

CONSTITUTIONAL COURT

Source: CODICES

Decision 03/1999 of 29 February 1999 (summary)

a) Bulgaria / b) Constitutional Court / c) / d) 29.02.2000 / e) 03/99 / f) / g) Darzhaven vestnik (Official Gazette), 18, 07.03.2000 / h) CODICES (French).

Headnotes:

A party which supports separatism and the violation of national sovereignty and the territorial integrity of the state is unconstitutional.

Summary:

Proceedings were initiated by 61 members of the National Assembly.

The contested party was founded in 1998 in the town of Gotse Delchev and was registered by means of Sofia Municipal Court Decision no. 48 of 12 February 1999.

The Constitutional Court considers that the "O.M.O. - Ilinden" - PIRIN party is not a newly founded party, appearing for the first time on the political scene, but the successor to a previous party.

The evidence shows that the party's activities are centred on the region of Pirin. The contested party considers that this part of the country is not part of Bulgaria. In the party's opinion, it is a foreign territory which has been granted to Bulgaria for provisional administration under an international treaty. The party's activities are run along these lines and include efforts to separate the territory in question from Bulgaria.

This is also shown by the party's calls for autonomy, which is expressly prohibited by [ENG-BUL-A-2] Article 2.1 of the Constitution. The same conclusion has to be drawn from the maps of Macedonia which the party publishes and disseminates, its definition of the region of Pirin as a part of Macedonia, its interpretations of the Balkan war and the Bucharest Treaty of 1913 and - more than anything else - its threat to separate the region of Pirin from the Bulgarian state if its demands are not met. When a threat like this is made by a party leader it cannot be dismissed as mere words. It is a genuine threat which reflects the stance of the party itself. It is supported by other members of the party leadership.

The aforementioned actions constitute an activity aimed at undermining the territorial integrity of the state in the meaning of [ENG-BUL-A-44] Article 44.2 of the Constitution. Each action in itself constitutes such an activity.

This provision of the constitution is designed to safeguard a fundamental value, namely the territorial integrity of the Republic of Bulgaria, which [ENG-BUL-A-2] Article 2.2 of the Constitution declares to be inviolable. It is sufficient for an activity to be directed against Bulgaria's territorial integrity, as in the instant case, for it to be possible to refer to this article.

A political party which declares a part of Bulgarian territory to be foreign and engages in activities aimed at its separation is unconstitutional.

The Constitutional Court considers it necessary to stress that the notion of unconstitutionality in this case is in keeping with [ENG-UNO-B-22] Article 22.2 of the International Covenant on Civil and Political Rights and [ENG-ECH-0-11] Article 11.2 ECHR. The clauses in question state that the exercise of the right to freedom of association may only be restricted where such restrictions are necessary in the interests of national security, as is the case here. There is no doubt that an activity directed against the territorial integrity of the Republic of Bulgaria constitutes a threat to its national security.

In view of the foregoing, the Constitutional Court declared the political party "the Unified Organisation of Macedonians - Ilinden - Party for the economic development and integration of the population" ("O.M.O. - Ilinden" - PIRIN) unconstitutional.