

ANNUAL REPORT ON THE HUMAN RIGHTS CONDITIONS OF THE MACEDONIAN MINORITY IN BULGARIA

2024

2024: 17 years from the date Republic of Bulgaria became EU member, 34 years since it became a democracy, 61 years from the implementing the policy of negating, discrimination and assimilation of its Macedonian minority.

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INTRODUCTION

Situation of the Macedonian minority and more important events in 2024

The situation of the Macedonian minority in Bulgaria in 2024 remains unchanged.

None of the rights stipulated in the Framework Convention on National Minority Rights have been granted to the Macedonian minority and the tendency in that regard continued to be negative.

In schools, children do not learn anything about the Macedonian minority and nation; on the contrary, children are provided with information in which there is no place for the existence of the Macedonian nation and minority. The Macedonian literary language, literature and history continued not being taught.¹ On television and in the media several methods are employed to present the sole viewpoint, according to which there is no Macedonian nation, that everything Macedonian is Bulgarian and that every differing opinion is “anti-Bulgarian”. On educational TV programs or debates the Macedonian point of view is not represented. The very notion of Macedonian consciousness (“Macedonianism” as it is labelled in Bulgaria) is considered to be an artificial anti-Bulgarian ideology. The Macedonian point of view is not included in lectures

¹ PACE: Post-monitoring dialogue with Bulgaria, Explanatory memorandum by Mr Frank Schwabe and Mr Zsolt Németh, co-rapporteurs, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, 160: “There is no Macedonian language or history in schools.”

and discussions about history. Macedonian consciousness itself (“Macedonianism” as it is labelled in Bulgaria) is looked upon as an artificial anti-Bulgarian ideology. Macedonian consciousness (and also the Macedonian nation as a whole) in Bulgaria is considered to be a product of a Communist experiment or the result of hostile foreign propaganda. A climate of intolerance reigns in society against Macedonians and they are the object of hate speech, which is often given wide exposure through the media without being sanctioned by the institutions of the state and without encountering any condemnation by the wider society.

By taking advantage of the artificially created atmosphere of intolerance, the Bulgarian state successfully keeps representatives of the minority isolated from political and social life in the country-both individually² and collectively by not registering Macedonian parties and organisations which defend the rights of the Macedonians.

The number of pending Macedonian cases in the EHRC increased from 11 in 2022 to 21 in 2023 to 31 2024.³ 24 of them are already communicated before February 2024 – 20 about the refusal to obtain registration and 4 for the violation of the right to peaceful assembly, and 7 a newly sent to the court.

The Bulgarian authorities consistently stress that the decisions of the ECtHR and the Committee of Ministers do not prescribe the automatic registration of Macedonian organisations and point out in a detailed way the measures they have taken to remove the errors before the registration of Macedonian organisations, but at the same time do not display any concern for the fact that their “measures” have zero effect and have achieved absolutely nothing (something emphasized at the Committee of Ministers decisions). At the same time. They consistently avoid taking measures, either on their own initiative or when they are called upon to do so, which would remove existing barriers. For example, by making a referral to the Constitutional Court for it to provide interpretive decisions of articles of the Constitution which are constantly abused by the courts as argumentation for the non-registration of Macedonian organisations; or for this same court to rescind or provide a new interpretation of its decision of 29 February 2000 which mentions inter alia that “there is no Macedonian ethnicity in the Republic of Bulgaria” and which is one of the basic arguments used in decisions to refuse the registration the courts. In addition, the authorities have not undertaken any action to withdraw the official views expressed by the Parliament and ministries that there is no Macedonian minority in Bulgaria; on the contrary, these same views are actively supported. In addition, the authorities display an extraordinary slowness and lack of desire to implement the measures recommended to them by the Committee of Ministers leaving them to a large degree to remain as merely a formal expression of wishing to do so.

During 2024 the Bulgarian state did not take any measures to improve the situation of the

² There is not one politically or socially influential personality in the country who publicly states that he/she possesses a Macedonian consciousness, which shows that such persons are either unable to achieve such a status or that they are forced to cover up their self-determination as Macedonians because of a fear of negative consequences.

³ According to the statement by Macedonian MP Zaklina Peshevska from the VMRO-DPMNE party made on 27.02.2025 in Strasbourg, there are 89 cases related to the Macedonian minority in Bulgaria waiting for implementation https://nezavisen.mk/bugarski-evroparlamentarec-zamolchen-vo-makedonskoto-sobranie/?fbclid=IwY2xjawIufntleHRuA2FibQIxMQABHRLhCC7Fw0Cvrxl0lR7wt13-VELtyKJ-wTcft31cJfJilwI47s-OxDoSIg_aem_7rDZGRvLCKVBpsMFwouh3A.

Macedonian minority. On the contrary, it made efforts to prevent the recognition of a Macedonian minority as well as each and every question in that regard.

Macedonians are not represented in state institutions, by elected representatives (due to the lack of a registered political party) or by organisations. Not one of the registered parties in Bulgaria defends the rights of the Macedonians in Bulgaria. Representatives from across society, with the exception of a small section of civil society⁴ treat Macedonians, at best, as something non-existent and not a serious category of persons and, at worst, as a danger to national security and treason. There are no (and there have not been) any Macedonian representatives on the Commission on Minorities. When ethnic groups in Bulgaria are officially spoken and written about, Macedonians are not mentioned at all and Macedonian culture, language and history are not represented in any government publication or official web site. Macedonians are not included in any programs concerning ethnic communities and do not receive any type of assistance from the state for the preservation and development of their culture and identity⁵.

This year as well neither the Commission Against Discrimination, the Ombudsman's office, or any other organisation adopted an official stance regarding the situation of the Macedonians in Bulgaria, despite the fact that the number of judgements against Bulgaria at the European Court of Human Rights has risen to 14. In 34 years of democracy not one Bulgarian official institution has done so.

Despite the large number of recommendations by international bodies, Bulgarian authorities persistently continue to refuse to enter into a dialogue with the Macedonian minority.

The Republic of Bulgaria has made a concerted effort to make the raising of this issue within the European Union impossible.

More important events during the year

From March 12th to 14th, the 1492nd meeting of the Committee of Ministers took place, where the problem of the non-registration of the Macedonian organizations in Bulgaria was discussed.⁶

In its decision, the Committee expressed its dissatisfaction that the measures taken by the Bulgarian government in 2018 so far, and 17 years after the first judgement, they have not led to the cessation of the practice of cancelling the registration of organisations aimed at the recognition of the Macedonian minority. Concern was expressed with the non-consequential arguments used by the Bulgarian institutions as a justification for the dismissals, the speculation with concepts such as organisation for private or public benefit and different formal requirements (4) stressing that formal conditions must be applied proportionally and equally and that when errors are detected, candidates should be given instructions so they can correct them. (5). The Committee expressed serious concern about the lack of decisive measures for

⁴ Here we should mention the Bulgarian Helsinki Committee and the people grouped around the "Marginalia" editorial office.

⁵ PACE: Post-monitoring dialogue, 160.

⁶ 1492 meeting, 12-14 March 2024 (DH) , H46-7 United Macedonian Organisation Ilinden and Others group v. Bulgaria (Application No.59491/00) Supervision of the execution of the European Court's judgments.

the implementation of previous decisions of the Committee by the Bulgarian authorities (6). At the end, he declared his determination that in the absence of serious progress, that he would reassess their positions and the measures that should be undertaken in such case (8).

On 21 April the authorities started using new methods of torment and limitation of the right of expression of the Macedonians in Bulgaria like unreasonable demanding of the organizers of peaceful gatherings to sign warnings that they will not disturb the public peace and moral, stopping and checking travellers to the gatherings, photographing their documents and confiscating flags and banners. At the traditional gathering in Melnik there were no flags allowed.

On 4 May in the city of Sandanski there was a gathering organized under the title “Democracy for all” as part of the election campaign of the European Free Alliance (EFA). The organizer was OMO Ilinden PIRIN and as a guest there was the EFA President, Laurena Lopez and the commissioner candidate Mailis Rosberg. Despite the ban to display flags on the date of the death of Macedonian national hero Gotse Delchev because of the presence of the European guests the authorities did not dare to confiscate the displayed the flags of the participants.

On 22 July the Bulgarian Helsinki Committee introduced its position to the Committee of Ministers regarding the non- registration of the Macedonian organizations in Bulgaria, in which it concludes that:

“Despite numerous recommendations and other measures undertaken by the Committee of Ministers, we do not see any serious commitment of the Bulgarian authorities to implement them. In the past, the BHC has called on the Committee of Ministers to take a resolute step in the direction of instituting of infringement proceedings against Bulgaria for systemic non-implementation of the judgments in this group. As we see no other way to ensure their implementation, we reiterate this call again.”

In fulfilment of the demands of the Committee of Ministers (CoM), on 2 September, by order of the Minister of Justice, a working group was created in connection with the implementation of the ECtHR judgements of the group of OMO Ilinden and others against Bulgaria. Officially, its task was to make a comprehensive analysis of the necessary legal changes by 2 March 2025.⁷ As it will actually be shown, its purpose is to collect and prepare arguments before the Committee of Ministers confirm in front of the CoM that the state has undertaken all necessary measures and there is no possibility nor necessity to undertake further steps since the blame for lack of registration is with the Macedonian organizations.

From 17-19 September there was a new meeting from the increased monitoring of Bulgaria held due to the non-fulfilment of the ECtHR judgements regarding the Macedonian organizations.⁸ The CoM again stressed that it is a matter of unjustified denials for organizations registrations which goal is recognition of the Macedonian minority, argued with concerns for national security, protection of public order, the rights of the others, with a constitutional ban of organizations with political goals and technical formalities (1). The CoM again expressed its dissatisfaction of the undertaken measures by the Bulgarian authorities

⁷ 1507th meeting (September 2024) (DH) Item reference: Addendum to an Action Plan (13/09/2024) Communication from Bulgaria concerning the group of cases of Umo Ilinden And Others v. Bulgaria (Application No. 59491/00)

⁸ 1507th meeting, 17-19 September 2024 (DH) H46-7 United Macedonian Organisation Ilinden and Others group v. Bulgaria (Application No. 59491/00) Supervision of the execution of the European Court’s judgments

which did not bring a stop to the practice of refusing the registration of such organizations primarily due to disagreement with their goals (2). It strongly urged the authorities to take decisive measures to implement the decisions of the Committee (4). It sought to inform the relevant government officials that they have no right to cancel the registration of these organisations on the grounds that have already been condemned by the ECtHR, and that they must reasonably and consistently apply the legal requirements to them (5). It invited the authorities to prepare sample forms with correctly filled documents for registration (6), and the Registration Agency to provide instructions for corrections, as far as errors are concerned (7), and reiterated its readiness in the absence of progress to re-examine its position and the necessity to undertake new actions (8).

On 10.10.2024 the Advisory Committee for the implementation of the Framework Convention for Protection of the Rights of National Minorities adopted its fifth opinion for Bulgaria in which it presents in many places the problems of the Macedonian minority in Bulgaria (§ 32, 35, 36, 38, 79, 93 - 97). They note the position of the authorities, that “Whereas persons can express their subjective ethnic affiliation, their access to minority rights depends on the existence of a minority, which is determined by the authorities” (30). Giving to this the following recommendation: “36. In extending access to individual minority rights, decisive weight should be given to the subjective choice of the individual to be treated as belonging to a national minority rather than to what the authorities consider as objective criteria.”

The opinion also says:

35. the Advisory Committee finds it crucial that a pragmatic approach towards persons self-identifying as Macedonians ... based on the principle of free self-identification, finds it particularly important that the Framework Convention is applied on an article-by-article basis to persons belonging to those communities in areas such as, *inter alia*, non-discrimination and the principle of equality and equal access to rights as well as the promotion of mutual respect and understanding, particularly in education, culture and the media (Articles 4 and 6).

The Committee also expresses its hope that Bulgaria will start implementing the decisions of the ECtHR, as well as those of the Human Rights Convention (art. 11) and the Framework Convention (art.7) concerning the Macedonians in Bulgaria.

NEGATION OF THE MACEDONIAN MINORITY, NATION AND IDENTITY

From 1963 onwards the denial of the existence of the Macedonian minority has been an official state policy and doctrine. On 29.02. 2000 the Constitutional Court promoted such a policy in its own Judgement No 1 which banned OMO “Ilinden”-PIRIN and since then that has been one of the main grounds and arguments used to violate the right of association of the Macedonians which moreover this year developed into an official judicial practice and norm (see below). In 2019 and 2020 that was converted into an official condition to be satisfied for the integration into European structures of the Republic of Macedonia and one of the reasons for the blocking of negotiations regarding Macedonia's membership of the EU. On 21 May and 16 June 2021, the caretaker government in Bulgaria affirmed the position that one of the conditions for the integration into European structures of the Republic of Macedonia was that Macedonia

renounce the Macedonian minority in Bulgaria.⁹

The concept “Macedonian minority” is often placed in inverted commas in published documents and is regularly accompanied by the phrase “so-called” in official documents as well as in the media and internet forums. Every similar request is being considered as an enemy action, and even the hypothetical possibility for someone to raise the issue is viewed with alarm.

The denial not only of the Macedonian minority, but in principle the denial of the existence of minorities in the country has been considered to be an argument for the non-registration of minority organisations, which are considered to be directed against the territorial integrity of the country.

The denial of the very existence of the minority, which is an official government position, has also found its place in various judicial decisions. As an example, the Sofia Court of Appeal commented that “The activity of the association is defined as defending the customs and interests of an ethnic minority in the Republic of Bulgaria, which objectively does not exist as a separate or other established group of people possessing a religious, linguistic, cultural or other characteristic that distinguish them from the rest of the population in the country.”¹⁰ Similarly, the Plovdiv Court of Appeal determined that the goals of OMO Ilinden – Plovdiv in favour of the Macedonian minority are in contradiction of art.44 line 2 of the Constitution as an activity against the territorial integrity and unity of the nation.¹¹ A similar position was determined also by the Blagoevgrad District Court.¹²

From this it can be seen that the denial of the minority is an ideological basis for discrimination before the law.

Since it is alleged that Macedonians lie about their identity against Bulgaria and in favour of its enemies, the denial itself often appears as a reaction to events and statements by politicians outside Bulgaria, be it at the European level or, as this year, in neighbouring Macedonia.

Statements by Macedonian politicians during an election campaign in Macedonia about the Macedonian minority in Bulgaria caused a sharp reaction in Bulgaria, and on March 6, the Macedonian ambassador was summoned to the Bulgarian Foreign Ministry because of “recent public comments by politicians from the neighbouring country and false statements spread by them” regarding Bulgaria. On March 7, the office of Macedonian President Stevo Pendarovski also confirmed the position that there is a Macedonian minority in Bulgaria, as a fact confirmed

⁹ <https://www.svobodnaevropa.bg/a/31266495.html> - <https://www.svobodnaevropa.bg/a/31310559.html>, <https://www.svobodnaevropa.bg/a/31312202.html>, <https://www.svobodnaevropa.bg/a/31266495.html> (cited on 16/9/2021).

¹⁰ Решение № 67, 30.01.2024 Г. Апелативен Съд - София, 9-ти търговски, председател: Светла Станимирова, Членове: Рени Ковачка, Васил Василев.

¹¹ Решение № 124, 15.03.2024 г., на Окръжен съд Пловдив, 19-ти състав, председател Галя Г. Костадинова. Цитира аргументите използвани в 4 предишни решения срещу същото дружество от 2023 г. (№ 80/24.02.2023, № 162/03.03.2023, № 335/09.08.2023, № 330/28.09.2023, виж доклада ни за 2023 г.),

¹² Решение № 78/29.05.2024 г. на Окръжен съд Благоевград Надя Узунова.

by the decisions of the ECtHR. These statements were considered a scandal in Bulgaria and caused a storm of negative comments.¹³

VMRO BND, which on March 6 called "hate speech" a statement by Macedonian President Pendarovski: "God forbid, not the next day, today, that we include the Macedonians in the Bulgarian constitution - our minority, which has been tortured for decades, at least 70-80 years, has gone through terrible tortures and golgothas...". It calls on the Bulgarian state to respond, and Pendarovski is told that "Bulgaria is a mono-national country and there are no national minorities." The motto of their address is "There are no minorities in Bulgaria, let alone "Macedonian, tortured" minorities."¹⁴

A classic example of hate speech is the statement on this occasion by Bulgarian MEP Angel Dzambazki made on March 8, 2024, in which he called Macedonian President Pendarovski's claim about a Macedonian minority in Bulgaria a "blatant lie" he stated; "There is no Macedonian minority in Bulgaria, there never was, there never will be and there never can be." Since it is alleged that Macedonians lie about their identity against Bulgaria and in favour of its enemies, the denial itself often appears as a reaction to events and statements by politicians outside Bulgaria, be it at the European level or, as happened this year in neighbouring Macedonia.¹⁵

HATE SPEECH

The denial of the Macedonian minority is the basis for the hate speech to which the Macedonian minority is subjected. Without such denial all other accusations levelled against it would not be possible. Accusations levelled against Macedonians, namely that they are *anti-Bulgarian elements, traitors, apostates, foreign agents, enemies of the nation, a threat to its unity and the sovereignty and territorial integrity of the country*, are based explicitly on the notion that such a minority does not exist and claims to the contrary are able to be interpreted only as a hostile act and betrayal of the state and nation by persons who have renounced their own people.

The treating of Macedonians as separatists and enemies of the state undoubtedly sows hatred towards them amongst the majority of citizens.

One of the means employed for imposing stereotypes about the Macedonians is the use of terms designed to denigrate the Macedonian nation, minority, identity and right to self-determination. In order to achieve this goal, instead of correct terms being used, those such as "Macedonianism", "Macedonists" and other similar ones¹⁶ are employed, suggesting that in this case one is not dealing with matters of ethnic affinity, self-determination and identity, but rather an artificial ideology and those who adopt it. However, often that is not found to be

¹³ В България има македонско малцинство, твърди президентът Пендаровски, OFFNews 07 март 2024, <https://offnews.bg/politika/v-bulgaria-ima-makedonsko-malcinstvo-tvardi-prezidentat-pendarovski-819250.html> (visited 17.02.2025.)

¹⁴ https://novini247.com/novini/v-balgariya-maltsinstva-nyama-kamo-li-makedonsko-preminalo-prezmacheniya-balgarskata_7570813.html.

¹⁵ https://www.youtube.com/watch?v=dW_m5_WgJag (visited 17.02.2025).

¹⁶ <https://www.segabg.com/hot/category-bulgaria/omo-ilinden-probva-da-se-registrira-kato-sdruzhenie>, <https://pirinnews.com/novina/14592/okruzhen-sud-blagoevgrad-otnovo-otkaza-registraciya-na-omo-ilinden/>.

sufficient such that these concepts have to be imbued with a greater number of even more degrading connotations.

The negative rhetoric against Macedonian organizations and their activists in Bulgaria continues. All organizations continue to be grouped under a common name and treated as a common illegal and anti-Bulgarian entity. This organization is called "unlawful", "illegal", "anti-constitutional", "separatist", "Macedonistic",¹⁷ and attempts to register are treated as attempts by hostile elements to circumvent or outwit the law.¹⁸

On May 31, former Deputy Prime Minister Krasimir Karakachanov will "alarm" that the party of the Turkish minority has filled the election commissions in Pirin Macedonia with "members of the separatist organization OMO "Ilinden" - Pirin, an anti-state organization, to be members of their sectional committees just to get a vote."¹⁹

The organization of a meeting under the motto "Democracy for All" with the candidate for European Commissioner of the European Free Alliance, Miley Rosberg, has been called in the media an "anti-Bulgarian event" organized by the "anti-constitutional party OMO "Ilinden", which is a party "of the separatists", and the event is a "provocation", which the media links to a Serbian attempt to destabilize the Balkans in favour of Russia. The organiser, OMO "Ilinden"-PIRIN is presented as being created and led by Serbia, and it is even claimed that "some of the participants in tomorrow's forum are known for their extremely close ties to the authoritarian regime of Aleksandar Vučić in Belgrade",²⁰ although the organiser actually has no ties to the Serbian state.

A classic example of hate speech is the statement on this occasion by the Bulgarian MEP Angel Dzambazki made on March 8, 2024, in which, after describing the words of the Macedonian President Pendarovski that there is a Macedonian minority in Bulgaria as a "blatant lie" and a slap in the face to Europe and to the Bulgarian lackey politicians. According to him, "there is no Macedonian minority in Bulgaria, there has not been, there will not be and there cannot be."²¹ Then he moves on to attacks on the Macedonian nation: "Macedonianism is not a nation, but a hateful, anti-Bulgarian, genocidal, anti-European ideology, an ideology conceived in Belgrade, imposed by the Bolsheviks in the Kremlin, through the Communist International. Macedonianism is genocide and ethnic cleansing of the Bulgarians in Macedonia." It began in 1912, and continues to this day "anti-Bulgarian Macedonism is a crime against humanity and will be condemned as such along with all its supporters, war criminals."²²

¹⁷ <https://www.segabg.com/category-bulgaria/evropeyci-idvat-na-gosti-na-zabranenata-omo-ilinden>, <https://www.segabg.com/hot/category-bulgaria/omo-ilinden-probva-da-se-registrira-kato-sdruzhenie>, <https://pirinnews.com/novina/14592/okruzhen-sud-blagoevgrad-otnovo-otkaza-registraciya-na-omo-ilinden/>

¹⁸ <https://www.segabg.com/hot/category-bulgaria/omo-ilinden-probva-da-se-registrira-kato-sdruzhenie>, <https://faktor.bg/omo-ilinden-pak-napira-za-registratsiya-no-poluchi-otkaz-ot-agentsiyata-po-vpisvaniya>, <https://pirinnews.com/novina/14592/okruzhen-sud-blagoevgrad-otnovo-otkaza-registraciya-na-omo-ilinden/>

¹⁹ Karakachanov: DPS arrange selection commission swith separatists from OMO "Ilinden", The boughtv otecosts 150 BGN, <https://fakti.bg/en/bulgaria/885081-karakachanov-dps-redi-izbiratelni-komisii-sas-separatistite-ot-omo-ilinden>.

²⁰ Наврѣх Великден в Сандански ще се проведе антибългарска проява! Safe News, 03.05.24 21:08, <https://safenews.bg/navrah-velikden-v-sandanski-sthe-se-provede-antibalgarska-proyava/?noamp=available>.

²¹ https://www.youtube.com/watch?v=dW_m5_WgJag (visited 17.02.2025).

²² https://www.youtube.com/watch?v=dW_m5_WgJag (visited 17.02.2025).

VIOLATION OF THE RIGHT TO FREEDOM OF EXPRESSION

On April 21, a Macedonian festival was held in Melnik, authorized by the Municipality of Sandanski. Two days before the event (and well after the legal deadline for refusal by the Municipality), the police contacted the organizers with a request to sign a declaration that they would not cause riots and would abide by the law, something that has never been a request before, nor have they created riots in the past to be a reason for such a request.

On the day of the rally, the authorities exerted completely unnecessary pressure and harassed the people. An abnormally large number of police officers were mobilized - about a hundred uniformed and plainclothes police officers, which created an unpleasant atmosphere at the celebration. Buses were stopped even 80 kilometers before the meeting place and the police took and photographed the passengers' ID cards and the passenger's luggage for the rally was checked and the flags of the organizing organizations, as well as of the European Free Alliance - a party with elected MEPs. It was not permitted to wave a flag and any attempt to do so was prevented by force, and the flag was confiscated. Posters were also prohibited, and one man was even asked to take off his sweater because it said "I love Macedonia", but when they found out that he was not wearing anything underneath, they gave up. One of the buses was stopped twice and the identity cards of the passengers were taken twice. Such police posts were set up at Papaz Chair, the village of Delchevo, Melnik and Rozhen. There was an unusually large police presence at both places for laying flowers - at the grave of Yane Sandanski next to the Rozhen Monastery, and at the monument in Melnik. All those present were photographed up close by plainclothes police officers without reason or explanation - the campaign had a clear aim to intimidate those present. No document was shown of an order for and on what basis this was done. In some cases of confiscation, documents were provided, but often they were written on forms for 'voluntary surrender', which does not reflect the reality of what happened. When Ivan Kotomanov had his flag forcibly taken, he was not given a seizure protocol, and the police behaved in a threatening and rude manner.²³

The flags were returned only after the rally, during which the confiscation documents given at the first rally were taken back, so that no evidence remained - however, 7 of them were preserved and used in the complaint filed against the police.

This follows the trend of restricting the right to peaceful assembly and expression observed in recent years (see below).

The same warnings not to fly any flags other than the Bulgarian state flags were made to the organizers of the laying of flowers at the monument to Gotse Delchev in the village of Delchevo, Sandansko on May 4. The presence of a delegation of the European Free Alliance at the site prompted the authorities not to touch the flags, but there was a large presence of police and civilian agents and everything was filmed.

VIOLATION OF THE RIGHT TO FREEDOM OF ASSEMBLY

²³ Witness statement of Ivan Kotomonavo, 22 April 2024.

For the fourth year in a row, the alarming trend of returning to the violation of the right to freedom of assembly continues. This concerns traditional celebrations of ethnic Macedonians, planned to be held on a date and place of particular importance for their historical memory and ethno-cultural identity. Once again, the violator of the law is the municipality of Petrich, but this year the municipality of Kresna also joined in.

The chairman of the OMO "Ilinden" Kiril Tilev sent a notification to the mayor of the municipality of Petrich that his organization plans to organize its traditional celebration dedicated to the Ilinden uprising and the battle of Belasitsa - 1014, and the battle of Chaeronea on August 3 - Saturday. The celebration is modest and only includes the laying of flowers and a speech lasting half an hour. It was stated that, "measures will be taken to prevent a violation of public order and to respect the legal rights and interests of citizens." On 22.07.2024, the mayor of the municipality, Dimitar Brchkov, suggested to the organizers to change the time and place, since a series of events were being organized all day Saturday in the "National Park-Museum of Samuil's Fortress" (i.e. at the location) by the historical museum of Petrich. "The coincidence of your event with the previously planned celebration ... will create a prerequisite for its impossibility and will make it difficult to maintain public order and traffic safety in the area," the mayor stated, although the modest laying of flowers could not realistically prevent any celebration.²⁴

On 22.07.2024, the mayor of the municipality Dimitar Brchkov suggested to the organizers to change the time and place, since all day, Saturday, a series of events are being organized in the "National Park-Museum of Samuil's Fortress" (i.e. at the same place) by the historical museum of Petrich. "The coincidence of your event with the previously planned celebration... will create a prerequisite for its impossibility and will make it difficult to maintain public order and traffic safety in the area," the mayor stated,²⁵ although the modest laying of flowers could not prevent any celebration.

On 25 July, Kiril Tilev submitted a new notification that they would move the celebration to the next day - Sunday, August 4. The event was held, and attendees noticed that the park-museum was closed and under renovation, with no indication that any events had recently taken place there. The invention of fictitious activities as an excuse to prevent Macedonian events has become a regular practice by this municipality and this mayor (see our reports from previous years).

On October 4, Kiril Tilev submitted a notification to the Kresna municipality on behalf of OMO "Ilinden" and OMO "Ilinden"-PIRIN that the traditional celebration of the Kresna Macedonian Uprising was planned on October 20 with a program - flowers and speech in the town of Kresna, a report on the uprising in the village of Stara Kresna, a memorial service for the dead in the village of Oshtava.

On October 8, a response was received from the municipality, stating: "Regarding the received letter with entry no. 4700-25/07.10.2024 and in connection with the activities of OMO "Ilinden" and OMO "Ilinden"-PIRIN, which are in contradiction with the Constitution of the

²⁴ Notification to the mayor of Petrich Municipality to Kyril Tilev, president of OMO "Ilinden", 25.07. 2024 r.

²⁵ Letter № 4-00-5480-006/22.07.24 of the mayor of municipality of Petric Dimitar Brchkov to Kiril Tilev.

Republic of Bulgaria, 'directed against the territorial integrity of the country', the Kresna municipality does not allow any events to be held on its territory."²⁶

On October 14, without any reason or change in circumstances, the municipality sent a second letter to Tilev, in which it cancelled its previous letter of refusal due to the alleged separatist and anti-constitutional activities of the organizers, now indicating new reasons for refusal - the fact that the holiday of the town of Kresna was being held at the same time and coincides. The holiday was organized from October 18 to 20, as the Program of the holiday shows that the activities of the municipality are planned for the 18th and 19th, and for the morning of October 20, no events related to the holiday were planned in the town of Kresna, and activities for the holiday were not planned at all in the villages of Stara Kresna and Oštava, where the Macedonian organizations had planned 2/3 of their celebrations. However, the municipality banned the celebration and notified the organizers, "that you can hold the events on another date that does not coincide with the holiday celebrations organized by us."²⁷ For some reason, the alleged separatism and unconstitutionality were no longer a problem and a reason for a ban, and the municipality even agreed to hold the celebrations, but on a different date. Of course, the date is of great importance for the holiday, as it is connected to a specific historical event. The change of motivation was obviously made to cover up the fact that discrimination is being committed against the organizers.

The formal motives for violating the rights of Macedonians change, only the violations and attempts to violate them are constant.

Nevertheless, the events took place, and in the town of Kresna there was an abnormally large police presence, who surrounded the people who came to the celebration in a tight cordon while they laid flowers at the monument to Dimitar Pop-Georgiev and gave a short speech, but did not intervene or stop them. Considering that there has never been any incident during this event in Kresna, the strong police presence was clearly not intended to provide security, but to intimidate and harass. Representatives of the security services were also present in the village of Stara Kresna. In the village of Oshtava, however, the priest did not show up at all.

VIOLATION OF THE RIGHT TO ASSOCIATION

This year, six Macedonian organizations unsuccessfully attempted to register and collectively received a total of at least 19 refusals. which have already won cases at the European Court of Human Rights (ECtHR), received five refusals each: Society of Repressed Macedonians in Bulgaria - Victims of Communist Terror, and OMO "Ilinden". The other four are: Association for the Protection of Fundamental Individual Rights, with registration revoked (2), Macedonian Cultural Club "Nikola Vaptsarov" (2), United Macedonian Organization Ilinden - Plovdiv (4), and United Macedonian Organization Ilinden - Blagoevgrad (1).

Bulgarian courts continued denying registration to Macedonian organizations using the same reasons and methods which have been condemned multiple times by the ECtHR and Committee of Ministers, for example:

²⁶ Letter 4700 – 25 /1/ 08.10. 2024, of mayor of municipality Kresna Nikolay Georgiev, to Kyril Tilev.

²⁷ Letter № 4700-25/2/14.10.2024 of mayor of municipality Kresna Nikolay Georgiev, to Kyril Tilev.

Non-existence of the Minority.

The claim that there is no Macedonian minority in Bulgaria and accordingly – there is no reason for such organizations to exist.

A1. Using the preceding claim as a basis, the courts interpreted efforts in defence of a Macedonian self-consciousness and traditions as an intention to impose a foreign ethnic consciousness on the Bulgarian population.

A2. On the basis of point A1 efforts in defence of Macedonian self-consciousness and traditions are interpreted as having the goal of creating division and confrontation on an ethnic basis.

A3. The goals of the organisations which work to defend the Macedonian minority are interpreted as an effort to create privileges on an ethnic basis or contrary – to undermine the rights of the rest of the citizens.

A4. By treating any mention of a Macedonian minority, ethnicity, or self-consciousness anti-constitutional, and directed against the unity of the nation and the territorial integrity of the country.

A5. Judges exceeding their legal competencies assigned themselves the role of “arbitrators of history” when assessed the relevance and interrelatedness between historical dates and events that applicants were supposed to celebrate and particular ethnic group or its history.

Formal arguments.

Mistakes in documentation

B1. Manipulations with unclear definitions of the concept “political goals”, goals which are intrinsic to organisations with a social benefit and goals intrinsic to private organisations.

B2. Speculation as to alleged irregularities in the documentation, and the attempt to find such irregularities leads to extremes and outright speculation and conditions which are not mentioned in the law.

B2.1. Contrary to the law and the insistence of the Committee of Ministers - there are no instructions given for the correction of alleged irregularities, while they are at the same time said to be unable to be corrected and an outright refusal is issued.

B2.2. state institutions make a special effort to invent formal reasons and at each level an effort is made to add even more, giving them prominence in opposition of the principle of justice.²⁸

Arguments used last year, but not this year, are the following:

B3. The Agency for Registration continued the practice which it had begun last year (2021); namely to deal with every new application for registration by a given organisation through the prism of previous refusals and since the goals of the organisation to fight in some way in defence or in favour of persons with a Macedonian self-consciousness had not changed, to treat that as an uncorrected error or irregularity and therefore on that basis to issue a refusal. In that way the violation of the law by the courts and state institutions is converted into a law in and

²⁸ Position of the Bulgarian Helsinki Committee to the Committee of Ministers, July 22, 2024, & 9.

of itself, while the goals for the defence of the Macedonian minority are treated as an error which must be removed from the application.

B4. The courts do not always base their decisions on the statute and documents presented but rather strive to “uncover the true will of the founders” which it interprets arbitrarily and tendentiously with a view to refusing registration.

B5. The courts oblige Macedonian organisations which have lodged an appeal against the Agency's decisions to pay its court costs.

A. Denial of the Minority

Contrary to the decisions of the ECtHR and the Committee of Ministers, the Bulgarian judicial system has created its own ideological interpretation of the law and built a system and framework that makes it impossible to register an organization that sets among its goals any type of protection of the rights of Bulgarian citizens with a Macedonian self-consciousness and the interests of the Macedonian minority or concern for Macedonian identity and culture.

Examples of such of such argumentation this year can be found in the following rulings:

- Decision No. 67, 30.01.2024 Court of Appeal - Sofia, 9th Commercial Division, Chairperson: Svetla Stanimirova, Members: Reni Kovachka, Vasil Vasilev. "Thirdly, the DLR has found that the association's activities are aimed at officialising and promoting an ethnicity that the applicants claim exists within the framework of a sovereign state. It has planned to organize national Macedonian gatherings (celebrations of historical dates and events), without specifically referring to them, in order to assess their relevance to a certain ethnicity or to the history of the Bulgarian nation, including through the organization of regional gatherings on an ethical principle." "The association's activities are defined as protecting the customs and interests of an ethnic minority in the Republic of Bulgaria, which objectively does not exist as a separate or other established group of people possessing religious, linguistic, cultural or other characteristics that distinguish them from the rest of the population in the country." "“The public promotion of such a minority through a non-profit association intended to meet their specific needs, in essence, does not aim to protect their rights—since they are no different from those of other citizens—but rather to cultivate among a certain group of Bulgarian citizens a different ethnic self-awareness, one that has not been formed through a natural historical process, and is therefore directed against the unity of the nation.” “The conclusions of the first-instance court regarding the lawfulness of the refusal to register the association are correct, due to the contradiction between the association's declared ideas, objectives, and means of achieving them, and Article 44, paragraph 2 of the Constitution of the Republic of Bulgaria.” “Article 44, paragraph 2 of the Constitution of the Republic of Bulgaria prohibits organizations whose activities are directed against the sovereignty, territorial integrity of the country, and unity of the nation, or aim to *incite* racial, national, *ethnic*, or religious *hatred*,²⁹ or to violate the rights and freedoms of citizens.”

²⁹ The italics are the court's, marked words indicate that the court sees an intention to "incite ... ethnic ... enmity".

“According to Article 4, paragraph 1, item 2 of the Statute, the association has set itself the goal of: ‘Protecting the human rights of Macedonians and other ethnic minorities in Bulgaria....’ However, in Bulgaria, there is no Macedonian ethnic minority as defined in Recommendation 1134 (1990) of the Parliamentary Assembly of the Council of Europe (PACE), i.e., as a distinct and recognized group within the territory of the country, whose members are citizens of the state and possess distinguishing religious, linguistic, cultural, or other characteristics that set them apart from the majority of the population.” “Therefore, the public promotion of such a minority through a non-profit association intended to satisfy their specific needs does not, in essence, aim to protect their rights - *since they are no different from those of other citizens* - but rather to cultivate among a certain segment of Bulgarian citizens a distinct ethnic self-awareness that has not been formed through a natural historical process, and is thus directed against the unity of the nation. In this sense, it contradicts Article 44, paragraph 2 of the Constitution of the Republic of Bulgaria. Moreover, some of the means listed in Article 4, paragraph 2 of the Statute for achieving the association's goals do not point to the protection of significant public rights and interests of a distinct group of people, *but to the separation of groups of Bulgarian citizens* on an ethnic basis not recognized by the country's Constitution.”

"The court considers that *“the refusal to register the association cannot be defined as discrimination against the members of the association based on their ethnic origin*, but rather is issued because the association’s goals and means of achieving them contradict Article 44, paragraph 2 of the Constitution of the Republic of Bulgaria. Since the request is for registration of an association directed against the unity of the nation, it justifies the necessity of restricting the right to association in a democratic society.”

- Decision No. 124, 15.03.2024, of the Plovdiv District Court, 19th Panel, Presiding Judge Galya G. Kostadinova. The ruling cites the arguments used in 4 previous decisions against the same association from 2023. (Nos. 80/24.02.2023, 162/03.03.2023, 335/09.08.2023, 330/28.09.2023, see our report for 2023) that the objectives of the society in favour of the Macedonian minority are in contradiction with Art. 44 para. 2 of the Constitution for activities directed against the territorial integrity and unity of the nation and considers that the society falls within the exceptions of Art. 11.2 of the Convention and Art. 22, para. 2 of the International Covenant on Civil and Political Rights.

- Decision No. 78/29.05.2024 of the Blagoevgrad District Court, Nadya Uzunova vs. the Association of Repressed Macedonians: “According to the court, the goals formulated in the Statute suggest that the association's activity is directed against the unity of the nation.” The court assumes the role of arbiter and interpreter of history, treating the association's aim to preserve Macedonian history as problematic: “The court’s assessment of the disputes over Bulgarian historical figures and events is considered by the court to be an activity directed against the unity of the Bulgarian nation.” Furthermore, the court ruled that Article 11 of the European Convention was on its side, as it sees “a need to protect the rights and freedoms of the other citizens who are not part of the association.”

This is the final ruling this year that uses such arguments. The decrease in arguments directed against the minority itself is likely linked to the Committee of Ministers’ decisions against Bulgaria in March (especially points 1 and 7). The turning point occurred in May, with the last

ruling using such reasoning dated 29 May, and the first instances where courts began refusing to comment on those arguments occurring on 15 May.

However, this does not mean these arguments have been abandoned—it is a case of deliberate omission and conscious avoidance. Appellate courts in particular now directly state that reviewing “the remaining conditions is pointless” or that it “excludes the need to assess the lawfulness of the association’s objectives”—euphemisms behind which hide precisely the arguments of ethnic discrimination and suppression concerning the ECtHR rulings and explicitly mentioned in the complaints submitted by the discriminated organizations to the respective courts. We find such a situation in the decisions related to the Repressed, OMO 'Ilinden', OMO 'Ilinden' – Plovdiv, and OMO 'Ilinden' Blagoevgrad, the Repressed Macedonians.

However, the fact that the same discriminatory arguments continue to prevail is clearly evident from the case of the Repressed Macedonians, who submitted a statute and documents identical to those of another association that had already been registered earlier that same year—only changing the objectives and means. The Registration Agency did not comment on the objectives and means, but instead identified irregularities in the documentation that it had not identified in the registered association and which are not required by law.³⁰ Although these circumstances were presented to the Blagoevgrad District Court, the same court repeats and expands the technical remarks of the AB and refuses to comment on the substance, stating that this is ethnic discrimination disguised behind fabricated formal reasons. According to the court: “The fact that the Registry Agency has registered another association ... is irrelevant and has no bearing on the legality of the challenged refusal.” The Company’s explicit request “for the disqualification of all judges from the Blagoevgrad District Court, stating that they have ruled repeatedly on requests for registration of a non-profit association of Macedonians in Bulgaria, which is why they are biased... and that the case be sent for consideration to the Kyustendil District Court” was rejected.³¹

This reflects a new political line also seen in recent letters from the Bulgarian government to the Committee of Ministers (early 2025), in which the line is defended that there is no ethnic discrimination, and the problem lies in technical errors allegedly made on purpose and with political goals by Macedonian organizations, so that they could not be registered.

The coordination between the arguments used by the judiciary and those used by the executive against Macedonians in Bulgaria is a highly worrying phenomenon, which exposes the often-used argument but false claim that the executive could not do anything about the registration issue because the judiciary was independent (the latter is a well-known untruth).

B. Technical errors

The institutions continue to look for formal reasons to refuse registration of Macedonian organizations. Usually, there is speculation about the issues of the representative power of the chairman and the annual meeting, property activities, often purposefully mixed with the

³⁰ Refusal № 20241029143700/31.10.2024r. of the Agency.

³¹ Decission № 164 from 04.12.2024 r. Blagoevgrad District Court – Seventh Chamber, President: Gyulfie Yahova.

procedure for liquidation of the association.

Very often, there is speculation about the lack of a place and time of the constituent meeting in the protocol as an argument that the concurrency of the founders' will cannot be confirmed, although this is not provided for in the law, it was challenged in a decision of the PAS and the common will of the founders is clearly expressed in their signatures under the protocol and the statute of the association.

On this point, Decision No. 194, dated 15.05.2024 of the Plovdiv Court of Appeal, Presiding Judge Vera Iv. Ivanova, states: “We do not agree with what the district court said about the need for more specific individualization of the place of establishment of the association, which would be reflected in the founding protocol and in a protocol – the decision of the Managing Board (to indicate a specific address). Such a requirement is not contained in either the Law on Legal Entities or in Art. 33 of Ordinance No. 1/14.02.2007 on keeping, storing and accessing the Register of Legal Entities of Non-Governmental Organizations”.

This and similar examples show that some of the arguments accepted by some courts are rejected by others. In addition, from the example of the Repressed Macedonians³² it is quite clear that the courts apply double standards to Macedonian organizations, different from those applied to other organizations, with the preliminary aim of denying them registration.

Macedonian organizations are treated unequally in Bulgaria.

An example of how institutions look for reasons to refuse registration of Macedonian organizations is evident from the case of OMO "Ilinden" - Refusal No. 20920808115855/09.08.2024 AB, as the registry agency abused the use of a double way of recording a date in two different documents such as 04.08. and 08.04., both of which are used in Bulgaria (the first is common, and the second is used by the Supreme Court), which was accepted as an independent reason for refusal, without the possibility of correction or clarification, contrary to the regular practice of giving instructions for correcting such inaccuracies and technical inconsistencies. The same is repeated by the Blagoevgrad District Court, despite the fact that the error was explained in the appeal.

After the criticism from the Committee of Ministers, speculation regarding whether an organisation served the public or private interest decreased, but still occur. These arguments were clearly condemned by the Plovdiv Court of Appeal: “It should be noted that the first ground for refusal, as accepted by the registration official—that registration was sought for an association with private-benefit activities, while at the same time the objectives and means of achieving them correspond to an association with public-benefit activity—is contrary to the legal framework. Namely, Article 2, paragraph 1 of the Non-Profit Legal Entities Act, which provides that non-profit legal entities are free to define their goals and may self-designate as organizations for public or private benefit.”³³

The Registration Agency continues to insist, in violation of the law, that appellants pay its legal

³² Refusal № 20241029143700/31.10.2024г. od the Agency; Decission № 164 from 04.12.2024 г. Blagoevgrad District Court – Seventh Chamber, President: Gyulfie Yahova.

³³ Decission № 29 Plovdiv, 26.01.2024 г. Court of appeal, 3th citizens chamber, President Vera Iv. Ivanova:

costs, although this year courts have begun to reject such demands.³⁴

"The invention of formal reasons and demands which are not applied in the cases of other organisations, have as a goal to be used before the Strasbourg institutions for covering the actual ethnic motivation for the discriminatory decisions taken."

The only constant in the practice of the Bulgarian courts in relation to Macedonian organizations is the refusal to register them.

List of refusals and arguments used

The refusals together with the arguments used are as follows

1. Association of Repressed Macedonians in Bulgaria Victims of Communist Terror

1.1. Refusal No. 20240311104154/13.03.2024 AB- = B2, B2.1.

1.2. Decision No. 78/29.05.2024 of the District Court of Blagoevgrad Nadya Uzunova = A2, A4, A5 B2.2,

1.3. Decision No. 477, 16.07.2024 Court of Appeal - Sofia, 6th Commercial, Chairman: Ivan Ivanov Members: Nikolay Metanov, Valentin Boykinov = B2. B2.2.

1.4. Refusal No. 20241029143700/31.10.2024 AB = B2, B2.1, B2.2.

1.5. Decision No. 164, 04.12.2024 Blagoevgrad District Court – Seventh Chamber, President: Gyulfie Yahova = B2, B2.

2. UMO "Ilinden"

2.1. Refusal No. 20240122102617/23.01.2024 AB = B1, B2, B2.1,

Decision ruled by the Registration Agency with respect to the application for registration lodged by United Macedonian Organisation "Ilinden", dated from 23.01.2024. B1, B2, B2.1.

2.2. Decision No. 66, 02.05. 2024 Blagoevgrad District Court, 4th Chamber. Petar Uzunov = B2, B2.2,

2.3. Decision No. 483, 17.07.2024 Court of Appeal - Sofia, 9th Commercial Division, Chairman: Svetla Stanimirova Members: Reni Kovachka Vasil Vassilev = B1, B2, B2.1, B2.2

2.4. Refusal No. 20920808115855/09.08.2024 AB = B1, B2.1, B2.2,

³⁴ Decision № 67, Sofia, 30.01.2024, Court of appeal – Sofia, 9th Commercial, Chairman: Svetla Stanimirova; Decision № 29, 26.01.2024 Court of appeal – Plovdiv, 3rd civil division, Chairman Vera Iv. Ivanova; Decision № 202, 27.03.2024 Court of appeal – Sofia, 9th Commercial, Chairman: Svetla Stanimirova; Decision № 194, Plovdiv 15.05.2024 Court of appeal – Plovdiv, 3rd civil division, Chairman Vera Iv. Ivanova.

2.5. Decision No. 125, 05.09.2024 Blagoevgrad District Court, 16th Panel, Milena Kamenova = B1, B2, B2.1, B2.2

3. OMO "Ilinden" - Blagoevgrad

3.1. 29.03.2024 Decision No. 205, 29.03.2024 Court of Appeal - Sofia, 6th Commercial, Chairman: Ivan I. Members: Nikolay Metanov, Valentin Boykinov = B2, B2.2,

4. Macedonian Cultural Club "Nikola Vaptsarov"

4.1. Refusal No. 20240529140828 of 31.05.2024 of AV-RYULNTS = B, B2.1.

4.2. Decision No. 126/10.09.2024 District Court - Blagoevgrad, Eleventh Panel, Presiding Judge: Vladimir Kovachev = B, B2.2

5. OMO "Ilinden" - Plovdiv

5.1 Decision No. 29 / 26.01.2024 - Plovdiv Court of Appeal, 3rd Civil Division, Presiding Judge: Vera Iv. Ivanova, Members: Katya St. Pencheva, Todor Ilk. Hadzhiev = B2, B2.1, B2.2

5.2 Decision on application by United Macedonian Organization "Ilinden" - Plovdiv, dated 26.01.2024 = B2, B2.1, B2.2

5.3 Refusal No. 20240301125050 / 06.03.2024 - RA = B2, B2.2

5.4 Decision No. 124 / 15.03.2024 - Plovdiv District Court, 19th Panel, Presiding Judge: Galya G. Kostadinova = B2, B2.2

5.5 Decision No. 194 / 15.05.2024 - Plovdiv Court of Appeal, 3rd Civil Division, Presiding Judge: Vera Iv. Ivanova = B2, B2.2

6. Association for the Protection of Basic Individual Human Rights 2023

6.1 Decision No. 67 / 30.01.2024 - Sofia Court of Appeal, 9th Commercial Division, Presiding Judge: Svetla Stanimirova, Members: Reni Kovachka, Vasil Vasilev = B1, B2, B2.2

6.2 Decision on application by the Association, dated 30.01.2024 = B1, B2, B2.2

6.3 Decision No. 202 / 27.03.2024 - Sofia Court of Appeal, 9th Commercial Division, Presiding Judge: Svetla Stanimirova, Members: Reni Kovachka, Vasil Vasilev = A, A1, A2, A3, A4, A5, B1, B2, B2.2

DISCRIMINATION OF MACEDONIAN ORGANIZATIONS AND ACTIVISTS

This year, too, we observe examples of harassment and unprovoked negative treatment towards Macedonian activists in Bulgaria.

On March 19, the chairman of the OMO "Ilinden" Kiril Tilev was summoned to the Ministry of Interior in Sandanski. At first, they asked him to come without a summons, but when he asked for one, they refused to give him one. When he stated that in that case he would not come, they threatened to arrest him. When they saw that he would not back down, they gave him a summons. At the police station, Inspector Atanasov and another police officer made him write a statement and answer questions about why he had written to the government, what function he performed in the Macedonian movements, was he the chairman of the OMO "Ilinden" and the like. The interrogation took place in response to Kiril Tilev's open letter to Prime Minister Djankov and Deputy Prime Minister Maria Gabriel about the situation of the Macedonian minority in Bulgaria, but the questions were directed at him personally and as an accused person, and not at the situation of Macedonians in Bulgaria, and the police officers behaved rudely and nervously. When he wrote that he had exercised his constitutional right with the letter to the government and given them the sheet – they threw it away and threatened him. Tilev left.³⁵

Examples of harassment are the checks of buses and cars when going to public events, taking pictures of personal documents, taking pictures of those present, taking away flags and posters, which was discussed elsewhere. Harassment on this basis was committed because, without any reason, the authorities decided that the regular gathering organized by the Macedonians in Melnik for 35 years, and at which there have been no incidents for 18 years, and even before that there had been no incidents by the organizers, the authorities have now determined that it is an event with a “high degree of danger” despite the fact that the only arguments were that many people would attend, that the organizers were two Macedonian organizations in Bulgaria and that guests from the Republic of Macedonia were also expected, and even the long handles of the flags were considered as such which “predisposed to a violation of public order”.³⁶

During the gathering, there were instances of rude behavior by police. After his flag was forcibly taken by several officers, Ivan Kotomanov described the following:

“When I started talking to the police about human rights and turned on my phone to record, one officer brazenly attacked me from behind and forcefully grabbed my phone. When I asked why, he replied I had no right to film him. I told him I was filming in a public space. He said I had no right to film because he was in uniform. I told him no such prohibition exists. Realizing they were breaking the law, he handed my phone to a subordinate and told him to issue me a citation and check the footage. The subordinate then said it was just their job and asked me to delete the recording in exchange for not issuing a fine. When I showed there was no recording of them, they gave me back the phone. Before I even left, another group came and demanded my ID. When I presented it, they took it and began making threats—especially after seeing my name and address. I had to wait another 30 minutes for them to return the flag, claiming the car it was in was elsewhere. The threats continued the whole time, especially after most people had dispersed, leaving more police than attendees.”³⁷

³⁵ Testimony of Kiril Tilev, 19.03.2024.

³⁶ Court hearing transcript, 11.02.2025, Blagoevgrad Administrative Court, Judge Ivan Shekerliyski.

³⁷ Testimony of Ivan Kotomanov, 22.04.2024

Another method of harassment is summoning organizers to the police and coercing them into signing warnings not to violate the law.

On April 19, immediately before the All-Macedonian gathering in Melnik and long after it was approved by the municipality, the police in Sandanski summoned the chairman of the OMO "Ilinden", Kiril Tilev, first without a summons, and then at his request - with, and made him sign an Order handed to him by the employee of the Ministry of Internal Affairs, Atanas Pavlov Atanasov, which reads:

“Pursuant to Article 64 of the Ministry of the Interior Act and in execution of my duties to combat crime and ensure public order, protect citizens’ rights and freedoms, and safeguard their lives, health, and property, I order Kiril Serafimov Tilev... to strictly adhere to the Law on Assemblies, Rallies and Demonstrations, and not to engage in unlawful actions—specifically not to engage in indecent conduct that grossly violates public order and shows blatant disrespect for society. This is in connection with the gathering organized by OMO 'Ilinden' and OMO 'Ilinden-Pirin' in Rozhen and Melnik.”³⁸

An identical order was issued on 2 May in connection with a planned celebration in Novo Delchevo at the monument of G. Delchev.³⁹

According to the Blagoevgrad Administrative Court, although these orders cite Article 64, they essentially fall under Article 65, paras. 1 and 2 of the same Act, which allows police to issue oral or written warnings to individuals suspected of potentially committing crimes or disturbing public order. For written warnings, a protocol is issued, warning the individual of legal liability.⁴⁰

This judicial interpretation presumes that there is sufficient data to believe that Tilev, OMO “Ilinden,” or OMO “Ilinden-Pirin” are likely to commit a crime or disrupt public order—yet no such data has ever been provided. In the past 35 years, there has never been an instance where the organizers disrupted public order or committed a crime during such events.

This confirms that the orders were issued in violation of Article 64, which allows such measures only when necessary for fulfilling police functions—clearly not applicable here, as the police themselves admitted during delivery that the organizers had never caused trouble, but they were “following orders from above.”

Even more insulting are the wording of the police warnings, which cite the Assembly Act but actually refer to Article 325(1) of the Penal Code concerning “acts grossly violating public order and showing blatant disrespect for society,” punishable by up to two years in prison or probation, and public censure.

Treating Macedonian activists as criminals without any reason and taking them to the police and forcing them to sign insulting and unprovoked warnings is just another form of harassment directed against the organizers of Macedonian public gatherings in Bulgaria

³⁸ Order, 19.04.2024, Sandanski MVR, Ref. 339 r – 7158/19.04.24.

³⁹ Order R – 8057/0205.24, MVR Sandanski, Officer Todor Petrov Angelov.

⁴⁰ Ruling No. 2118, 27.06.2024, Blagoevgrad Administrative Court, Judge Ivan Petkov.

Following the participation of a European Free Alliance delegation at the 4 May gathering in Delchevo, these police practices ceased.

Such examples clearly demonstrate the treatment of people with Macedonian identity and their activities as potentially criminal. They also reveal misuse of institutions and legal procedures to deliberately harass and restrict the rights of Macedonian activists—particularly when no external observers are present.

LACK OF PROTECTION AND COOPERATION BY INSTITUTIONS

During this year several Macedonian organizations (Macedonian Organization-Ilinden, Association of Oppressed Macedonians in Bulgaria-Victims of Communist Terror and Macedonian Culture Club “Nikola Vaptsarov”) attempted to action the rights mechanisms in the state but in vain. All complaints sent to the Ombudsman, Discrimination Protection Committee, Ministry of Internal Affairs ended either with transfers of the cases to other instances or outright rejection.

On 24.01. 2024, the Supreme Prosecutor's Office upheld the refusal of the lower prosecutor's offices to initiate pre-trial proceedings on the complaint of the chairman of the Repressed Macedonians in Bulgaria, Stoyan Gerasimov. The complaint concerned the actions of private individuals—allowed by the authorities—during the opening ceremony of the Macedonian Cultural Club "Nikola Vaptsarov," whose conduct significantly disrupted the event and disturbed the peace of its participants. According to the Prosecutor’s Office, these actions “are not of such a nature as to lead to the dissolution or obstruction of a rally.”⁴¹

On 25 March 2024, the Ombudsman, Prof. Dr. Diana Kovacheva, responded to a complaint by the chairman of OMO "Ilinden," Kiril Tilev (in essence, an open letter addressed to several institutions, including the Ombudsman herself). In his letter, Tilev highlighted the traditionally dismissive attitude toward the obligation to respect the human rights of Macedonians in Bulgaria. He called for the recognition of the Macedonian minority in the Constitution, an end to hate speech and public disrespect, the introduction of Macedonian language education, protection of Macedonian heritage and culture, and Macedonian-language radio and television broadcasting.⁴² In her response, the Ombudsman merely stated that she does not have the authority to initiate constitutional amendments (ignoring the fact that she does have the ability to recommend such changes). She added that in her annual report she had addressed the increased monitoring by the Committee of Ministers concerning Bulgaria's refusals to register Macedonian organizations and cited the Committee’s latest decisions. However, she made no mention whatsoever of why the reports of her own institution fail to address violations of minority rights, hate speech, and discrimination against Macedonians. The Macedonians in Bulgaria are completely absent from the Ombudsman's reports, and no mention is made of what

⁴¹ Decree of the Supreme Prosecutor's Office № 736/2024, PRB 2024 225597760, Sofia 24.01.2024, prosecutor Danail Shostak.

⁴² Open letter of UMO “ilinden” 5.02.2024 г.; Response № 1522/25/03/2024, ombudsman Dilyana Kovacheva, signed by Cvetana Mitova Nikolovava.

she is doing regarding the same issues. She ignores all other essential points raised by Tilev as well.

After the Ministry of Interior began, to apply the practice in April and May of summoning the organizers of Macedonian public assemblies and making them sign an order they must "strictly comply with the Law on Assemblies, Rallies and Demonstrations and not commit unlawful actions — including indecent acts grossly violating public order and showing clear disrespect for society,"⁴³ and given that the orders themselves stated they could be appealed under the Administrative Procedure Code before the Administrative Court in Blagoevgrad, Kiril Tilev submitted an appeal to that court.

On 27 June 2024, the court issued a decision rejecting the complaint, arguing contrary to the statements in the Orders and Article 64 of the Ministry of Interior Act, on which the Orders were based that "the order cannot be appealed under the judicial administrative procedure."

To justify this, the court unlawfully reclassified the Orders issued under Art. 64, which according to paragraph 7 provides that "Orders issued in writing may be appealed in accordance with the procedure of the Administrative Procedure Code" (something also stated in the Orders themselves), as if they had been issued under Art. 65, which does not contain such a provision. But even if this arbitrary interpretation were to be accepted, the Orders would still have to be annulled, because they were issued without following the legal procedure. Art. 65 provides that such an order must be signed by both an official and a witness, whereas the contested Orders were signed only by an official, as is appropriate under Art. 64.

Furthermore, the Court performs logical gymnastics, by arguing that the requirements in the Order are, in principle, obligations for all citizens.⁴⁴ The problem with this argument is the fact that usually such Orders are not issued, but only in special cases and circumstances, which were not present in this instance. Such Orders are issued only when "sufficient data and it is presumed that the person will commit a crime or breach of public order... the person is warned of the responsibility for committing the respective crime or breach of public order" (Article 65, para. 1), which was not the case here, nor have there been past events that would give rise to such concerns. The offensive nature of the Orders is also ignored, as they contain the claim that the organisers are preparing to commit a crime. Additionally, the Order does not contain any justification for its issuance, as required by Article 64, para. 5, item 3 of the Ministry of Interior Act and the general requirements of Article 59, para. 2, item 4 of the Administrative Procedure Code, which in itself constitutes a serious violation and grounds for cancellation.⁴⁵

On 05.09.2024, the Commission for Protection against Discrimination (CPD) finally rejected the complaint of Stoyan Gerasimov, filed due to offensive statements made by journalist Nina Spasova on the state national television BNT, regarding the members of the delegation, representatives of Macedonian organizations in Bulgaria and fighters for the rights of

⁴³ Order from 19.04.2024 of Regional police district of Ministry of interior affairs r. YPI 339 p – 7158 / 19.04.24, Order P – 8057/0205.24 of Regional police district of Ministry of interior affairs, official Todor Petrov Angelov from 02.05.2024 r.

⁴⁴ Ruling № 2 2118, Blagoevgrad 27.06.2024, Administrative Court – Blagoevgrad 6th Chamber, Judge Ivan Petkov.

⁴⁵ Private cassation appeal to the Supreme Administrative Court by Kiril Serafimov Tilev, against ruling №. 2118/27.06.2024 of the Administrative Court - Blagoevgrad, issued under adm. case № 697/24.

Macedonians in Bulgaria, who visited Macedonian President, Stevo Pendarovski on behalf of the Macedonians in Bulgaria. In this statement, journalist Nina Spasova stated about the members of the delegation that these were: "people dug up from somewhere, quite old, quite bad-looking, with a candle as if they were being searched for". The CPD "dismissed" the complaint and "Establishes that ... Nina Spasova ... did not discriminate on the grounds of 'belief' and 'ethnicity' ... and did not 'incitement to discrimination'" (p. 7). According to the CPD, the words did not constitute ethnic slurs or calls for violence or hatred based on ethnicity, nor were they directed specifically at the complainant (one of the delegation members). And even though the broadcast may have been "watched by a wide audience," the statements made were still not equivalent to harassment or incitement to discrimination, and "the analysis of Spasova's comment requires a conclusion that it does not give indications of forming public disapproval towards persons who, according to Vassilev, self-identify as Macedonian, and the statement does not specifically mention the names of the addressees. The panel establishes that Spasova's statement itself lacks (has not been used) qualifications that would harm the honor and dignity of persons who self-identify as Macedonian, in particular the applicant, and according to the moral norms adopted by society, are not indecent, cynical or vulgar" (p. 6).⁴⁶ (There is a certain sad truth in the latter statement, since in Bulgarian society the degrading language used towards Macedonians and especially towards Macedonian activists is not seen, according to the "moral norms accepted by society, to be indecent, cynical or vulgar").

In the entire decision, all of Gerasimov's statements as well as his self-definition are carefully formulated to make it clear that these are his statements and claims, but the Commission is in distancing itself entirely from them.

The request in Stoyan Gerasimov's complaint, item 4, "To publish an independent report and recommendations in accordance with domestic and international legislation on issues related to discrimination against the Macedonian ethnicity in Bulgaria. The report should be consistent with the opinions of international human rights organizations with norms ratified by the Republic of Bulgaria. To provide information to the public through the mass media about the current national and international provisions in the field of ethnic rights and protection from discrimination." The Commission has been petitioned many times to conduct such a study and publish a report, but has never responded, nor has it done so, despite the existence of clear and systemic discrimination from the judgments in Strasbourg.

However, in 2024 there was one positive case. The Blagoevgrad Administrative Court, with ruling No. 1764 of 31.05.2024, overturned as unlawful, the refusal of the Commission for Protection against Discrimination on the complaint of Stoyan Gerasimov and Kiril Tilev, against the Kanzurov family, and returned the case back to the CPD.⁴⁷ This came after a series of procedural delays and remands through various courts in 2023 (see our reports from the past two years). Such decisions are very rare and usually involve returning a case for retrial, rather than a decision with a final positive result for the Macedonians.

⁴⁶ Decision for Committee for protection against Discrimination Gerasimov - Nina Spasov, Decision No 244, Sofia, 05.09.2024.

⁴⁷ Ruling No 1764, Administrative Court Blagoevgrad, VII Chamber, 31.05.2024, Judge Dimitar Dumbanov.

This is also what happened in the following case too. On 05.11.2024, the Commission for Protection against Discrimination again rejected the complaint of Kiril Tilev and Stoyan Gerasimov, leaders of the OMO "Ilinden" and the Association of the Repressed Macedonians in Bulgaria, against Viktor Kanzurov. This time the arguments were for procedural inadmissibility (contrary to its previous decisions), and they even refer to the principle that a person should not be punished twice for the same act (regardless of the fact that the Kanzurovs have not been sanctioned, even once) and the principle of separation of powers, in the sense that the court's decisions are binding on the CPD as part of the executive branch, which essentially means that the Commission refuses to react to cases of discrimination committed by the courts.⁴⁸

On 23.10. 2024 Blagoevgrad Administrative Court dismissed Kiril Tilev's appeal because on October 8, the mayor of Kresna banned the holding of celebrations in honor of the Kresna Macedonian Uprising, because "the activities of OMO "Ilinden" and OMO "Ilinden"-PIRIN, which are in contradiction with the Constitution of the Republic of Bulgaria, 'directed against the territorial integrity of the country', are not permitted to organise any events on the territory of Kresna Municipality."⁴⁹

The consideration of the appeal filed in the Blagoevgrad Administrative Court was delayed until October 23, when it was dismissed because in the meantime the municipality had cancelled the letter of refusal and had made a refusal with a different motivation (see Violation of the Right to Peaceful Assembly"). The core issue in the original refusal regarding treating the complainants as separatists and unconstitutional actors was ignored by the court.⁵⁰

This year, the reality remains unchanged, that it is impossible for Macedonians to find protection against hate speech and the violation of their rights to expression, assembly and association through Bulgarian institutions: whether the courts, the Ombudsman, the Commission for Protection against Discrimination, or the Prosecutor's Office. The arguments for denying justice to Macedonians may shift - the only constant is the absence of justice for them.

REFUSAL OF THE AUTHORITIES TO ENGAGE IN DIALOGUE

Dialogue between the representatives of the Macedonian minority and the authorities is regularly recommended in the monitoring reports on Bulgaria. This year again the authorities did not make any attempt to implement the recommendations in the reports of the Parliamentary Assembly of the Council of Europe, the Commissioner for Human Rights, the European Commission for the Fight Against Racism and Intolerance and the Consultative Committee for the Application of the Framework Convention on National Minorities for the start of a dialogue with the Macedonian minority. On the contrary, not one reply was received to the many written requests from Macedonian organizations for meetings and talks with

⁴⁸ Decision № 333/05.11.2024 of a five-member extended panel of the Commission for Protection against Discrimination, chairwoman Vladimira Stoimenova.

⁴⁹ Letter 4700 – 25 /1/ 08.10. 2024, from Nikolay Georgiev, Mayor of Kresna Municipality, to Kiril Tilev.

⁵⁰ Ruling №. 3239 of 23.10.2024 of the Administrative Court of Blagoevgrad – I Chamber, Judge Stoyanka Pishieva – Sahatchieva.

Bulgarian institutions. In cases where, instead of receiving requests for meetings, they received signals and complaints, they either did not respond, or rejected them (like the Commission for Protection against Discrimination), or gave evasive answers. An example of the latter is Kiril Tilev's complaint to the Ombudsman, who in his response only indicated that the issues raised were not within the competence of her institution, which otherwise follows the intensified monitoring carried out by the Committee of Ministers, something that was not put in Tilev's complaint. Such a practice of answering but not in substance and circumventing requests to start a dialogue are characteristic of this institution's behaviour in recent years, and in general all institutions directly or indirectly refuse to start a dialogue on issues of discrimination and the rights of Macedonians in Bulgaria.⁵¹

A particularly indicative, telling case is the response to Kiril Tilev's open letter of 15.02.2024, to the institutions. Instead of receiving a written response or an invitation to meet with a competent institution on human rights issues, Tilev was summoned to the police in the town of Sandanski, shown the letter to the government, and asked to write a statement about who he was, what Macedonian organization he was a member of, and why he wrote the letter.⁵²

CONCLUSIONS AND RECOMMENDATIONS

The violation of the right to association as well as the hate speech and discrimination that Macedonians are subjected to are based on the dominant ideology from the time of the communist regime, according to which a key role is played by the denial of the Macedonian minority and the treatment of the mere idea that such a minority exists as hostile to Bulgaria.

Given the existing situation in the country, it does not appear probable that the situation of the Macedonians in Bulgaria can be improved without serious external intervention, especially on the part of European institutions. This problem is very old and serious and requires emergency measures.⁵³ The denial of and discrimination against the Macedonian minority represents the last vestige of totalitarian policy in the European Union.

In order for the current problems of the Macedonian minority in Bulgaria to be solved the following changes should occur in Bulgaria:

1. The decision of the Constitutional Court of 29 February 2000 and the Declaration of the Bulgarian Parliament of 6 March 1990, which officially postulate that in Bulgaria there is no concrete Macedonian ethnic group, as well as the parliamentary declaration of 9 November 2019, must be rescinded. These decisions serve as an ideological and legal basis for discrimination. The government should officially declare that the Macedonian minority will no longer be denied or discriminated against and that its rights will be defended.
2. The state should officially recognise the existence of national minorities in the country and the concept "national minorities" should be included in the Constitution. The state should take the necessary legal measures so that the principle of the unity of the nation cannot be interpreted to deny the very existence of national minorities and their rights. If possible, national minorities should be listed by name

⁵¹ Response № 1522/25/03/2024, to Complaint № 1522/2024, signed by Tsvetanka Mitova Nikolova.

⁵² Witness testimony of Kyril Tilev, 19.03.2024 г.

⁵³ For the same recommendation see: <https://www.civicsolidarity.org/article/1639/respect-and-recognition-macedonian-minority-bulgaria-strong-condemnation-announcements>, accessed on 16 March 2020

in order to avoid any possibility of misinterpretation of the Constitution and denial of minorities.

3. Measures should be taken so that the constitutional prohibition on forming organizations on an ethnic basis is not interpreted and used to oppose the right of minorities to form their own organizations.

4. The law on the registration of non-government organizations should be changed and articles included in it which would make it impossible to interpret the self-determination of minority groups as an anti-constitutional, anti-state act which threatens territorial integrity and justifies denial of registration.

5. Bulgaria should implement the judgements of the ECtHR and Macedonian organisations should be registered. The obstacles preventing registration of Macedonian organisations should be removed- the implementation of the decisions of the ECtHR are of fundamental significance in order to ensure the supremacy of the law.⁵⁴ The existing blockade on the registration of Macedonian organization should be lifted.

6. An active dialogue must be initiated between the state and the representatives of the Macedonian minority in order to solve current problems and there should be a Macedonian representative on the Commission on Minorities.⁵⁵ This dialogue should begin immediately, without waiting for the recognition of the Macedonian minority as „recognition by the state as a minority is not a prerequisite to qualify for the protection of the Framework Convention“ and should focus on the application of the Framework Convention to the Macedonians in accordance with specific articles of the Convention.⁵⁶

7. The Census documents in the future should contain a separate column for “Macedonian” and during the conduct of the Census it is to be publicly and officially announced that everyone who self-identifies as a Macedonian can freely do so.⁵⁷ The same advice should be contained in the directions given to the Census takers.

8. Measures should be taken for the promotion of tolerance vis-à-vis the Macedonian minority and for its protection against hate speech and institutional discrimination.

9. The study of the Macedonian literary language, culture and history should be included in curricula for children belonging to the Macedonian minority. At the same time basic school curricula should be modified so as not to exclude references to the Macedonian nation and its history, culture and language (something which is not new, and which was done in the past in Bulgaria, but which has now been abandoned).

Committee for the Defence of Human Rights “Tolerance” with the Support of: OMO “Ilinden”-PIRIN, OMO “Ilinden”, The Association of Repressed Macedonians, Victims of Communist Terror, The Association for the Defence of Fundamental Civil Rights, The Civil Initiative for the Recognition of the Macedonian National Minority in Bulgaria and Defence of the Rights of Bulgarian Citizens with a Macedonian Consciousness, Macedonian Club for Ethnic Tolerance in the Republic of Bulgaria, Macedonian Human Right Movement International

⁵⁴ Report of the Commissioner for Human Rights of the Council of Europe following her visit to Bulgaria on 25-29 November 2019, 31/03/2020, & 6, <https://ec.europa.eu/migrant-integration/librarydoc/report-of-the-commissioner-for-human-rights-of-the-council-of-europe-following-her-visit-to-bulgaria-on-25-29-november-2019>, & 49

⁵⁵ Commissioner, & 49

⁵⁶ Advisory Committee on the Framework Convention for the protection of National minorities, Fourth Opinion on Bulgaria-adopted on 26 May 2020, ACFC/OP/IV(2020)001Final, <https://rm.coe.int/4th-op-bulgaria-en/16809eb483>, & 25 - 27.

⁵⁷ Cf. Advisory, & 31 – 36.