

PERMANENT REPRESENTATIVE OF THE REPUBLIC OF BULGARIA

TO THE COUNCIL OF EUROPE

On the alert named “Bulgarian Journalist Gets Receives Death Threat in a Filmed Interview”

Mr. Ezekiev has filed a complaint before the Vratsa District Prosecution Office. In October 2017 he has received a series of messages via the application Messenger (owned by Facebook) from somebody he knows in person – the son of a colleague of him. Mr. Ezekiev declares that he has never had arguments with him personally or with members of his family. The messages were allegedly with inappropriate and, according to Mr. Ezekiev, with threatening character. In addition, on 31 October while returning at his home, Mr. Ezekiev found in front of the door a pot with flowers. He perceived that his health and lives are in danger. On 19 December 2017 the Vratsa District Prosecution Office opened a pre-trial proceeding on the case due to lack of evidence for committing a crime under art. 144, al. 2 of the CC. The content of the messages received by Mr. Ezekiev could not in any way be classified as a threat in accordance with art. 144, al. 2, temp. al. 1, nor in accordance with art. 144, al. 3 of the CC. They could be considered as offensive qualifications and subjective assessment in accordance with art. 146, al. 1 of the CC. Such kind of crimes is prosecuted by the relevant court upon submission of complaint by the victim.

The same alert refers to the case of Ms. Maria Dimitrova as well. Ms. Dimitrova has filed a complaint before the Vratsa District Prosecution Office in the summer of 2017. Ms. Dimitrova interviewed a person from Vratsa. During the interview she realised that the person is a grand-son of a person detained for drug trafficking. After the interview and its publication on 27/28 October 2017 Ms. Dimitrova has received messages via the application Messenger (owned by Facebook). She perceived the messages as being of improper and threatening character. On 30 November 2017 the Vratsa District Prosecution Office ruled that it will not open a pre-trial proceeding on the case. The reasoning is that the collected data does not prove that there is threat of murder in accordance with art. 144, al. 3 of the CC. The messages contain only obscene words and insults and not threats to hers or her relatives' lives or health. These actions represent a crime under art. 148 of the CC and thus, in accordance with art. 161, al. 1 of the CC, are prosecuted by the relevant court upon submission of complaint by the victim.

Both Mr. Ezekiev and Ms. Dimitrova have been duly informed that they have the right to submit a complaint before the competent Court. We do not possess with any information whether complaint(s) has (have) been submitted or not.