

HUMAN RIGHTS IN BULGARIA IN 1993

Introduction

At the end of 1992, Philip Dimitrov's government received a vote of no confidence. This was a result of the dissolution of the coalition between two of the three main parties in Parliament, the Union of Democratic Forces (UDF) and the Movement for Rights and Freedoms (MRF), the latter being the political organization of the majority of the Bulgarian Turks. Bulgarian-speaking Muslims and Roma are also members of the MRF. The protest of MRF against the former government, which was composed entirely of UDF members, but was elected and supported over a year by the MRF as well, was aimed mainly at the government's economic policy. The protest was also a result of the discontent among MRF's voters who were negatively affected by the course of the economic reform. Professor Lyuben Berov's new government was elected with MRF's mandate and was subsequently supported several times by MPs from three of the parliamentary fractions, the Bulgarian Socialist Party (BSP), i.e. the former communists, the MRF and a part of the UDF (the members who supported the new government later on split off from UDF and formed a new parliamentary group, called New Union for Democracy). President Zhelev backed the new government as well, and as a result was sharply criticized by the UDF. This conflict brought about Vice-President Blaga Dimitrova's resignation from office in July, 1993.

The change in the government was a successful test of the work of the country's constitutionally-established democratic institutions. The democratic institutions were further enhanced by the new government and the interaction between the different levels of government improved. The system for protecting basic human rights, generally guaranteed by Bulgaria's new *Constitution*, functioned within the institutional framework of pluralistic democracy and separation of powers.

During the first half of December 1992, a census on the population and households was conducted. Some new questions were included in this census: on ethnic identity, mother tongue and religion. Every individual was free to define their own ethnic identity in accordance with the principle of self-identification. According to the preliminary results, out of a total population of approximately 8.5 million, about 822 thousand people identified themselves as Turks, 288 thousand - as Roma and 65.5 thousand as Bulgarian Muslims. The census showed the existence of ten other smaller ethnic groups. Census experts estimate, however, that there are approximately 550 thousand Roma and approximately 250 thousand Bulgarian Muslims. These estimates are based not only on the individuals' self-identification, but also on the public's identification of an individual or group. The difference is due to the fact, that many individuals which the experts define as Roma or Bulgarian Muslims identified themselves as Turks or Bulgarians.

After the new government was formed, despite the indisputable progress in the human rights sphere, serious human rights problems remain and new ones have arisen.

1. Minority Rights

During the past year, the Roma population continued to be the dominant minority problem in Bulgaria. Since September 1993, introduction of optional classes in the Romany language in elementary schools is one of the few positive developments concerning the Roma population. Roma continue to live with the following problems: segregation in education which has resulted in poor education of Roma children; *de facto* segregation by local authorities in providing Roma with housing; segregation policy by the Army in recruitment (young Roma men are recruited almost exclusively in the Labour Corps); discrimination by the police in employment.

The unemployment rate among the Roma community continues to be on the increase. Sometimes this is due to labour discrimination. The Bulgarian Helsinki Committee has received many complaints of discrimination in the social security system on which many Roma are forced to depend. In mid-October, in Lom, a group of Roma organized public protests against the delays in paying out social benefits. The number of homeless Roma children continues to increase. Prejudice against Roma is a result of the increase in criminal behaviour among them. This is caused by the continuous and progressive isolation of the Roma from Bulgarian society.

No progress was made in investigating abuses of Roma by the police.¹ At the request of the President, the Minister of the Interior appointed a Special Commission to investigate the police raid on the Roma neighbourhood in Pazardzhik. The case was closed based on the assumption that there had been no violation of the law. Several new grave violations of the rights of Roma have been registered by the Human Rights Project (Legal Defence of Roma). 14-year-old Anton Assenov was beaten by police at the Shumen bus station on September 19, 1992. The police had accused him of gambling. The Prosecutor's Office has refused to initiate an investigation against the policemen. At present, Anton's parents have filed a complaint with the European Commission for Human Rights in Strasbourg. On March 24 1993, Hristo Hristov was arrested in Stara Zagora while stealing copper wire. He was clubbed and kicked. He was later on taken to the police station, where he was beaten again. On April 5, 1993, between 3 a.m. and 5 a.m., approximately 60 policemen looking for criminal suspects raided the Roma neighbourhood in Novi Pazar. In several cases, policemen wearing camouflage uniforms entered private homes by breaking down the doors. Residents were beaten and threatened with guns, women were verbally abused. In March 1993, the US Helsinki Watch and in May, 1993 Amnesty International insisted that the Bulgarian government should conduct an impartial investigation and take steps against the offenders. On June 3, 1993 Zahari Alexandrov Stefanov, a Turk married to a Roma woman, was arrested in the village of Dubovo, near Kazanlak. The policemen beat him at the railway station where he was arrested and accused him of theft. He was beaten once again in the village municipality while his house was being searched. During the night of June 19, 1993, several Roma were severely beaten in a bar in Dobrich by the police who had come for an identity check. According to witnesses to the incident, the victims were spitting blood, some had broken ribs and a woman had a gun put in her mouth. On June 26, 1993 in Maglizh, nine male Roma were beaten by half a dozen policemen; they had been caught stealing cherries from an orchard close to Stara Zagora. The victims claim that at their first appearance the policemen had not warned them that cherry picking in the orchard was prohibited. On October 17, 1993 in the village of Cherganovo, near Kazanlak, after a fight between a group of Roma and a group of local citizens, a big crowd of villagers attacked the Roma neighbourhood and destroyed two houses. Further incidents were prevented only after the police intervened.

In Sofia and in some of the country's other large cities, citizens have formed groups which foster racially-motivated violence, mostly against Roma. At present, they limit their behaviour just to threats; however, there are several documented cases of violence. On October 29, 1993 a group of students from the Lovech Sports School attacked three Roma in a discotheque in Oreshak, near Troyan. Several days later one of the victims died in a hospital from brain haemorrhage caused by the beating. On October 31, the Roma Club in Varna was attacked and the furniture was broken by a group of men. The police promised an investigation. Representatives of the local Roma community suspect the attack was racially motivated. In the winter of 1992-1993, homeless Roma children-beggars were systematically beaten by students from the upper classes of some elite Sofia high schools.

¹ Cf. *Human Rights in Bulgaria after the October 1991 Elections*. Report of the Bulgarian Helsinki Committee, October 13, 1992.

In general, the attitude of the media towards Roma, despite some progress in previous years, was hostile. This contributed to the increase in prejudice against the Roma community. When reporting about the committed crimes, the Roma ethnic identity continues to be explicitly mentioned in most of the offences where there is no relevance to the reported crime.

Ethnic tensions caused mainly by local opposition to the restoration of basic rights of the Bulgarian Turks decreased. Existing limitation on studying Turkish as a mother tongue was not caused by unwillingness of the authorities to provide such training, but by the lack of qualified teachers. The lack is due to the emigration of Turkish teachers, some of whom were forced to leave the country by the Communist regime during the campaign against the Turks between 1984-1989. In March, 1993 Kiasim Memish, an expert in the Ministry of Education, Science and Culture, reported that 92,166 applications for studying Turkish as a mother tongue were filed during 1992 and 1993. Turkish language classes were not provided for 17,000 students either because of lack of teachers or for lack of enough students to meet the required number of students for a class. Opinion polls show that most Bulgarians are ready to accept these latest developments, but they also indicate that strong prejudices still exist.

In the summer of 1993, local tension was created when the MRF-dominated Momchilgrad Municipal Council decided to rename several streets in the town and give them names related to the culture of the Turkish community like "Jambali," "Mehmed Habil" and "Miumuim Ahat." The Municipal Council acted completely within its jurisdiction under the law. However, the Haskovo District Governor immediately challenged this decision in court. In September 1993, the Kurdzhali District Court invalidated the Municipal decision relying upon *Decree No. 1315* from 1975 which requires the names "to reflect the wealth and beauty of the Bulgarian language."

The issue of the so-called "turkisation of Pomaks" constitutes a much more serious problem. During the last census from December 4, 1992, the principle of self-determination of ethnic identity was applied with respect to the Pomaks and approximately 35,000 Bulgarian-speaking Muslims from the Mesta river valley registered as "Turks" and declared "Turkish" as their mother tongue, although they do not speak it. Christian Bulgarians in the region, as well as several nationalistic organizations, initiated a campaign against the MRF, accusing it of promoting various forms of coercion with the people in the Satovcha, Yakoruda, Garmen, Gotse Delchev Municipalities and in the former Kurdjali District Municipality, forcing them to declare that they belong to a particular ethnic group. A report of an appointed Parliamentary Commission for investigating complaints in these regions was heard in Parliament on May 21, 1993. It was signed by all BSP and UDF members of the Commission, but not by the MRF representatives. The Satovcha Municipality Mayor, Yussuf Djudjo was dismissed from office by a decree of the Blagoevgrad District Attorney on April 14, 1993 (Article 154 of the Bulgarian *Penal Code* allows the Prosecutor to apply this procedure even against an elected official). No charge was brought against Mr. Djudjo after he was removed from office. Finally, he was charged on June 3, 1993 with violation of Article 309, para. 1 of the *Penal Code* - for forging contents of private documents; this article of the *Penal Code* provides for up to two years imprisonment. Yussuf Djudjo allegedly corrected applications by Muslim names to change their Bulgarian names back to Muslim names. They were victims of the coercive bname change of Bulgarian-speaking Muslims in 1973-1974. Mr. Djudjo and his lawyers claim that all of the corrections related to the appropriate grammatical form of the names and were done with the applicants' consent. Whatever the result of the case, the important fact is that the charge is quite different from what MRF local activists in the regions populated by Bulgarian-speaking Muslims have been accused of; i.e. using administrative force against individuals when declaring their ethnic identity.

On September 17, 1993 Parliament passed a resolution with a majority vote of all of the BSP and UDF MPs, to declare that the December 1992 census results in the West Rhodope mountains concerning ethnic identity, religion and mother tongue "do not correspond to the

actual demographic situation in the country". Although Bulgarian legislation is in no way based on census results, the Parliamentary decision of September 17, has important political implications. It ignores the principle of self-determination of ethnic identity and lays the political groundwork for undermining the ethnocultural identity of thousands of Bulgarian citizens.

The hostile policy towards Macedonians continued under the new government as well. The census of December 4, 1992 showed that, despite the explicit position of local and central authorities against the existence of Macedonians in Bulgaria, approximately 7,000 Bulgarian citizens have identified themselves as "Macedonians". Most of them live in the former district of Blagoevgrad. The United Macedonian Organization (UMO) "Ilinden" and the Traditional Macedonian Organization - Internal Macedonian Revolutionary Organization (TMO-IMRO) "Ilinden" are the two organizations which claim to represent the self-proclaimed "Macedonians". UMO "Ilinden" is concerned with radical separatist principles, arguing that Bulgarian troops are a foreign occupational army and that Bulgarian priests should leave the region, while TMO-IMRO concentrates on moderate cultural objectives. On April 14, 1993 the third issue of the *Skornuvane* (Awakening) newspaper was confiscated from the editor's office. *Skornuvane* is an UMO "Ilinden" newspaper, but is published by a private company (UMO "Ilinden" was not registered as a legal entity despite continuous efforts). No search warrant was presented to the editor or any one else when the newspapers were confiscated. During the search not even verbal justifications with respect to the motives for the newspaper confiscation were given. This is the first newspaper confiscated since the beginning of the democratic process in Bulgaria. On April 18, 1993, access to the Rozhen Monastery was blocked by the police in order to prevent the celebration of the anniversary of the death of Yane Sandansky, one of the legendary Macedonian heroes. A few days later, on April 24, due to another police roadblock, approximately 100 members of UMO "Ilinden" were again not permitted access to Sandansky's grave. Near Lozenitsa, a village close to Melnik, 50 people who were celebrating the anniversary of the death of Yane Sandansky were beaten with truncheons and rifles by 200 armed policemen and by the Ministry of the Interior Special Unit for Fighting Terrorism. The purpose of the attack was to discourage and disperse the people from conducting the celebration. According to the victims, people who had been beaten were told that they were being beaten because they identified themselves as "Macedonians". They also reported that they were given first aid at the hospitals, but the physicians refused to issue them medical certificates. Citizens of the Republic of Macedonia who had come to the ceremony were stopped by the police, ordered to get out of their cars, and cruelly beaten near the village of Spatovo.

The Supreme Court decision of April 23, 1993 invalidated the June 1992 registration of the Macedonian organization TMO-IMRO "Ilinden." The registration was invalidated on procedural grounds, due to a discrepancy between the organisation's charter and the law. Representatives of the Prosecutor's Office, as well as the press, welcomed the invalidation of the organization's court registration as a "correction of the mistake" and as an attack on the organization due to its ethnocultural orientation. Georgi Solunski, Chairman of the TMO-IMRO "Ilinden", was arrested in Sofia, on June 16, 1993. He was charged with attempted murder after being engaged in a brawl with several activists of the Bulgarian National Democratic Party. Three months later, during the investigation, the charge was changed to "insolent hooliganism." Illegal possession of ammunition was added to this charge due to several bullets found in his house.² These bullets do not fit Mr. Solunski's legally owned gun.

² This last edict was added to the *Penal Code* in 1985 immediately after the coercive name-changing campaign of the Bulgarian Turks. It was a time when certain people attempted to protest against this through terrorist actions.

On August 1, 1993, the anniversary commemorating 90 years since the Ilinden Rebellion, the police blocked all roads to the Samuilova Krepost locality near Petrich where UMO "Ilinden" had planned to celebrate the anniversary. During a parallel celebration in the Predela locality, Alexander Yordanov, Chairman of the Parliament, stated that Bulgaria would oppose the "macedonisation" of Bulgarians living in the Pirin Mountains. He denounced the "macedonisation" as a pro-communist and a pro-Serb policy. Mr. Yordanov also talked about efforts on the part of pro-Serb groups in Skopje and in Belgrade "to create a non-existent Macedonian minority" in Bulgaria.

In July, the Supreme Court acquitted a policeman who was prosecuted by the Regional Military Prosecutor's Office. The policeman had been charged with the murder of a Muslim, Marin Kandyov, who on February 18, 1993, allegedly was trying to escape after being arrested. The escape was witnessed by two other policemen only. Two of the three judges supported an acquittal verdict. However, the Jury Chairman, Judge Peter Raimundov expressed dissent stating that it is not legal and moral to acquit a defendant on the grounds of his colleagues' testimony which contradicts other evidence. The acquittal resulted, to a great extent, from the vociferous campaign made by a daily newspaper in defence of the policeman.

2. Discrimination Based on Political Opinion

After the new government was formed in December, 1992 the Prime Minister, together with other ministers of cabinet, made public statements, stating that the only criterion for appointment, dismissal and promotion would be professional qualification. As a government policy, general use of political criteria concerning employment has ceased. Though many high-ranking governmental officials, appointed by the former Cabinet, kept their positions, several officials in the highest level of the administration were dismissed, presumably due to their political affiliation to the formerly ruling UDF government and their professed anti-government position. For example, Assen Agov, Director General of the Bulgarian National Television, Ivo Indjev, Director of the Bulgarian Telegraph Agency, Stefan Sofyanski, Chairman of the Committee of Communications, the Director of the Privatisation Agency and some members of its Supervisory Board, as well as District Governors were all dismissed. Some of the dismissals were challenged in court and found to be illegal. Those officials subject to illegal dismissals returned to their jobs. Following the formation of the new government, the UDF was determined to keep in their positions as many UDF appointed officials as possible. Thus, the UDF branded all dismissals "political revenge" and labelled the new government as "pro-communist."

On May 13, 1993 in front of the Parliament building, Stefan Savov, a UDF MP and former Chairman of Parliament, and one of his bodyguards were hit by policemen with truncheons. The attack was provoked by supporters of the UDF. The incident was investigated, however, the policemen who took part in the beating were not identified and the investigation was terminated. The beating of Stefan Savov prompted the UDF MPs to seek a vote of no confidence in the Government. However, the motion did not pass and the Cabinet remained in power.

On December 9, 1992, Parliament passed the *Law on Additional Requirements of Scientific Organizations and the Higher Testimonial Commission*. This turned out to be the basis of a much more significant discrimination based on political opinion, than the individual cases described above. President Zhelev immediately attacked the Law before the Constitutional Court on the grounds that it was unconstitutional. On February 19, 1992 the Constitutional Court could not obtain the necessary votes (seven) to make a decision. Due to legal technicalities the Law remained effective. Its enforcement gained momentum in March 1993. This law also known as the *Panev Law* (by the name of its sponsor) is one of several "decommunisation" draft laws and draft laws pending in Parliament. Two such have already

been passed and were declared unconstitutional by the Constitutional Court in July, 1992.³ The *Panev Law* provides a basis for automatic disqualification from management positions in scientific organizations of certain categories of individuals regardless their individual record of competence. According to the *Panev Law*, certain individuals cannot participate, either as elected or appointed officials, in management of scientific organizations or on the Higher Testimonial Commission (HTC) if they belong to any of the following categories:

1. those who have been members or alternate members of the Politburo, the Secretariat, or the Central Committee of the former Bulgarian Communist Party (BCP);
2. those who have occupied positions on the nomenclature list of Politburo or the Secretariat of the Central Committee of the BCP before November 10, 1989;
3. those who have been secretaries or members of regional, town, municipal or district committees of the BCP;
4. those who have been collaborators with the former State Security or the former Bureau of Safety and Protection;
5. those who have participated in the government program for the coercive name-changing of the Turks;
6. those who have taught at the Academy of Social Management or its branches;
7. those who have taught history of the Communist Party of the Soviet Union (CPSU) or history of the BCP in universities, university departments, scientific institutions, etc.;
8. those who have been political officers in the Armed Forces;
9. those who have been secretaries of party committees of the BCP in the universities, the scientific institutions and those who have been members of the personnel commissions in universities.

The *Panev Law* required that within four months after the effective date, scientific councils must have new elections of its membership or will face sanctions. The new elections were conducted for those candidates who filed declarations of suitability under the *Panev Law*, stating they were not members of any of the categories prohibited by the law. Refusal to file a declaration, regardless of the motives, was reason for disqualification.

Enforcing this Law created tension among the professors at the universities and the research fellows at the scientific institutions. The administration staff at some institutions quickly organized the elections, for fear that opposing the *Panev Law* might lead to the closing of their institutions. This was not impossible, as the whole system of university education and scientific research was within a major reorganization. Members of some other institutions ignored the law. For example, the History Department at "St. Kliment Okhridski" University of Sofia did not organize elections and its members were willing to pay all fines imposed on the management.

Despite the fact that many professors and research fellows at different institutions were not members of any of the categories prohibited by the law, they were disqualified because they had refused to file the declaration. They considered the law and its requirements humiliating.

Several elections, including the election of the Vice-Chancellor and Academic Council of "St. Kliment Okhridski" University of Sofia, were held in violation of the *Education Act* as well as the bylaws of the particular educational or scientific institution. At the present time, no change has been brought to challenge the election results. Several professors were encouraged by BHC members to file petitions with the European Commission for Human Rights, however, they considered it a meaningless process in view of the lengthy procedure.

It is difficult to estimate the total number of individuals affected by the *Panev Law* since it includes individuals who had been members of its prohibited categories, as well as,

³ For a more detailed description and estimation of these laws and bills, see *Human Rights in Bulgaria after the October 1992 Elections*. Report of the Bulgarian Helsinki Committee, October 13, 1992.

individuals who had refused to file the declaration regardless of their membership status and many professors and research fellows refused to participate in the elections.

The success of the *Panev Law*, which was due in part to the absence of a decision of the Constitutional Court, has undoubtedly promoted additional bills in Parliament. These bills provide for the prosecution of different categories of individuals for past deeds. On October 12, 1993, a bill "denouncing the communist regime in Bulgaria as illegal" was introduced in Parliament. This bill was signed by almost all UDF MPs. Later, it became known as the Panev-2 bill. The bill states that the governmental role of the BCP and its central and local management resulted in the decline of morals and traditions and the destruction of European values; the violation of human rights and freedoms; the violation of property rights; an abuse of education and culture for political purposes; and the destruction of the environment etc. This bill declares the communist rule after September 9, 1944 as "criminal, illegal and blameworthy", while the BCP is declared "a criminal and blameworthy organization". The only legally meaningful provision in this law is Article 6 where crimes or violations of civil rights, committed during the communist rule are excluded from the statute of limitations. This does not include war crimes and crimes against humanity which are already excluded from the statute of limitations under the effective Bulgarian criminal law. According to another UDF MP, who declared himself co-author of the bill, the Panev-2 bill is the basis for the introduction of a number of other decommunisation bills.⁴

The Bulgarian Helsinki Committee publicly stated at the time of the Constitutional Court decision concerning the *Panev Law* that all such bills impose criminal penalty on a group of individuals without due process.⁵ Moreover, such penalties are imposed for past activities which were not regarded as crimes at the time of the activity. The *Panev Law* and the other bills introduced in Parliament violate the following provisions of certain international instruments: Article 7,c of the *International Covenant for Economic, Social and Cultural Rights* which guarantees equality and non-discrimination; Article 7,1 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* which prohibits retroactive penalties; Article 6 of the same *Convention* which requires due process; and *Convention 111* of the International Labour Organisation which prohibits discrimination at the workplace. The *Panev Law* does not rely solely upon professional competence as the basis for employment, but rather assumes that those persons who fall within the categories described in the Law lack the professional qualities because of their former political beliefs. A basic problem with the *Panev Law* as well as with all decommunization bills is the presumption of guilt by association. The *Panev Law* is particularly unjust to those who have taught "Marx-Leninist Philosophy", "Scientific Communism" or history of the BCP and the Communist Party of the Soviet Union. For many years under communism, anyone who wished to teach philosophy, sociology or modern history had to do it in the state-run universities. The official titles for philosophy, sociology and modern history were: "Marxist-Leninist Philosophy", "Scientific Communism" and "History of BCP/CPSU". As the political regime was far from "perfect", this made it possible for some professors to teach different schools of thought which often would have nothing to do with the official dogma of "Marxism-Leninism". The *Panev Law* treats those professors the same as those are orthodox Marxists-Leninists. Enforcement of the *Panev Law* is particularly humiliating in the case of the former Departments of philosophy, history and scientific communism. To demonstrate the absurdity of this law, several Ministers in the cabinet of the first entirely non-communist UDF

⁴ On October 13 1993 the MP Yuri Borissov introduced a bill parodying to a great extent the *Panev 2 Law*. The bill pronounced the UDF as illegitimate.

⁵ Cf. also *Human Rights in Bulgaria after the October 1991 Elections*. Report of the Bulgarian Helsinki Committee, October 13, 1992. According to Article 37, sub-paragraphs 1 - 6 of the Bulgarian *Penal Code*, depriving a person from his/her right to occupy a civil or social post, is one of the penalties included in the *Penal Code*. Such a penalty can be imposed only by a court.

government, formed after the elections on October 13, 1991, also fall within the categories of the *Panev Law*.

The *Panev Law* attacks the autonomy of the universities in a manner typical of totalitarianism. Under the communist regime, the General Assembly of an university had to elect the management of the university from among people which were defined as eligible according to certain political considerations. Today, under the *Panev Law* a new category of "unreliable" university professors has been created. Even worse, the "class-party approach" which was widely applied in scientific institutions during the communist regime's early decades, had never been a law.

In February of this year, the Bulgarian Helsinki Committee (BHC) requested that Parliament should annul the *Panev Law*. BHC also requested the Constitutional Court to declare the law unconstitutional. In August 1993, the U.S. Helsinki Watch issued a special report on decommunisation in Bulgaria. The report appeals to the Bulgarian Government to annul the *Panev Law* and reject any further attempts for passing any other laws based on the concept of "collective guilt", as all such laws violate the right of free association and expression.⁶

3. Freedom of Religion

On June 11, 1992, the Constitutional Court declared state interference into religious matters unconstitutional. The Constitutional Court, however, did not pronounce itself on the discriminatory practice of registration of religious denominations with the Executive. A religious denomination must register with the Directorate of Religious Affairs in order to obtain legal status. The Directorate is a governmental institution whose members are appointed by the Council of Ministers. Registration of religions in contrast to registration of all other citizens' associations, is not protected by any legally established procedure. Thus, religions are exposed to arbitrary decisions and to influence of dominating political trends.

Soon after the new government was formed in December 1992, the Director of Religious Affairs was replaced with which an end to government interference was put. The new Director declared that he would remain neutral towards the two main religions in the country, the Orthodox and the Muslim. As a result of some acts by the former government which appointed new staff management of the religious institutions, the Orthodox, Muslim and some Protestant churches remained divided. At present, this active policy of interference has resulted in complicated court cases concerning the denominations' legal administration and property disputes.

A large part of the church property, confiscated under the totalitarian regime, is subject of restitution. In April 1993, Parliament passed a special law abolishing the *1953 Decree*, whereby Catholic church properties were confiscated by the state. The new law provides a compensation by the state of all confiscated Catholic Church property which was destroyed. The Apostle Exsarch of Bulgarian Catholics of Eastern Rite, Mr. Methodi Stratiev, told the BHC in July that the restitution process for the church property is facing administrative obstacles. Properties belonging to the Protestant church which were confiscated by the communists during the 1950s, continue to be state property. Some of this property may be restituted, but it is a long and expensive procedure.

1993 marked the beginning of public defamation against "non-traditional" churches.⁷ The defamations are to certain extent a reaction to the intensive practice of some Protestant missionary activities. In early April 1993 Stefan Stefanov, a UDF MP, introduced a bill to protect the traditional Eastern Orthodox religion. This bill could replace the present *Law of*

⁶ *Decommunization in Bulgaria*. A Helsinki Watch Report, Vol.5, Issue 14, August 1993.

⁷ According to Article 13, para.3 of the new *Constitution* "The Eastern Orthodox Religion is the traditional religion of the Republic of Bulgaria".

Religions by providing that only the Eastern Orthodoxy may be taught in schools and its doctrine discussed in the national mass media. The bill also prohibits "non-traditional" religions from using state and municipal property. Under the bill, the Cabinet may consider, at the request of any citizen, the registration of "non-traditional" religions. Since mid-March almost all of the main daily newspapers have undertaken an unprecedented campaign against the "non-traditional" denominations. This campaign has been aimed against all Protestant churches including these established in Bulgaria 150 years ago.

Accusations against the "non-traditional" religions include kidnapping of children, instigation to suicide and drug trafficking. At the end of March 1993, Nikolai Slatinski, a UDF MP and Chairman of the National Security Commission, stated on Bulgarian TV that all "non-traditional" religions had to be temporarily outlawed. On April 13, 1993, Tzoniu Tzonev, Public Prosecutor at the Attorney General's office, stated in a weekly publication that he had no information about crimes committed by the publicly accused religious associations. At the same time Victor Mihailov, Minister of the Interior, stated that non-traditional religions were not a threat to national security. This, however, did not stop the public protests against the "non-traditional" religions.

Restrictive measures towards some Protestant and non-Christian denominations were imposed by the central and local authorities. These restrictive measures were aimed to considerably hinder the activities of these denominations. On April 1, 1993, Pastor Ulf Eckman from the church Word of Life was refused an entry visa and thus prevented from participating in the South-European Conference of Faith, organized by his Bulgarian adherents. One hundred of his church members were sent back to Sweden at the Sofia Airport. Later the Bulgarian members of this denomination were not allowed to use a hall for which they had signed a contract. In October 1993, the Montana Municipal Council decided not to let clubs, halls and open-air areas be used for preaching by "non-traditional" religions. The decision was made after an Adventist pastor's visit to Montana.

In July, representatives of the Adventist Church management informed the Bulgarian Helsinki Committee that local authorities in Pernik, Kurdjali and Smolian had impeded their activities. They also reported that some of their members in Kiustendil and Sofia had been harassed. They expressed their concern over the increasing intolerance towards "non-traditional" denominations and voiced their concern about the possibility that a non-democratic law on religions would be passed by Parliament. In July 1993, representatives of the Bulgarian Bahai' Community informed BHC that their members in Gabrovo had been threatened and prohibited from meeting. A Targovishte local newspaper and two national daily newspapers ran slanderous articles accusing members of the Bahai' community in kidnapping children.

In August, 1993, confrontation took place against members of the Krishna Consciousness Society, living in a house in the Filipovtzi suburb in Sofia. The members were threatened by local residents who threw "Molotov cocktails" and stones at them. Some residents even used firearms. Approximately 1,500 residents signed a petition demanding the local authorities to force the members of the Krishna Consciousness Society out of Filipovzi. A local committee organised a residents' protest rally in front of the house of the Krishna Consciousness Society. Approximately 1,000 people led by the mayor threatened and shouted: "Out of Bulgaria," "Go away!" Vekil Vanov, a UDF MP and former Minister of Social Welfare, and Stanka Velichkova, a BSP MP, spoke at the rally. Both supported the protesters' demands, that within 2 weeks the Krishna residents should leave the suburb. The two MPs stated that they would offer an amendment to the *Penal Code* which would penalise actions against the rights of members of the Orthodox Church. After the demonstration, negotiations between the Krishna adherents and the Filipovtzi residents ensued. The Krishna adherents agreed to leave Filipovzi by November 15. The Sofia police declared that they are in no position to guarantee their safety. After the assaults started in August 1993, the Krishna members have been on nightwatch expecting repeated acts of violence.

In response to recent public protests against "non-traditional" religions, members of several religious denominations undertook their own demonstrations. On April 29, 1993, approximately 1,500 people, most of whom members of Protestant Churches from throughout the country, participated in the March of Free Faith. The procession, stretching on several streets, was carried under the slogans "'No' to religious racism," "'No' to religious discrimination," "We demand freedom of religion," etc. The march ended with a meeting which produced an appeal to Parliament, which expressed alarm caused by the public attacks on "non-traditional" denominations in the country. The MPs were asked to guarantee freedom of all religions. From May 3 to May 5, a three-day peaceful protest of the Krishna Conscience Society was organised in Sofia. During the protest, accusations against the Krishna Conscience Society of drug addiction, lechery and suicide were made, precipitated by the mass media and denounced by the Krishnas. Religious intolerance and politization of religion were also denounced. During one of the protests, the Krishnas were attacked by passers-by and some of their musical instruments were broken.

On September 27 and 29, the Mayor of Sofia prohibited a march and then a rally against abortions. Both were organised by Ulf Eckman's "non-traditional" religious denomination Word of Life. The officially stated reason for the Mayor's decision was fear of transport roadblock, although the motive behind the prohibition was the "negative social reaction" towards activities of Word of Life.⁸

4. Problems of the Criminal Justice System.

The criminal justice system was severely criticized in 1993 due to its inability to respond effectively and efficiently to the increased crime rate in the country. The investigation did not cope well with violations reported by the police. In most cases, the deadline for closing court procedures was exceeded. According to official reports, by June 1993, 2,000 out of 8,000 imprisoned, have been detained with an investigation still pending. This fact has been widely commented.

In February, Prime Minister Berov proclaimed his willingness to lift the moratorium on capital punishment as a means of deferring crime. The moratorium was imposed by Parliament in 1990. Since then, criminal defendants have been sentenced to death, but no executions have been carried out. In an interview for the *1000 Days* weekly Prime Minister Berov insisted that an execution should be broadcast on national television. There were several public demonstrations which pressed support for the capital punishment. The national media covered the opinions of supporters and opponents to the death penalty. Among the opponents are some members of Professor Berov's Cabinet, as well as the Minister of Justice who publicly stated his opposition on one of the most popular television programmes. In October 1993, MPs from the New Union for Democracy (NUD) stated that they would attempt to lift the moratorium. At the same time, Nedko Dobrinov - Deputy Minister of Justice, announced that by October 18, 1993, ten people had been sentenced with the death penalty. In October 25, 1993, the government offered amendment to the new *Penal Code* prohibiting the death penalty.

⁸ The BHC treats the right of women of a certain age to abortion as a basic human right. During discussions of the new *Constitution*, BHC members insisted that such paragraphs be included in the new *Constitution's* 'Charter for Human Rights'. The Bulgarian Helsinki Committee believes in the right of free speech for everyone regardless whether one's beliefs are socially acceptable. However, the motives for the Mayor prohibiting the Word of Life protests had less to do with the abortion issue than with the activities of the "non-traditional" religions in Bulgaria in general..

Court trials of former Communist Party and state functionaries continued throughout the year. On July 19, 1993, the Supreme Court upheld the verdicts of former Prime Minister Georgi Atanassov and former Minister of Economy and Planning Stoyan Ovcharov. They had been convicted of granting state funds for the construction of apartments for orphans of anti-fascist resisters during World War II. They are both in prison now, serving terms of 10 years and 9 years, respectively. The former Deputy Prime Minister Grigor Stoichkov and the former Deputy Minister of Public Health, Liubomir Shindarov, were charged with violating radiation safety standards during the Chernobyl disaster, and brought to trial. However, Grigor Stoichkov and Liubomir Shindarov were convicted for trials with which they were not charged during the trial. They only served a few days in prison due to health reasons. At present, approximately fifty former Communist Party leaders as well as former state officials are under investigation and awaiting trial.

There are substantial reasons for suspecting discrimination within the criminal justice system as regards to these trials, such suspicions being widely discussed in the mass media. A major point of concern of the Bulgarian Helsinki Committee with regard to these trials is that more attention is given to charges with economic crimes rather than charges of human rights violations. One also has to keep in mind that the charges of economic crimes are heard at a time when parts of the Bulgarian economy are run illegally. This inevitably implies partiality and double standards, thus discrediting the idea of justice.

There have been several court cases involving former Communist Party functionaries and state functionaries of lower rank for human rights violations. Mircho Spassov, former Deputy Minister of the Interior, and four concentration camp chiefs, Peter Gogov, Nickola Gazdov, Tsvyatko Goranov, Yuliana Ruzhgeva were tried for the murders in the early 1960s at the Lovech and Scravena concentration camps. According to their lawyers, the statute of limitations on such charges has expired. The Attorney General, Mr. Ivan Tatarchev, appeared personally as chief prosecutor. He stated that during the communist rule it had not been possible to prosecute such violations. Therefore, this period has to be exempt from the statute of limitations. The Attorney General demanded the death penalty and after the death of two of the accused, Spassov and Goranov, the case was transferred to the Pleven District Court.

In September 1993, the trial against several officers of the former State Security, generals Chergilanov and Kotzaliev, and colonels Spassov and Parvanov, was commenced but was put back for further investigation. They were charged with the imputed murder "through a court verdict" of intelligence officer Dimitrov. In 1986, it was arranged by the then counter intelligence, for Dimitrov to pass top secret information to the American intelligence. Dimitrov was sentenced to death and shot. This case has provoked a lot of controversy, as well as accusations of arbitrariness due to the fact that court proceedings were started only against officials of the former State Security and not against the judges who had sentenced Dimitrov. Today some of these judges occupy high ranks in the justice hierarchy.

A court case concerning the coercive change of the names of Bulgarian Turks in 1984 and 1985 began as early as 1992. The charge was amended in July 1993 to include the accusation that the police had surpassed their rights on several occasions during organised protests of the Turkish population (Article 387 of the *Penal Code*). Todor Zhivkov and Georgi Atanassov were charged with instigating the policy of coercive name change while the former Minister of the Interior was charged with perpetrating the policy. This case is much more reasonable regarding the facts, however it is entirely outside the main human rights problem about the 1984-1985 campaign of the coercive name-changing campaign of Bulgarian Turks which was an assault on their ethnic identity.

5. Freedom of Information

The dismissal of the National TV Chief Director, followed by resignations of several TV staff members, were the result of an attempt from the government to control more strictly the national mass media. To a great extent this control took place. National television, which is the most influential means in Bulgaria of broadcasting information, was restricted in its criticism of government officials. However, some pluralism of opinions, including the expression of extreme political views was retained. Political control of radio broadcasting has become ineffective with the appearance of several private radio stations.

At the beginning of 1993, Parliament passed several amendments to the *Penal Code* which became effective on February 5, 1993. One of the amendments, Article 357a, introduces imprisonment up to 6 years for anyone who "makes public any kind of information, documents or other materials, related to the methods of State Security Offices in recruiting staff and non-staff secret service associates, as well as to the latter's tasks." The necessity of submitting such documents or other materials to qualified experts in charge of this, has been introduced by this amendment. On February 12, the Bulgarian Helsinki Committee announced that the prohibition established by Article 357a, violates the right to freedom of speech. The BHC requested from Parliament to repeal the amendment, since enforcing this prohibition for all Bulgarian citizens and not to a specific group of civil servants, responsible for secret service protection of information, repeats the assumption of the totalitarian regime of turning all citizens into state proxies. Article 357a is dangerous in that it imposes a total prohibition of publicizing the practices of Secret Service agents. This prohibition will encourage blackmail, as well as mental harassment and physical violence. Several other human rights associations, political parties and newspapers have also opposed Article 357a. No one has been accused of violating it after it became effective.

6. Freedom of Movement

The "residence" system which limited movement within the country was abolished in 1990. Under this system, the possibility of owning property or being employed was connected with special licenses issued by local authorities to people, indicating specifically that they lived in the town or village where their property or job was located. "Exit visas", i.e. permission to travel abroad which were issued to Bulgarian citizens by the police have also been abolished. Thus, the problems of freedom of movement within and out of the country were solved as a matter of law. However, it has become more and more difficult to obtain a visa from some of the foreign embassies in Bulgaria. In 1993, the BHC received complaints from Bulgarian citizens whose travel abroad had been prevented despite the fact that their documents were in order. In part, this is due to the fact that access to the consular sections of embassies has become difficult, some foreign embassies have office hours for Bulgarian citizens a few hours a week, resulting in huge queues of people waiting to obtain a visa, sometimes waiting for several nights. Other Bulgarians have complained that some embassies refuse to issue a visa at the last moment without any explanation. There have been many complaints of bureaucracy and rude behaviour on the part of the embassy staff. Most Bulgarian citizens think that the delay or denial in obtaining a visa is the result of an intentional policy on the part of embassies to discourage people from travelling abroad.