

SECRETARIAT GENERAL
SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Item reference: Action plan / action report

Please find enclosed a communication from Bulgaria concerning the case of Raza against Bulgaria (Application No. 31465/08).

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Référence du point : Plan d'action / Bilan d'action

Veillez trouver, ci-joint, une communication de la Bulgarie relative à l'affaire Raza contre Bulgarie (Requête n° 31465/08) (anglais uniquement).

* In the application of Article 21.b of the rules of procedure of the Committee of Ministers, it is understood that distribution of documents at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers (CM/Del/Dec(2001)772/1.4). / Dans le cadre de l'application de l'article 21.b du Règlement intérieur du Comité des Ministres, il est entendu que la distribution de documents à la demande d'un représentant se fait sous la seule responsabilité dudit représentant, sans préjuger de la position juridique ou politique du Comité des Ministres CM/Del/Dec(2001)772/1.4).

Action report

The case Raza

THE FACTS



The applicants are Ali Raza, a Pakistani national, and his wife, Zoya Georgieva Raza, a Bulgarian national. They were born in 1969 and 1975 respectively and live in Sofia. Mr Raza was arrested on 30 December 2005 and placed in a special detention facility pending enforcement of an expulsion order issued on the ground that he posed a serious threat to national security. Released in July 2008, he is currently awaiting expulsion from Bulgaria to Pakistan. Relying on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants complained about the order to expulse Mr Raza. They also alleged that Mr Raza's detention pending deportation had been unlawful and unjustified and had not been subject to speedy judicial review, in breach of Article 5 §§ 1 and 4 (right to liberty and security) of the Convention.

Report of the execution

In order to implement the judgment of the ECHR the Bulgarian Government amended Law on Foreigners in the Republic of Bulgaria in 2009 and 2010. The revised texts now create sufficient safeguards for the imposing and control of the administrative measures against foreigners and provide a judicial review on the lawfulness of the imposed measures according to Article 46 of Law on Foreigners. Further the Law on Foreigners creates the obligation for the authorities not to expelled person if this would endanger his life or his health and to take account of his family status, cultural, religious or other specificity. The amend LFRB now fully correspond to the requirements of the Convention.

Conclusion

In the light of all the measures that have been taken in order to implement the ECHR's judgments on the above group of cases the Bulgarian Government concedes that no further measures seems necessary and the case is ready for closure.