To:

Mr. Pedro Agramunt
President of the Parliamentary Assembly of the Council of Europe

Mr. Thorbjorn Jagland
Secretary General of the Council of Europe

Strasbourg

From:

The Executive Board of the Bulgarian Diplomatic Society

Re: **Unlawful and undemocratic practices of the Minister of Foreign Affairs of the Republic of Bulgaria**

Dear Mr. Jagland,

Dear Mr. Agramunt,

Excellencies,

The Bulgarian Diplomatic Society (BDS), a non-governmental organization of Bulgarian diplomats, would like to draw your attention to a flagrant violation of the rule of law in the Republic of Bulgaria. To our deep regret, 24 years after Bulgaria became a member of the CoE and at a time when it is chairing for the second time the Committee of Ministers, high-ranking representatives of Bulgarian institutions and politicians are still pursuing a steady line of politicisation of the state administration, disregarding the rule of law and infringing fundamental rights of Bulgarian citizens.

The specific issue at hand is the manner, in which Minister Daniel Mitov and the political cabinet of the Ministry of Foreign Affairs ridiculed the Judgment delivered by the Supreme Administrative Court (SAC) in the case of Ambassador Georgi Dimitrov, Permanent Secretary of the Foreign Ministry.

According to the Law on Diplomatic Service, the Permanent Secretary is the highest professional post, appointed on a four-year term with the aim to prevent turbulences in the professional diplomatic service in the case of change of the political leadership, to assure continuity, stability and professional development of the service.

In October 2014, Mr. Mitov, Minister of Foreign Affairs in the caretaker government at that time, dismissed Ambassador Dimitrov. On December 21,

2015, a panel of five judges of the SAC reinstated Georgi Dimitrov as Permanent Secretary of the Foreign Ministry. Under the relevant Bulgarian legislation, this judgment is final and immediately enforceable.

On February 4, 2016, Ambassador Dimitrov was served with two orders: for reinstatement, pursuant to the court decision, and for dismissal – due to "failure to comply" with the new requirements for the Permanent Secretary position. These requirements were introduced by means of a new job description that was approved also on the day of "reinstatement" and subsequent dismissal.

The Executive Board of the BDS rejects with indignation and categorically condemns the act of dismissal of Ambassador Dimitrov. It entails a number of legal abuses and even absurdities as far as working principles of the diplomatic service are concerned.

First, both orders are antedated (11 January 2016).

Second, revisions to the law are made by virtue of a mere change to a job description.

Third, highly disturbing are the changes in the job description. The scope of the statutory eligibility requirement that the Permanent Secretary shall be appointed among persons who have served as heads of diplomatic missions abroad was suddenly limited to missions in EU Member States only. Mr. Dimitrov has served as Ambassador to Belgrade. Again, on an ad hoc basis, the new Permanent Secretary's job description improperly widens the contents of the applicable statutory provision foreseeing that to be eligible, the official must have served in a senior position at the MFA. Under the additional requirement, he/she must have been in charge of an organisational unit of the Ministry after Bulgaria's EU accession, and moreover – only of a unit dealing with EU relations. Ambassador Dimitrov possesses such professional experience, but "misfortunately" for him – prior to 1.01.2007.

Apparently, Minister Mitov finds irrelevant even the facts that Georgi Dimitrov was awarded with the Golden Decoration of Honour of the Minister of Foreign Affairs for his contribution to the process of preparation and accession of Bulgaria to the EU and that he headed the team in charge of the first Bulgarian chairmanship of the Committee of Ministers of the CoE (1993).

Those absurd innovations were justified with the upcoming Bulgarian Presidency of the Council of the European Union in 2018. This would seem to indicate that Bulgaria has no foreign policy towards its neighbours and in other regions. Moreover, it could imply that neither the EU is conducting such policies, if such expertise is not needed and the diplomats possessing it are considered to be second category professionals.

In our opinion, Ambassador Dimitrov's dismissal is politically motivated. It testifies to a rampant politicisation of the Ministry of Foreign Affairs, a return to the "witch-hunting" carried out by some previous Ministers. This is the same kind of witch-hunting that was identified by PACE rapporteurs Mr. Atkinson and Mr. Gelerod and condemned by the Parliamentary Assembly in 1998. The same witch-hunting that maimed and paralysed Bulgarian diplomacy several times in the transition period. And in the same manner as before, Mr. Mitov will most probably evade any legal, political, material and moral liability for the blunt disregard for the rule of law and for the damage inflicted on the diplomatic service.

We see Ambassador Dimitrov's dismissal as yet another proof of legal noncompliance and demonstration of disdain towards a Court Judgment by a senior representative of the executive, contrary to all basic democratic principles and norms otherwise passionately proclaimed by Mr. Mitov. Of a sense of impunity and placing oneself above the law, while others - outside the law.

Your Excellencies,

We address you as leaders of institutions of the European democratic family that Bulgaria has the honour to belong to and which is founded on universally valid principles and norms, whose violation should trigger solidary concern. We hope that you will assess precisely and impartially not only this drastic case, but also the ongoing processes in the Bulgarian diplomatic service as a whole and that you will take a stance in the framework of your mandate.
In turn, we have already informed the heads of diplomatic missions accredited to Bulgaria, as well as Bulgarian media and the public, of the state of lawlessness and the arbitrary actions of the leadership of the Ministry of Foreign Affairs.

Please accept assurances of my highest consideration:

2/24/2016

X Philip Bokov

Signed by: Philip Georgiev Bokov

Ambassador Philip Bokov

Chairman of the Executive Board of the BDS

Sofia, February 25 2016