.

## **Use of Firearms by Law Enforcement Officials**

As in previous years, there were cases of excessive use of physical force and lethal weapons by law enforcement officials and a reluctance on the part of the Prosecutor's Office to investigate cases in which people lost their lives as a result of this.

No legislative changes were made to amend article 80 of the Ministry of the Interior Act permitting the use of firearms while apprehending an individual suspected of committing or having committed a crime, or for preventing the escape of detained criminal suspects. These provisions contravened principle 9 of the UN Basic

Principles on the Use of Force and Firearms by Law Enforcement Officials, insofar as they permitted the use of lethal weapons while apprehending suspects even of minor crimes or to prevent their escape after arrest.

At least five persons lost their lives in Bulgaria in 1999 under suspicious circumstances in which it was believed police and border police officers had used excessive force and firearms.

■ On 1 February, the Rom Tencho Vassev from Stransko was shot dead by a Bulgarian border guard whilst attempting to illegally cross into Greece at Novo Selo near Svilengrad. The case was investigated, but no effective sentence was passed by the end of the year.

■ On 13 May, near Pravets, police officers pursuing Nikolai Filipov, suspected of having stolen a car, shot and killed Filipov. Investigative proceedings were instituted but were terminated in November.

■ On 6 June, Gancho Vuchkov-Ganetsa, with a criminal record, died following a car chase by police. In October, the Sofia Military Prosecutor's Office dismissed the investigative proceedings after concluding that he had shot himself. The forensic medical certificate, however, established from lacerations on his knuckles that the victim had been wearing handcuffs.

■ On 14 June, Oleg Georgiev was shot and killed on the border near Kulata by border guards whilst travelling in a van to Yugoslavia. His parents claimed the border guards had given no warning shots and were lying in ambush. The investigation into the case was still ongoing at year's end.

■ On 21 September, Kostadin Sherbetov died in the pre-trial detention facility of the Second Precinct Police Department in Sofia after having been arrested as a crime

# Bulgaria

suspect a few hours earlier by a private security firm and turned over to the police. He had eight broken ribs, a head hematoma and severe bruising. The investigation was ongoing at year's end.

The arbitrary use of lethal weapons by police officers led to a number of shootings which, although not fatal, left young people badly crippled. Such incidents occurred in Sofia, Russe, Sliven, Razlog and Velingrad. As in previous years, this serious human rights problem in Bulgaria was ignored both by the authorities and the media.

## Conditions in Prisons and Detention Facilities

### Pre-Trial Detention Facilities

In 1999, the BHC's prison monitoring activities included for the first time pre-trial detention facilities. At the end of 1998, these had been transferred to the Ministry of Justice and Legal Euro-Integration, and in early 1999 BHC was allowed access to the country's 89 pre-trial detention centers. As of 1 January 2000, there were a total of 10,147 detainees, including 8,034 convicted, 635 accused and 1,478 indicted, in Bulgarian detention facilities. About 1,000 detainees kept in the 89 detention facilities of the General Directorate of Pre-trial Detention Centers and in Interior Ministry lock-ups under "administrative detention", as well as c.700 juvenile delinquents placed for "mandatory education" in "correctional boarding schools," should also be added to these figures.

The findings after visits to dozens of detention facilities, confirmed the conclusion of the European Committee for the Prevention of Torture (CPT) in 1995 that "almost without exception, the conditions [...] could fairly be described as inhuman and degrading." Detention facilities were still housed in basements and individuals detained for long periods of time (several

months, and occasionally even for more than a year) in semi-darkness, without fresh air and deprived of movement. According to Justice Ministry information, published in January, of the total of 89 pre-trial detention centers, 27 were housed underground, and only three conformed to European standards. Detention cells lacked tables and chairs and sanitary conditions remained appalling. The BHC monitoring program revealed that since 1995, the responsible institutions had failed to take account of the CPT recommendation to place all pre-trial detainees in prison conditions in order to end the practice of keeping them in conditions virtually the same as police lock-ups.

The statutory regulation of detention centers was provided by the new Ordinance No. 2 of the Ministry of Justice, adopted on 19 April 1999. It provided that all persons on remand, including those in pre-trial detention centers, should enjoy the same rights as convicted persons: correspondence, walks, visits, parcel post, etc. Yet according to the BHC findings, confirmed by detention facility officials, there was little or no chance of this ordinance becoming the norm in either the near or distant future. During the year the BHC also received information about the use of threats and illegal use of physical force for extorting evidence from detainees about alleged crimes.

### Prisons and Labor Correction Hostels

As many as 51 percent of the respondents to a BHC questionnaire distributed in prisons reported that physical force had been used against them during arrest, 53 percent responded that they had suffered physical violence in police stations, and 37 percent responded that physical force had been used against them during the preliminary investigation. The proportion of Bulgarian Turks and Roma among respondents reporting the use of physical force was much higher than that of Bulgarians.

## Bulgaria

Although conditions in prisons and labor correction hostels were considerably better than in pre-trial detention centers, some of them were extremely overcrowded. In the Atlant Labor Correction Hostel in the town of Troyan, some 50-60 inmates were sleeping in the same room. Use of the toilet was allowed only during the day with inmates forced to resort to the use of buckets at night. Overcrowding was the biggest problem in secure hostels, in some of which it was impossible to separate different categories of inmates, as required. The poor quality and quantity of food remained a serious concern, and as regards sanitary requirements, Justice Minister Gotsev himself admitted after a visit to the Lovech Prison that even a mouse would die in the conditions in which inmates are placed.

The vast majority of prisoners' complaints concerned inadequate medical services. Although the spread of tuberculosis in prisons was partly reduced in 1999, prisoners lacked access to medicines and specialized treatment. Prison doctors refused to issue certificates to victims of excessive use of physical force and other means of restraint by wardens. Drug abuse and dependence on medicines was also a serious problem with press reports of wardens smuggling drugs into prisons.

The practice of maintaining discipline through ill-treatment and threats still existed in some prisons and the procedure of filing complaints against wardens did not function effectively. According to the Ministry of Justice, 219 complaints were filed by prisoners alleging excessive use of force against them during the first half of 1999 alone. These led to the disciplinary action against 10 officials, six of whom were dismissed. In the case of the prison in Belene, outrageous cases of violence and ill-treatment by wardens were reported during the year. These included crucifixions, inmates being forced to run before motorcycles and dogs being set against prisoners.

The problem of corruption in prisons, linked with the conditions of release on early parole, leave, work and transfer to transitional hostels emerged as a distinct problem during the year. The National Conference on Legality and Protection of Human Rights in Prisons held in mid-1999 revealed cases of bribery offered to gain early release. Frequent staff changes in the system were explained officially as the result of purges of corrupt officials. Official prison monitoring was ineffective and prisons' failings were going unchecked. No findings or recommendations on prisons' performance were recorded.

The BHC findings concerning placement of children in "correctional boarding schools" noted deteriorating living conditions and unsatisfactory medical services in many of these. Placement in this type of school was a punitive rather than educational measure, depriving children of the right to freely leave the premises. Games and recreational facilities needed to be significantly improved. Violation of children's rights in some "correctional boarding schools" included illegal punishments, such as forced labor, shaving children's heads, or forcing them to do strenuous exercises. The procedure for placing children in these facilities, regulated by the 1958 Control of Juvenile Anti-Social Behavior Act, continued to present another serious problem. As a rule, families had no legal advice and district courts confirmed the placement order without question.

The BHC continued to monitor conditions in psychiatric establishments, where individuals were placed for forced treatment or certification. In addition to poor living conditions in many of these institutions, reform of various legal provisions regulating compulsory detention, was also needed. There was a gross, and apparently widespread, discrepancy between the existing laws and their local application, on extending the length of detention for forced certification, "informed consent"

# Bulgaria

for voluntary treatment, etc. Some places continued to use unmodified electro-convulsive therapy, i.e. without an anaesthetic or relaxant, which without doubt qualified as cruel treatment.

## Religious Intolerance

There were no major changes concerning freedom of religion or belief. No changes were introduced to legislation regulating the existence and activities of religious organizations. Some administrative decisions, discriminatory for most religious organizations, regulated relations between churches and institutions such as prisons. A September order appointed Orthodox priests to prisons, but other religious groups had access to prisoners impeded.

No progress was made last year in cases against the refusal to register a number of churches as religions, including the International Christian Church in Krichim, the Roma Church and the Unification Church (Moonies). The courts acted to delay hearings in all cases. By the end of 1999, the Church of the Nazarene had been trying in vain to register for five years.

The main violations of religious rights during the year were undoubtedly the arbitrary expulsions of preachers, under the pretext of protecting the interests of national security but in fact for the peaceful preaching of their religion.

■ On 5 July, Daruish al-Nashiff (32), a stateless person, was expelled for organizing the teaching of Islam for underage children in the town of Smolyan, taking part in an "illegal" Islamic seminar in Narechenski Bani in August 1997 (brutally dispersed by the police)<sup>9</sup>, and setting up an Islamic training centre in Smolyan in 1995. Al-

though father of two children with Bulgarian citizenship, al-Nashiff was expelled according to the new Residence of Aliens in the Republic of Bulgaria Act (article 40(1) in connection with article 10(1), which excludes the possibility of judicial review of expulsion orders linked with national security issues. The protest of the Chief Mufti's Office of Bulgarian Muslims, which noted that al-Nashiff had carried out his activities with the approval of the District Mufti's Office in Smolyan was completely ignored.

■ On 8 January 2000, it was reported that a group of six Islamic preachers was expelled from the region of Shumen. According to police, they had preached without a permit from either the Turkish or the Bulgarian Directorates of Religious Affairs. They were further qualified as "sectarians, belonging to the Pakistani sect of the Ahmadis". Although the absence of a permit from the Sofia Directorate of Religious Affairs was a violation of articles 22 and 23 of the denominations act of 1949, a 1992 Constitutional Court ruling explicitly mentioned that both articles were unconstitutional.

In June, the parliamentary Committee on Human Rights and Religious Denominations launched the discussion of three bills on religion.<sup>10</sup> At a conference held on 8 July, more than 40 representatives of professed religions in Bulgaria, including of the two largest religious minorities – Muslims and Catholics – voiced their dissatisfaction with the bills and urged parliament to adopt a less discriminatory law.

All three bills were essentially similar to the 1949 denominations act, and upheld the idea that, in contrast to other non-profit organizations, religious organizations

<sup>9</sup> *Ibid.*

<sup>10</sup> Tabled by *UtDF* MPs Pindikov and Hristov (it is officially admitted that the Directorate of Religious Affairs, i.e. the Council of Ministers, backs this project), by a group of MPs from the *BSP* and by a group of *IMRO* MPs.

# Bulgaria

should be kept under special and detailed supervision by the state.

The government-supported Pindikov-Hristov bill stood the highest chance of becoming a law. The bill included the following: the executive, rather than an independent court (as in the case of other non-profit organizations) should rule on registration of religious organizations; should a new denomination engage in religious activity prior to gaining registration, it faced either a fine of 500–1,000 leva (c.U.S.\$ 250–500), from the Directorate of Religious Affairs, or the Council of Ministers might refuse registration altogether. The bill repeated the current restrictions on freedom of religion and added important new ones, including restrictions on the place of worship, the manner of religious activity and religious education.<sup>11</sup>

Although an October draft of a denominations act by the Tolerance Foundation, the Bulgarian Helsinki Committee and the Bulgarian Human Rights Center received wide support among religious leaders, it was rejected on 16 November by the Committee on Human Rights and Religious Denominations.

A number of municipal authorities adopted new discriminatory ordinances covering religious activity, including Sofia, Burgas, and Septemvri. Jehovah's Witnesses were refused registration as a result here and in Pernik, Stamboliiski, Dimitrovgrad and Plovdiv, despite their registration at the national level.

Discriminatory actions by public officials, as well as of private individuals and groups against religious organizations occurred throughout the year. There were repeated reports that police in the town of Kotel had banned the activities of the largely Roma local branch of a religious

organization, the White Brotherhood. Other forms of discrimination included discrimination in the workplace of believers, who risked losing their jobs as a result of their religious practice.

## Conscientious Objection

The Alternative Service Act adopted in 1998 was not applied in 1999. Not a single youth opting for alternative service was registered and directed to such service. The possibility for alternative service was not announced publicly, nor was an adequate infrastructure created for hearing out conscientious objectors.

## Protection of Minorities, Intolerance and Xenophobia

In May, Bulgaria ratified the Framework Convention for the Protection of National Minorities of the Council of Europe. This happened with a declaration which in a slightly modified form reiterated the provision of article 21 of the convention, prohibiting activities violating the territorial integrity and sovereignty of the state, its internal and international security. By year's end, however, no legislative measures had been taken to bring Bulgarian legislation in line with the provisions of the convention.

Otherwise there were no improvements in the protection of minorities, nor was any progress made in the introduction of mother tongue education for Bulgarian Roma and other ethnic minorities.

On 22 April, a Framework Program for the Integration of Roma in Bulgarian Society was formally adopted by the government, providing for a number of legislative and political measures, some of which had to be implemented by the government within fixed terms. They included adopting an

<sup>11</sup> For further details, see *Bulgarian Helsinki Committee, Human Rights in Bulgaria in 1999, Sofia, March 2000*

# Bulgaria

anti-ethnic discrimination law and an anti-discrimination state body; the introduction of civic control and citizens participation in the investigation of cases of illegal use of force and firearms by police officers; desegregation of Roma schools; regulation of Roma-populated neighborhoods to enable their inhabitants to acquire regular property documents and for their urban development; stimulating employment of Roma through various forms of direct and indirect state support, etc. Although the program was highly assessed by local and international human rights observers, by year's end the government had not implemented any of the measures required to enforce the program.

As in previous years, however, Roma faced discrimination and racist motivated attacks, including by law enforcement officials. Some of them led to the death of innocent people.

■ On 15 June, four teenage boys beat to death Romani beggar Nadezhda Dimitrova (33) in a Sofia suburb. She was killed extremely cruelly by being kicked and hit for a long time. In another case in February, a villa owner in the village of Sotirya near Sliven shot dead the Rom Nikolai Georgiev (16) who together with two other Roma children had sought shelter on the property.

## Protection of Asylum Seekers

At the end of May, parliament adopted the long expected refugee act which entered into force on 1 August. Despite attempts by the BHC to have shortcomings in the original draft removed at the committee stage, the act included controversial points, including narrowing the definition of refugees and placing bureaucratic obstacles in the way of recognizing refugee status. The possibility was retained to terminate the asylum procedure where various petty offences were committed by the applicant. The period of appeal was

halved. The Bulgarian government adopted some of the restrictive western concepts of "safe third country" and "first country of asylum" and incorporated them in the new law. A list of "safe third countries" was being compiled, and there were fears the list would be used to seriously restrict the number of applicants and the number of recognized refugees.

The new refugee act also contains some new elements. Thus a rapid procedure and summary rejection of "clearly unfounded" applications was introduced, with the appeal period limited to 24 hours. This would hinder asylum applicants in adequately presenting their cases. There remained no proper infrastructure at border checkpoints (including no possibility for free legal assistance), ensuring minimum guarantees for fair procedure. The practice of detaining asylum applications, especially at border checkpoints, continues to be applied, although it decreased during the year thanks to the increased monitoring of human rights organizations.

The government's restrictive approach was demonstrated particularly eloquently during the Kosovo crisis when, at the height of the deportations from the region, on 8 April the Bulgarian government closed the border to Yugoslav citizens, including Albanian refugees, and did not reopen it until the war's end. The government supported the NATO actions, but stated explicitly that refugees were not wanted in the country, accusing Kosovo Albanians of drug-trafficking, trafficking in women and terrorism. Following criticism by local and international human rights observers the government softened its position, but the border with Yugoslavia remained closed.

## Women's Rights and the Rights of the Child

Domestic abuse of women and children continued to be a serious problem in 1999, too. In January a daily newspaper

# Bulgaria

reported the results of a study according to which women in every other Bulgarian family are battered at least once a year.<sup>12</sup> Criminal prosecution in the huge majority of these cases was initiated by a private complaint of the woman, without the participation of a prosecutor, which placed a heavy financial and moral burden on the victim. Child abuse continued to be a widely accepted and widespread phenomenon in the Bulgarian family.

## Arms Trade<sup>13</sup>

Bulgaria has long fueled human rights abuses by supplying weapons to abusive forces, especially in Africa, through both government-approved and illicit deals. In 1997, the new reform-minded government announced it would try to shake Bulgaria's cold war reputation as a weapons bazaar. However, as of December 1999, no further progress had been announced on draft reforms of the national arms trade law that had been proposed by the Council of Ministers a year earlier.

An inadequate legal framework for arms trade controls and poor implementation and enforcement of such controls made it possible for Bulgaria to contravene the international commitments it has made not to sell weapons to parties in areas of conflict or to abusive forces. In 1998, for example, Bulgaria sold 90 T-55 tanks to Uganda, where there were suspicions that Ugandan armed forces might use the tanks in the Democratic Republic of Congo or that they might be re-sold to abusive rebel forces in Sudan. Late that same year, Bulgaria also agreed to allow Poland to re-export Bulgarian-made weapons to Congo-Brazzaville, where armed forces were responsible for committing numerous, serious human rights abuses in the context of that country's civil war. ■■■■

<sup>12</sup> *24 Chassa* from 16 January 1999.

<sup>13</sup> *By Human Rights Watch/Division on Arms Trade for this report.*