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DH-DD(2014)1411

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Meeting: 1214 meeting (2-4 December 2014) (DH)

Item reference: Updated action plan (03/11/2014)

Communication from Bulgaria concerning the Velikova group of cases against Bulgaria (Application No. 41488/98)

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Réunion : 1214 réunion (2-4 décembre 2014) (DH)

Référence du point : Plan d'action mis à jour

Communication de la Bulgarie concernant le groupe d'affaires Velikova contre Bulgarie (Requête n° 41488/98) (***anglais uniquement***)

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Action plan

DGI
03 NOV. 2014
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

Group VELIKOVA

I. List of cases

VELIKOVA GROUP

Application	Case
41488/98	Velikova, judgment of 18/05/00, final on 04/10/2000
38361/97	Anguelova, judgment of 13/06/02, final on 13/09/2002
34805/02	Angelov Angel Vaskov, judgment of 25/03/2010, final on 25/06/2010
69138/01	Boyko Ivanov, judgment of 22/07/2008, final on 22/10/2008, rectified on 08/09/2008
31365/02	Dimitrov Georgi, judgment of 15/01/2009, final on 15/04/2009
61275/00	Georgiev Vladimir, judgment of 16/10/2008, final on 16/01/2008
53121/99	Iliev Stefan, judgment of 10/05/2007, final on 10/08/2007
55061/00	Kazakova, judgment of 22/06/2006, final on 22/09/2006
50222/99	Krastanov, judgment of 30/09/2004, final on 30/12/2004
7888/03	Nikolova and Velichkova, judgment of 20/12/2007, final on 20/03/2008
46317/99	Ognyanova and Choban, judgment of 23/02/2006, final on 23/05/2006
43233/98	Osman, judgment of 16/02/2006, final on 16/05/2006
57883/00	Petrov Vasil, judgment of 31/07/2008, final on 31/10/2008
47905/99	Rashid, judgment of 18/01/2006, final on 18/04/2006
14383/03	Sashov and others, judgment of 07/01/2010, final on 07/04/2010
17322/04	Shishkovi, judgment of 25/03/2010, final on 25/06/2010
42027/98	Toteva, judgment of 19/05/2004, final on 19/08/2004
48130/99	Vasilev Ivan, judgment of 12/04/2007, final on 12/07/2007
42697/05	Hristovi, judgment of 11/10/2011, final on 11/01/2012
18059/05	Dimitar Dimitrov, judgment 03/04/2012, final on 03/07/2012
41452/07	Lenev, judgment of 04/12/2012, final on 04/03/2013
43531/08	Velev, judgment of 16/04/2013, final on 16/07/2013

II. **Description of the cases and violations of the European Convention on human rights:**

These cases concern death and/or ill-treatment which had occurred under the responsibility of law enforcement agents, failure to provide medical care in police custody in due time, excessive use of force during arrests, as well as the lack of an effective investigation into the alleged abuses (violations of Articles 2 and/or 3 and 13).
The case of Shishkovi also concerns the lack of domestic remedy allowing to claim damages due to the grounds on which the criminal proceedings against the police officers had been terminated (violation of Articles 3 and 13).
Some of the cases also concern irregularities related to detention (violation of Articles 5§1 and 5§3), the unlawful destruction of property by the police (violation of Article 1 of Protocol No. 1) and the excessive length of proceedings engaged against the state to obtain compensation for the alleged ill-treatment (violation of Article 6§1)[1].
The death or ill-treatment in all these cases took place during the period between 1993 and 2001.

[1] The measures concerning the length of the proceedings are contained in the Action report on the execution of the two pilot judgments Dimitrov and Hamanov v. Bulgaria and Finger v. Bulgaria

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Report of the execution

II. General measures:

A.) Legislative measures aimed at improving the legal framework for the use of force by the police. Procedural safeguards during police custody. Internal procedures.

The Bulgarian legislation provides for a full range of guarantees against ill-treatment during arrest or public custody stemming from the implementation of the European Convention on human rights and the reasoning of the ECHR thereof. The authorities have adopted a new Instruction No.Iз-1711 of 15/09/2009 of the minister of Interior, which defines safeguards against police arbitrariness and substantial improvements of the system of police custody.

A bill open to public discussion of the Military police act was published on the web site of the Ministry of defense http://www.md.government.bg/bg/documents_proekti_normativni_aktove.html. The newly proposed legal framework governing the use of firearms seems to be consistent with the requirements of article 2 and 3 of the Convention. It establishes stricter proportionality criteria for the use of force as it introduces the principle of absolute necessity on the use of firearms.

The efforts of the Standing Committee for Human Rights of the Ministry of Interior are focused on the development of new policies in order to strengthen the protection of the human rights within the national legal system and to harmonize the national framework with the standards imposed by European institutions engaged with the protection of human rights and fundamental freedoms.

In this context it was built a mechanism to put into effect recommendations adopted by the United Nations, Council of Europe, Bulgarian Helsinki Committee, and European Committee for prevention of torture and other organizations whose activities are focused on the protection of human rights.

A Code of Ethics was introduced by order of the Minister of the Interior. The Code lists a number of rules of conduct for police officers. In addition, its non-observance is raised to the level of a disciplinary offence. The monitoring over the implementation of the Code is exercised by the Standing Committee for Human Rights and Police Ethics, within the Interior Ministry. For the period 2009-2010, there are 14 judgments against police officers on cases involving police brutality. According to information contained in the Annual report of the Standing Committee for Human Rights during 2011, 44 cases of violations of the Ethic Code of conduct for officials of the Ministry of Interior were registered. As a result of the verifications the following disciplinary measures had been imposed: 'dismissal" of 14 employees for acts incompatible with the ethical rules of conduct; "censure" of 30 employees for violating ethical rules of conduct.

Directorate "Inspectorate" and directorate "Human rights" are responsible for the elaboration of a monitoring report on found violations of human rights from police officers in the performance of their service and for their provision to the Standing Committee for Human Rights. The latter has the duty to identify the gaps and to adopt measures to prevent repetitive violations. In all cases involving supposed violations of the law by police officers inquiries

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are conducted and where such violations are proven, their perpetrators and, where necessary, their immediate superiors, too, are sanctioned.

Information concerning the functioning of two directorates of that ministry involved in internal monitoring of cases of ill-treatment was presented from the Chair of the Interior Ministry's Standing Committee for Human Rights. According to the information contained in that letter, the "Inspections" directorate of the Interior Ministry carries out administrative monitoring of infringements of human rights which constitute disciplinary offences. That directorate may also participate in disciplinary procedures.

Directorate "Inspectorate", directorate "Internal security" and the general and regional directorates are the competent authorities tasked to check the allegations of ill-treatment. By virtue of article 137c. (New, SG No. 69/2008) the Internal Security Directorate is responsible to provide operational, investigative, information and organizational activities for preventing, averting, detecting of crimes and disciplinary violations committed by MoI employees.

According to the most recent information provided by the Minister of Interior with a letter from 13/01/2014 if in the event of allegations of ill treatment it is proved that the action represents a disciplinary offence the procedure followed is written down in Instruction No. Iз-2813/04.11.2011 on discipline and disciplinary practice within the Interior Ministry. The Instruction is available on the web site of the Ministry of Interior. By virtue of article 229. Paragraph 1 of the Ministry of Interior Act the body imposing a disciplinary sanction, has the duty to hear out the civil servant or take his/her written explanations, unless for reasons beyond the control of the civil servant he/she cannot be heard or present written explanations.

Furthermore, according to the information contained in a letter from the Chair of the Interior Ministry`s Standing Committee for Human Rights the "Human Resources" directorate of the Interior Ministry analyses and monitors discipline and practice in relation to disciplinary offences in the different departments of the Ministry, and supervises those disciplinary procedures which concern the most serious offences, including cases of ill-treatment by the police. Furthermore, in accordance with Instruction No. Iз-2813/04.11.2011 on discipline and disciplinary practice within the Interior Ministry, all offences committed by law enforcement agents, and the results of the verification process, must be notified to the "Human Resources" directorate. The "Human Resources" directorate draws up monthly and annual reports concerning disciplinary offences committed by police officers. In pursuance of Order No. Iз-1415/30.07.2009 of the Interior Minister, these reports are classified as "professional secret" and are not therefore public. In a letter from 13/01/2014 of the Ministry of interior it was noted that the report is disseminated to the minister of the interior, the secretary general, and all the authorities enumerated in art.186 par.1 of the Ministry of Interior Act. With the same letter information was provided that public version of the reports could be provided with the express sanction of Minister of the interior.

The duties of police officers are regulated by the Law on the Interior Ministry, the implementing decree on the Law on the Interior Ministry and the police Code of Ethics. As said above, failure to comply with the rules laid down in the Code of Ethics is also a disciplinary offence. In the letter from the Chair of the Interior Ministry's Standing Committee for Human Rights, it is indicated that disciplinary offences must be established in the context of investigations carried out in accordance with the provisions of the Code of Administrative Procedure. Instruction No. Iз-2813/04.11.2011 concerning discipline and disciplinary practice in the Interior Ministry also settles certain aspects of disciplinary procedure.

If there are indications that an official holding a high position within the police may have committed an infringement of human rights, the investigation must be conducted by the "Inspections" directorate. If allegations of an infringement of human rights concern another official of the Interior Ministry, the investigation must be conducted by one of the main entities of the Ministry (listed in Article 9 of the Law on the Interior Ministry, such as the "regional police departments"). If a disciplinary offence committed by a police officer also seems to constitute a criminal offence, the evidence collected in the context of the disciplinary procedure is sent to the prosecution authorities.

In particular, in each case of unlawful detention of citizens in the divisions of the Interior Ministry, use of weapons, physical force and auxiliary means from employees' checks are held and in case of proven guilty disciplinary measures against the perpetrator and his superiors are taken. In compliance with the interdepartmental regulations materials must be sent to the prosecutor for seeking criminal liability.

According to the Annual report of the Standing Committee for human rights and Police Ethics for 2011 at all meetings with senior staff, as the primary indicator for the effectiveness of each service is set the status discipline of the staff and the work on public signals against illegal actions of police officials. Within the Ministry was established an organization for comprehensive, thorough and objective clarification of the data received on the violations committed by employees of the Ministry.

Special events are designed to strengthen discipline including prevention of manifestations of violence. Responsibility for ineffective prevention of violence and intolerance or omissions in the process of the exercise of control over subordinates is sought from employees occupying management positions.

Concerning the case of Shishkovi v. Bulgaria and the other cases of police ill-treatment in the Criminal procedural Code has been introduced the procedural figure of the victim (art.74). According to the provision of article 75 of the Code of criminal procedure the victim has procedural rights for instance to be informed of the progress of the criminal proceedings, to file appeals with regard to the acts resulting in the termination or suspension of criminal proceedings etc.

B). Procedural safeguards during police custody

Concerning the information on the implementation of the safeguards against ill-treatment the Government should stress on the adoption of a Strategy on a reform of the judicial system in the period 2008-2013. The strategy tends to improve the national legal aid system. Among the safeguards against ill-treatment the strategy sets up development and implementation of a unified and clear procedure under the Ministry of Interior Act for the determination of on duty lawyers in cases of "Police custody".

Article 28 (2) of the Legal Aid Act provides for a lawyer on duty to be appointed in strictly defined cases. The provision reads as follows: "A lawyer on duty shall furthermore be designated according to the procedure established by Paragraph (1) for a detainee in the cases under Article 63 (1) of the Ministry of Interior Act and under Article 16a of the Customs Act, where the said detainee is unable to retain a lawyer of his or her own."

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The Legal Aid Act makes provision for the following: Immediately after the detention, the authority directing the procedural acts shall explain to the detainee the right to assistance of a lawyer on duty and shall notify the Bar Council of the need to appoint a defence counsel.
The lawyer selected from the list shall proceed forthwith with fulfilment of the obligations thereof concerning the legal aid.
The obligations of the authority directing the procedural acts shall be fulfilled by means of serving the detainee, upon signed acknowledgment of service, with a copy of a form stating the right thereof to assistance of a retained lawyer or a lawyer on duty as from the time of detention.

The detained person is given the possibility to use lawyer defense from the moment of his detention. It is provided by defense counsel chosen by the detainee, at his expenses or defense counsel under the Legal Aid Act. In prominent places in the Regional police departments are placed lists with telephone numbers of official lawyers of the National Legal Assistance Bureau.
The functioning of the legal assistance 24-hour police custody is improved through the periodically update by the Bar Councils of the lists and schedules of lawyers on duty. Those lists and schedules are available to the regional police directorates of the Ministry of Interior in view of detainees' rights to access to a lawyer and to a choice of legal council.

In its latest report, drawn up after its visit to Bulgaria in 2010, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found, as at the time of its ad hoc visit to Bulgaria in 2008 and its visit in 2006, good implementation of several safeguards, such as the right to notify a third party of one's detention and the distribution of a declaration concerning detainees' rights. In the letter from the Chair of the Interior Ministry's Standing Committee for Human Rights dated 01/11/2012, it is stated that certain regional police departments have declarations concerning detainees' rights available in English, German, French and Turkish.

Concerning the prohibition of ill-treatment during police custody in 2002 a new form was introduced to be signed by all detained persons, containing information on their basic rights.

A. Training of the members of the police on human rights:

It should be pointed out that appropriate trainings on human rights are held regularly and the employees could benefit from the knowledge gained therein. It should be emphasized that in the syllabus for professional training is included a theme "European police and human rights" part of the program "Prevention and crime against crime of the EU and training of trainers on theme "Crimes, hatred specificity and characteristics", organized by the Office of democratic institutions and human rights of the Organization for security and cooperation in Europe.

In early 2011 after signing a memorandum of cooperation between the Ministry and the Office of Democratic institutions and human rights was launched a training program in respect of the employees of the Interior Ministry on the detection and investigation of "crimes of hatred".

On 13.05.2011 the program was launched in Vienna. The commencement of the program and the visit of OSCE`s representatives in Sofia in the period on 27.06.2011 -30.06.2011 represents an important step forward in the area of implementation of the policy for provision of technical support to the Member states of the OSCE in the process of execution of their

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commitments in the field of prevention and response to all the manifestations of hatred and intolerance.

The goal of the program is to raise the awareness of the law-protecting authorities and to increase their capacity to detect, report and record hate crimes.
In cooperation with the Commission for Protection against Discrimination a training event was held from 12 to 14.07.2011 on "National practices preventing and combating discrimination in the Bulgarian society and the role of the Ministry of Interior" 60 employees of the Ministry of Interior attended the training.

At the Ministry of Justice – the Head Directorate for Punishment Executions also performs adequate employee trainings as well as a part of the joint projects with other EU member states. Currently is continuing the activity approved by the European commission project CDCOC "European police and respect for human rights" on the Specific Programme of the European Commission Preventing and combating crime.

The project started on 1 September 2011 and will end with a closing conference. Commitment to participate in the project have taken the Belgian Federal Police, the criminal police of the German province Baden-Württemberg, the Warsaw Police and national partners- Commission for protection against discrimination, the Bulgarian Helsinki Committee and the Center for research of democracy. The goal of the project is changing attitudes among police officers, overcoming of stereotypes regarding the workload and formation of a new professional behavior and attitude to citizens in terms of respect for human rights.

B. ***Measures aimed at ensuring the effectiveness of the investigation:***

The government is determined to pursue zero tolerance policy and take all necessary measures for its implementation. Cases of ill-treatment would not be tolerated and the perpetrators would be punished. The competence to investigate criminal offences committed by police officers has been transferred to ordinary prosecutors. A new Subsection was instituted within the Prosecutor`s General Office.

A letter forwarded by the Chief Public Prosecutor's office was received by the Government Agent office. The letter dated 29/10/2012 contains information about the setting up of a specialised unit comprising prosecutors from that office whose role is to supervise criminal procedures relating to offences committed by or against police officers, officers of the prison service, Defence Ministry staff, etc.

That unit took over *ex officio* the monitoring of time limits and of the prosecutors' acts in cases of this kind. Verification has been ordered of the number of preliminary investigations for which the newly created unit is responsible and which are pending in different entities of the prosecution. Furthermore, prosecutors have been appointed within each Regional Public Prosecutor's office to work as a matter of priority on those offences under the responsibility of the new unit of the chief prosecutor's office.

Furthermore the Appellate Public Prosecutor's offices have been asked to express their opinions as to the need to appoint prosecutors to be responsible for monitoring the criminal investigations concerned in the different regions. Finally, Methodical Instructions No.

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30/03/02/2009 have been adopted by the public prosecutor in order to improve the prosecution's work on cases of this kind.

In a letter forwarded on 30/12/2013 and a following letter from 17/02/2014 the Supreme Prosecutor`s Office of Cassation examines the institutional guarantee intended to ensure the impartiality and independence of the investigation. It was pointed out that according to article 194, paragraph 1, point 2 of the Code of criminal procedure investigators which are placed outside the system of the Ministry of interior are tasked to investigate criminal offences perpetrated by civil servants of the Ministry of interior.

With the letter from 17/02/2014 the Supreme Prosecutor`s Office specifies that within the territorial prosecutors' offices prosecutors are specialised for examining cases against civil servants from the Ministry of interior. The specialisation of the first instance prosecutors' offices is a consequence of the falling away of the jurisdiction of the Military courts. Till December 2013 was established a special unit within the Supreme Prosecutor`s Office of Cassation called "Counteraction to the corruption and to crimes committed by officials".

Pursuant to art.194 par.3 of the Code of criminal procedure police authorities at the Ministry of Interior may undertake the activities under Article 212(2), as well as investigation related activities assigned by a prosecutor or an investigating police officer. As a guarantee for the impartiality and the independence of the police investigators the legislator has provided for in art.54, par.1 of the Ministry of interior act that they conduct investigations under the procedure of the Code of criminal procedure. The provision of art. 10 of the Code of criminal procedure enshrines one of the main principles of the criminal law that when discharging their duties the police investigators are independent and only obey the law. According to art.14 of the Code the police investigators make their decisions by inner conviction, which is based on the objective, comprehensive and complete investigation. The same principle is reflected in art. 54 par.3 of the Ministry of interior.

As guarantee for the impartiality and the independence of the police investigators it should be stressed as well that in pursuance of art.52, par.3 of the Code of criminal procedure they are operating under the guidance and the supervision of a prosecutor. It is relevant that the written instructions of the prosecutor to the investigative body are binding and could not be subject to objections. Furthermore when discharging of his duties to charge and maintain the indictment the prosecutor is obliged to direct the investigation and exercise constant supervision for its lawful and timely conduct. It should be emphasized that the legal provisions are strictly observed.

In a letter forwarded on 30/12/2013 the Supreme Prosecutor`s Office of Cassation supplied information that the provision of article 91 of the Ministry of interior that the identity of employees carrying out the activities in par. 1 has to remain confidential does not represent an impediment to question them as a witness in the course of criminal proceedings. A witness protection under art.123 of the Code of criminal procedure can be provided to them.

General measures under the case of Lenev v. Bulgaria for the violation of art.13 with relation to art.3 of the Convention are currently being assessed.

Information also will be submitted on the measures envisaged to ensure compliance of the requirement of the Convention for effective investigation and the procedural possibility to close the investigation if it has lasted more than two years.

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Practical impact of the measures taken:

- ***Monitoring by the civil society***

As an important part of the prevention of future violations of the rights of detainees during police custody the prompt and effective provision of legal aid turned out to be a substantial point.

According to the findings contained in the Annual report on the activity of the National legal assistance bureau for 2010 the legal aid in Bulgaria has received public recognition. The mechanisms for cooperation with the Ministry of justice, bar associations, the judicial authorities and the non-governmental organizations are improved. The existing model for managing legal aid revealed a good balance of public-private partnership.

Simultaneously, in conjunction with the non-governmental sector, projects to counteract violence are being developed.

In 2011 Bulgarian Hezinki Committee participated in the working group to prepare amendments to the Ministry of Interior Act in order to comply with international standards on the use of force and firearms.

A letter was sent to Standing Committee for Human Rights of the Minister of Interior to ask whether there are currently projects for monitoring of the police by observers from the civil society. In rely it was submitted that projects concerning monitoring of civil society are not planned currently provided the lack of financing and co-financing partners in this regard.
The "Civil monitoring in the police" made with "Open Society Institute" Sofia on 'methodology approved by the General Directorate "Preserving police" was completed in October 2011. "Open Society Institute" Sofia has submitted the final report. The recommendations made therein were considered by the Standing Committee for Human Rights.

Aggravated qualifications for homicide and bodily injuries committed with racist or xenophobic motives

The legislator introduced in the Criminal Code aggravated qualifications for homicide and bodily injuries committed with racist or xenophobic motives and the creation of a new sub-heading of the offenses in Chapter Fourteen "Crimes against peace and humanity" /article 419a newly adopted/. Those provisions took effect on 27.05.2011 /SG No. 92/2002, supplemented, SG No. 33/2011/. This measure is considered of a particular importance as it would give the floor to the investigation authorities to examine whether or not possible racist motives were at the origin of an excessive use of force during arrest and in terms of the Conventions requirement for the effectiveness of the investigation it would represent an important step forward.

- ***Statistical data on investigations concerning allegations of ill-treatment***

The Police harassment has been and will be a subject of deep consideration by the Republic of Bulgaria Prosecutor, whose duties are to ensure the abidance to the law, to lead the cases in the proceedings and to prepare periodic reports on the related topics. The Head Prosecutor and the Attorney General Office deal with the problematic at issue, and penal responsibility is sought from the persons found guilty.

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According to the findings contained in the Annual report for the implementation of the law and the activity of the prosecution and the investigative authorities for 2011 of the Prosecutor general of Bulgaria the offences related to acts of police violence 60 (72;106) cases are under supervision; 37 (43;42) are newly established and 17 pre-trial proceedings are discontinued; 5 persons are brought to trial. A guilty verdict has entered into force for one person; 7 persons were acquitted, 5 of them by a final acquittal.

IV. Individual measures:

A/ Payment of just satisfaction

The amounts of just satisfaction are transferred to all the applicants. The Government is of the opinion that the payment of the indemnifications remedies to a full extent all the negative consequences stemming from the violations found.

In the case of Shishkovi the applicants did not claim before the European Court any pecuniary damage.

B/ Re-opening of the criminal proceedings

The Government agent office provides information concerning the individual measures of all the cases included in the group.
Article 419 of the Code of criminal procedure makes provision that the effective sentences and judgments could be subject to verification in case of re-opening of the criminal proceedings.
The Criminal Procedural Code provided for as well the re-opening of judicial proceedings and the review of the court rulings delivered in cases of appeal of the prosecutorial decree for termination of criminal proceedings.
According to article 442, paragraph (1), item 4 of the Code of criminal procedure by virtue of a judgment of the European Court of Human Rights where a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been established that has a considerable importance for the case the criminal proceedings should be reopened.

In the cases of Toteva, Krastanov and Osman the decisions to discontinue the proceedings were re-examined by the competent prosecutors who established the expiry of the limitation period for the alleged criminal offences. It should be recalled in this connection that the above-mentioned cases concern incidents of assault and battery which took place in 1995 and 1996. The Committee of the ministers concluded that no further individual measures appear possible in the cases of Kazakova, Toteva, Krastanov and Osman. In the information document CM/Inf/DH(2011)23 was recommended as well that under the case of Velikova no further individual measures seems to be required. The information document CM/Inf/DH(2013)6 rev is stipulated that this assessment is also valid for the cases Vladimir Georgiev, Boyko Ivanov, Georgi Dimitrov, Stefan Iliev, Rashid, Sachov and others, Vasil Petrov.

In the cases of Boyko Ivanov, Georgi Dimitrov, Stefan Iliev, Ognyanova and Choban, Rashid, Sashov and others and Vladimir Georgiev lawsuits were not instituted and in all of the cases

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the criminal proceedings were brought to an end by a prosecutorial ordinance. The competent authorities informed the government that in those cases there is a procedural impediment to revoke the ordinance refusing to institute criminal proceedings on account of the availability of the requirements provided with article 24, par.1, p.3 of the Code of criminal procedure namely the extinguishment of the criminal responsibility following the expiry of a statutory limitation period.

Concerning the case of Ognyanova and Choban it should be noted the following: with a prosecutorial ordinance from 13/08/1997 the case has been terminated on the grounds of art. 21, paragraph.1, p.1 of the Code of criminal procedure because the acts of the police officers does not constitute a criminal offence. No criminal investigation was instituted against concrete perpetrator and no one was constituted as accused party. According to the information provided from the Regional Military prosecution and in conformity with art. 80, par.1, p.1 of Criminal Code and only in condition that it is accepted that a murder has been committed the limitation statutory period would have elapsed twenty years after the death namely on 06 June 2013.

Concerning the case of Vasil Petrov in 2005 the national court terminated the criminal proceedings on account of the prescription.

An examination of the possibility of new investigation was carried out in the case of Shishkovi. The Government Agent office has been informed that a request for re-opening of the criminal proceedings has been granted. Following the re-opening of the case it has been remitted to the Military Regional Prosecution. With prosecutorial ordinance from 10 April 2014 the criminal case was terminated on the grounds of atr.243, par.1, p.2 of the Code of criminal procedure as the indictment has not been proved. Till 29 July 2014 no complaint against the prosecutorial ordinance has been filed.

Under the case of Anguelova the Supreme Prosecutor`s Office of Cassation informed that the investigation could not be reopended, as the decision to discontinue it had been taken by a prosecutor and not by a court. The competent appellate prosecutor examined ex officio the decision to discontinue the proceedings and concluded in 2008 that the initial decision had been lawful and justified.

The Supreme Prosecutor`s Office of Cassation informed the Government Agent office that the applicants under the cases of Nikolova and Velichkova v. Bulgaria /application no 7888/03/ and Ivan Vasilev v. Bulgaria /application no 48130/99/ did not file requests for resumption of the internal judicial proceedings and there is no re-opening of those specific cases. With a letter of the Supreme Prosecutor`s Office of Cassation from 03/01/2014 the Government agent office has been informed that the violations of the Convention under the case of Nikolova and Velichkova v. Bulgaria don't represent a ground to re-open the case by virtue of article 422, par.1, p.4 of the Code of criminal procedure.

Concerning the case of Nikolova and Velichkova v. Bulgaria it should be pointed out that since 20 January 1999 and respectively since 1 September 1999 the police officers – perpetrators of the criminal offence are not employed in the Ministry of interior. According to the information provided with a letter from 01 October 2014 their contracts have been terminated on their own motion. Against them have been instituted disciplinary proceedings. In compliance with the provisions /ordinance 2 on the disciplinary liability of the officers and sergeants of the Ministry of interior/ in force at the relevant time the disciplinary proceedings

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have been suspended because criminal proceedings have been instituted against the same officer for the same action.

This specific legal ground for the obligatory suspension of the disciplinary proceedings has been abrogated. According to art.194, par.3 of the Ministry of interior the civil servants of MoI who violate the service discipline shall be imposed the disciplinary penalties stipulated in this Act regardless of the property, administrative or criminal liability, if any is provided for.

The Government Agent Office has been informed that the case of Angelov Angel Vaskov /34805/02/ and the case of Dimitar Dimitrov as well can`t be re-opened in view of the fact that judicial acts haven`t been delivered. Therefore, a reopening on the grounds of art.422 § 1 (4) and (5) has been refused. Moreover the Supreme prosecution of cassation informed the Government Agent Office that the materials under the case of Dimitar Dimitrov were declassified according to art.50, paragraph 2 of the Regulation of the Protection of the classified information act and with act 507/2009 issued by the Head of the Military regional prosecutor`s office the case file was destroyed.

With a letter forwarded on 13/12/2013 the Supreme Prosecutor`s Office of Cassation submitted information that the expiry of a statutory limitation period under the case Angelov Angel Vaskov represents an absolute impediment for the re-opening of the investigation.

It should be noted that under the case of Hristovi v. Bulgaria the investigation has been re-opened.

With a letter the Supreme Prosecutor`s Office of Cassation informed that due to the extinguishment of the statuary limitation period the criminal case which is in the origin of the application Lenev v. Bulgaria is not possible to be reopened.

Under the case of Velev v. Bulgaria it should be noted that the punishment provided for trivial bodily injury in the law consists of one year deprivation of liberty. According to article 80, paragraph 1, p.5 of the Criminal Code the prosecution is extinguished by prescription if it has not been instigated in the course of three years. Under the terms of art.81, par.3 of the Criminal Code notwithstanding the termination or interruption of prescription, penal proceedings are excluded provided a term has expired which exceeds by one half the term provided under the preceding Article. Consequently the absolute prescription period has elapsed as the criminal act was perpetrated on 21 March 2005. According to the competent authorities there are no legal grounds for re-opening of the criminal proceedings.

C/ Translation and dissemination of the judgments
The translation of all the cases included in the Velikova group is available on the website of the Ministry of justice www.justice.government.bg, section "Judgments of ECtHR". Short summaries of the cases and the findings of the ECtHR thereto were sent to the Prosecution with instructions to the prosecutors and invitation to take measures to prevent violations of similar character.

Conclusion
The need for further individual and general measures is currently being assessed.

Sofia, 3 November 2014