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June 1, 2012

His Excellency Boyko Borissov
Prime Minister of the Republic of Bulgaria
1594 Sofia, 1 Dondukov Blvd
Bulgaria

Sent via e-mail to primeminister@government.bg

Re: Requesting termination of proceedings against Yavor Kostov

Dear Prime Minister,

The Home School Legal Defense Association (HSLDA) is an international organization with over 81,000 members. Our mission is to protect and advance the fundamental human right of parents to direct the education and upbringing of their children. We have worked directly with families in Bulgaria for nearly a decade.

It has come to our understanding that Yavor Kostov of Vidin, Bulgaria has been arbitrarily and unjustly accused of a crime under Art. 182 of the Criminal Code by the Social Services Child Protection Unit (CPD) in Vidin. It is our understanding, however, that the CPD does not have the authority to open criminal proceedings against Mr. Kostov. Under the Child Protection Act (SG No. 103/23.12.2005), it appears that the CPD may open only administrative proceedings. I respectfully urge you to contact the prosecutor's office in Vidin to request the termination of criminal proceedings against Mr. Kostov.

We have further been informed that the CPD attempted to enter the Kostov's house without their permission, a severe violation of the family's fundamental right to privacy of home and family life, per Art. 32 (1) and 33 (1) of the Bulgarian Constitution, the European Convention on Human Rights and other international human rights norms and conventions. Furthermore, it appears that Mr. Kostov's constitutional rights to legal defense and due process have been violated in that Mr. Kostov was summoned to the local police station on May 28 as a witness in the investigation—a violation of the law—and he was required to bring his son to this meeting, for whom there was no subpoena. At the meeting, police interrogators treated Mr. Kostov as though he were a criminal and threatened him with a three year prison sentence. Mr. Kostov's attorney has attempted to examine his client's file to organize his defense, and the police department in Vidin refused to provide information on the case or the case file.

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

NATIONAL OFFICE ■ ONE PATRICK HENRY CIRCLE ■ PURCELLVILLE, VA 20132 ■ 540-338-5600 ■ 540-338-1952 FAX
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Art. 182 of the Criminal Code explicitly stipulates the penalty for parents or legal guardians “who leave a person who is under parental care or guardianship without supervision and sufficient care and thereby create a danger for his physical, spiritual or moral development.” Yet this is not a case of parental abuse or neglect. Rather Mr. Kostov withdrew his son Philip from the public school in Vidin last February in order to protect Philip from violence from classmates. Since the school was unable to protect his son, Mr. Kostov pursued alternative education options.

This case demonstrates a clear abuse of power by the public authorities in Vidin in contravention with Bulgarian and international human rights law. In a democratic country such as Bulgaria, the abuse of a citizen’s constitutional rights constitutes a direct threat to the rule of law. Mr. Kostov’s defense has filed a complaint with the prosecutor’s office requesting termination of the proceedings. Please use your influence to resolve this situation immediately and to terminate the criminal proceedings against Mr. Kostov.

Thank you for your attention to this matter. Should you require any additional information, please do not hesitate to contact me.

Yours very truly,



Michael P. Donnelly, Esq.
Director of International Affairs

MPD/blp

CC: Mr. Ivaylo Ivanov, Executive Director, Agency for Social Assistance

Mr. Kalin Kamenov, Chairman, State Agency for Child Protection

Prof. Sergei Ignatov, Minister of Education, Youth and Science

Her Excellency Elena Poptodorova, Ambassador Extraordinary and Plenipotentiary of the Republic of Bulgaria to the United States of America

Mr. Tsvetan Tsvetanov, Minister of the Interior

Mr. Nikolay Markov, Head of Public Relations Department, Council of Ministers of the Republic of Bulgaria

Mr. Ognian Stoichkov, Chairperson, National Assembly Education, Science, Children, Youth and Sports Committee

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Mr. Jordan Bakalov, Chairperson, National Assembly Human Rights, Religion, Citizens' Complaints and Petitions Committee

Mr. Ventsi Paskov, Director, Agency for Social Assistance – Regional Directorate “Social Assistance” Vidin

Ms. Margarita Markova, Director, Agency for Social Assistance - Directorate “Social Assistance” Vidin

Mr. Kalin Ninov, Head of Regional Inspectorate on Education, Vidin

Commissar Marcho Markov, Director, Regional Inspectorate of the Interior, Vidin