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ANNEX

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NOTE

From: General Secretariat
To: Working Party on Terrorism

Subject : Evaluation of National Anti-Terrorist Arrangements
Report about Bulgaria, 10-14 October 2005

Evaluation of Bulgaria 10 - 14 October 2005

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1. Terrorism Situation

The competent Bulgarian authorities consider today's Islamist terrorism as a three step development:

- 50-s and 60-s of XX century,
beginning of anti-colonial movements, using terrorist methods in the fight for national independence; this phenomenon turned into an action model for groupings with different motivation - political, ethnical and separatist;
- 70-s and 80-s of XX century,
a stage, dominated by extreme-left and Palestinian terrorist organisations; the practices for exporting terrorist activities outside the geographical limits of the conflict area and for cooperation between structures with similar ideology gained grounds;
- 90-s of XX century,
advance of terrorism on radical Islamist grounds as a result of the dissolution of the block system and the destroying of the existing world balance during the Cold War; globalisation of terrorism and its transformation into one of the primary means for the fight against the existing world order.

1.1 Domestic Extremism/Terrorism

NOT DECLASSIFIED

1.2 International Terrorism

NOT DECLASSIFIED

In general, a radicalisation of the Muslim community in Bulgaria is not ascertained and trends jeopardising ethnic peace and national security are not detected.

In Bulgaria, illegally residing foreign nationals as well as those, who have settled by means of refugee channels remain principally perilous elements. As another basic threat separate individuals or isolated groups are regarded taking independent decisions on terrorist attacks without approval or instructions on behalf of a governing structure.

Currently there are no direct data, obtained from Bulgarian services as well as along the line of information exchange with partner services, concerning terrorist threat to Bulgaria and its official representations abroad.

2. Structure of Authorities

The approach applied in Bulgaria is the functioning of the cooperation between the security services, the law enforcement agencies as well as the Prosecutor's Office and the Court. The relevant laws on structure and functioning stipulate general provisions on interaction between these bodies and their structural units. Experts from the competent Ministries and departments are involved in the implementation of specific tasks when required.

Bulgarian services responsible for countering terrorism and organised crime carry out especially active international cooperation in order to

- detection, prevent and disrupt attempts for the establishment of terrorist structures or the commitment of terrorist attacks on the territory of Bulgaria,
- operationally control and counteract against organisations acting on religious or anti-constitutional grounds, posing a threat to the national security, and
- summarise and analyse all information on international terrorism, for the elaboration of summary reports designed for the leadership of MoI and of the country

2.1 General Structure

The history of Bulgaria started with the immigration of the Thracians in the second millennium before Christ. In 681 ac, Bulgarians and several Slavic tribes formed the first Bulgarian empire. With the introduction of the Cyrillic writing at the end of the 9th century, Bulgarian developed to become the official national language.

A period of almost 500 years of Ottoman occupation ended when in 1878 the Bulgarian State was rebuilt in its ethnic borders.

After World War II, Bulgaria was occupied by the Red Army. The government by the Communist Party lasted until 1989, when independent organisations started to fight for human rights and environmental aims.

Bulgaria today is a parliamentary republic, consisting of 28 regions with their own administrations put into force by the government. The constitution of 1991 describes the President as Head of State and the Parliament as legislative organ, however forbids ethnic or religious parties. The total number of inhabitants is about 9 million, 1.2 million of them living in the capital Sofia.

Bulgaria considers the membership in EU and NATO as priorities of its foreign policy in order to grant territorial sovereignty and intern and extern security.

2.2 Political and Security Structure

Various Ministries and agencies and services are involved in the fight against terrorism, the most competent are the

Ministry of the Interior with its subordinated services

- **National Security Service,**
- **National Service for Combating Organised Crime,**
- **National Police Service,**
- **National Gendarmerie Service,**
- **National Border Police Service** with regional units,
- **Operational and Technical Information Directorate** and
- **Specialised Anti-Terrorist Squad,**

Ministry of Defence with the

- **Defence Information Service,**
- **Security-Military Police and Military Counter-Intelligence Service,**

Ministry of Finance with the

- **Financial Intelligence Agency,**

Ministry of Justice,

President of the Republic of Bulgaria, supervising the

- **National Intelligence Service**

and the independent judicial authorities

National Investigative Service and District Investigative Services,

Prosecutors at the District and Appellate Prosecution Offices, and

Prosecutors at the Supreme Prosecutor's Office of Cassation.

The government coordination is dealt with by the

Council of Ministers,

- the central executive body with general competencies, in charge of ensuring public order and national security as well as the general management of public administration and the Armed Forces, and the

Security Council,

- a standing consultative body within the Council of Ministers on the issues of national security, holding regular and extraordinary meetings.

At the strategic level, the Security Council organises and coordinates the activities related to national security, including the fight against terrorism, of the Ministries and departments which - within their respective competencies - organise the activities of their respective administrations.

3. Conclusions

This report deals with the national good practices and recommendations of the Bulgarian security system. Beyond, it refers to recommendations of the Final Report¹ only as far as they meet very typical Bulgarian arrangements.

¹ doc. 12168/2/05 REV 2 ENFOPOL 109 of 10 November 2005

3.1 Good Practices

3.1.1 Security Council for Political Counter-Terrorism Coordination

At the strategic level, the Security Council organises and coordinates the activities related to the national security, including the fight against terrorism. It gives expert recommendations to the Ministries which - within their relevant competencies - organise the activities of their respective departments and services, and thus meets the equivalent recommendation of the Final Report.

3.1.2 Crisis Management System

The Law on Crisis Management, and particularly an established National Crisis Management System provides for a coordinated national crisis management, including close cooperation among the respective services along with a relating contingency plan, and thus meets the according recommendation of the Final Report.

3.1.3 Competencies of the Financial Intelligence Agency

The Financial Intelligence Agency has far reaching competencies as refers to the checking of bank accounts and connections, and the storing of data.

3.1.4 Intelligence as Evidence in Court

Operative information acquired in compliance with the Special Investigative Means Act and the Criminal Procedure Code can upon request by the security/intelligence services be used as evidence in court.

3.2 Recommendations

3.2.1 National Intelligence Service' Missing Legal Basis

Bulgarian authorities are recommended to provide the National Intelligence Service with a special legal basis, including the supervisory governmental authority and the Parliamentary control, determine the powers of the Service and regulating its activities at home and abroad.

3.2.2 National Investigative Service's Questionable Effectiveness

The National Investigative Service is a unique agency and structure in comparison with the security architecture of other Member States. In case of a terrorist act the Prosecution Office has the lead and may task either the National Investigation Service or a competent security or police service with the pre-trial investigation. Particularly the big number of about 1.100 investigators in relation to the few cases which the National Investigation Service actually has dealt with, created some doubts on its economy, its added value not being clear.

Bulgarian authorities are recommended to continue reflecting on the effectiveness of the National Investigative Service, or whether it should be broken up and the staff be distributed to the Prosecution Office (while at the same time strengthening its tasks) and the security and police services.

3.2.3 National Security Service' Access to Databases

There is no common database between the law enforcement authorities, the intelligence services and the investigation service. As mentioned in the final report, in order to effectively fight terrorism particularly in the pre-trial phase, Bulgarian authorities should consider putting in place an appropriate legislation allowing the National Security Service to get access to law enforcement and other relevant governmental agencies/bodies databases.

3.3 Remark

Bulgaria's security structure on the level of the Government as well as on the level of the competent services and agencies is well developed and similar to most other Member States systems.

However since 1991, particularly referring to the National Investigation Service but also to other bodies and developments, many changes were made, some of them not lasting for a longer period of time.

The Bulgarian governmental authorities are invited to continue their approach to compare the structures and systems of other Member States and systematically adapt the national structure as far as needed to cooperate as an equivalent partner, however to do this cautiously and in well thought-through steps.