

## **POSITION OF THE PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA**

**August 24, 2020**

The rule of law is a key principle in democratic countries, and Article Two of the Treaty on European Union determines respect for it as the most important value.

As early as 2006, the Court of Justice of the European Union defined "the independence of the judiciary" as an independent concept of Union law, which is the basis of the rule of law. Therefore, the judicial authorities in each Member State must be protected from outside interference threatening their decision-making independence.

The Prosecutor's Office of the Republic of Bulgaria, as part of the judiciary, plays a major role in consolidation of the rule of law. The attempts of representatives of the policy makers in our country to threaten its independence by exerting pressure are a warning sign of a looming problem.

The topic of reforms in the Prosecution has been manifested daily in political life for years. The more active and united the Prosecution is, the more attacks there are against it.

The unprecedented prosecution actions provoked unprecedented pressure against the Prosecutor's Office. We are exposed daily to political attacks and ideas for reforms that are incompatible with the constitutional order. However, political language must have limits to end where the essential elements of the prosecutorial status are infringed.

These limits have been crossed, unhindered, demonstratively, in a Member State of the European Union called to defend European values. With the calls for "re-selection" of the Bulgarian prosecutors, the dividing line has been crossed, beyond which it is difficult to talk about the rule of law. These calls concern the irremovability that guarantees our independence. That is why we must react and oppose. We clearly state that we will nevertheless continue to work at the same pace and motivation and will not hesitate to seek protection in recognizing any risk for the rule of law.

The independence is a right of the prosecutors and investigators, and the state is obliged to ensure its unimpeded implementation. Its defence guarantees the

implementation of our official duties in obedience only to the law, in knowledge and belief, without the influence of subjective views and interested circles, in the service of truth and justice.

However, independence is not just a right, but an obligation and responsibility for each of us. That is why we are obliged to defend it by acting according to conscience and law, free from any influence.

The Prosecutor's Office of the Republic of Bulgaria will continue to defend European values and to be guided by the Constitution and laws of the country.

We will prove our will to prosecute all criminal acts. We have given a clear sign of a unified approach to anyone for whom evidence of a crime has been collected. The Prosecutor's Office is acting and will continue to act to raise its prestige and increase public confidence. We are aware that we cannot succeed alone and isolated from institutions with similar functions by law. We will work in the conditions of effective interaction and constructive cooperation in strict compliance with the principle of the separation of powers.

We would like to declare again our intention for a regular dialogue with the authorities and institutions of the European Union and the Council of Europe aiming to establish the Prosecutor's Office of the Republic of Bulgaria as one of the guarantors of the rule of law.

It is of great importance to emphasize that only subordination we owe is to the law and our own conscience. We are free to make decisions based on our inner conviction and we will always defend this freedom, granted to us by the achievements of the European law, the Constitution and legislation. The Prosecutor's Office will continue to work to preserve and validate the results achieved by the functioning of Co-operation and Verification Mechanism. Through our activities we will contribute to the establishment of the new mechanism for the rule of law in the European Union.

We believe that our Position will be accepted by all institutions engaged with the protection of the rule of law and will be understood by the Bulgarian society for whom the rule of law and justice are the highest values.

The current position of the Prosecutor's Office of the Republic of Bulgaria will be sent to the following structures of the Council of Europe: The Committee of Ministers, European Commission for the Efficiency of Justice, European Committee on Legal Co-operation, European Commission for Democracy through Law (Venice Commission); European Commission, European Parliament, as well as to the International Association of the Prosecutors and to the Consultative Council of the European Prosecutors.