

FIRST SECTION

**CASE OF THE UNITED MACEDONIAN ORGANISATION ILINDEN AND IVANOV  
v. BULGARIA**

*(Application no. 44079/98)*

JUDGMENT

STRASBOURG

20 October 2005

**FINAL**

*15/02/2006*

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*

**In the case of the United Macedonian Organisation Ilinden and Ivanov v. Bulgaria,**

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Mr C.L. Rozakis, *President*,

Mr P. Lorenzen,

Mrs N. Vajić,

Mrs S. Botoucharova,

Mr A. Kovler,

Mrs E. Steiner,

Mr K. Hajiyeu, *judges*,

and Mr S. Nielsen, *Section Registrar*,

Having deliberated in private on 29 September 2005,

Delivers the following judgment, which was adopted on that date:

## PROCEDURE

1. The case originated in an application (no. 44079/98) against the Republic of **Bulgaria** lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by the **United Macedonian Organisation Ilinden** (“**Ilinden**”) and by its chairperson, Mr Yordan Kostadinov Ivanov, a Bulgarian national who was born in 1932 and lives in Sandanski (“the applicants”), on 9 June 1998. Additional complaints were introduced on various dates between 1998 and 2004.

2. The applicants were not legally represented. The Bulgarian Government (“the Government”) were represented by their Agents, Ms M. Dimova and Ms M. Kotzeva, of the Ministry of Justice.

3. The applicants alleged that the members and followers of **Ilinden** had been prevented from holding peaceful meetings on a number of occasions during the period 1998-2003.

4. The application was transmitted to the Court on 1 November 1998, when Protocol No. 11 to the Convention came into force (Article 5 § 2 of Protocol No. 11).

5. The application was allocated to the First Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1.

6. By a decision of 9 September 2004 the Court (First Section) declared the application admissible.

7. The applicants, but not the Government, filed observations on the merits (Rule 59 § 1).

8. On 1 November 2004 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed First Section (Rule 52 § 1).

## THE FACTS

### I. THE CIRCUMSTANCES OF THE CASE

9. **Ilinden** is an association based in south-west **Bulgaria**, in an area known as the Pirin region or the geographic region of Pirin Macedonia. It has chapters in, *inter alia*, the towns of Sandanski, Petrich and Blagoevgrad.

## A. Background

10. **Iinden** was founded on 14 April 1990. In 1990 it applied for registration. The courts refused, holding that “its statute and programme were directed against the unity of the nation” (see *Stankov and the United Macedonian Organisation Iinden v. Bulgaria*, nos. 29221/95 and 29225/95, §§ 10-14, ECHR 2001-IX). Its second and third attempts to register in 1998-99 and 2002-04 likewise failed (see *The United Macedonian Organisation Iinden and Others v. Bulgaria* (dec.), no. 59491/00, 9 September 2004).

11. During the period 1990-97 **Iinden** each year tried to organise meetings at sites in Pirin Macedonia to commemorate certain historical events. All these commemorations were banned by the authorities (see *Stankov and the United Macedonian Organisation Iinden*, cited above §§ 15-31).

## B. Prohibitions against the holding of meetings during the period 1998-2003

### 1. The events of March, April and May 1998

12. On 25 March 1998 the second applicant and three other members of **Iinden** informed the mayor of Sandanski that the **organisation** intended to organise a meeting on 19 April at the Rozhen monastery to commemorate the anniversary of the death of a historical figure buried there – Yane Sandanski. On 3 April the mayor informed them that he prohibited the meeting, as the municipality was preparing a commemoration and as another association, which, according to the Government, was hostile towards **Iinden**, had already notified the mayor of its intention to hold a meeting at the same time and place. Upon that the second applicant and the other members of **Iinden** informed the mayor that in view of this scheduling conflict they decided to move the event to an earlier date, 18 April. On 14 April the mayor replied that he could not assent to that either, as in the meantime the other association had informed him that their commemoration would last from 18 until 22 April.

13. On 14 and on 16 April 1998 **Iinden** lodged applications for judicial review of the mayor's refusals with the Sandanski District Court.

14. On 10 April 1998 it also advised the head of the local police station of its intention to hold the meeting on 18 April.

15. On 16 April 1998 the police conducted a search at the home of a member of **Iinden**, which served as a club of the **organisation**, and at another member's home, and seized a copy machine, newspapers, books, leaflets, and some other items.

16. On 17 April 1998 the Blagoevgrad Regional Prosecutor's Office issued a decree, ordering the police to take measures to prevent **Iinden** from holding a meeting. The decree, which was based on Article 185 § 1 of the Code of Criminal Procedure (“the CCP”), stated that the holding of the meeting would constitute an offence under Article 174a of the Criminal Code (“the CC”).

17. On 17 April 1998 the police summoned the second applicant and several other members of **Iinden**. They were issued written warnings informing them that the planned meeting had been banned by the Blagoevgrad Regional Prosecutor's Office.

18. On 18 April 1998 a number of members and followers of **Iinden** from towns and villages in Pirin Macedonia tried to approach Rozhen by cars and by buses. All were turned back by the police who were placed at checkpoints on the roads leading to the monastery. The passengers of one bus were forced off and the driver was fined for allegedly driving a vehicle in a state of disrepair. It seems that one person coming by car was taken into custody by the Sandanski police for ten hours for allegedly failing to produce an identification document, and was ill-treated.

19. On 24 April 1998 the Sandanski District Court informed **Iinden** of its refusal to examine the applications for judicial review on the merits as they had been submitted on

behalf of an unregistered **organisation** and were vague. It invited **Iinden** to rectify those deficiencies within seven days.

20. On 29 April 1998 the second applicant and several other members of **Iinden** filed complaints against the 16 April search and seizure with the Regional Police Directorate and requested the return of the seized items. It seems that no reply was received.

21. On 13 May 1998 the second applicant complained to the Sofia Military Prosecutor's Office about the coercive actions of the police before and during the planned commemoration. It seems that he did not receive an answer.

### *2. The events of July and August 1998*

22. On 10 July 1998 **Iinden** notified the mayor of Petrich that it planned to hold a meeting in the area of Samuilova krepost on 2 August. On 15 July the mayor replied that he could not allow the holding of a meeting, as another meeting had been planned for the same date and place by a municipal child centre.

23. On 16 July 1998 **Iinden** lodged an application for judicial review with the Petrich District Court, arguing that for years in a row its meetings had been banned. It also stated that the area where it planned to hold the meeting was large enough for two parallel events; if that was deemed impracticable, it was prepared to reschedule the meeting for another date.

24. The court dismissed the application in a judgment of 20 July 1998. It held that **Iinden** was not duly registered "in accordance with the laws of the country". As a result, it was unclear who would be the organiser of the event and who would be responsible for the order during the meeting, in accordance with sections 9 and 10 of the Meetings and Marches Act. The court concluded that the lack of clarity as to the organisers of a public event endangered public order and the rights and freedoms of others.

25. On 28 July 1998 the Blagoevgrad Regional Prosecutor's Office issued a decree under Article 185 § 1 of the CCP, ordering the police to take measures to prevent **Iinden** from holding a meeting. It reasoned that **Iinden** was not registered and hence had no right to organisational or political activities; the holding of a meeting would therefore constitute an offence under Article 174a of the CC. Furthermore, **Iinden** was advocating changes in the constitutional order in **Bulgaria** and the holding of a meeting would thus also constitute an offence under Chapter 1 of the CC.

26. On 2 August 1998 a number of members and followers of **Iinden** travelled by car to Samuilova krepost. All roads leading to the site were blocked by the police who were stopping the cars and turning them back. Earlier in the morning members from Petrich gathered at a bus station in order to go to the site. Several police officers approached them, informed them that the meeting had been banned by the Blagoevgrad Regional Prosecutor's Office, and warned them not to try to reach the site. The plans of **Iinden** to have the meeting at the planned spot having failed, its members decided to hold it at the **organisation's** club in Petrich. On the way there they tried to lay flowers and wreaths at the memorial of a poet. The police blocked their way. Apparently one person was arrested and held for six hours in custody.

### *3. The events of September 1998*

27. On 7 September 1998 **Iinden** notified the mayor of Blagoevgrad that it planned to lay wreaths on 12 September at the memorial of a prominent historical figure – Gotze Delchev, situated in the centre of the town, to observe the seventy-fourth anniversary of the alleged killing of certain **Macedonian** activists by agents of the Bulgarian government. As no reply was forthcoming, the head of the local chapter of **Iinden** telephoned the secretary of the municipality to enquire about the matter. The secretary informed him that **Iinden** would not

receive a written answer and that the municipality would advise the police so that it could prevent the event.

28. The applicants submitted that on 10 September 1998 **Iinden** lodged an application for judicial review with the Blagoevgrad District Court, but that it was not examined within the statutory time-limit. The Government submitted that the records of the court did not indicate that an application had indeed been lodged.

29. On 11 September 1998 the Blagoevgrad Regional Prosecutor's Office issued a decree under Article 185 § 1 of the CCP, ordering the police to take measures to prevent **Iinden** from holding a meeting. It reasoned that **Iinden** was not registered and hence had no right to organisational or political activities. Also, it was advocating changes in the constitutional order of **Bulgaria** and expressed anti-Bulgarian views. Thus, the holding of a meeting would lead to the commission of offences under Article 174a § 2 and Chapter 1 of the CC.

30. In the evening of 11 September 1998 the police visited the house of the head of the local chapter of **Iinden** and warned him that if he tried to organise the event he would be criminally prosecuted.

31. On 12 September 1998 members and followers of **Iinden** tried to approach the memorial of Gotze Delchev, but the police blocked their way. They informed them that the Blagoevgrad Regional Prosecutor's Office had banned the event and read them the decree, but refused to give them a copy.

#### *4. The events of April 1999*

32. On 7 April 1999 **Iinden** notified the mayor of Sandanski that it planned a commemoration at Rozhen monastery on 25 April. On 9 April the mayor informed **Iinden** that it would receive a reply after presenting a document establishing that it was a registered **organisation**.

33. The applicants submitted that on 16 April 1999 **Iinden** lodged an application for judicial review with the Sandanski District Court, but that the court did not reply.

34. On an unspecified later date several members of **Iinden** were warned by the police to not organise a meeting on 25 April.

35. On 25 April 1999 members and followers of **Iinden** tried to approach Rozhen by cars. The police, who had dispatched patrols at all roads leading to the monastery, blocked their way and turned them back. Some drivers were fined, allegedly for driving vehicles in state of disrepair. On the way back members of the Sandanski chapter of **Iinden** tried to lay flowers at the bust of Yane Sandanski, but the police seized the flowers and allegedly arrested one person.

#### *5. The events of the end of April and May 1999*

36. On 27 April 1999 **Iinden** notified the mayor of Blagoevgrad that it planned to lay wreaths at the memorial of Gotze Delchev on 4 May.

37. On 29 April 1999 the mayor invited **Iinden** to present a document establishing that was a registered **organisation**.

38. The same day the Blagoevgrad Regional Prosecutor's Office issued a decree under Article 185 § 1 of the CCP, ordering the police to take measures to prevent **Iinden** from holding a meeting. It reasoned that the holding of a meeting would constitute offences under Article 174a and Chapter 1 of the CC.

39. On 3 May 1999 a member of **Iinden** lodged an application for judicial review with the Blagoevgrad District Court. The court refused to examine the application by an order of 4 May, as it was unclear who was the organiser of the planned event. Moreover, the court was competent to deal with applications against orders banning meetings; no such order had been issued.

40. On 4 May 1999 members and followers of **Ilinden** who tried to approach the memorial were stopped by the police who informed them that the Blagoevgrad Regional Prosecutor's Office had issued a decree prohibiting the event. The police read out the decree, but refused to give them a copy.

41. On 25 May 1999 **Ilinden** complained to the Sofia Military Prosecutor's Office about the coercive actions of the police and the authorities. On 25 May that Office refused to open criminal proceedings, reasoning that, since **Ilinden** had not been registered, the ban of its meeting had been lawful and that the police had acted in pursuance of their duty to preserve public order.

#### *6. The events of July and August 1999*

42. On 12 July 1999 **Ilinden** notified the mayor of Petrich that it planned to hold a meeting at Samuilova krepost on 1 August. On 20 July the mayor replied that he could not allow the holding of a meeting, as another meeting had been planned for the same date and place by another **organisation**.

43. On 21 July 1999 **Ilinden** lodged an application for judicial review with the Petrich District Court, stating that it was prepared to move its meeting to another hour of the day or to hold it on some of the hills adjacent to Samuilova krepost, so as to avoid interfering with the other meeting. The court dismissed the application in a judgment of 26 July 1999. It held that **Ilinden** was non-existent as it was not registered. As a result, it could not be considered as the organiser of, and be responsible for order during the meeting, as required by sections 9 and 10 of the Meetings and Marches Act. In the court's view, that lack of clarity as to the organisers of the event endangered public order. Moreover, another meeting had been scheduled for the same date and place.

44. On 27 July 1999 the Blagoevgrad Regional Prosecutor's Office issued a decree under Article 185 § 1 of the CCP, ordering the police to take measures to prevent **Ilinden** from holding a meeting. It considered that the holding of a meeting would constitute offences under Article 174a and Chapter 1 of the CC.

45. It seems that no meeting was held on 1 August 1999 at Samuilova krepost by any other **organisation**. When that same day members and followers of **Ilinden** tried to approach the site by cars, they were stopped by police stationed at the roads leading to the site.

#### *7. The events of April 2000*

46. On 11 April 2000 **Ilinden** notified the mayor of Sandanski that it intended to organise a commemorative meeting on 22 April at Rozhen monastery. On 18 April the mayor made an order prohibiting the meeting, apparently on the ground it would endanger public order. **Ilinden** did not seek judicial review of this order.

47. On 22 April 2000 members and followers of **Ilinden** tried to approach Rozhen by cars. They were stopped at police checkpoints, where some of the drivers were fined, allegedly for traffic violations. It seems that the police also seized material intended for the decoration of a stage which the members of **Ilinden** planned to set up at the site. A vehicle transporting musicians and their instruments was not allowed to continue. The cars were stopped again at a second police post near the monastery and some written materials were impounded. However, some of the members and followers of **Ilinden** were allowed to approach the site, which was heavily guarded by police. The applicants alleged that a plain-clothes police officer was filming the participants despite their objections. They laid flowers and made a short speech, apparently denouncing the "assimilation policy" led by the Bulgarian Government. After that they left the site.

#### *8. The events of July 2000*

48. On 10 July 2000 Ilinden notified the mayor of Petrich of its intention to hold a commemorative meeting on 30 July at Samuilova krepost. By a letter of 18 July the mayor replied that he could not allow the event, as another association had already applied for authorisation to organise a meeting on the same date.

49. Ilinden lodged an application for judicial review with the Petrich District Court. It argued that the site was large enough for two events to take place simultaneously. The court dismissed the application in a judgment of 24 July 2000. It found that Ilinden had not been registered and apparently had links with a political party, “UMO Ilinden – PIRIN”, which had been declared unconstitutional by the Constitutional Court on 29 February 2000 for acting against the territorial integrity of the country (see *The United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria*, no. 59489/00, §§ 21-27, 20 October 2005). The holding of a meeting by Ilinden could therefore pose a threat to the territorial integrity of the country. Moreover, another, duly registered, association intended to organise a meeting on the same date. The parallel holding of two events could endanger public order.

50. Nevertheless, on 30 July 2000 certain members and followers of Ilinden were able to hold a meeting at Samuilova krepost. It seems that the police did not interfere.

#### *9. The events of September 2000*

51. On 1 September 2000 Ilinden informed the mayor of Blagoevgrad that that it wanted to hold a commemoration at the memorial of Gotze Delchev on 12 September. The mayor did not reply. Ilinden then lodged an application for judicial review with the Blagoevgrad District Court, but did not get an answer.

52. On 8 September 2000 the Blagoevgrad Regional Prosecutor's Office issued a decree under Article 185 § 1 of the CCP, ordering the police to take measures to prevent Ilinden from holding a meeting. It reasoned that the holding of a meeting would constitute an offence under Chapter 1 of the CC.

53. On 12 September 2000 members and followers of Ilinden tried to approach the memorial, but were stopped by the police. A police officer read out the decree prohibiting the commemoration, but refused to furnish a copy of it.

#### *10. The events of April 2001*

54. On 4 April 2001 Ilinden notified the mayor of Sandanski that it would organise a meeting on 22 April at Rozhen monastery. The mayor did not reply.

55. On 22 April 2001 members and followers of the organisation assembled at the site. Approximately fifty police officers were also present. The applicants averred that at some point during the meeting two members tried to place a wreath covered with a band with an inscription on the grave of Yane Sandanski. Allegedly four policemen moved towards them and ordered that the band be removed. When the persons carrying the wreath refused, the police seized it and arrested one of them. He was taken to a nearby village, released and warned not to try to return to the meeting. Additionally, a poster brought by the members of Ilinden was allegedly taken away by a plainclothes police officer. The police also prevented the placing on the podium of loudspeakers the members of Ilinden had brought. The applicants also alleged that local catering companies were prohibited by the municipal authorities from sending staff and facilities to the site during the meeting. The Government submitted that during the meeting a member of Ilinden stated that “there have been and will be Macedonians. Death to the enemies! Not a single Bulgarian will remain living...”. According to them, one person who was drunk was taken out of the area where the meeting was taking place.

#### *11. The events of the end of April and May 2001*

56. On 27 April 2001 Ilinden notified the mayor of Blagoevgrad that it intended to lay flowers at the memorial of Gotze Delchev on 4 May. The mayor did not reply.

57. On 4 May 2001 a group of members and followers of Ilinden attempted to approach the memorial to lay a wreath covered with a band with an inscription. The applicants alleged that the police intervened and ordered them to remove the band with the inscription, citing a decree made by the Blagoevgrad Regional Prosecutor's Office. Apparently the members and followers of Ilinden refused and several plainclothes police officers diverted them from the memorial. The members and followers of Ilinden headed for a nearby church, followed by the police who were allegedly shouting insulting words at them. The applicants averred that two police officers seized a camera held by one of the members. The members laid the wreath at a grave in the churchyard. Later in the day three unknown persons took it away. According to the Government, the police had to disrupt the ceremony and direct the members and followers of Ilinden to the nearby church because other persons who were standing nearby became agitated upon the arrival of news that members of UMO Ilinden – PIRIN (see paragraph 49 above) had tried to assault the Bulgarian ambassador in Skopje.

### *12. The events of July 2001*

58. On 12 July 2001 Ilinden notified the mayor of Petrich of its intention to hold a meeting on 29 July at Samuilova krepost. By a letter of 20 July, which was allegedly delivered at the home of a member of Ilinden on 28 July – a Saturday – the mayor prohibited the meeting because another meeting had been planned for the same date by a municipal child centre.

59. On 25 July 2001 the Blagoevgrad Regional Prosecutor's Office issued a decree under Article 185 § 1 of the CCP, ordering the police to take measures to prevent Ilinden from holding a meeting. It reasoned that the holding of a meeting would constitute offences under Article 174a and Chapter 1 of the CC.

60. On 29 July 2001 a group of approximately two hundred and fifty people tried to approach Samuilova krepost by buses and cars. They were turned back by the police two kilometres before the site. The applicants allege that the police told them that military exercises were to take place and that they could not continue. According to the Government, they were informed of the prosecutor's decree prohibiting the event. After they were stopped, the members and followers of Ilinden decided to lay flowers at the memorial of a poet in Petrich. Several dozen police officers blocked their way. Apparently the second applicant, Mr Ivanov, and another person were arrested and kept several hours in custody.

### *13. The events of August and September 2002*

61. On 23 August 2002 Ilinden notified the mayor of Blagoevgrad that it wanted to hold a commemoration at the memorial of Gotze Delchev in the centre of Blagoevgrad on 12 September. The mayor did not reply.

62. At approximately 3.30 p.m. on 12 September 2002 members and followers of Ilinden, who had gathered at a meeting point situated at a little less than a kilometre from the memorial, started marching toward it. However, at first that proved impossible because the memorial was surrounded by a group of about twenty persons who were shouting insults. Several persons from that group attacked individual members and followers of Ilinden, broke the flagstaff one of them was carrying, tried to take another flag, tore a poster and took the ribbon from a wreath carried by one of the members of Ilinden. A member of Ilinden was filming with a camera. One person attacked him from behind and tore the electrical cables of the camera. The police was present and had formed a cordon between the members and followers of Ilinden and the hostile group, but apparently failed to prevent the above incidents. However, they secured the members and followers of Ilinden access to the memorial, where they laid a wreath. The president of Ilinden tried to make a short speech,

which was constantly interrupted by the shouting of the hostile group. The members and followers of Ilinden then retreated from the memorial under police escort.

63. On 23 September 2002 Ilinden complained to the Blagoevgrad Regional Prosecutor's Office about the actions of the hostile group. That Office ordered a preliminary verification, but apparently nothing ensued.

64. On 15 October 2002 Ilinden complained to the Sofia Military Prosecutor's Office about the inactivity of the police officers present during the 12 September meeting and about their failure to secure the peaceful holding of the event. That office carried out a preliminary verification and on 10 December 2002 refused to open criminal proceedings. On appeal of Ilinden its decree was upheld by the Sofia Military Appellate Prosecutor's Office on 20 February 2003. Ilinden further appealed to the Chief Prosecutor's Office, which upheld the refusal in a decree of 6 October 2003, reasoning that Ilinden's allegations were not supported by the facts established during the preliminary verification. The police had strictly complied with the relevant legal provisions. Although certain members of the organisation had acted provocatively, the officers had showed restraint and had performed their duties.

#### *14. The events of August 2003*

65. On an unspecified date in July 2003 Ilinden notified the mayor of Petrich that it planned to hold a meeting at Samuilova krepost on 2 August, to commemorate the one-hundred anniversary of the Ilinden uprising. Apparently the mayor assented and on 2 August 2003 members and followers of Ilinden gathered at Samuilova krepost. There was a four-hour programme. During the entire event a plainclothes police officer was filming. When the chairperson of Ilinden tried to remove the camera, there ensued a scuffle and the police attempted to arrest him.

#### *15. The events of the end of August and September 2003*

66. On 28 August 2003 Ilinden notified the mayor of Blagoevgrad that on 12 September it intended to organise a commemoration at the memorial of Gotze Delchev. In its notification it stated that the purpose of the event was to honour the memory of the "victims of the genocide ... inflicted by the Bulgarian Government on the Macedonian nation". In a letter of 1 September, which was posted on 5 and arrived on 9 September, the mayor informed Ilinden that in principle every citizen of Bulgaria had the right to commemorate national heroes as Gotze Delchev. However, the remarks contained in the notification were unconstitutional and provocative. They were indicative of actions which would infringe the rights of others and would lead to conflicts, as had already happened in the past. Also, in order to organise events, Ilinden had to be registered. Finally, there was no need for the planned event to take place in front of the memorial of Gotze Delchev and its timing was inopportune, because another event had been planned for the same time and date. If Ilinden chose another place for holding its commemoration, the mayor would reconsider the matter.

67. On 10 September 2003 Ilinden objected to the mayor's decision. It stated that it was willing to shift the time of its commemoration to one hour later, but that the place was closely bound to a specific occasion and could not be changed. The same day the organisation filed an application for judicial review with the Blagoevgrad District Court.

68. On 11 September 2003 the police summoned two members of Ilinden and cautioned them in writing to refrain from organising the event planned for 12 September.

69. On 12 September 2003 the mayor of Blagoevgrad informed Ilinden that he prohibited the planned event, because it would create conditions for the disruption of the public order and would endanger the rights of others.

70. On 12 September 2003 members and followers of Ilinden gathered in the centre of Blagoevgrad with a view to marching to the memorial of Gotze Delchev. Approximately fifty

police officers were also present. Several officers approached the members and followers of Ilinden and read out a decree of the Blagoevgrad Regional Prosecutor's Office prohibiting the commemoration.

71. In a decision of 16 September 2003 the Blagoevgrad District Court declared the application for judicial review inadmissible. It found that it had been filed with the court on 10 September and had been brought to the attention of a judge-rapporteur at 4.37 p.m. on 11 September. By section 12(6) of the Meetings and Marches Act, the time-limit for ruling on the application was five days. As of 16 September the issue whether to allow the event planned for 12 September had become moot and there was no need for the court to rule on that.

## II. RELEVANT DOMESTIC LAW

72. The relevant provisions of the Constitution of 1991 read as follows:

### **Article 43**

“1. Everyone shall have the right to peaceful and unarmed assembly at meetings and marches.

2. The procedure for organising and holding meetings and marches shall be provided for by act of Parliament.

3. Permission shall not be required for meetings to be held indoors.”

### **Article 44 § 2**

“Organisations whose activities are directed against the sovereignty or the territorial integrity of the country or against the unity of the nation, or aim at stirring racial, national, ethnic or religious hatred, or at violating the rights and freedoms of others, as well as organisations creating secret or paramilitary structures, or which seek to achieve their aims through violence, shall be prohibited.”

73. The legal requirements for the organisation of meetings are laid down in the Meetings and Marches Act of 1990. Its relevant provisions are as follows:

### **Section 2**

“Meetings, rallies and marches may be organised by individuals, associations, political or other civic organisations.”

### **Section 6(2)**

“Every organiser [of] or participant [in a march or a meeting] shall be responsible for damage caused through his or her fault during the [event].”

### **Section 8(1)**

“Where a meeting or rally is to be held outdoors, the organisers shall notify the [respective] People's Council or mayor's office in writing at least forty-eight hours before its beginning and shall indicate the [name of] the organiser, the aim [of the meeting or rally], and its venue and time.”

### **Section 9(1)**

“The organisers of the meeting shall take the measures necessary to ensure order during the event.”

### **Section 10**

“1. The meeting shall be presided over by a president.

2. The participants shall abide by the instructions of the president concerning the preservation of [public] order ...”

74. The prohibitions against meetings are also set out in the Meetings and Marches Act of 1990:

## Section 12

“1. Where the time or venue of the meeting or rally or the itinerary of the march would create a situation endangering public order or traffic safety, the President of the Executive Committee of the People's Council, or the mayor, respectively, shall propose their modification.

2. The President of the Executive Committee of the People's Council or the mayor shall be competent to prohibit the holding of a meeting, rally or march, where reliable information exists that:

1. it aims at the violent overturning of Constitutional public order or is directed against the territorial integrity of the country;

2. it would endanger public order in the local community;

...

4. it would breach the rights and freedoms of others.

3. The prohibition shall be imposed by a written reasoned act not later than twenty-four hours after the notification.

4. The organiser of the meeting, rally or march may appeal to the Executive Committee of the People's Council against the prohibition referred to in the preceding paragraph. The Executive Committee shall decide within twenty-four hours.

5. Where the Executive Committee of the People's Council has not decided within [the above] time-limit, the march, rally or meeting may proceed.

6. If the appeal is dismissed, the dispute shall be referred to the respective district court which shall decide within five days. That court's decision shall be final.”

75. The Meetings and Marches Act was enacted in 1990, when the Constitution of 1971 was still in force. Under the Constitution of 1971 the executive local state organs were the Executive Committees of the district People's Councils. The mayors, referred to in some of the provisions of that Act, were representatives of the Executive Committee acting in villages and towns which were under the jurisdiction of the respective People's Council.

76. The Constitution of 1991 abolished the Executive Committees and established the post of mayor, elected by direct universal suffrage, as the “organ of the executive power in the municipality” (Article 139 § 1).

77. Former Article 185 § 1 of the CCP, as in force at the material time (it was repealed in 2003), provided that the prosecutor was bound “to take the necessary measures to prevent a crime, for which there [was] reason to believe that it [would] be committed. [These measures could include] the temporary impounding of the means which could be used for committing the crime”.

78. Article 174a § 2 of the CC makes it an offence for the organiser of a public meeting to, *inter alia*, hold a prohibited meeting in violation of section 12(3) of the Meetings and Marches Act of 1990.

79. Chapter 1 of the special part of the CC regulates offences against the Republic (attempted *coup d'état*, terrorist offences, mutiny, espionage, sabotage, advocating a fascist or other antidemocratic ideology, etc.).

## THE LAW

### I. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

80. The applicants complained under Article 11 of the Convention that they had been prevented from holding peaceful meetings during the period 1998-2003. In their view, the

interferences with their right of peaceful assembly had not been justified under paragraph 2 of that Article.

81. Article 11 provides, as relevant:

“1. Everyone has the right to freedom of peaceful assembly...

2. No restrictions shall be placed on the exercise of [this right] other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ...”

#### **A. The submissions of the parties**

##### *1. The applicants*

82. Referring in detail to the facts of all occasions when they had tried to organise rallies during the period 1998-2003, the applicants argued that the bans on these events had not been warranted under the terms of Article 11. They invited the Court to have regard to the historical context, not as set out by the Government in their observations in *Stankov and the United Macedonian Organisation Ilinden* (cited above, § 47), but as depicted by them in a document approved by Ilinden's management committee and presented to the Court. In their view, the authorities had used physical and psychological violence with a view to eliminating Ilinden from the public scene.

83. The applicants further submitted that two meetings which Ilinden tried to organise on 12 September 2001 and 28 July 2002 had also been hindered by the authorities. They also made a number of allegations about various obstructions on the part of the authorities on their organised activities throughout the years, such as the problems with the leasing of a hall for the holding of Ilinden's congress on 28 April 2002.

##### *2. The Government*

84. The Government submitted that in some of the cases about which the applicants complained there had been no interference with their rights under Article 11 of the Convention. Thus, on 30 July 2000, even though the mayor had banned the meeting and the District Court had upheld that ban, Ilinden had been able to hold it without interference by the authorities. Likewise, there had been no interference with Ilinden's meeting in April 2000. Despite the provocative attitude of some of the organisation's leaders, the police had been able to preserve public order without impinging on their freedom of assembly. Further, there had been no interference with the meeting held on 22 April 2001 near the Rozhen monastery. The applicants' averment that the police had ordered the removing of the band on the wreath laid by members and followers of Ilinden and had arrested one person was untrue. The police had merely taken one person who was drunk out of the area where the meeting had been taking place. This could not be interpreted as an interference with the applicants' freedom of assembly. There had been no interference with the meeting held on 4 May 2001 either. The members and followers of Ilinden had gathered in the centre of Blagoevgrad and the police had asked them to continue the event in a nearby church only with a view to protecting them. The applicants' averment that the police had seized a camera and had ordered the members and followers of Ilinden to remove the band from the wreath they had laid at the monument was untrue. Finally, the meeting held on 12 September 2002 had not been interfered with. Despite the presence of a hostile crowd, the police had been able to secure the members and followers of Ilinden access to the site of the event. Only the adequate actions of the police had prevented the occurring of serious incidents.

85. The Government maintained that in all cases where there had been an interference with the applicants' rights under Article 11 of the Convention, that interference had been

lawful and had been based on the unambiguous wording of section 12 of the Meetings and Marches Act. This was the sole basis for the decisions of the mayors and for those of the courts examining the applications for judicial review of the mayors' decisions.

86. The cases when the mayors had requested Ilinden to present proof that it had been registered were not to be construed as imposing an additional requirement as a precondition for the organisation of meetings. The only reason why the mayors had requested such proof was to be able to establish who the organiser of the respective event was and who would accordingly be liable for the potential damage occurring as a result of the event. It was true that in most cases the notifications to the mayors had indicated that the organiser was Ilinden, but, since it had not been registered, it had been impossible to know who the members of its governing bodies were. In all cases where the notifications to the mayors had indicated who were the physical persons who would organise the events, the mayors had not requested a document for the registration of Ilinden. In sum, there was not a single occurrence when the municipal authorities had grounded the bans on the holding of meetings solely on the fact that Ilinden lacked registration.

87. The Government further argued that the measures complained of pursued a wide range of legitimate aims: protecting national security and the territorial integrity of the country, guaranteeing public order in the local community, protecting the rights and freedoms of others and preventing disorder and crime.

88. In the Government's submission, the measures complained of had been proportionate to the legitimate aims pursued. Referring to the case of *Gustafsson v. Sweden* (judgment of 25 April 1996, *Reports of Judgments and Decisions* 1996-II, pp. 652-53, § 45), the Government averred that the Contracting States enjoyed a wide margin of appreciation in their choice of the means to be employed to attain a legitimate aim. The authorities had not overstepped that margin. When banning each individual event, they had had regard to the present and immediate threat of disruption of the public order, as well as the danger for the territorial integrity and the security of the country. On the other hand, it was noteworthy that a number of meetings organised by Ilinden (those on 25 April 1999, 22 April and 30 July 2000, 22 April and 4 May and 29 July 2001, and 12 September 2002) had been *de facto* held despite the bans. Therefore, since 1998 the authorities had been very accommodating in exercising their powers. They had adopted a flexible approach and had acted in compliance with the Constitution and the laws of the country, as well as with the principles underlying the Convention.

89. In particular, as regards the events of March, April and May 1998, the mayor's bans had been based on the fact that another association, which was hostile towards Ilinden, was going to hold a meeting at the same time and place. It had been exactly with a view to avoiding clashes between the two that the Blagoevgrad Regional Prosecutor's Office had issued a decree ordering the police to prevent Ilinden from holding a meeting.

90. The same pattern had prevailed during the events of July and August 1998. The mayor of Petrich and the Petrich District Court had grounded the ban on, *inter alia*, the fact that another meeting had been planned for the same time and place.

91. Concerning the events of September 1998, the ban had been made necessary by the provocative manner in which Ilinden had described certain historical events. This had not been the first time when Ilinden had interpreted historical events in a manner offending the patriotic feelings of the Bulgarians from the region. The authorities had grounds to believe that the expression of such a position in the centre of Blagoevgrad would stir a violent reaction from others. The prohibition of the meeting had therefore been imposed with a view to protecting the members and followers of Ilinden from violence.

92. As regards the events of April 1999, although Ilinden had not been able to hold its meeting at the planned site, the authorities had deemed that it could be held in the centre of Sandanski.

93. Regarding the events of April 2000, although there had been an express prohibition of the meeting, Ilinden had been able to hold it, because the authorities had considered that the public order could be preserved.

94. Finally, the Government stressed that since the Court's 2001 judgment in the case of *Stankov and the United Macedonian Organisation Ilinden* (cited above) the authorities had taken into consideration the principles stemming from the Court's case-law and from that time forth there had never been an absolute ban on the events organised by Ilinden. In executing the Court's judgment in the above case, the Ministry of Justice had apprised the mayors of Petrich and Sandanski of the text of the judgment with a view to preventing further violations of Article 11.

95. In sum, the Government were of the view that in all cases where there had been a public event organised by Ilinden, the authorities had taken measures to preserve the public order, to create conditions for the peaceful holding of the meetings, and to guarantee the applicants' rights under Article 11.

## **B. The Court's assessment**

### *1. Scope of the case*

96. The Court notes that in their observations on the merits the applicants raised new complaints relating to two rallies which had been planned by Ilinden for 12 September 2001 and 28 July 2002, and made certain allegations about various obstructions on the part of the authorities on their organised activities throughout the years, such as the problems with the leasing of a hall for the holding of Ilinden's congress on 28 April 2002 (see paragraph 83 above).

97. The Court reiterates that the admissibility decision delimits the scope of the case before it (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 59). It follows that it cannot take into account the newly raised complaints relating to the events planned for 12 September 2001 and 28 July 2002.

98. The Court also reiterates that it must confine its attention as far as possible to the issues raised by the specific case before it (see *Mellacher and Others v. Austria*, judgment of 19 December 1989, Series A no. 169, p. 24, § 41, and *Kokkinakis v. Greece*, judgment of 25 May 1993, Series A no. 260-A, p. 18, § 35). It follows that its task in the present case is limited to ruling on the alleged violation of the applicants' rights under Article 11 of the Convention stemming from the hindrances posed by the authorities on the holding of certain public events set out in the admissibility decision. It does not have to express a view in this judgment on the various interactions between Ilinden and the authorities since the founding of the organisation in 1990, some of which are the subject matter of other applications before the Court (see *Ivanov and Others v. Bulgaria* (dec.), no. 46336/99, 9 September 2004, *The United Macedonian Organisation Ilinden and Others v. Bulgaria* (dec.), no. 59491/00, 9 September 2004, and nos. 34960/04 and 37586/04, currently pending before the Court). It will, however, have regard to this background insofar as it might be relevant to the complaint before it.

### *2. Applicability of Article 11*

99. Article 11 only enshrines the right to "peaceful assembly". Its protection does not therefore extend to demonstrations whose organisers and participants have violent intentions (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 77). In this connection, the Court notes that, in contrast to their position in *Stankov and the United*

*Macedonian Organisation Ilinden*, in the present case the Government have not disputed the peaceful character of the meetings organised by Ilinden. The Court further notes that in that previous case it found that those involved in the organisation of the prohibited meetings – of which the meetings at issue in the present case are a continuation – did not have violent intentions (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 78). Likewise, the Court finds no indication that the organisers of and the participants in the meetings under consideration in instant case were contemplating resorting to violence. Article 11 is therefore applicable.

### 3. *Whether there have been interferences*

100. The Government maintained that there had been no interferences with the applicants' freedom of assembly during the meetings in April and July 2000, April and May 2001, and September 2002 (see paragraph 84 above). They did not dispute that on the other occasions under examination in the present case the authorities had interfered with the applicants' Article 11 rights.

101. The Court notes that indeed in April and July 2000 the police did not fully prevent the members and followers of Ilinden to take part in the planned meetings (see paragraphs 47 and 50 above). However, it cannot be overlooked that before that the mayors had imposed formal bans on these meetings (see paragraphs 46, 48 and 49 above). These measures doubtless had an inhibiting effect on at least some of the members and followers of Ilinden who intended to participate in the events, and may thus be deemed interferences with the applicants' freedom of assembly. Moreover, during the first meeting the police seized the decoration for the stage and certain written materials which members of the association had brought to the meeting (see paragraph 47 above).

102. Concerning the events of April 2001, it seems that the applicants were able to hold a meeting. There is a factual dispute between the applicants and the Government as to why the police arrested one person. The applicants submitted that it was because he had tried to lay wreaths, while the Government submitted that it was because he had been drunk (see paragraph 55 above). On the basis of the available evidence, the Court cannot come to the categorical conclusion that in this case there has been an interference with the applicants' freedom of assembly.

103. As regards the events of May 2001, there is no doubt that the police prevented the members and followers of Ilinden from holding the meeting at their chosen site. They were diverted to a different location (see paragraph 57 above). Bearing in mind that the time and place of the events were apparently crucial to them (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 109 *in fine*), the Court considers that this amounted to an interference with the applicants' freedom of assembly.

104. Regarding the events of August and September 2002, it is noteworthy that the members and followers of Ilinden were not prevented by the police from approaching the chosen site, but their meeting was hampered by a hostile group. It seems that the police took certain steps to allow the members and followers of Ilinden to hold the meeting, but it is doubtful whether the authorities took all reasonable and appropriate measures to enable the demonstration to proceed peacefully (see paragraph 62 above).

105. Finally, it seems that in August 2003 Ilinden was able to hold its meeting without hindrances from the authorities (see paragraph 65 above).

106. On the basis of the above, the Court concludes that there have been interferences with the applicants' freedom of assembly on all occasions under examination, except the events of April 2001, August and September 2002, and August 2003.

### 4. *Whether the interferences were justified*

**(a) Whether the interferences were “prescribed by law”**

107. In *Stankov and the United Macedonian Organisation Ilinden* the Court, although noting that the reasons given by the authorities for the prohibition of meetings fluctuated and were not elaborate, accepted that the bans on the meetings of Ilinden during the period 1994-97 had been prescribed by law, regard being had to the facts that the requirement that Ilinden be registered had apparently been considered relevant in assessing the alleged danger to the public order and that the bans had been imposed in accordance with the procedure laid down in the Meetings and Marches Act (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, §§ 81 and 82).

108. In the instant case, the Court notes that on all occasions save the events of September 1998, April and May 1999, September 2000, and April and May 2001 the meetings were banned by the mayors (see paragraphs 12, 22, 32, 42, 46, 48, 58 and 69 above). In some cases they – or the courts examining the appeals against the bans – likewise relied on the fact that Ilinden had not been registered, which was not an express requirement of the law (see paragraphs 19, 24, 43, and 49 above). However, in view of the holding in *Stankov and the United Macedonian Organisation Ilinden* (ibid.) and given that in most cases the mayors or the courts also relied on other reasons for banning the meetings or for upholding the bans, the Court accepts that the prohibitions imposed by the mayors were prescribed by law.

109. The Court further notes that in some instances, when there were no formal mayoral bans, the interferences were apparently based solely on the decrees of the prosecution authorities, which exercised their powers to take steps to prevent the commission of criminal offences (see paragraphs 27, 38, 52 and 57 above). The Court observes that the provision authorising such measures, former Article 185 § 1 of the CCP, was formulated extremely vaguely and did not circumscribe the situations where the prosecution authorities could act (see paragraph 77 above). Admittedly, in certain cases, when the authorities have grounds to believe that there is a genuine risk that serious offences may be committed during a public event, they may act pre-emptively and impose such measures. Such a power must however be used sparingly and only when indeed warranted. Nevertheless, the Court is prepared to accept, for the purposes of the present case, that the interferences in these instances were also prescribed by law.

110. The issue whether the findings of the local and the prosecution authorities that there was a threat to public order and a risk that offences would be committed were justified falls to be examined in the context of the question whether or not the interferences with the applicants' freedom of assembly were necessary in a democratic society, which appears to be the central aspect of the case (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 82 *in fine*).

**(b) Legitimate aim**

111. The Government submitted that the interferences pursued the following aims: protecting national security and the territorial integrity of the country, guaranteeing public order in the local community, protecting the rights and freedoms of others and preventing disorder and crime (see paragraph 87 above).

112. The Court accepts that the bans were intended to safeguard one or more of the interests cited by the Government, as it did in *Stankov and the United Macedonian Organisation Ilinden* (cited above, § 84 *in fine*).

**(c) “Necessary in a democratic society”**

113. In *Stankov and the United Macedonian Organisation Ilinden*, after analysing in detail all grounds for the bans advanced by the Government, including the ones put forward here – threat of disruption of the public order, danger for the territorial integrity and the security of

the country, and a risk that offences may be committed – the Court held that the fact that the authorities “resorted to measures aimed at preventing the dissemination of the applicants' views at the demonstrations they wished to hold ... in circumstances where there was no real foreseeable risk of violent action or of incitement to violence or any other form of rejection of democratic principles” was in breach of the proportionality principle enunciated in Article 11 § 2 (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, §§ 91-112).

114. Despite the Government's assertion that following the Court's judgment in that case the authorities had undertaken measures to ensure the exercise of the applicants' freedom of assembly (see paragraph 94 above), the Court perceives no material difference in the case at hand. It notes that, with a few exceptions noted above (see paragraph 106 above) the authorities persisted in their efforts to impede the holding of the commemorative events which Ilinden sought to organise, much as they had during the period 1994-97, when they had “adopted the practice of imposing sweeping bans on Ilinden's meetings” (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 109). It further observes that the authorities' justification for so doing was substantially the same as in *Stankov and the United Macedonian Organisation Ilinden* (cited above) and thus insufficient to make the impugned measures necessary in a democratic society.

115. It is also noteworthy that on one of the occasions when they did not interfere with the applicants' freedom of assembly, the authorities appeared somewhat reluctant to protect the members and followers of Ilinden from a group of counter-demonstrators. As a result, some of the participants in Ilinden's rally were subjected to physical violence from their opponents (see paragraph 62 above). In this connection, the Court recalls that genuine, effective freedom of peaceful assembly cannot be reduced to a mere duty on the part of the State not to interfere; it is the duty of Contracting States to take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully (see *Plattform “Ärzte für das Leben” v. Austria*, judgment of 21 June 1988, Series A no. 139, p. 12, §§ 32-34). It is also recalled that in a democratic society based on the rule of law, political ideas which challenge the existing order and whose realisation is advocated by peaceful means must be afforded a proper opportunity of expression through the exercise of the right of assembly, as well as by other lawful means (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 97 *in fine*). The authorities were therefore bound to take adequate measures to prevent violent acts directed against the participants in Ilinden's rally, or at least limit their extent. However, it seems that they, while embarking on certain steps to enable the organisation's commemorative event to proceed peacefully, did not take all the appropriate measures which could have reasonably be expected from them under the circumstances, and thus failed to discharge their positive obligations under Article 11.

116. Finally, the Court notes with concern that one of the bans was imposed, with almost identical reasoning, even after similar measures had been declared contrary to Article 11 in the Court's judgment in *Stankov and the United Macedonian Organisation Ilinden* (cited above)(see paragraphs 66-71 above).

117. There has therefore been a violation of Article 11 of the Convention.

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

118. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

### A. Damage

119. The applicants claimed 57,140 Bulgarian leva (BGN) as compensation for the alleged pecuniary and non-pecuniary damage suffered on account of the violation of Article 11. The pecuniary damage consisted of, *inter alia*, travel and fuel expenses, lost wages, and fines imposed on persons who had driven their cars to the meeting sites. The applicants submitted eight penal decrees imposing fines on the second applicant, Mr Ivanov, and three other members of Ilinden, for various violations of the traffic safety regulations.

120. The Government submitted that the amount claimed was largely excessive. In their view, the sum awarded by the Court in compensation for non-pecuniary damage should be determined on an equitable basis and should not exceed the award in *Stankov and the United Macedonian Organisation Ilinden* (cited above, § 121). Finally, the penal decrees submitted by the applicants were completely unrelated to the violation alleged.

121. The Court considers that the claim in respect of pecuniary damage is unsubstantiated and must be dismissed (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, §§ 114 and 121 *in fine*). In particular, it has not been shown to the Court's satisfaction that the penal decrees produced by the applicants are directly related to the violation of Article 11 found in the present case.

122. On the other hand, the Court accepts that the applicants have suffered non-pecuniary damage as a consequence of the violation of their right to freedom of assembly. Deciding on an equitable basis and having regard to its case-law (see *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 121), the Court awards the applicants the global sum of 6,000 euros (EUR), plus any tax that may be chargeable on this amount, to be paid into the bank account of Mr Yordan Kostadinov Ivanov in Bulgaria.

#### **B. Costs and expenses**

123. The applicants sought the reimbursement of BGN 4,555 for costs and expenses incurred in the proceedings before the domestic authorities and in the Strasbourg proceedings. The expenses before the domestic authorities included trips to the local courts, secretarial and legal work. The expenses incurred in the proceedings before the Court related to preparation and mailing of submissions, as well to the translation of various documents. In justification of their claim the applicants submitted two invoices for translation services.

124. The Government argued that the applicants had failed to prove that they had actually paid the legal fees claimed, as they had not provided any documents in this respect and had not specified the amount of time the lawyers had allegedly spent working on the case. They also pointed out that the applicants had not produced any documents in support of their claim for costs and expenses.

125. The Court reiterates that only such costs and expenses as were actually and necessarily incurred in connection with the violation found, and reasonable as to quantum, are recoverable under Article 41. It follows that it cannot make an award under this head in respect of the time the applicants themselves spent working on the case, as it does not represent costs actually incurred by them (see *Steel and Morris v. the United Kingdom*, no. 68416/01, § 112, ECHR 2005-..., with further references). The Court also emphasizes that under Rule 60 § 2 of its Rules applicants must enclose to their claims "the relevant supporting documents", failing which it may reject the claim in whole or in part.

126. In the instant case, there is no indication in the case file that the applicants were legally represented either before the competent domestic authorities or before the Court, or that any legal work was done on their behalf by lawyers retained by them. The Court is therefore not satisfied that the expenses claimed under this head were actually incurred. The Court further notes that the applicants have only supplied proof of the disbursement of BGN 450 in respect of translation expenses. The Court considers, nevertheless, that they must have incurred certain expenses in photocopying and mailing submissions and documents for the

purposes of the domestic and the Strasbourg proceedings. Having regard to all relevant factors, the Court awards the applicants EUR 800, plus any tax that may be chargeable on that amount, to be paid into the bank account of Mr Yordan Kostadinov Ivanov in Bulgaria.

### C. Default interest

127. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

## FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds* that there has been a violation of Article 11 of the Convention;
2. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final according to Article 44 § 2 of the Convention, the following amounts, to be converted into Bulgarian leva at the rate applicable at the date of settlement:
    - (i) EUR 6,000 (six thousand euros) in respect of non-pecuniary damage, payable into the bank account of Mr Yordan Kostadinov Ivanov in Bulgaria;
    - (ii) EUR 800 (eight hundred euros) in respect of costs and expenses, payable into the bank account of Mr Yordan Kostadinov Ivanov in Bulgaria;
    - (iii) any tax that may be chargeable on the above amounts;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
3. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 20 October 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen Christos Rozakis  
Registrar President

UMO ILINDEN AND IVANOV v. **BULGARIA** JUDGMENT

UMO **ILINDEN** AND IVANOV v. **BULGARIA** JUDGMENT