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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**DRAFT LAW**  
**DECLARING**  
**THE COMMUNIST REGIME IN BULGARIA**  
**UNLAWFUL**

Article 1:

1. The National Assembly of the Republic of Bulgaria notes that on 9 September 1944, in violation of the Constitution in force at the time, the Bulgarian Communist Party [then known as the Bulgarian workers' Party (Communists)] came to power with the help of a foreign power which declared war on Bulgaria.
2. The Bulgarian Communist Party governed the country from 9 September 1944 to the end of 1989, leading the country to national disaster.

Article 2:

1. The departments and leading officials at all levels of the Bulgarian Communist Party were responsible for:
  1. destroying, in a calculated and premeditated way, the traditional values of European civilisation,
  2. consciously violating human rights and fundamental freedoms,
  3. causing the moral and economic decline of Bulgaria,
  4. setting up a centralised government in full charge of the economy, which led to ruin,
  5. departing from and abolishing the traditional principles regarding the right of ownership,
  6. destroying the moral values of the people of Bulgaria and violating its religious freedoms,
  7. constantly terrorising any persons who disagreed with the system of government as well as entire sections of the population,
  8. abusing education, teaching, science and culture for political and ideological purposes, inter alia by encouraging and exonerating the aforementioned acts,
  9. unscrupulously destroying nature.
2. The communist regime was responsible for the above in so far as it:
  1. denied citizens any possibility of freely expressing their political will by forcing them to hide their views on the situation in Bulgaria. It compelled them to support in public facts and circumstances which they knew full well to be wrong and even criminal. To that end, the communist regime persecuted or threatened with persecution persons who opposed it, together with their relatives and friends;

2. systematically violated fundamental human rights by oppressing entire sections of the population professing certain political, social, religious or ethnic principles, even though the People's Republic of Bulgaria ratified the International Bill of Human Rights in 1970.
3. violated the basic principles characterising a democracy governed by the rule of law, as well as the international agreements and laws in force at the time, thereby placing the interests of the Communist Party and its representatives above the law;
4. used all means at its disposal in order to persecute citizens, including:
  - a. executions, inhuman prison conditions, forced labour camps, torture and outrageous forms of maltreatment.
  - b. certification or committal to psychiatric clinics as a means of political repression;
  - c. denial of the right of ownership;
  - d. prevention and prohibition of access to education and of the carrying on of an occupation;
  - e. prevention of free movement both inside and outside the country;
  - f. deprivation of nationality.
5. committed crimes without impediment and granted illegal privileges to persons who took part in crimes and acts of persecution;
6. subjected the country's interests to those of a foreign state, to the point of depersonalising national dignity and effectively surrendering state sovereignty.

Article 3:

1. The circumstances described in Articles 1 and 2 above are grounds for declaring that the communist regime which governed Bulgaria from 9 September 1944 to late 1989 was criminal and unlawful and warranted condemnation.
2. Like other organisations based on the same ideology, the Bulgarian Communist Party was a criminal and reprehensible organisation whose activities were aimed at stifling human rights and democracy.

Article 4:

All action taken by individuals during this period to resist and reject the communist regime and its ideology was just, morally justified and worthy of respect.

Article 5:

Persons who were persecuted by the communist regime in pursuit of its anti-democratic and inhuman policy as described in Article 2 above and who took no part in the actions referred to in Article 2.2. are worthy of recognition and shall be entitled to receive compensation in accordance with the terms and procedure laid down by law.

Article 6:

For crimes committed and civil rights violations perpetrated between 9 September 1944 and the end of 1989, there shall be no statute of limitations if, for reasons connected with the criminal nature of the communist regime and the impossibility of applying punitive measures and exercising civil rights, responsibility for a crime committed or an individual right violated could not be assumed.

Article 7:

This law shall come into effect on the date of its publication in the Official Gazette.