

## CCBE statement on the rule of law in Bulgaria

28/10/2020

The Council of Bars and Law Societies of Europe (CCBE) represents the Bars and Law Societies of 45 countries, and through them more than one million European lawyers. The CCBE is recognised as the voice of the European legal profession and represents European bars and law societies in their common interests before European and other international institutions.

The CCBE regrets that the current developments in Bulgaria have led to a significant deterioration in respect of shared values, including freedom, democracy, equality, the rule of law and human rights as enshrined in Article 2 of the Treaty on the EU.

The CCBE has been following with concern these developments which go along with rule of law shortcomings and institutional deficiencies in Bulgaria, especially as regards the independence of the judiciary, the separation of powers, and the fight against corruption.

The Constitution of the Republic of Bulgaria ensures the freedom, the independence and the autonomy of the Bar, as well as entrusts the Bar with protecting the rights, freedoms and legitimate interests of individuals and legal entities. This shows the exceptional and significant role of the Bar in society and for the protection of public interest.

The CCBE would like to raise its concerns regarding the nomination procedure and the status of the current Prosecutor General, as well as the absence of any effective mechanisms for the accountability of his work. It is both perplexing and worrying that the new Prosecutor General, in his public statements, neglects the role of the Bar and fails to accept that lawyers are equal participants when they act as defence counsels in criminal proceedings, and that they are an essential guarantee for representing the legitimate rights and freedoms of individuals. In this regard, the CCBE also wishes to recall the basic principle according to which lawyers shall not be identified with their clients. In this regard, the CCBE is worried about the criminal proceedings which have commenced against several lawyers.

The CCBE is deeply concerned about several systemic challenges in the area of justice in Bulgaria, including actions which are interfering with the principle of the presumption of innocence. This principle is one of the basic legal principles enshrined in the Charter of Fundamental Rights of the EU, the European Convention for the Protection of Human Rights and Fundamental Freedoms, different other international legal instruments, as well as the EU Directive 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings. The CCBE observes the violation of this principle when a Prosecutor General declares persons publicly guilty before any judicial decision has been taken.

The implementation and respect of EU legislation and the case law of the Court of Justice of the European Union and the European Court of Human Rights are of the utmost importance. As far as Bulgaria is concerned, the CCBE calls on the need to ensure the full compliance with the established case law.

The CCBE supports the Bulgarian Bar in its efforts to uphold the rule of law and the independence of the judiciary and expresses its solidarity with lawyers in their legitimate demands and aspirations for justice, transparency, and democratic principles.

The CCBE strongly condemns any endeavour to disrespect the rule of law as a common value of the EU, the independence of the judiciary, and the important role of the Bar and lawyers in society.