

PERMANENT REPRESENTATIVE OF THE REPUBLIC OF BULGARIA
TO THE COUNCIL OF EUROPE

Alert, created on 14 May 2018: “Bulgaria: Investigative journalist attacked”

Mr. Hristo Geshov, an investigative journalist, reported an incident on his personal Facebook page, describing that on May 10, 2018 he was attacked by an unknown male individual who hit him several times in the stomach and the back. Thankfully, according to Mr. Geshov’s Facebook post, he didn’t sustain any further injuries. The incident therefore carries the elements of a body harm, punishable under art. 130 of the Bulgarian Penal Code. Art. 161 of the Bulgarian Penal Code specifies that such cases are investigated after the victim files a complaint.

Since a large number of the cases reported to the “Platform to promote the protection of journalism and safety of journalists” exhibit the characteristics of offences that are prosecuted after the filing of a complaint by the affected person, the Republic of Bulgaria would like to provide the following clarification:

The Bulgarian Penal Code, like the penal codes of most of the continental Council of Europe’s Member States, regulates two types of criminal offences:

- 1) criminal offences which are prosecuted after the filing of a complaint, and
- 2) criminal offences which are prosecuted ex officio.

Crimes that fall into the second category generally have very grave, long lasting and often irreparable effects upon a large part of the citizens (e.g. treason, terrorism, murder, human trafficking etc.). This categorization does in no way diminish the extremely negative effects of the crimes that fall into the first category. Yet, the latter need to be duly reported to the local police forces or the local prosecutor’s office (depending on the case) in the way specified by the provisions of the Bulgarian Code on Penal Procedure.

The Ministry of Foreign Affairs in cooperation with the Office of the Prosecutor General of the Republic of Bulgaria provides information on cases of attacks on journalists, which fall into the second abovementioned category, since the state has the competence to monitor their development. The law however precludes the possibility of any state authority to monitor and report the development of cases which fall into the first abovementioned category. The decision to file a complaint has to be made by the affected individual. It is also within his/hers discretion to monitor the development of the case and to decide to make this information public.

Therefore, for the sake of clarity and objectivity, we feel that the Platform might consider it useful to mark such cases as “resolved” or to find another appropriate way to visibly indicate that such cases lie outside of the state’s monitoring scope.