



NATIONAL ASSEMBLY OF REPUBLIC OF BULGARIA  
COMMITTEE ON HUMAN RIGHTS AND RELIGIONS

Sofia 1169, 1, Al. Batenberg sq.

tel. /+ 359 2/ 986 27 72, 939 33 57, fax 987 88 59

Sofia, October 14, 2005

Chairman

**To: Mr. Peter Skaarup, Chairman  
Committee of Legal Affairs  
The Folketinget  
Denmark**

**Dear Mr. Skaarup,**

I come to you, to express my deep concern and anxiety of the case against the Bulgarian nurses in Libya sentenced to death under a verdict.

I use the opportunity to convey my gratitude to the European Union and the Member States for their support. I would like to remind you that the Bulgarian State exerts all its efforts and approaches the international community repeatedly in seeking a judicially fair solution of the case with the Bulgarian nurses. Bulgaria is convinced in the innocence of the sentenced to death Bulgarians, proved by sufficient and incontrovertible evidences.

In regard of the friendly relations between the Parliaments of the two countries, I appeal to you to support this noble and humane cause, uphold decisively by Republic of Bulgaria, with the means of the international parliamentary cooperation.

I would like to take the occasion to express the willingness of the Committee on Human Rights and Religions at the 40th National Assembly of the Republic of Bulgaria to cooperate on human rights and religious matters with your Committee. I strongly believe that such cooperation will be beneficial and rewarding for both Committees and will contribute to further strengthening of the implementation and protection of human rights in Europe and worldwide.

Here with, please find enclosed Explanatory memorandum on the trail against the Bulgarian Nurses in Libya.

Sending you my best regards, I remain Dear Mr. Skaarup,

Sincerely yours:

**Professor Ognjan Gerdjиков**

**Aide-mémoire**  
**The trial of the Bulgarian medical workers in Libya**

On 9 February 1999 the Libyan authorities detained a group of 23 Bulgarian medics working at the "Al-Fatih" hospital in Benghazi. The Libyan authorities kept six of them incommunicado for several months and released the others.

On 7 February 2000 a lawsuit No 44/99 against six Bulgarian nationals started at the People's Court (a special court dealing only with cases related to national security).

Along with them there were also a Palestinian doctor and nine Libyans indicted. The Libyans belong to the administration of the "Al-Fatih" paediatric hospital in Benghazi.

The main charges against the six Bulgarians according to the indictment were as follow:

- committing actions on Libyan soil leading to the uncontrolled murder of people with the aim to undermine the security of the State. The Libyan authorities allegedly represented these actions as a plot organized by foreign intelligence services – namely the CIA and Mossad;

- provoking epidemics by injecting 393 children from "Al-Fatih" Hospital in Benghazi with the HIV virus;

- committing murder by using substances leading finally to death, by injecting children with the HIV virus.

Under Libyan law those actions are punished with death.

During the investigation and the legal prosecution the Libyan authorities had committed numerous flagrant violations of the rights of the defendants. At least two of them had been severely tortured. All of them were kept in prison under appalling conditions. The legal authorities intentionally ignored all demands of the defence aimed at clarifying all aspects of this complex case including its medical scientific aspects.

In the summer of 2001 the new Bulgarian government adopted a different approach in dealing with the case by intensifying its direct contacts with the Libyan authorities in order to provide favourable conditions for a just and transparent trial. In September 2001 the Qadhafi International Foundation presided by col. Qadhafi's son Seif al-Islam al-Qadhafi became an official observer of the trial of the six Bulgarians. This approach gave some positive results: in February 2002 the People's Court dropped the charge of plotting against the Libyan state and with the help of the Qadhafi Foundation the six Bulgarians were transferred from prison to a private guarded house on their own. The whole dossier was handed back to the Prosecution. Since that time the Libyan side has been showing signs of intention to strictly abide by the law and guarantee a just and transparent trial.

In 2002 the Libyan authorities asked the co-discoverer of the HIV virus Prof. Luc Montagnier of France and his Italian colleague Prof. Vittorio Colizzi to investigate the circumstances of the spread of AIDS in the hospital in Benghazi and provide a final report. In the summer of 2003, after one year of meticulous work, they presented their report where they categorically stated that the spread of HIV was due to a nosocomial (in-hospital) infection which had started at least one year before the Bulgarian defendants were hired by that Benghazi hospital.

After the People's Court dropped the charge of conspiracy against the Libyan State on 17 February 2002, the dossier was considered by the Arraignment Chamber in Benghazi which was to decide whether to abandon further legal proceedings or transfer the case to a criminal court. The Arraignment Chamber held a total of five hearings and on August 26, 2002 decided that the defendants remain in the same conditions of detention. The charges against the Bulgarian defendants were grouped in four groups: deliberately infecting the children with AIDS, economic felonies, disorderly conduct, and production and consumption of alcohol. The chamber decided also that proceedings should be started against the Libyan officials who were in charge with the investigation of the Bulgarian nationals.

On July 8, 2003 - almost a year after the decision of the Arraignment Chamber - the trial of the six Bulgarians started in a court in Benghazi. Along with them the prosecution raised charges against nine Libyan security officers who – according to the Bulgarians and the Palestinian – had severely tortured them during the first months of their detention in 1999.

The most important developments so far are as follow:

The prosecution kept on insisting that the infection of the children at the Al-Fatih Hospital in Benghazi was a deliberate act perpetrated by the Bulgarian medics. The Libyan lawyer of the Bulgarians Osman Bizanti invited Prof. Luc Montagnier and Prof. Vittorio Colizzi to testify before the court. In their testimonies the two scientists proved undoubtedly and with strong scientific arguments that a deliberate infection was not possible and that the tragedy in Benghazi was due to a nosocomial (in-hospital) infection, which had started at least one year before the six Bulgarian citizens undertook their duties in the hospital.

The lawyers on the side of the civil claim filed claims by the families of the HIV-infected children for compensations for moral and material damages inflicted upon them, ranging between 8 and 15 million Libyan dinars per infected child.

On December 8, 2003 the Criminal Court in Benghazi ordered a new expert study of the case record. The expert study was conducted by 5 local doctors. They submitted their report on 29 December 2003. The five Libyan doctors stated in their report that the spread of HIV in the hospital in Benghazi was not a nosocomial (in-hospital) infection due to poor hygiene and the re-use of disposable medical materials but rather an intentional act, and thus rejected the conclusions of Prof. Luc Montagnier and Prof. Vittorio Colizzi.

At the hearings on 12 January and 9 February 2004 the defence attorneys submitted to the court the expert opinions by three American scientists – Prof. David Gisselquist from the University of Pennsylvania, Prof. David Pauza from the University of Maryland and Prof. Mirek Malkovsky, immunologist from the University of Wisconsin, as well as the familiar counter-arguments of Prof. Montagnier and Prof. Colizzi. They also submitted written opinions by Prof. Paolo Rossi, Head of the Paediatrics Clinic in the Tor Vergata University in Rome and by Prof. Guido Gattinara, Head of the AIDS unit in the Bambin Jesu Hospital in Rome. All scientists stated in their written opinions that the spread of the HIV in Benghazi was due to a nosocomial infection. The court also listened to the testimony of Libyan Prof. Al-Agiri from the Al-Fateh University in Tripoli, who was asked many questions both by the presiding judge and by the sides under the case. In his answers Professor Al-Agiri adhered strictly to the scientific and medical aspects of the case.

On 6 May 2004 the final hearing was held. The court sentenced to death by firing squad all the female Bulgarian nurses and the Palestinian national. The Bulgarian doctor Mr. Zdravko Gueorgiev was sentenced to four years of imprisonment, but since he had been held in custody for more than five years, he was released the same day. However, the Libyan authorities do not allow him out of Libya since the prosecution has appealed his sentence.

The Libyan medics, who were indicted for the same charges were acquitted. The court refused to announce a verdict against the Libyan security officers, which had been accused of torturing the defendants during the preliminary investigations and interrogations, claiming it was not competent to consider the case.

The death sentences were appealed at the Supreme Court in Tripoli, which will announce its decision on 15 November 2005.

Obviously, the court in Benghazi did not take into consideration the evidence on the case, nor the convincing arguments and proof of the defense team. This has made its decision unacceptable for the Bulgarian public opinion and the government.

In early December 2004 Libyan Foreign Minister Abdurrahman Mohammed Shalqam and col. Qadhafi's son Seif al-Islam suggested in press interviews for the first time that the death sentences could be reconsidered if the families of the victims were compensated and those still alive were treated in European hospitals.

On 12 January 2005 Libya's General People's Congress (the Parliament) called for the heaviest possible punishment for those responsible for the AIDS epidemic which affected the Libyan children and that their families deserve compensations. The assembly, which has no powers to intervene in court matters, did not say what punishment it envisaged, but it is obvious that the statement made reference to

the five Bulgarian nurses and the Palestinian doctor. Later, Libyan Prime Minister Shukri Ghanem stated that calls by the Parliament to impose the harshest punishment against the defendants will not affect the legal proceedings because the judiciary system in Libya is totally independent and will not give in to influence from outside. On this occasion, the European Commission renewed its call for Libya to act in order to secure the release of the five Bulgarian nurses and the Palestinian doctor. Commission's spokeswoman Françoise Le Bail said: "We would like everything to be done by the Libyan authorities to put an end to this situation".

On 25 January 2005, the Tripoli Criminal Court opened proceedings against ten Libyans – eight police officers, a doctor and an interpreter - on charges of torture and ill-treatment. The five Bulgarian nurses sentenced to death entered claims for damages in these proceedings;

On 7 June 2005 the court acquitted the ten Libyans citing want of evidence. The nurses' defence counsel appealed against the judgment. The Libyan prosecutor did not appeal the decision.

The acquittal of the officers could negatively influence the judgement of the Supreme Court on 15 November 2005.

On 14 July 2005 Libya executed two Turkish nationals sentenced to death in 1995, a most disturbing development.

The Bulgarian Government has consistently refused all Libya's demands for the payment of compensation to the Libyan victims, on the ground that it would be an admission of the nurses' guilt and moreover of the Bulgarian State authorities' responsibility. It has nonetheless decided to take humanitarian action in the hope that opening a dialogue with the families – as it is invited to do by the Libyan authorities – would help break the deadlock. Accordingly, it has been decided to set up an NGO dealing with humanitarian assistance in order to come to the aid of the contaminated children, particularly in the medical sense.

The Bulgarian side is confident that world public opinion, governments of friendly countries and the whole international community will continue with their support to the just cause of the defendants and if the Supreme Court confirms the death sentences they will make a stand for the lives of these innocent people and for their early release.

**September 2005**