

OSCE Human Implementation Meeting
(Warsaw, 29 September – 10 October 2008)
Working Sessions: 2 - 5

Delegation of the Republic of Bulgaria

Statement in the exercise of the right to reply

1. In strict compliance with the principle that ethnic identity is a matter of free personal choice, all Bulgarian citizens are entitled to freely and individually decide whether they consider themselves as belonging to an ethnic, religious or linguistic group.

Thus, during the population censuses in 1992 and 2001, which were conducted in full conformity with the highest international standards in this field, every citizen of Bulgaria was given the opportunity to freely declare whether he/she belonged to any ethnic, religious or linguistic group. The methodology of the two censuses relating to ethnic-demographic indicators was based solely on the free expression – and respect – of the will of the individual.

Accordingly, the existence of Bulgarian citizens who identify themselves as Macedonians has been duly reflected in the official results of the national census – a total of 5,071 individuals as of 1 March 2001. This obvious fact does not require any further special act of acknowledgement by the state authorities. It should be reiterated, however, that those 5,071 individuals enjoy fully and effectively, without any discrimination, **all** the rights and freedoms guaranteed to **all** Bulgarian citizens.

2. With respect to the alleged “propaganda” in the Bulgarian media against activists of the UMO “Ilinden” PIRIN it shall be emphasized that the mere fact of the self-identification of these individuals as belonging to a particular ethnic group does not place their political views above public scrutiny, including by the free press over which the Government cannot and does not exercise any influence or control.

The simple, undeniable fact that these individuals do not enjoy public support is entirely attributable to the political positions they adhere to - and freely express.

3. Regarding the registration of UMO “Ilinden” – PIRIN as a political party, the issue has already been discussed on several previous occasions.

It should be emphasized again that the registration of **any** political party in Bulgaria is within the sole competence of the Court, in accordance with the Law on Political Parties – which is applicable to all citizens in Bulgaria without exception, irrespective of their ethnic or religious self-identification.

It should further be recalled that pursuant to the judgment of the European Court on Human Rights (ECtHR) of 20 October 2005, the applicants were awarded the sum of EUR 3,000 as compensation, together with EUR 3,000 for costs and expenses. The Bulgarian Government fulfilled its obligation by 29 May 2006.

Contrary to the claims of the complainants, the judgment of ECtHR does **not** impose any obligation on the Bulgarian authorities to automatically register UMO “Ilinden”-PIRIN as a political party. For the sake of clarity, the exact text of the judgment is attached (annex I).

It will be reiterated in this context that there are no impediments for the said organization to re-apply for registration as a political party. Indeed, the applicants availed themselves of this possibility in 2006 and again in 2007, but on both occasions it was established by the competent court (Sofia City Court) that they failed to comply with the explicit requirements of the relevant provisions of the Law on Political Parties.

It should further be clarified that the continued failure of these individuals to comply with the requirements of the Law on Political Parties does not deprive them of the basic right, constitutionally guaranteed to every Bulgarian citizen irrespective of her/his ethnic or religious self-identification, to fully participate as individuals in all social and political activities in Bulgaria.

4. Finally, the investigation initiated by the Ministry of the Interior (and presented by activists of UMO "Ilinden" – PIRIN as a "campaign of harassment and intimidation") was ordered by the Appellate Prosecutor's Office, in accordance with Article 309 (1) of the Criminal Procedural Code, after evidence emerged of probable manipulation and falsification of the registration documents submitted by the organization as part of its application in 2006.

The investigation includes standard procedures aimed at verifying personal data and the authenticity of signatures. All persons involved have all the rights and obligations as Bulgarian citizens when participating in criminal proceedings, and enjoy all procedural guarantees in exercising these rights, as provided for by the Constitution and the Criminal Procedural Code of the Republic of Bulgaria.

9 October 2008

EUROPEAN COURT OF HUMAN RIGHTS

FIRST SECTION

**CASE OF THE UNITED MACEDONIAN ORGANISATION ILINDEN – PIRIN AND
OTHERS v. BULGARIA**

(Application no. 59489/00)

JUDGMENT

STRASBOURG

20 October 2005

FINAL

20/01/2006

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

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FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds* that there has been a violation of Article 11 of the Convention;
2. *Holds*
 - (a) that the respondent State is to pay jointly to the applicants, within three months from the date on which the judgment becomes final according to Article 44 § 2 of the Convention, the following amounts, to be converted into Bulgarian leva at the rate applicable at the date of settlement:
 - (i) EUR 3,000 (three thousand euros) in respect of non-pecuniary damage;
 - (ii) EUR 3,000 (three thousand euros) in respect of costs and expenses;
 - (iii) any tax that may be chargeable on the above amounts;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
3. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 20 October 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren NIELSEN
Registrar

Christos ROZAKIS
President