

DEMOCRACY AND HUMAN RIGHTS

# POLIT-BAROMETER

Year 20 Issue 1  
January - February, 2020

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## 1

## THE POLITICAL SITUATION

The political situation in the first months of the year was extremely dynamic and tense. The water crisis in the town of Pernik, close to Sofia, intensified, and led to protests by locals. The reasons for the crisis are a combination of factors: wrong decisions in government, poor management of the local water supply and a low level of control by the competent Ministry - that of Regional Development - and the old city water supply system. The government is facing its most serious crisis since the beginning of its term of office. It led to the dismissal of Pernik Regional Governor Irena Sokolova, who is also the leader of the women's organisation in the ruling GERB party. It became clear that signals regarding the water crisis were reported back in August 2019, but because of the local elections, the local government, which was then led by GERB, opposed the idea of introducing cuts in the water supply because of fears that this could have an adverse effect on the results of the vote.

The prosecutor's office levied accusations against the Minister of Environment and Water Neno Dimov in connection with the water crisis, imposing the most serious measure of detention on remand. In addition to Dimov, charges were filed against the former head of the water supply company in Pernik and the former deputy mayor of the city. Neno Dimov was relieved of duties as minister and in his place the National Assembly elected Emil Dimitrov from the parliamentary group of the United Patriots. The election of the new minister came about with the votes of GERB, the United Patriots and two independent MPs, with the BSP and the MRF voting against, and with "Volya" not voting.

BSP cast a vote of no-confidence in the government over the state of the water sector in the country. The Socialist initiative was also supported by MRF. As expected, the vote of no confidence was not supported by a sufficient number of MPs, with the government maintaining its parliamentary support. According to most analysts, the debate over the vote did not lead to an in-depth review of the state of the water sector in the country and the need for a reform of the system, but was limited to the typical attacks between the ruling and the opposition, which eroded the already low confidence in the parliament.

As a measure to resolve the water crisis in Pernik, the government allocated funds for rehabilitation and renovation of the water supply system in the city. In addition, it was de-

cidated to supply Pernik with water from Belmeken Reservoir and the Rila Water Supply, which pipes some of the water to Sofia. For this purpose, the construction of a completely new 13-km water pipeline from the village of Malo Buchino to Pernik began. This will be a temporary solution to the problem until Studena Reservoir is full, with the expectation being that this will be in the spring when snow falls.

The appointment of the new Prosecutor General Ivan Geshchev led to the activation of the prosecutor's office. In addition to the arrest of Neno Dimov, a strong public outcry prompted the accusations against the person considered to be the richest Bulgarian - businessman Vasil Bozhkov. Bozhkov has been one of the most significant figures since the beginning of the democratic changes, with his business primarily linked to the gambling sector. MP and leader of the NFSB Party, Valeri Simeonov proposed a ban on private lotteries in the country - a direct blow to the business of Vasil Bozhkov, who has a ten-year licence for his National Lottery. Parliament accepted this proposal.

Bozhkov stated that this was nationalisation and a violation of the constitution, because it explicitly states in which areas a state monopoly may exist, and gambling is not among them. Subsequently, it was announced that Vasil Bozhkov paid lower fees for his lottery activity, with the sums due from him amounting to half a billion leva from 2015 until now. One of Bozhkov's associates, Tsvetomir Naydenov, publicly accused him of murders, corruption and racketeering, and extortion, as well as hundreds of rapes.

The prosecutor's office has raised 11 charges against Bozhkov and an international arrest warrant has been issued. He is currently based in the United Arab Emirates and Bulgarian authorities have sent documents requesting extradition. In addition to Bozhkov, several of his partners, as well as the chairman of the Khazar Commission and its officials, were indicted for having aided and abetted Bozhkov by participating in corruption offenses. The Gambling Commission is a body governed by the Minister of Finance. The Minister of Finance appoints the Head of the Commission, and a representative of the State Agency for National Security, the Ministry of Interior, the NRA is involved in its leadership. This raises the question of the responsibility of the government and the state. Many analysts have pointed out that it is paradoxical that the Minister of Finance and Services did not

know that for almost 5 years the National Lottery of Vasil Bozhkov paid a lower fee and thus contributed half a billion levs less to the budget. If we take this hypothesis as true, it calls into question their competence and demands that the Minister of Finance assume political responsibility, which was called for by the coalition for Democratic Bulgaria. According to the right-wing coalition, if they do not take responsibility, there will remain doubts about a top-level political umbrella being used to protect Vasil Bozhkov.

The main question for many is why it is at this very moment that the attack on Bozhkov is taking place, giving the impression that oligarchic wars and battles are being waged for the redistribution of businesses, involving state bodies and institutions and politicians, either voluntarily or involuntarily. Some media have also raised the issue of selectivity in prosecutorial actions - how some businessmen are accused and the state exercises all its might against them, while for others, the legality of whose activity has been in question in the public domain for years, there is no response from the prosecution and other authorities.

Prosecutor General Geshev also became a major participant in the clash between the President and the Prime Minister. Geshev asked the Constitutional Court to interpret Article 103 of the Constitution of the Republic of Bulgaria, which deals with the President's immunity and what criminal liability he might bear for his actions. This is a matter that most lawyers believe is absolutely clear in the constitution - the president and vice president are not responsible for actions in their work, except in the case of state treason or violation of the constitution. Geshev asked the Constitutional Court to clarify exactly what constitutional treason means. President Radev urged Geshev to elaborate and justify his request. In response, Geshev ordered the website of the Prosecutor General's Office to publish information about suspended pre-trial proceedings and calls from special intelligence devices used by the State Agency for National Security. The subject of the wiretap was the commander of the Air Force general Tsanko Stoykov. The prosecutor's office announced his conversation with the participation of President Radev. The talks last April referred to an inspection by the Anti-Corruption Commission (KPKONPI) regarding the President's wife, Desislava Radeva, who was appointed to a second post at the time Rumen Radev was in command of the Air Force, but when both were not yet married. The argument of the prosecution is that the talks raise doubts that an attempt was being made to impede the examination of the Anti-Corruption Commission. The decision of the Anti-Corruption Commission of August 2019 was to suspend the inspection due to the expiry of the three-year limitation period, with no conflict of interest with the President being identified.

Prominent Bulgarian lawyers, including former chairman of the Control Commission of the special intelligence devices, Boyko Rashkov, said Ivan Geshev had committed a crime by making the recording public. The Special Intelligence Assistance Act prohibits the disclosure of information from this kind of device. It explicitly states that results obtained

by means of such devices cannot be used for any purpose other than the prevention, detection and proving of crime and for the protection of national security, with the disclosure by an official of information from such a device being punishable by up to 5 years in prison. The day after the publication of the information, Ivan Geshev stated that this was not from such specialised devices, but samples, then subsequently conversations about material evidence in the pre-trial investigation. The United People's Party signalled to the specialised prosecutor's office to check whether a crime had been committed in the promulgation of this information. A former MP from the NDSV, now a lawyer, Mincho Spasov, appealed to the Supreme Judicial Council to institute a disciplinary investigation of Ivan Geshev for the disclosure of the special intelligence devices.

These actions of the prosecutor's office against the president coincide with the consultations started by Rumen Radev on the constitutional reform of the prosecutor's office and the accountability of the prosecutor general. President Rumen Radev saw a political attack in the actions of the prosecutor's office, behind which Prime Minister Borisov stands, and in a special address to the nation he stated that he was withdrawing his trust from the government. This action was the culmination of a three-year institutional war between the Prime Minister and the President. This act of the president has no legal impact and has no value other than a symbolic act, as other former presidents have done. The continuing institutional "war" is likely to intensify with the approach of the regular parliamentary elections early next year and the presidential elections at the end of 2021.

The prosecutor's office launched a campaign to combat domestic crime, which at this stage is limited mainly to noisy media coverage. Apart from this, Prosecutor General Geshev ordered the State Agency for National Security to begin a full review of the privatisation carried out in the country over the last 30 years, which in his words was "criminal" in nature. This demand has been put forward over the years by political parties and civic organisations. At the same time, many privatisation deals have long since lapsed. To the argument that the statute of limitations had expired, Geshev replied that it was the job of politicians to change the constitution and to remove that statute of limitations. This "task" was undertaken by the Party "Ataka", which tabled a motion for the statute of limitations to be scrapped.

Many critics of the Attorney General express their concern that the prosecution is becoming a political factor, stating that he constantly makes statements more as a politician, rather than as a representative of an institution which is entrusted with certain constitutional obligations. They also criticise the prosecution's forceful methods of work, which sometimes impinge upon the rights of accused persons, violating the presumption of innocence.

Bulgaria's application to join the ERM II mechanism gave rise to public tension after the budget commission chair Menda Stoyanova submitted a draft to amend the law to BNB without any discussion, raising doubts that it could

lead to a change in the exchange rate of the Bulgarian lev against the euro, which is fixed because of the currency board in the country. This led to some panic among citizens who started en-masse to convert their BGN deposits into euro. As a reassurance to citizens, a bill was passed with the explicit stipulation that the exchange rate cannot be changed without the consent of the National Assembly. In a statement in mid-February, Prime Minister Borisov said that until there was complete consensus in the society, the country would not apply to join ERM II. European Commission Vice-President Valdis Dombrovskis confirmed the news that Bulgaria had formally requested a postponement of entry into ERM II by several months.

In early February, for the first time the US Department of State publicly announced that a Bulgarian was banned from entering the United States for corruption. This refers to the judge of the specialised criminal court Andon Mitalov, his wife and their daughter. Mitalov is the judge who allowed the president of the "Rusofili" (Rusophiles) Association Nikolay Malinov to travel to Moscow for espionage charges, where he received an order from Vladimir Putin. The United States refused to provide additional data on corruption committed by Mitalov, which was received with mixed feelings by Bulgarian public opinion. Bulgarian law enforcement officials announced that they had no incriminating data against Judge Mitalov. However, Minister of Justice Danail Kirilov asked the Judicial College of the Supreme Judicial Council

Mitalov to be dismissed for damaging the prestige of the judiciary. Initially, the panel of judges called on the minister to give evidence which was missing in his request, but subsequently opened a disciplinary inquiry. It became clear that former Prosecutor General Sotir Tsatsarov had appealed to the SJC Inspectorate to check the actions of the judge on the permission to leave the country by Malinov. The inspection of the Inspectorate did not find any violation and the decision of Judge Mitalov was declared lawful.

On the whole the US decision caused disappointment among the Bulgarian public, which expected far more justification in the verdict on a person from high levels of power engaged in corruption activities.

The Catalonia magazine *El periódico de Catalunya* reported that Catalan police and the prosecutor's office had launched a money laundering investigation involving Bulgarian citizens, including Prime Minister Boyko Borisov. This is a topic that has been circulated in Bulgaria for several years. A question to the police in Barcelona by the Bulgarian newspaper Sega was confirmed for the investigation, but any further information was withheld. The Interior Ministry and the prosecutor's office in Bulgaria said they had not been asked for assistance and had no information on the case. Borisov denied having anything to do with the investigation and blamed President Radev for this, seeing a Russian connection in the media publication.

## 2

## THE CONDITION AND DEVELOPMENT OF THE PARTY SYSTEM

Tensions between the ruling political party and the president sharpened the political discourse in the country. Following the disclosure of information from special intelligence devices by the Chief Prosecutor with the participation of the President, **GERB** politicians harshly criticised the head of state. The situation was exacerbated after Radev's statement that his confidence in the government was withdrawn. GERB even broached the possibility of impeaching the president, but later abandoned the idea. The party said they did not want any tension and called on every institution to adhere to its constitutional and legal functions.

Evidence of the strained relations between the ruling party and the president was confirmed on the occasion of the anniversary of the death of Bulgarian national hero Vasil Levski. President Radev was patron of the procession to the Levski monument, where the commemoration is traditionally held. During the speeches, representatives of GERB were jeered and shouts of "mafia" were heard. GERB issued a special statement at the National Assembly, accusing the President of having once again shown himself as dividing the nation, provoking ugly scenes in connection with the event. BSP defended the president, saying that GERB should consider whether this reaction was not due to dissatisfaction with the government.

The arrest and subsequent resignation of Neno Dimov, who was a minister from the quota of the United Patriots, led to some tensions among those in power. **IMRO** reacted sharply, stating that if any blame was to be sought for the crisis in Pernik, it was in the regional ministry that was the head of the water supply and sewerage company. According to Deputy Prime Minister and IMRO leader Krasimir Karakachanov, the prosecutor's office committed the "political murder of Neno Dimov". He expressed astonishment at this demonstrative arrest of Dimov and criticised his detention.

Despite these tensions between GERB and the United Patriots, the coalition remains stable for the time being. It can hardly be expected that the United Patriots will withdraw their support from the cabinet, which would trigger early parliamentary elections. Representatives of "**Ataka**", who were removed from the parliamentary group, also continue to support the government, which was also seen in the vote of no confidence.

As the elections for the leader of **BSP** draw nearer, internal tensions are growing in the party. The nominations for party leader received by Ninova's deputy, Kiril Dobrev, caused something of a surprise. At this stage, Dobrev has not answered the question of whether he will join the race, which has further heightened speculation and tension among BSP leadership. There are 21 nominations at this stage, among them PES President Sergey Stanishev, Valeri Zhablianov, Konstantin Paskalev and Krasimir Yankov. Many nominations were also received by the leader of the party's organisation in the capital Kaloyan Pargov. Who will finally be the BSP presidential candidates will become clear in March. By March 18, nominees must submit a special declaration that they agree to participate in the election. According to the criteria, candidates must have been a party member for at least 8 years, for half of which they must have been members of the National Council of the party. According to initial data, about 84,000 party members will take part in the election for party leader, which will take place in May.

The tension in BSP is also visible after several significant resignations at the party headquarters. Ninova's media adviser, Boyana Bozadzhieva, stepped down from her position. Ninova also parted with the head of the BSP organisational department, Kalinka Nikolova. All of this shows that there is a regrouping of forces in the party ahead of the upcoming leadership elections. The opposition has not stopped criticising Korneliya Ninova in recent months. The accusation has been levied against her that, despite evident failures in governance, BSP remains the second political force and shows electoral stagnation.

Problems for BSP are also becoming apparent in Blagoevgrad since the mayor of the city, Rumen Tomov, elected with left-wing support, might be removed from office because he did not give up one of his companies within the legal deadline. If the decision of the Administrative Court in Blagoevgrad is also confirmed by the Supreme Administrative Court, Tomov will be suspended and new mayoral elections will be held in the city.

BSP remained the only parliamentary party to defend President Radev after the attack by the prosecution. BSP stated that it was unacceptable in a normal democratic state to eavesdrop on the President and, in turn, accused Prime Minister Borisov of being behind this action by the prosecution.

Just like BSP in April this year, **MRF** will elect a party leader at the National Election Reporting Conference. This election was supposed to be held last year, but was postponed by 6 months because of local elections. The current MRF leader, Mustafa Karadayi, received the first nominations for a new term. Despite some speculation in recent months about a possible change in party leadership, at this stage Karadayi remains the favourite for the post. The issue of party leadership in a party like MRF is first and foremost decided by the honorary chairman of the party, Ahmed Dogan. At this stage, there are no indications that Dogan has withdrawn his trust from Karadayi.

Recent polls do not give the Party “**Volya**” (“Will” in Bulgarian) a chance of getting into the next National Assembly. “Volya” is not interested in early parliamentary elections, so it supports the ruling majority when necessary. Mareshki’s group left the plenary in the vote of no confidence in the government. For the fourth year in a row, Veselin Mareshki’s party has not been able to find its own face, and wanders to extremes - from liberal populism and the fight against monopolies to extreme nationalism. This has led to gradual electoral erosion, which can be very difficult to

compensate for in the future. Mareshki was among those who attacked President Radev harshly after Ivan Geshev’s divulgence of the contents of the special intelligence device, urging him to resign.

**Democratic Bulgaria** remained relatively passive during the widespread crises and scandals in the country. As before, the party continues to criticise the actions of the Attorney General. The combined right-wing force preserves the momentum of the European elections, showing, according to studies, electoral results that make it a certain participant in the next parliament.

Appearing on the political horizon there is now **a new political project - the party of the showman Slavi Trifonov**, whose development should be monitored in the coming months, and in particular on the eve of the regular parliamentary elections in early 2021. The Sofia City Court refused to register the party with the name “There is no such country”, but now Trifonov will make a second attempt with the name “There is such a people”. At this stage, this formation can be classified as an anti-system and populist party with the potential to attract a protest vote.



# 3

## PUBLIC OPINION

A study conducted by the Trend research centre in early February shows the following electoral picture in the country:

GERB remains the first political force, with 20.3% of those polled saying they would vote for the party. BSP remain

second with 18.1%. Slavi Trifonov's new party is third with 7.1%. Fourth is MRF with 6.7%. 4% would vote for Democratic Bulgaria. With 2.6%, IMRO remains below the threshold for entering parliament.

## 4

## MAIN CONCLUSIONS AND FORECASTS

The exacerbation of the political situation in the country in the first months of the year is due to the shift of political and economic strata in the country, with the new Chief Prosecutor Ivan Geshev being the main player in this process. The mobilisation of the prosecutor's office must be supported if it is to pursue the principled and objective fulfilment of its functional duties. The impression is, however, that there is selectivity and subjectivity in its work, with charges being levied against certain individuals and businessmen, while others who have long been suspected of criminal activity and corruption remain a taboo subject.

The divulgence of recordings of special intelligence devices by the Attorney General, in which the President also participated, is a dangerous precedent that erodes the foundations of Bulgarian democracy. The statements and actions of the Attorney General show that he is more of a politician than a magistrate. This once again puts on the agenda the need to reform the prosecution by creating mechanisms to organise the great power that the prosecutor general has.

The "war" between the institutions is having a negative impact on the political process in the country. The escalation of tensions between the president and the government shows that it will be very difficult to find points of agreement for dialogue. It seems that this opposition will deep-

en in the coming months in the context of the upcoming parliamentary and presidential elections next year.

At this stage, the governing coalition looks relatively stable and it is likely that the government will serve a full term. There is no desire for early parliamentary elections, even among the opposition in the face of BSP, despite a vote of no confidence, whose result was known in advance. For BSP, internal consolidation within the party and finding a partner for power remains a major problem. The memories of the Oresharski cabinet are still fresh and the possibility of a new BSP-MRF coalition repels hesitating and party-neutral voters.

Tensions in BSP are mounting in view of the upcoming elections, which will decide who will be the party leader. Direct elections are a democratic tool, but opposition between the main leadership groups and lobbies could lead to an even greater internal divide in the party. Ninova looks like the favourite, but there could be surprises.

The new political formation of Slavi Trifonov, which has still to be registered, should be observed with special care in view of the high starting positions that sociological studies give it. Trifonov is yet another anti-system player, however, who could play a key role in the next government of the country as a coalition partner in one parliamentary configuration or another.

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FES Bulgaria has been publishing the „Polit-Barometer“ since 2000, analyzing current and long-term political processes and identifying trends in Bulgarian politics with a special focus on the political parties as democratic actors. In a situation where

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Tensions in BSP are mounting with regard to the upcoming internal elections, which will decide who will be the party leader. Direct elections are a democratic tool, but the opposition between the main leadership groups and lobbies is likely to lead to even greater internal divisions within the party. Korneliya Ninova would appear to be the favourite, but there may be surprises.

Further information on the topic can be found here:  
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