

To
JUAN FERNANDO LOPEZ AGUILAR
CHAIR
COMMITTEE on CIVIL LIBERTIES, JUSTICE and HOME AFFAIRS
EUROPEAN PARLIAMENT

Dear Mr. AGUILAR,

Respected members of the LIBE Committee,

As representatives of professional organizations of lawyers and expert organizations as well as citizens of the Republic of Bulgaria and the European Union, we would like to express our deep concern about the processes going on in Bulgaria with regard to violation of basic human rights and freedoms. With a great deal of care about the state of democracy in our country we insist that you give us the opportunity to present in details the situation in Bulgaria at a session of the Committee. We are of the opinion that the European Parliament has to be informed about what is going on in the member states, especially when it is about the rule of law – one of the pillars on which the EU is built and in the context of new Rule of Law Mechanism which will apply to all member states.

The Bulgarian institutions vested with the functions to carry on just criminal and administrative procedures are used for the so called selective justice, for political and media actions, for interference in private businesses and for repressing people who are critical of the way the country is governed.

We can responsibly say that in the centre of the listed above problems is the lack of reform in the Bulgarian prosecution.

The model, the very structure and management of the prosecution have still not managed to emancipate from the model of the prosecution of the former Soviet Union and now the Russian Federation. The prosecutor general who is a separate body within the judicial system concentrates a great amount of power without any accountability mechanism. One illustrative example for the scale of this problem is the case “Kolevi vs Bulgaria”. The ECHR stated that there is no effective procedure for removing from office of the prosecutor general, as well as for effective investigation and indictment, therefore, evidence collected about the connection of the former prosecutor general Nikola Filtchev with the murder and the preceding institutional repression, could not be checked.¹ This case showed that a prosecutor general who is unaccountable and with impunity, can become a serious threat to the rule of law in the country.

- The lack of accountability and the abuse of power coming from the prosecution led to numerous convictions of Bulgaria from the ECHR. Back in 2015 a special ECHR Committee adopted a statement related to the Bulgarian prosecution, saying that “... *in over 45 judgments against*

¹ [Kolevi v. Bulgaria](#), no. 1108/02, § 193, 5 November 2009

Bulgaria, found that the authorities had failed to comply with their obligation to carry out an effective investigation and considered that these recurrent shortcomings disclosed the existence of a systemic problem.”²

The GRECO group in its report from 2015 stated that “Overall, public confidence in specialised anti-corruption bodies and the criminal justice system has remained low and has enhanced the perception of impunity for perpetrators of corrupt acts”.³

- In 2019 the Council of Europe found that “Nine years after the Strasbourg Court’s Kolevi judgment, still no progress with guaranteeing independence of investigations against the Chief Prosecutor in Bulgaria”.⁴
- On June 24, 2020 the nongovernmental organization Anticorruption Fund has released a journalistic investigation called “The eight dwarfs”⁵, which contained information about participation of the management of the specialized prosecution which is supposed to fight against corruption and organized criminality, in taking away of private business, blackmailing, gold stealing and documentary crimes. Part in that criminal scheme has taken also the acting administrative head of the specialized prosecution Mr. Dimitar Frantishek.
- Also in June, 2020 a series of photos, audio and video recordings were released, showing the Bulgarian Prime minister Mr. Boyko Borissov and the Minister of finance Mr. Vladislav Goranov involved in actions which constitute a crime according to the Criminal Code. However, the public statements of the prosecutor general Mr. Geshev made it clear that these clues will not be investigated and that the preliminary position of the prosecution is not to vest with trust the source of the information. This statement contradicts the overall behavior and policy demonstrated by the prosecutor general, namely, that nobody is above the law.
- On July 7, 2020 the National Security Service (which was guarding Mr. Ahmed Dogan) did not allow Bulgarian citizens to step on a territory which is public and used illegally force against them.⁶ On the next day the President of the Republic Mr. Roumen Radev demanded that the state guarding is taken off Mr. Dogan and his colleague Mr. Peevski, because there is no ground for such security. On July 9, 2020 the prosecutor general ordered an unprecedented entry of the Service for witness protection which is under his supervision in the building of the Presidency of the Republic which is at the same time the headquarters of the Bulgarian armed forces as the President is by Constitution the Supreme Commander-in-Chief of the Bulgarian army.

² ECHR 2015, “[The systematic problem with the ineffectiveness of the investigation in Bulgaria](#)”, ECHR 070(2015) 03.03.2015

³ GRECO 2015, [GRECO’s Report on Bulgaria](#)

⁴ European Council 2019, [Kolevi VS Bulgaria Roundtable](#)

⁵ Anticorruption Fund 2020, *The Eight Dwarfs* - <https://acf.bg/en/osemte-dzhudzheta/>

- The lack of real investigation of the information for potential crimes and the opening of an institutional umbrella over certain political figures, despite allegations for corruption, led to the start of a protest wave on July 11. People are expressing their deep discontent with the continuous capture of state institutions from a group of people who do not serve the public interest, but only their private one.

We believe that it is high time for the Bulgarian society to get back the feeling of justice and rule of law. Otherwise, the current tendency could turn into a street justice.

The abuse of power on behalf of prosecutors and police, the repression against critical of the governance citizens, media owners and businesses, the introduction of discriminatory and disproportional restrictions over the non-governmental sector, the political statements of the current and former prosecutors general and their inadmissible interference in the political life of the country, are the reasons motivating us to request a hearing at the LIBE Committee.

We rely on your readiness to listen to us. We believe that the values proclaimed in article 2 from the Treaty of the European Union - respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, are subject to systematic risks in Bulgaria and this is a serious problem not only for the Bulgarian people, but also for the coherent guaranteeing of these values within the framework of the European Union as a whole.

July 27, 2020

Respectfully,

ACCESS TO INFORMATION PROGRAMME

Gergana Jouleva, Executive Director

<http://www.aip-bg.org/en/>

ANTICORRUPTION FUND FOUNDATION

Boyko Stankushev, Executive Director

<https://acf.bg/en/>

BULGARIAN INSTITUTE FOR LEGAL INITIATIVES FOUNDATION

Bilyana Gyaurova-Wegertseder

<http://www.bili-bg.org/2/page.html>

BULGARIAN HELSINKI COMMITTEE

Krasimir Kanev, chair

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BULGARIAN LAWYERS FOR HUMAN RIGHTS

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JUSTICE FOR ALL INITIATIVE

Velislav Velichkov, chair

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CENTER FOR MONITORING JUSTICE

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