

PROTOCOL

Today, on 24.08.2020, in Boyana Residency was held the National meeting of the Bulgarian prosecutors and investigators. The topic of the event was "Upholding the independence of the Prosecutor's Office of the Republic of Bulgaria in order to prevent the risk of a serious violation of the rule of law under Article 7 of the Treaty on European Union".

The forum was opened by the Prosecutor General of the Republic of Bulgaria – Ivan Geshev /send to you on 28.08.2020 by email/ and closed after the acceptance of an official declaration/position of the Prosecutor's Office /also send to you on 28.08.2020 by email/.

In the National meeting took part the Prosecutor's Office management team, prosecutors and investigation from all over the country /on regional, district and appellate district level/.

Official guests of the Meeting were representatives of different political parties, European parliament, ambassadors and diplomats of European union's member states, representatives of the executive authority /Ministry of Internal Affairs, Ministry of Justice, former Prosecutors General, members of the Supreme Judicial Council and the head of the Inspectorate of the Supreme Judicial Council/ etc.

During the National meeting magistrates and representatives of the Supreme Judicial Council had the opportunity to make a speech in front of all participants in order to express their attitude in regard to the main topic of the event. Below you will find a translation in English of the speeches of all speakers without any corrections.

The forum was opened by the Spokesperson of the Prosecutor General – Siyka Mileva "Dear members of the European parliament, dear Members of the Parliament, dear ministers, dear member of the Supreme Judicial Council and Inspectorate, Your excellences, dear Sir or Damen, thank you very much for your participation in the National meeting of the Prosecutors Office of the Republic of Bulgaria on the following topic *"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"*.

The independence and the autonomy of the Prosecutor's Office are naturally resulted after the constitution of the judicial system. The prosecutors and the investigators should take their personal decision independently and to perform their duties without interference.

The independence of the Prosecutor's Office is outlined multiple times before EU in relation to the human rights that within a democratic society both courts and investigative authorities should be autonomous and should perform their duties without interference or outside influence by the executive or legislative powers. Taking into account the principle for separation of powers, the country is the one, which should guarantee that the prosecutors and investigators has the opportunity to conduct their functions without an intimidation, an intervention, an illegal interference or unreasonable realization of civil and criminal or other responsibilities.

Our main mission is to ensure the rule of law and protection of the public interests. Namely the independence is out protection from different pressures, for. ex. Political one. These are not just phrases, lacking of content, there are principles defined by multiple European papers. This rules are defining the role and

**Mr. Ivan Geshev – Prosecutor General of the Republic of Bulgaria**

I would like to thank all the people who are here and all those who couldn't come and are currently at work, including in the courtrooms. I see colleagues and friends with whom I started my career back in 1994. I see people who have dedicated their lives to difficult professions – prosecutor and investigator, and have served and are serving Bulgarian citizens in the fight against crime, paying the price for it. And the price is attacks of all kinds, insults and etc. Price that, unfortunately, our families also pay.

Now I will tell you why we are all "mafia".

We are a mafia because we brought light into the darkness, not in words, but in deeds, as bequeathed to us by the Apostle of Bulgarian Freedom Vasil Levski.

Because we have shown that we will not allow double standards, some for people with billions and political and media influence and other for other Bulgarians as it has been for decades.

Because we solved the problem with the telephone scams. Because thefts and robberies have decreased by more than 20% in the first five months and we are doing everything possible for people to live in peace without fear that their last savings will be robbed or that they will be killed, raped and set on fire in their own homes.

Because according to the notifications of the Prosecutor's Office, over BGN 3 billion have been frozen, without the last media-known cases since the beginning of the year.

Because we stopped the process of Bulgaria becoming a landfill, we stopped the burning of hazardous waste and their burial in our land, with which some earned millions at the cost of the health of every Bulgarian.

Because we arrest drug dealers who poison our children, including protecting them top-level law enforcement officials.

Because for the first time since the democratic changes, we have accused a minister and a deputy minister of the current government and another bunch of officials at different levels in the state hierarchy.

Because cases have been filed in court or because some of the influential and rich people are hiding outside Bulgaria, believing that the law does not apply to them, but applies to the socially weak..... those who they call common people.

This is the reason to be bad for the bad people.

Which means only one thing; we are good for the Bulgarian citizens and society, for those who pay our salaries, and that is the only important thing. It means that we are doing our work well and we have frightened those who do not want the law to be the same for everyone, but only for people without money and influence. In quotes, normal are the political attacks and the attempts to destroy the Bulgarian Prosecutor's Office, albeit under the cover of the struggle for democracy. The road to hell is always paved with good intentions.

I think we are all here because the red line has been reached and it is the endangered rule of law, part of which is the independence of the prosecution, as part of the judiciary under the Bulgarian Constitution.

We are also here to say that we, prosecutors, investigators and judicial officials, like the sixteenth US President Abraham Lincoln, can go slowly, but we never go backwards.

I am proud to have always been a part of you, to have spent my entire professional career as an investigator and prosecutor. It is an honor for me to be the Prosecutor General of the Prosecutor's Office of the Republic of Bulgaria.

### **People made speeches during the Meeting**

#### **Galina Andreeva – Prosecutor Plovdiv City District Prosecutor's Office**

I stand before you here today as a person who have worked for more than 15 years in the Prosecution system. I dare to say that I do it honestly, abiding only the law, with a clear conscience and with a heart. As a huge part of the people I work with every day, as a huge part of all of us. That is why I know that recent attitude instilled towards the institution that I am a part of, can demotivate us and can cause disgust, unfortunately, not like in Salinger's story. That is why we will not allow it, and I hope it will not happen. Obviously, there must be a convenient culprit for what is happening in our country, for what is happening to everyone. Today we are this convenient culprit, because we do our job. And what about tomorrow?

I believe that, being representatives of the judiciary, we are called upon to contribute to the reinforcement of the rule of law and we do so by all the opportunities provided by the law.

Deliberately instilling distrust in the Prosecution has the opposite goal. Rule of law is not to be achieved through malicious destroying of institutions. All of us ask the question why none of those who want a reform and those who speak loudly about this reform do not say what kind of reform it would be. What would be achieved by the targeted "taking out" the Prosecution from the judiciary? Higher level of independence? I don't believe it is. Why didn't anyone of those who want reform explain how is that to be achieved by placing the Prosecution within the executive? Is this the way to achieve higher level of independence? It is not that.

Independence is of great importance for our work because when it is undermined one of the basic principles of the rule of law is threatened – the separation of powers, requiring an effective mechanism that prevents concentration of many functions in one authority. I believe that not only the independence of the Prosecution will suffer from such a concentration. It is not an end in itself. Every Bulgarian citizen who believes in this independence, who relies on it when he needs it, will suffer from such

concentration.

For this reason, despite the insults and the disgust, we are obliged to defend our independence. And if I paraphrase one of the main characteristics given by the theory of the rule of law - we should not allow a dictatorship of the majority, of militant incompetence, just because it is louder.

### **Milcho Gendjov – prosecutor Gabrovo**

We prosecutors and the Prosecution as an institution are once again being tested. Tensions are once again being raised against us and the aim is to instill negative public attitudes that we do not deserve. They define us with rough epithets; they call us absolutely undeservedly "mutri" (thugs). In the context of such attacks against us, the question of the place of the Prosecution is once again raised, in particular whether it should be part of the judiciary. And, as always, intentions defined as "reformist" are brought out and suggested as an apparent motive.

However, within this format, we must make it clear that we are aware of the real purpose of these political demands, and that it is to bring prosecutors and the Prosecution under control and, through the levers created in it, to achieve our dependence and pave the way for unfair for citizens interventions.

The situation again creates the need to tell each other and address our messages to the public by making them available to the people. I strongly believe that our opinion will be heard.

I have worked nothing else but a prosecutor. I want to state that I have performed my duties responsibly, in principle and honestly. I don't feel like a "mutra" myself. In my work, the so-called "mutri" in this public dialogue have had no influence on my decisions. In my long experience, I have had the opportunity to know many colleagues from different levels in the hierarchy of the Prosecution and to get to know the institution from the inside. I can boldly and with a clear conscience say that it employs a huge number of conscientious and principled colleagues who are a guarantee for the security of every citizen and society as a whole. I personally do not know anyone who can be described as a "mutra" or whose decisions are influenced by external interference of such origin.

We are obliged to tell ourselves and the institution in which we work publicly from this forum and to address it as a message to the citizens that the independence of the Prosecution is a guarantee not for us - the prosecutors and investigators, but for themselves. There is a need to tell them something that can be seen if their attention is focused on the fact that in Bulgaria, in the Bulgarian constitution, the best working model for the independence of the judiciary, in particular the Prosecution, has been chosen. Any relocation will put us in institutional, respectively political control. There may be breakthroughs in some colleagues I don't know. I claim that in my long experience I have not had any cases in which my decisions as a prosecutor have been interfered with both by external factors and within the system.

A guarantee against outside interference is the constitutionally enshrined model of the judiciary and the place of the Prosecution in it, which can only ensure true independence. The Prosecution represents the state in the administration of justice. It is its body and control over the work of the Prosecution is placed solely in the power of the court - the only body that makes final decisions.

The guarantee against internal interference is in the structural and procedural laws. The Prosecutor's office seems centralized and it really is, but the rules do not allow senior prosecutors to replace the internal convictions of their subordinates with written acts. In my practice I do not know any interventions exercised on my inner conviction by superiors. I do not know of any such cases with the numerous colleagues I know.

In conclusion, I appeal to each of us to do our best to convince the public that under this regulation in the constitution and laws, and with our personal qualities in their application, a guarantee is created for an independence of the Prosecution and the prosecutor, the change of which is the goal of certain external factors to make it dependent.

### **Vanya Nenкова – prosecutor Vidin City District Prosecutor's Office**

Dear colleagues and guests, at the national meeting, I am proud to welcome you to the forum.

I can say with pride and satisfaction that I have been in the system of the Prosecution since the very beginning of my professional career. I believe that being a prosecutor is not just a profession, but a vocation and a duty.

The Prosecutor's Office of the Republic of Bulgaria is guided by its duty to serve the society, with honor and professional attitude protects the rights of Bulgarian citizens, as well as assists all responsible institutions. This is the way to justify trust and be a true guardian of the rule of law.

Dear colleagues, we are the ones who must work to protect citizens, to demand punishment for those who break the laws of our country and to bring security to society. Laws are for everyone and they must be obeyed and it must be clear to everyone. In modern Bulgarian society, the rule of law is a fundamental, political and legal principle. In national legal systems, the principle of the rule of law has various manifestations in view of the specifics in political, cultural and legal terms.

In our society, the rule of law is criteria, but also a standard for democratic governance, adopted by the Constitution of the Republic of Bulgaria. In this direction, all institutions must work to achieve justice and protection of the law in modern Bulgarian society. The place and the function of the Prosecutor's Office of the Republic of Bulgaria for achieving the set goals are extremely important.

The Prosecutor's Office is responsible for exercising the penal policy of the state, including performing the function of the only defender of the public interests. Its position as a body of law determines the role of public prosecutor. At the same time, he is a representative of the public interest, a guardian of the rights of citizens recognized by law and power.

The goals of the institution unite us and undoubtedly each of us would like them to be clearly presented and motivated in front of our whole society in order to be understood and supported

The prosecutor must be autonomous and independent, guided exclusively by the law and his conviction, in order to be able to perform his official duties responsibly.

In this line of thought, I would like to state that no other institution, state body, political entity or person has the right to interfere in the sovereign prosecutorial activity. Colleagues, guided by our moral principles, let us continue to work selflessly, wisely and honestly. Our mission as magistrates is to prove professionalism, impartiality and protection of the rule of law.

I appeal to all of us, prosecutors and investigators working together to uphold the authority of the Prosecutor's Office and to achieve even better results.

### **Gergana Kurkchieska – District Prosecutor - Oryachovo:**

Today, most of us present here are prosecutors and investigators, because this is our choice and vocation. Our main function is to protect the public interest, which is why the huge risk posed by the restructuring of the Prosecution must be explained to the public. Over the years, as a participant in international investigations and as an expert at various international organizations, I have had the opportunity to cooperate with prosecutors from EU Member States, the United Kingdom and third countries. In the process of work I gained personal impressions of their organization of work and the specifics of their legislation, and made an analysis of the legal instruments created to guarantee the principles of the rule of law. From the experience shared with colleagues, I found that in countries where the Prosecutor's Office is subordinated to the executive branch, it always "outside the law" remains a certain circle of people, which allows them to establish close contacts in the public sector and public administration. Such a structure does not guarantee an effective investigation and independence of magistrates, as most of the investigative apparatus is to the executive.

International analyzes of organized crime groups around the world lead to the conclusion that the "bosses" of criminal organizations always look like entrepreneurs with a certain social and economic reputation. It is these bosses who establish close contacts with senior government officials, senior politicians, who have influence in the field of distribution of public finances, which is a mechanism for their infiltration into public authorities.

Removing the Prosecution from the judiciary would mean creating a legal instrument for the inviolability of these individuals and a failure in the fight against high-level corruption. The current Constitution of the Republic of Bulgaria provides guarantees for the functioning of the rule of law through the separation of powers and creates the appropriate legal certainty. By virtue of the Supreme Law and the Judiciary Act, prosecutors are not only public prosecutors, but also ensure the security of the state. In view of the character traits and way of life of the Bulgarians, with the removal of the Prosecutor's Office from the judiciary, there is a real danger that prosecutors will become "machines" of impure interests, as well as to establish an uncontrolled state and political monopoly on state repression.

In the current Constitution of the Republic of Bulgaria, the legislator has built precisely such a structure of the judiciary, which largely guarantees the independence of magistrates and the rule of law. In order to guarantee in full the independence of prosecutors and investigators and to issue our decisions on the basis of the law and our internal convictions, as well as in view of the provision of Art. 7 of the Treaty on European Union, which requires Member States to respect the basic principles of the rule of law, I find that prosecutors should be provided with specialized tools to combat crime, as well as to limit any opportunities for external intervention. History teaches that the state is strongest when a stable internal mechanism for control over public authorities is established and the rule of law is ensured. I find that better results in the fight against crime will be achieved when an in-depth legal analysis is made of the best practices in the world, specified through the prism of the specifics of our legislation, legal framework and form of government. A long-term and predictable crime prevention strategy needs to be developed that meets the needs of society, not a specific group of people.

### **Ivaylo Iliev – Head of Regional Prosecutor's Office of Kyustendil**

In the last month and a half we heard all sorts of things regarding the Prosecutor's Office, from some politicians – they called us demoralized, commissioned, unqualified, even the mafia. Of course, this caused my indignation, because, unlike them, I know what does it mean to be a Bulgarian prosecutor, what does it takes from each of us – prosecutors and investigators – to be defenders of the law every day, to meet the burden of expectations not only of society in general, but also of every citizen, who has faced a problem and finds its solution solely in the Prosecution.

I know what does it mean to face criminality every day, without having the right to fear and worry, what does it mean to leave our families without presence and support, in order to be able to fulfill the important task to stand in the way of chaos and evil. I know that we have much more obligations by law than the prosecutors of any other European State therefore we have to work hard, during and outside working time, that is never enough. With so many responsibilities, we are not only not many but at times we are insufficient.

Nevertheless, some politicians, using media and without any shame, erase too easily years of work and sacrifice we have made in the name of Bulgaria, in order to pursue personal interests, very different from the interest of Bulgarians. It does not surprise any of us we do not expect truth and justice from such people truth and justice do not suit them.

On 3 August, however, the line was crossed, and we can no longer be silent witnesses of the political attempts to get criminal justice under control, because without independent Prosecution, there is no one to initiate criminal proceedings. Among claims for thorough reform, one politician, loudly and clearly, proclaimed the desire to conduct a "re-selection" in the Prosecutor's office. Now the target is not only the Prosecutor's Office as a whole, but each of us, because it was unequivocally stated that the main issue for these politicians is the personnel issue. Honestly, this is quite disturbing. The politicians want to limit us. The wish is as quoted: "placing Bulgarian prosecutors in a clear framework of loyalty checks". It is clear, for loyalty to who the politicians want to

check us. It is clear what they want – the criminal proceedings to be entirely in their favor, to prevent us from combating crime when convenient for them.

It doesn't matter how refined the means of expression are, it is clear for each of us that under "reselection" we shall understand 'witch-hunting' and under parliamentary and democratic control we shall understand political control. It is not by chance that in his speech the politician, waiving a finger, omitted the word "independency", because the goal is to make us dependent on them so that they can ensure their impunity. We also did not hear the word "justice", because justice is not to be achieved through dependencies and obviously, for these politicians justice is not suitable. It is strange how justice is tied only to the budget and not to equity.

These politicians disguise their real intentions with the slogan "that is what people want". However, people don't want dependencies, loyalty frameworks and justice only under certain budget. People want justice and realize that justice cannot be given by these politicians, and what is the goal right now.

When I look for an assessment of my work, I don't pay attention to political statements, but to those of ordinary citizens, who, although not familiar with the depths of legal profession, know what justice is. Recently, a man outside the law community, who deserves respect of what he does in the field of culture, has told me: "If politicians attack you so much, then they are worried that you are doing your job!" It is this opinion of people deprived of personal ambitions that motivates me to think that we are on the right way.

Despite all I believe, that we should not ignore attempts to subordinate the Prosecution because I know from colleagues in other countries who have faced similar problems that this is how things start and end with suppression of justice that only separation of powers can provide. And where the prosecution is outside the judiciary, justice gives way to interests. Our work is a mission and we should uphold it, because if we lose the opportunity to be fair, our work will be devoid of substance and any sense. We should stand up for it together.

### **Valentina Madjarova – Head of the Specialized Prosecutor's Office**

I am happy that we are here together.

The questions about the reform in the Prosecutor's Office have been raised many times and have found their answers many times. Why are we talking about this today again? The probable answer is, because the Prosecutor's Office is strong. Because the Prosecutor's Office has undertaken actions proving that there are no untouchables and that all are equal before the law – from the low-income persons to the oligarch. The prosecutors and investigators from the Specialized Prosecutor's Office are neither "short-sighted", nor are they deprived of sensitivity even less are they incompetent and dependent magistrates.

Whether the conduct of procedural and investigative actions in office premises located in the presidency building, done after proper permission from an independent Bulgarian court, is really the real reason to raise once again the issue of reforming the Prosecution. The logical answer is no. The reason is affecting the interests of many people holding themselves untouchable.

Why did the Prosecutor's Office take these actions right now? Because the fight

against the organized crime and high-level corruption is a difficult and slow process worldwide. Because the fight against economic crime is an even slower and more difficult process. Wherever specialized prosecutors' offices exist, prosecutors are attacked by both the media and the accused, with one goal in mind - to discredit them. The influence of the media and politicians is very serious all over the world in high-level corruption cases, as well as in cases of serious financial abuses. Of course, the accused everywhere insist this is a political order.

Now, eight years after the beginning of the Specialized Prosecutor's Office we can safely say the following:

Firstly, the fight against organized crime is successful and criminal associations are promptly deprived of the opportunity to commit other crimes;

Secondly, Specialized prosecution, criticized for many things, cannot be blamed for lack of publicity and transparency. And the goal is not to trample on the presumption of innocence but to take adequate actions against criticism, faced over time.

The Specialized Prosecutor's Office is subordinated only to the law, it is not dependent on political and economic processes and is adequate to the existing, democratic situation in Bulgaria.

I want to believe that in this hostile environment, where values do not much matter, and the trust in us, magistrates, is undermined, many of us manage to preserve ourselves, to ensure the predictability of acts, as well as timely justice. This is our way to restoring people's faith in us and improving living conditions. We are obliged to do that. The job of the prosecutor is difficult, as difficult are many other professions. Not looking for excuses, but for opportunities, should be our main task in order to succeed.

### **Nedko Simov – Deputy head of the Smolya District Prosecutor's Office**

Prosecutor Nedko Simov, District Prosecutor's Office Smolyan: It is our duty to fight for the independence of the Prosecutor's Office\*.

I decided to take the floor, because we cannot be indifferent, when the Prosecutor's Office is exposed to such intensive attacks. When basic principles of the rule of law are being grossly violated and the independency of the Prosecution is being affected, it is our duty to state our position clearly and loudly.

We are obliged to stand up for the independency of the Prosecutor's Office, because only then can we fully take care of society, to defend the rights and legitimate interests of both, the state and the citizens.

Each of us has taken an oath when assuming duties of office. We have sworn in the name of people and before the Constitution to fulfill our duties accurately according to conscience and internal conviction, to be fair, objective and impartial. I believe that everyone is guided by this sworn oath.

We are strong because the law is the foundation we work for and we are uncomfortable for those who break the law. The Constitution binds us to observe legality. We do our job and will further do it, although some people do not like this because their goals are incompatible with the established legal order in the Republic of Bulgaria.

I believe that when we are talking about the independence of the Prosecutor's Office, we shall inevitably discuss the question about its place in public authorities. Our position is clear and unequivocal – in the judiciary. I believe that within the judiciary the Prosecution can be independent as stipulated in Art. 117 of the Constitution of the Republic of Bulgaria. Only then the rule of law will be fully protected.

A state governed by the rule of law is not a notion devoid of sense, on the contrary. The rule of law is also recognized by the European Court of Justice the European Court of Human Rights. The Constitution of the Republic of Bulgaria, Chapter one - "Fundamental principles", Art. 4, para 1 states: "The Republic of Bulgaria shall be a state governed by the rule of law. It shall be governed by the Constitution and the laws of the country."

The Constitutional Court has also discussed the concept of the state governed by the rule of law although accepting that it is not necessary to list all elements and forms of expression of the rule of law, because it is a dynamic notion. In its Decision № 1 of 27.01.2005 in case № 8/2004, the Constitutional Court stated that "rule of law" means "...exercise of state power on the basis of a constitution, within the framework of laws that are materially and formally in conformity with the Constitution and that are designed for protecting human dignity, for achieving freedom, justice and legal certainty."

I am convinced that each member of our society should stand up for the principle of rule of law, as it is our duty and we will continue to defend the independence of the Prosecutor's Office. We will definitely not refrain from performing our official duties despite the groundless accusations against us. We will continue to fulfill these duties, and I call on all those who are about to make important decisions for the future of our society to respect the law as well.

### **Jordanka Chankov – Prosecutor Sofia City Prosecutor's Office**

Those who know me know that I usually do not take the floor at public events. However, there are cases when one should not be silent.

We have heard many times how badly the Prosecution works, how immune we are and how we need reform. And on 3 August we heard the same thing, but said against the background of the Palace of Justice in Sofia, on the facade of which red paint was poured, probably symbolizing blood.

The Palaces of Justice have their specific symbolic, but what should symbolize this appearance of our Palace of Justice. Rebellion, violence? Over whom? Maybe over us.

Do you know that more of the Palaces of Justice in Europe are built on the model of a Greek temple and on a sacred place and it is no coincidence that they are called "temples" of Themis, because the temple is sacred. The place where justice is administered should be inviolable. In our country this place is no longer inviolable.

Palaces of Justice should evoke an association of transparency, purity, justice in order to be recognized not only as a public space but as a center of justice. What should we, however, have seen on 3 August in the appearance of the building, in which many

of us work?

Palaces of Justice are the place where law is implemented and justice is administered. Doesn't the red-painted facade of the Palace of Justice suggest violence? And what has violence to do with justice?

The most famous Palace of Justice in our country is a prominent public landmark, built for more than 10 years, and a symbol of our judiciary.

That is why what happened on 3 August is especially worrying. And this is not just a case of vandalism, not even so much a deliberate attack on the symbol of justice in our country. Is the goal just a suggestion for a non-functioning and corrupt Prosecution? Because the calls for reforms and the words about our openness to corruption and false independence against the background of the desecrated facade show not only a lack of trust that part of society demonstrates. They show a purposeful call for disrespect and harassment.

Palaces of Justice are and will be symbol of justice. And the judicial system is not to be reformed by force.

Thank you for your attention!

13. 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.

### **Vladislav Andreev - Investigator from the National Investigation Service:**

Speaking about the independence of the state Prosecution, I will allow myself to put another emphasis on the topic - the independence and the statute of the investigative bodies. You may be wondering why exactly the Investigation Service will be the subject of this topic.

- Because it is part of the Prosecution. I do not see how a reform concerning the Prosecution will not affect the investigation, and vice versa.

- Because over the years the investigative bodies have been recognized as the bodies that need to be radically reformed. We have heard all sorts of ideas in this regard, we have experienced all sorts of reforms and, unfortunately, we have gained bitter experience.

And here, dear colleagues, it seems appropriate to draw a parallel between what has happened over the years and what has been proposed recently. Because, looking back in time, we can see what some of the reforms have led to. A strong, organized and independent service was almost collapsed. And then, as today, it was talked about new perspectives and reforms aimed at fighting crime, corruption, dependencies, and so on. I say this as a person of practice who presents facts. And I will refer to history because, in the words of Cicero, "History is the witness that testifies to the passing of time."

What are the facts:

- For almost 20 years, the inquiry was first removed, after a few years it was restored, as the figure of the assistant investigators was introduced, then the inquiry was transferred to the Ministry of Interior and the activity of the assistant investigators was terminated. Here I can share my own experience, because I personally experienced this moment. Nearly 800 assistant investigators, trained and qualified, were made redundant and sent to labour offices.

- For the same period a National Investigation Service was established at the Ministry of Interior, after a few years it was separated from the Ministry of Interior and then it was transformed into a Specialized Investigation Service and re-established as a National.

- In 2005 only 3% of the criminal offences formulated in the Penal Code were provided for investigation by investigators.

I do not want to burden you with more facts. The main question here is what all this has

led to – to a structure with minimal competence and a greatly reduced staff. Nearly half of the investigators went to work in the court and in the Prosecutor's Office.

After the adoption of the new Criminal Procedure Code, and especially in the last few years, there has been a tendency to reinstate part of the functional competence of investigators. The reasons for this were objective and well known.

Now we should ask ourselves - if we are talking again about reforms now, will we have to follow the same path and ask ourselves the same questions, but with regard to the prosecution?

At this moment I see how there are uncovered attempts to impose certain policies and visions concerning our system. I see radicalized actions and political rhetoric, accompanied by hatred speech, labels and epithets, accusations against us. We have heard calls for the Prosecutor's Office to be cleared and "re-selected", and essentially "lustration" of prosecutors. Each of us can answer what this has in common with the rule of law principles and democratic ideas.

The debate for the independence of the Prosecution has become different – it turned from expert debate into party, media and street \*

I see how some people outside the Prosecution system very easily talk about our institution as if they are moving figures on the chessboard - from here to move there, from this field to go to the other field, Prosecution to move from the judiciary to the executive or somewhere else, unclear where, or to change its status with unclear what, and all this necessarily accompanied by the explanation that this will guarantee our independence, because you see, now it is not quite so.

However, the Prosecution is not an actor from a game to have fun or exercise with it. The Prosecutor's Office is an institution.

And the image of this institution has been built with the hard, dignified and often ungrateful work of hundreds of magistrates and employees who deserve due respect and gratitude for it. I cannot accept that it is normal the work of my colleagues to be devalued, even more - to be attacked and insulted in the name of some vague interests.

I will quote Joseph Delaney: "If people do not learn lessons from history, then they are doomed to make the same mistakes" and I will end with an appeal to all of us - let's defend our independence constantly, let's clearly and unequivocally declare our "no" to any illegal form of influence and pressure on the Prosecution.

### **Syika Mileva read position of the prosecutor's office of the Republic of Bulgaria**

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.

Dear colleagues, let's vote about the adoption of this declaration. Who's for ... who – against?

The proposal is accepted.

The closing speech of Ivan Geshev – Prosecutor General of the Republic of Bulgaria.

**The National meeting ended in 13.00**

**STENOGRAPH:**

**IV. ALEKSANDROVA**