

Prosecutor Elena Andreeva from Sofia Regional Prosecutor's Office: The mission of the prosecutor requires professionalism, character, courage, balance and determination*.

The reason for the meeting is a topic that is of great importance for the state and in particular - for the functioning of the judiciary. I would like to draw attention to the legal and moral-ethical postulates on which the independence of the prosecutor is based.

The Rome Charter and Opinion № 9 of the Consultative Council of European Prosecutors state in a concentrated form the main guidelines and principles related to the structure of the Prosecution in a democratic society.

What do they stipulate?

Prosecutors act on behalf of society and in the name of public interest.

Prosecutors should be autonomous in their decision-making and should perform their duties free from external pressure or interference.

The hierarchical structure is a common characteristic for more of the prosecution services, bearing in mind the nature of the tasks they perform.

The dismissal of prosecutors, given their important role and functions, needs to be subject to strict requirements, which should not prejudice the independent and impartial conduct of the activity.

Prosecutors are encouraged to inform the public about their activities and results on a regular basis.

Opinion № 13 of the Consultative Council of European Prosecutors states that:

The prosecutor's mission is complex and difficult - it requires professionalism, character, courage, balance and determination. However, these personal requirements are not sufficient to ensure the

independence of prosecutors. The status and independence of prosecutors must be clearly established and guaranteed by law.

The proximity and complementarity of the missions of judges and prosecutors create similar requirements and guarantees regarding their status. Therefore I will quote Opinion № 21 of the Consultative Council of European Judges, applicable to the prosecutors as well, where it is explicitly emphasized that statements by politicians, other public officials and the media - especially in the context of pending cases and political campaigns - pose a real threat of undermining the judiciary when they use simplistic, populist or demagogic arguments and deliberately and purposefully misinform the public by criticizing the judiciary and disregarding the presumption of innocence. This could create an atmosphere of public distrust in the judiciary and violate the principle of a fair trial established in Article 6 of the European Convention on Human Rights.

In conclusion, I would like to draw attention to what is stated in the report of the European Network of Judicial Councils - in order to achieve the independence of prosecutors, states need measures to enable prosecutors to carry out their main activities - namely to prosecute, being protected against interference by the legislature and the executive or any other influence.

A solution, other than this, would create a situation of dependence or obligation to a body outside the judiciary.

**** The position of prosecutor Elena Andreeva was prepared for the National Meeting "Upholding the independence of the Bulgarian Prosecutor's Office in order to prevent the risk of a serious violation of the rule of law under Article 7 of the Treaty on European Union" but due to time restriction was not presented during the event on 24 August 2020.***