

# Reporters Without Borders

<http://www.rsf.org/bulgaria-draft-laws-mooted-on-defamation-27-01-2011,39398.html>

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Europe & ex-USSR - Bulgaria

New threats

## Draft laws mooted on defamation and phone-tapping. Journalist confidentiality menaced

27 January 2011

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Reporters Without Borders says today that it is worried by proposals put forward by members of the ruling party Citizens for European Development of Bulgaria (GERB) to reform the law relating to defamation. The press freedom body also notes an alarming explosion in the amount of telephone-tapping carried out in Bulgaria and the absence of respect for the legal framework of procedures by Bulgarian bodies and in particular the police and prosecuting authorities.

At the start of this year Krasimir Velchev, the vice-president of the CERB parliamentary group, said he wanted to see a new law adopted on defamation, saying he thought that sanctions envisaged by the existing legislation were "absurd."

"We need new legislation by virtue of which any citizen, and not just politicians, can exercise their rights," he said. "You cannot spit on institutions and people with impunity. You cannot have a strong state if everyone can libel and slander everyone."

Under the legislation in force defamation is punishable by fines ranging from 1,500 euros to 3,000 euros, and from 2,500 euros to 7,500 euros if it appears in the press.

"We call on members of parliament of the majority not to modify the existing legislation relating to defamation" Reporters Without Borders said.

"The decriminalization of press offences should be absolutely encouraged, especially in member states of the European Union, which should necessarily set an example.

"A possible toughening of the sanctions in respect of defamation could only constitute a major step backwards as far as press freedom in Bulgaria is concerned. We are keeping a close eye on developments in this key area." The press freedom body also condemns the huge increase in phone intercepts in Bulgaria. The Sofia prosecution service says that requests for telephone taps has almost doubled in the space of a year, from 1,459 in 2009 to 2,214 in 2010. In major cities such as Plovdiv in the south or Shumen in the northeast the increases have been respectively 50% and 67%.

In early January Prime Minister Boyko Borisov acknowledged that the phones of senior government officials were periodically tapped as part of the campaign against corruption. He justified the practice in the name of transparency. In this context Kalin Georgiev, the head of the Bulgarian police saw fit to say that he did not see any problem in listening into journalists' calls. He said there were "rubbish and bandits" among representatives of the press.

"We are amazed by the statements and attitudes of Mr. Georgiev, which demonstrate how little progress has been made by the Bulgarian police in this field since 2008," Reporters Without Borders said.

"We remind the head of the police that under the law phone tapping can only be carried out as a last resort and in the context of serious crimes or attacks on national security. The agreement of

the prosecuting authorities remains essential.”

The press freedom body added that it feared that routine phone tapping, as had happened in the past, could extend to journalists and restrict the right to confidentiality of discussions.

“The freedom given to the police services in the matter is as unacceptable as it is worrying,” Reporters Without Borders said.

“Mr. Georgiev’s statements must be followed up. We call on the interior minister to impose the necessary sanctions or run the risk of encouraging a dangerous laxity among all the services.”

In 2010 Reporters Without Borders expressed alarm about the upsurge in requests from the interior ministry for details of mobile phone bills and access to information exchanged by Internet users.

In a report published in 2008 the organization also condemned the illegal phone tapping of several journalists by the national security agency (DANS), the Bulgarian secret services. At the time Bulgaria was governed by the GERB’s present political opponents.

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