

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/24/Add.3
23 December 1982

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-ninth session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

BULGARIA 1/

[15 December 1982]

1/ The initial and second reports submitted by the Government of Bulgaria (E/CN.4/1277/Add.7 and E/CN.4/1353/Add.10) were considered by the Group of Three at its 1978 and 1981 sessions respectively.

The People's Republic of Bulgaria resolutely condemns the policy of apartheid, which is qualified in article I of the International Convention on the Suppression and Punishment of the Crime of Apartheid as a crime against humanity, violation of the norms of international law and of the purposes and principles of the United Nations Charter, and as constituting a threat to international peace and security.

Following ratification of this Convention by the People's Republic of Bulgaria, certain amendments and supplements were brought into the Chapter XIV of the Penal Code, entitled: "Crimes against Peace and Humanity", which regulate the criminal law defence against the crime of apartheid. Article 417 of the Penal Code reads as follows:

"Anyone who, for the purpose of establishing or maintaining domination or systematic oppression by one racial group of people over another racial group of people:

(a) causes the death or inflicts serious bodily harm upon a member or more persons of this group of people;

(b) imposes living conditions susceptible to cause the physical destruction of a racial group of people in whole or in part,

is punished for the practice of apartheid by imprisonment from ten to twenty years or the death penalty".

Article 418 of the Penal Code stipulates that:

"Anyone who, for the purpose under the preceding article:

(a) unlawfully deprives of freedom members of a racial group of people or subjects them to forced labour;

(b) puts into effect measures calculated to prevent the participation of one racial group of people into the political, public, economic and cultural life of the country, and to deliberately create conditions which deny the full development of such a group of people, particularly by depriving its members of fundamental citizen rights and freedoms;

(c) puts into effect measures designed to divide the population along racial lines by the creation of reserves and ghettos, by the prohibition of mixed marriages among members of various racial groups, or by the expropriation of landed property belonging to them;

(d) deprives organizations or persons of their basic rights because they oppose apartheid,

is sentenced from five to fifteen years in prison."

Besides specific legal norms applied vis-à-vis the crime of apartheid, this crime comes under the scope of general constitutional norms.

Paragraph 4 of article 35 of the Constitution establishes the prohibition in principle against any preaching of hatred or degradation of man due to racial,

national or religious appurtenance, with each manifestation of a similar character carrying criminal liability. Article 52 places a ban on organizations which preach fascist or other antidemocratic ideology.

For the purpose of preventing or punishing all forms and manifestations of racial discrimination, severe sanctions are envisaged in the Penal Code. Article 162 reads as follows:

"1. Anyone who preaches or incites to racial or national hostility or hatred, or to racial discrimination is punishable by imprisonment up to three years and is held to public censure;

2. Anyone who uses violence against another or brings damage to his or hers property because of his or hers nationality, race, religion or because of his or hers political beliefs is punishable by imprisonment up to three years and is held to public censure;

3. Anyone who sets up or heads an organization or a group of people which sets as its purpose the carrying out of an act under the preceding paragraphs is punishable by imprisonment from one to six years and is held to public censure.

4. Anyone who is member of such an organization or group is punishable by imprisonment up to three years and is held to public censure."

The Penal Code applies to all crimes committed on the territory of the People's Republic of Bulgaria, with the issue of foreign citizen liability who enjoy immunity from prosecution with respect to Bulgaria's penal jurisdiction being resolved in accordance to international norms adopted in Bulgarian legislation. The Penal Code applies to Bulgarian nationals for crimes committed abroad, too. The Penal Code applies also with respect to foreign nationals who have committed outside Bulgarian territory crimes against peace and humanity through which the interests of another State or foreign nationals have been affected and whenever this is envisaged in international treaties Bulgaria is party to.

By virtue of norms of the Bulgarian Criminal Law, all accomplices to the crime are punishable with the punishment which this particular crime entails, taking into account the character and scope of their participation. Accomplices are the perpetrators, instigators and accessories in the commission of the act.

The question of foreign national extradition is solved pursuant to the rules and conditions set forth in the Penal Code of Procedures.

The legislative regulations of the People's Republic of Bulgaria dealing with the struggle against racial discrimination and apartheid have not been transgressed so far, and the Courts have not been seized with such cases.

The People's Republic of Bulgaria expresses its firm conviction, that achievement of the purposes of the International Convention on the Suppression and Punishment of the Crime of Apartheid is feasible providing all countries do ratify it or join. The struggle to eliminate apartheid requires co-ordinated efforts on the part of the international community and calls for active participation by all Member States of the United Nations in the efforts exerted by the World Organization in this field. It is only when this prerequisite has been fulfilled that it would be expedient to discuss the question of setting up an international penal tribunal, as set out in Article 5 of the Convention.

The mass-media in the People's Republic of Bulgaria devote particular attention to the struggle to eliminate racism, racial discrimination and apartheid. Each year public opinion in Bulgaria marks the International Day to Combat Racial Discrimination, the Day of Solidarity with Political Detainees in South Africa, the Africa Liberation Day, The Week for Solidarity with the Struggling Nations in Southern Africa, and others. The press, radio and television media regularly inform the Bulgarian people about United Nations activities aimed at carrying out the Programme of the United Nations Decade for Struggle against Racism and Racial Discrimination. An important role for instilling an intransigent attitude towards racial prejudices and manifestations and for educating the young people in a spirit of respect for the dignity of the human person is played by the system of education.

The People's Republic of Bulgaria has repeatedly stated that the efforts of the international democratic public opinion should be directed not only towards condemning racism, racial discrimination and apartheid, but also for adopting effective measures with a view to their elimination.

Faithful to its principled foreign policy, the People's Republic of Bulgaria expresses its solidarity with the oppressed peoples of southern Africa which, under the leadership of their national liberation movements, are fighting for national liberation, self-determination and independence. This consistent position has been repeatedly reaffirmed by Bulgarian delegations at sessions of the United Nations General Assembly and its organs, as well as at other prestigious international fora such as the World Conference for Action against Apartheid (Lagos, 1977), the Conference in Support of the Peoples of Zimbabwe and Namibia (Maputo, 1977), the First World Conference to Combat Racism and Racial Discrimination (Geneva, 1978), the International Conference on Sanctions against South Africa (Paris, 1981), and others.

The People's Republic of Bulgaria maintains no political, economic, commercial or other relations whatever with South Africa and endorses the insistent calls of the international community to impose sanctions against that country, pursuant to Chapter VII of the United Nations Charter.

The People's Republic of Bulgaria has ratified and carries out in good faith all United Nations conventions aiming at the total and final elimination of racism, racial discrimination and apartheid. It voices once again its firm belief that the universalization of these conventions will contribute to the implementation of the Programme of the United Nations Decade for Action against Racism and Racial Discrimination.

The People's Republic of Bulgaria will take, in the future as well, active participation in all international events, whose goal is to eliminate all forms of racial discrimination, proceeding from the understanding that the struggle against racism, colonialism, neo-colonialism and apartheid is part and parcel of the efforts exerted by all progressive forces throughout the world to strengthen international peace and security.

ANNEX

CONSTITUTION:

- Article 35:
1. All citizens of the People's Republic of Bulgaria are equal before the Law.
 2. In the enjoyment of rights no privileges or restrictions are allowed based on nationality, origin, religion, sex, race, education and social position or material wealth.
 3. The State ensures the equality of all citizens, by creating conditions and opportunities for the exercise of their rights and the discharge of their duties.

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- Article 52:
3. Banned are organizations which are aimed against the socialist system of the People's Republic of Bulgaria and the rights of citizens, which preach fascist or other antidemocratic ideology.

PENAL CODE:

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- Article 3:
1. The Penal Code applies to all crimes committed on the territory of the People's Republic of Bulgaria.
 2. The question of foreign national liability, who enjoy immunity with respect to the criminal jurisdiction of the People's Republic of Bulgaria is solved in accordance with norms of international law adopted in the People's Republic of Bulgaria.

- Article 4:
1. The Penal Code applies to all Bulgarian citizens and to crimes committed by them abroad.

- Article 6:
1. The Penal Code applies also with respect to foreign nationals who have committed abroad a crime against peace and humanity, through which the interests of another State or foreign nationals have been affected.

- Article 21:
1. All accomplices are punishable by the punishment which the particular crime entails, taking into account the character and scope of their participation.

- Article 20:
1. Accomplices in the commission of a deliberate crime are the perpetrators, instigators and accessories to the act.

LAW ON THE RESIDENCE OF FOREIGN NATIONALS IN THE PEOPLE'S REPUBLIC OF BULGARIA

Article 30: Extradition of foreign nationals on account of committed crime proceeds according to rules and conditions established by Bulgarian laws and by international treaties to which Bulgaria is party.

REGULATIONS FOR IMPLEMENTING THE LAW ON THE RESIDENCE OF FOREIGN NATIONALS IN THE PEOPLE'S REPUBLIC OF BULGARIA

Article 36: Request and extradition of a foreign national on account of committed crime proceeds pursuant to the rules and conditions established by the Penal Code of Procedures.