



**REPUBLIC OF BULGARIA
DEPUTY PRIME MINISTER AND
MINISTER OF INTERIOR**

Reference No I-45851

Dated from 29 April 2014

Sofia, April 29th, 2014

**To
Mr. Kenneth Roth
Executive Director of
Human Rights Watch**

Dear Mr. Roth,

I am writing to you in order to express my surprise with the incorrect and to a big extent - not corresponding to the truth report of the Human Rights Watch “Containment Plan - Bulgaria’s Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants” which was officially presented on 29 April 2014.

Since the very beginning of the increased migration pressure Bulgaria applies an open and transparent policy to all its partners - other EU Member States, European Commission, European Parliament, UNHCR and other international and non-governmental organisations. A number of visits to Bulgaria were paid in this context, where we provided access to the border and all accommodation centres to a number of official delegations, NGOs, national and foreign media. Furthermore, many of the official guests, including the EU Commissioner for Home Affairs, the Commissioner for Human Rights of the Council of Europe, the Regional Director for Europe of IOM, had the opportunity to meet and talk directly to asylum seekers accommodated in the centres of the State Agency for Refugees and illegal migrants accommodated in the centres of the Migration Directorate of the Ministry of Interior, without the presence of Bulgarian officials.

I assume there is no doubt that if there was the slightest signal for the violations alleged in the report of Human Rights Watch, there would have been an immediate reaction.

Bulgaria has reacted in due time to all constructive criticisms, and made enormous efforts in order to guarantee the rights and the security of the asylum seekers, on one hand, and of the Bulgarian citizens, on the other. This was duly assessed by a number of competent international agencies and organisations in the field of asylum and migration, e.g. the UNHCR report from April 2014, the EASO report from February 2014, the statements of the EU Commissioner for Home Affairs, the Executive Director of Frontex, the Regional Director for Europe of IOM, etc. Furthermore, the European Commission and the European Parliament in their documents confirmed the significant

progress of Bulgaria with regard to the improvement of the situation of the persons seeking protection.

The same open approach was applied also with regard to Human Rights Watch whose representatives had the opportunity to get acquainted with the situation on the spot and to talk to the persons in the accommodation centres. In addition, the Ministry of Interior provided the organisation with comprehensive information, including statistical data on the situation with the migrants and the refugees in Bulgaria.

The shared information provided the grounds for drafting an objective report. Unfortunately, the report contains a number of ungrounded allegations and obvious lies. The way the report was structured does not give an opportunity for cross checking and clarification of the allegations based on reliable sources. There are no details on the involved persons, e.g. names, specific circumstances, dates, locations. The correct approach required as a minimum a prior communication with the competent Bulgarian authorities in order to receive clarifications and additional information on the specific signals and cases, which had not been done.

First of all, the Bulgarian border police officers are well trained in compliance with all EU and Schengen standards, including in the field of respecting fundamental rights – a fact which had been proven many times in the framework of different evaluations.

Approximately one forth of the Bulgarian-Turkish border is covered by an **Integrated border surveillance system**, and the rest of it – by mobile thermo-vision systems. The modern technical equipment provides 24/7 video surveillance of the green border and recording of all illegal border crossings and the related circumstances. This guarantees that any possible act of violence will be identified and recorded. The surveillance systems are performing autonomous records which could not be intervened.

In addition, Bulgaria guarantees the life and health of all persons crossing the border. A number of operations have been carried out in order to rescue migrants whose life was endangered while crossing the border and exact data on the date, place, persons, etc. on each specific case can be provided.

In many of the cited in the report anonymous “signals” on use of force and abuses, there is a description of the Bulgarian border police officers which is entirely incompliant with the reality. The police officers along the border are not equipped with long-barrel firearms with butts or electric shock truncheons. The official uniforms of the Bulgarian police and border police officers have clearly visible light reflecting signs in Bulgarian and English language and do not include the camouflage clothes mentioned in the report. The location of the Bulgarian flag at the border line which is stated in the report is also incorrect. Obviously Human Rights Watch is not familiar with the fact that there are national flag poles only on the three border crossing points at the border with Turkey, and not along the green border. These facts lead to the conclusion that **if there were really such cases, they had not happened on the territory of the Republic of Bulgaria.**

Entirely ungrounded are also the allegations on shootings against illegal migrants. Pursuant to the Agreement on the Prevention and Settlement of Border Incidents between Bulgaria and Turkey from 1967, each case of shooting along the border is considered a serious incident which would obligatory lead to the respective reaction of Turkey. Up to now, no diplomatic notifications have been received by the Turkish side on such

incidents. Since the beginning of the operation along the Bulgarian-Turkish border, the Bulgarian border police officers have not used firearms at all, even in cases of detention of armed smugglers.

Pursuant to the clearly defined tactical regulations on the use of service dogs, the animals are used for supporting the activities of the border patrols in protecting different parts of the state border. As a rule, each patrol is using one service dog. Therefore it is not possible and there has not been a case of using 4 service dogs at one place.

An additional argument in favour of the legitimate and efficient actions of the Bulgarian police is the permanent presence of **Frontex Agency** officers who are working together with the Bulgarian border police officers in the framework of the joint operation “Poseidon – land borders”.

Frontex regulations introduce unconditional obligation to report and clarify immediately each act of violence or other violation of fundamental rights. According to Art.3 of the Frontex Regulation, the Agency may terminate any joint operation in case of serious violations of fundamental rights or international protection obligations. Up to now there is no such case in Bulgaria. Since 2013 a total of 285 guest officers from over 15 EU Member States and Schengen associated countries have participated in the border control, patrolling on the spot with their Bulgarian colleagues. The Bulgarian side has made an official written request to the Agency for the deployment of additional staff. If there was the slightest truth in the allegations in the report, Frontex would have reacted immediately.

It should be noted that according to the Bulgarian legislation, the illegal border crossing is a crime. In the context of the measures taken to address the migration pressure, Bulgaria can not afford to underestimate the security aspects. The statistical data up to now clearly shows that a significant number of the persons who had entered Bulgaria have no grounds for seeking international protection and are practically economic migrants coming from a country providing them protection and shelter. The strict control applied by the Bulgarian law enforcement authorities resulted in the identification of specific threats to the security of Bulgaria and the European Union, e.g. persons related to terrorist or extremist movements, as well as perpetrators of serious crimes.

I would restrain from commenting the untrue statements and allegations with regard to the interpretation, providing information on the asylum granting procedures, ensuring medical care and the accommodation conditions. I would like to mention only that the medical care services are provided by the Bulgarian state and the respected international organisation *Doctors without Borders*. All asylum seekers and migrants undergo thorough examinations before their accommodation. From November 2013 up to the end of April 2014 around 15 600 medical examinations were carried out only in the accommodation centres in Busmantsi and Lyubimets. In addition, around 260 persons went through medical examinations in other medical institutions and around 150 persons were provided with dentist services. Since the beginning of the migratory pressure a total of 93 babies have been born in the accommodation centres in Bulgaria and they receive all necessary care, in compliance with the resources of the Bulgarian state.

Leaflets and information materials on the asylum granting procedures are available at the BCPs, the premises for temporary accommodation of persons at the Border Police Stations and accommodation centres. They are in 7 different languages, including the main languages of the migrants’ countries of origin. The Fundamental Rights Agency of

the EU has also stated in a report that Bulgaria complies with the standards on providing information about the procedures for granting international protection.

Bulgaria is making enormous efforts in order to provide appropriate living conditions to the persons seeking protection and the illegal migrants. Since the beginning of the increased migration pressure to the country Bulgaria, with the support of the European Union and its Member States, has provided over EUR 25 million for financing the costs related to these persons. The biggest accommodation centre in Harmanli has been fully refurbished and the conditions there have been improved significantly, paying special attention to the needs of minors and other vulnerable groups. The refurbishing activities in the two newly established accommodation centres in Sofia are also in the process of finalisation. It should be noted that in the current economic situation, the Bulgarian government is not always in the position to ensure similar living conditions and support to all Bulgarian citizens who are in need of assistance.

Yours sincerely,

Signed, stamped

Tsvetlin Yovchev